



**PMA Regular Meeting Minutes
Monday, November 2, 2009
Perry City Council Chambers**

Meeting was called to Order at 6:15 p.m. by Mayor Hall

Roll Call: Those present: Warner, Wade, Streller, Sadler, Duke, Johnson and Hall.
Those Absent: Marshall and Greenwell

Mayor Hall Declaration a Quorum

Roger Dunn from Calvary Baptist Church opened the meeting with Prayer.

1. Councilman Wade motioned approval of the **Consent Agenda**, Sadler seconded the motion:
AYE: Warner, Wade, Streller, Sadler, Duke, Johnson and Hall.
Opposed: None
Motion carried
2. **Consider Items Removed from the Consent Agenda for Discussion.**
3. **Consider and act on items removed from the Consent Agenda, if any.** None.
4. **Comments From Those Assembled.** No comments were made.
5. **Old Business.** No Old Business was discussed.
6. **New Business.** No New Business was discussed.
7. **Adjourn.** Sadler motioned to Adjourn the PMA meeting at 6:18 p.m., Streller Duke seconded the motion;
AYE: Warner, Wade, Streller, Sadler, Duke, Johnson and Hall.
Opposed: None
Motion carried

APPROVED THIS _____ DAY OF _____, 2009.

Charles Hall

Kyla Golay, City Clerk

Mayor



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Meeting was called to Order at 6:18 p.m. by Mayor Hall

Roll Call:

Those present: Warner, Wade, Streller, Sadler, Duke Johnson and Hall.
Those Absent: Marshall and Greenwell

Mayor Hall Declaration a Quorum

1. Streller motioned approval of the **Consent Agenda**, Duke seconded the motion;
AYE: Warner, Wade, Streller, Sadler, Duke Johnson and Hall.
Opposed: None
Motion carried
2. **Items Removed from Consent Agenda for Discussion.** None.
3. **Consider and act on items removed from the Consent Agenda, if any.** None.
4. **Comments from Those Assembled.** No open comments were made.
5. **Consider Authorizing the Issuance of an Invitation for Bids for the Municipal Water Treatment Plant Upgrade with bids to be opened on December 3, 2009, at 3:00 p.m.**
The application for financing for this project will be considered by the Oklahoma Water Resource Board at its November 2009 meeting. The NODA Board of Directors will consider the City's application for a \$250,000.00 CDBG/REAP grant at its November 2009 meeting. The city administration recommended that the City Council authorize the issuance of the Invitation for Bids, with bids to be opened on December 3, 2009 at 3:00 p.m. An important, but not mandatory, pre-bid meeting has been scheduled for November 19, 2009, at 1:00 p.m. Receiving the bids and notice as to whether the grant has been received will allow the proper sizing and closing of the OWRB loan in December 2009. All 3 projects will be bid including Chlorinator, Building and filters. Streller motioned to authorize the Invitation for Bids, Johnson seconded the motion;
AYE: Warner, Wade, Streller, Sadler, Duke Johnson and Hall.
Opposed: none
Motion carried

Mayor Hall asked to move on to other items and return to Item # 6 later in the agenda.

- 7. Consider Approval of Commercial Property Coverage including buildings, business personal property, and electronic data processing equipment through Oklahoma Municipal Assurance Group for a total premium of \$31,649.14 to be paid in two installments.** OMAG provides the City's insurance on buildings, personal property and electronic data processing equipment. Approval of this item will renew property insurance through October 31, 2010. Premiums increased from \$29,993.22 last year. Johnson motioned to approve the renewal of our property coverage, Sadler seconded the motion;
AYE: Warner, Wade, Streller, Sadler, Duke Johnson and Hall.
Opposed: none
Motion carried
- 8. Consider Approval of General Liability, Auto Liability, Auto physical damage, and Equipment physical damage insurance through Oklahoma Municipal Assurance Group for a premium of \$90,876.29 minus the Program Year Dividend of \$22,081.16, for a net premium of \$68,795.13 to be paid in two installments.** OMAG provides the City's insurance for general liability, including automobile insurance, errors and omissions, police protection, etc. The City received a program dividend of \$22,081.16, which can be applied to this year's premium or paid in a refund check. If applied, the premium is \$68,795.13, and may be paid in two (2) installments. Premiums last year totaled \$89,584.65. Sadler motioned to approve the renewal of our liability insurance, Johnson seconded the motion;
AYE: Warner, Wade, Streller, Sadler, Duke Johnson and Hall.
Opposed: none
Motion carried
- 9. Consider Approval of Ordinance No. 2009-18 Amending Article 2 of Chapter 17 of the Perry Municipal Code 2004 (2nd Bi-Annual Supplement), Entitled "Billings and General Provisions"; Providing for New Section 17-215 Entitled "Collection Fee"; Providing For Repealer; Savings; Codification; Severability; And Declaring An Emergency.** A new state law permits the municipality to assess and collect a fee in the amount of 35% of any delinquent utility bill, court fine or other unpaid obligation referred to a collection agency. This ordinance permits assessment and collection of that fee. On a subsequent agenda, the city administration will report on current collection efforts and may make appropriate recommendations. Johnson motioned approval of Ordinance 2009-18, Duke seconded the motion;
AYE: Warner, Wade, Streller, Sadler, Duke Johnson and Hall.
Opposed: none
Motion carried

Wade motioned approval of the Emergency Clause for Ordinance 2009-18, Sadler seconded the motion;

AYE: Warner, Wade, Streller, Sadler, Duke and Hall.

Opposed: Johnson

Motion carried 6-1

- 10. Consider Approval of 1 Ordinance No. 2009-19 Amending Article 2 Of Chapter 5 Of The Perry Municipal Code 2004 (2nd Bi-Annual Supplement), Entitled “Building Code And Regulations”; Providing For New Section 5-112 Entitled “Residential Building Contractor; Registration And Insurance Required; State Fee To Be Assessed”; Providing For Repealer; Savings; Codification; Severability; And Declaring An Emergency.** State law requires the City to send the state \$5.00 for every building permit issued. State law also requires the City to require residential building contractors to provide general liability and workers compensation insurance. The state law also permits the City’s to require residential building contractors to register and to pay fees to the municipality in an amount not greater than \$300.00 for an initial annual registration or \$200.00 annual renewal registration. This ordinance provides for these new regulations. This state law is effective November 1, 2009. Johnson motioned approval of Ordinance 2009-19 as presented, Warner seconded the motion; Warner asked if there are fines for those who do not get the appropriate permits, and that as a Real Estate agent she feels the requirement for builders to register with the City is important. It was stressed that this registration fee does not affect home owners working on their own residence.
AYE: Warner, Wade, Sadler, Duke and Johnson.
Opposed: Streller and Hall
Motion carried 5-2

Wade motioned approval of the Emergency Clause for Ordinance 2009-19, Duke seconded the motion;

AYE: Warner, Wade, Sadler and Duke

Opposed: Streller, Johnson and Hall

Motion failed 4-3

Ordinance becomes effective 30 days after publication.

- 11. Consider Approval of an Amendment to Chapter VI, Sections 10 & 11 of the City’s Personnel Manual pertaining to out of City Business Travel.** These amendments will help protect the public treasury from potential abuse of the City’s travel policy by city employees. At the last meeting, the City Council recommended that the attendance requirement should require 100% attendance and that provisions should be added regarding out-of-city lodging similar to the state’s regulations. Those regulations were researched and the enclosed policy was presented for consideration and review. Warner questioned the wording of Human Resources Director and was informed that Dixie Johnson has filled that position. Streller motioned approval of the amendment, Duke seconded the motion;
AYE: Warner, Wade, Streller, Sadler, Duke Johnson and Hall.
Opposed: none
Motion carried

- 12. Consider Approval of an Amendment to Chapter IV, Section 12 of the City’s Personnel Manual pertaining to Free Ambulance Service.** This policy provides that the ambulance subscription benefit will only be given to full-time and certain retired employees. The

benefit will be given to the employee and the persons residing with them. Any employee that is a residential electric customer will not be assessed the subscription fee. Part time employees do not have benefit rights so they have been removed from the wording, and the retired employees must have the 20 years of service as stated in the Personnel Manual. Johnson motioned approval of this amendment, Streller seconded the motion; AYE: Warner, Wade, Streller, Sadler, Duke Johnson and Hall.
Opposed: none
Motion carried

- 13. Report from City Manager Concerning the Demolition of the Perry Nursing Home and Retro-active approval of the Contract.** Davis Sanitation was low bidder with a bid of \$16,000.00. One bid was as high as \$74,900.00. The Contract was furnished with the advertisement for bid at your last meeting. Jim Davis approved the contract on behalf of the City. The demolition has begun and the City Manager stated that the nursing home was gone.

The Council then returned to Agenda Item #6.

- 6. Discuss Issues concerning the continuation of services provided by Wheatheart Nutrition and Take any Action Deemed appropriate, including but not limited to appropriating sufficient monies to provide stop gap assistance to ensure the continued provision of meals.** State budget cuts have led to the curtailment of approximately 30% of the funds supporting the Wheatheart Nutrition Program. Wheatheart Nutrition currently operates out of a city owned building and serves 50 to 60 meals a day at the city facility and another 40 meals to home bound persons. These meals have been served 5 days a week. Although the program plans to continue 5 day per week meal service to the home bound persons, the persons who receive their meals at the city facility will only receive meals 4 times per week. These meals will be made from a kitchen in Garber or Blackwell. The city administration requests that the City Council consider providing the Friday meal each week to the 50 to 60 persons who eat at the city facility. The Perry Memorial Hospital has offered to prepare the Friday meals for \$4.00 per meal for the balance of the fiscal year. The City Council may wish to designate funds to ensure that these seniors continue to receive their meals during the fiscal year. Marianne Gutierrez, the Project Director for the Wheatheart program addressed the Council regarding the options for the City facility. It was stated that beginning Friday, November 6th, all Wheatheart employees will be on furlough every Friday, and meals would no longer be served at the facility on those Fridays. Homebound recipients will receive their Friday meal at the same time their Thursday meal is delivered. The Council was informed that beginning January 1, 2010, the kitchen at our facility would no long be used and meals would be transported in from another facility. Hall mentioned some possibilities that included the City providing the Friday meal, or collecting funds to subsidize NODA to keep operating in their current capacity. Several residents have contact Mayor Hall offering their services either financially or volunteering time to keep Friday meals available. Marianne explained the 38% budget cut and how they determined which facilities would be affected. They needed to close for a total of 44 days through the end of the fiscal year to make their budget. Closing on Fridays plus the already schedule Holiday closings helped them achieve this goal. Marianne stressed the importance of the daily checks
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that the home bound residences receive when meals are delivered 5 days a week. The values of the congregate meals are also important for those who attend. The cost to run the Perry facility is about \$527.68 a day for personnel, food and supplies. Hall stated that the \$4 meal offer from the Hospital does not include staff and that aspect would increase our costs to be comparable to the cost of NODA furnished meals at \$5.86. Marianne stated that the facilities would be available, but no staff will be compensated for their time on Fridays. The Wheatheart Board is willing to pay the utilities and phone bills at the facility as usual. If the City offers to pay the roughly \$24,000 needed until the end of June, and paid those funds to NODA, it was asked if we could be keep the doors open as usual, but Marianne would have to present that to her Board. If we pay for the meals, she has the authority to provide the meals, but cannot speak on the Board's behalf to keep the doors open. Hall informed Marianne that Larry Tipps has given her permission to make that decision, but she would still take the idea back to her Board for final action. Marianne encouraged the Council to present the idea of keeping the kitchen open and monetary donations to her Board. Marianne stated that she has the authority to provide meals to the closed locations if someone is available to distribute and cleanup, but she cannot say that the kitchen will remain open without her Board's approval. Enid kitchen and entire site relocated to Garber and our seniority staff will have the option of moving to the Garber location or becoming a food carrier. Hall expressed his concern about the kitchen closing in January and not being able to reopen it without several inspections and costly upgrades. Marianne stated that the \$527.68 is furlough day costs. Overall staff savings of \$19,378 includes closing kitchen costs from January 1, 2010 thru June 30, 2010 for the City of Perry. The \$24,000 to stay open covers November thru June based on furlough days. Churches in Blackwell and Ponca are trying to raise the funds to compensate the furloughed staff so their facilities will be staffed on Fridays. In Kingfisher, the Assisted Living facility will be taking over the Friday meals. Johnson stated that if we have the funding, we can keep the furlough in Perry from happening and have Friday meals. Hall asked what the magic dollar amount is to keep our facility functioning in the same capacity it is currently. Approximately \$5.86 per meal would be required to provide meals on Fridays from November until June. Hall informed the Council that the City is providing the meal on the 6th and City Employees will serve. Hall requested the numbers to keep the kitchen open versus the numbers to keep providing Friday meals from outside sources. Hall encouraged the Council to decide in the next two weeks if this is a worthy project and if we would use some of our money to coordinate the furlough days. Also, he asked them to decide if we go the expensive route of leaving kitchen open using current staff or going less expensive route by seeking volunteers to serve in the Wheatheart building or combining efforts at the Senior Citizen Center to provide their Wednesday meal on Friday. Johnson, Sadler and Duke all expressed their support in keeping the facility as is or even expand services if possible. Streller asked what the total budget to run the Perry facility, which was stated as \$159,696. The district coverage for Wheatheart was explained. Marianne will get the numbers together to keep our kitchen open. Once a new plan is written, it will go before the Wheatheart Board, then to NODA, then onto the State for approval. The equipment located in the Perry Wheatheart building belongs to Wheatheart, only the building itself is owned by the City. Marianne encouraged the Council to contact the Governor and Legislators and let them know how important the Wheatheart program is.

14. **Old Business.** No Old Business was discussed.
15. **New Business:** No New Business was discussed.
16. **Consider Convening into Executive Session for purpose of a confidential communication between the City Attorney and the governing body, concerning the claim against BRB Contractor's Inc., and the water leak under I-35 and Fir Avenue, since it is determined that disclosure will seriously impair the ability of the governing body to process the claim in the public's interest (25 O.S. 307B4) and consider conducting performance review of City Manager Jim Davis pursuant to the Employment Contract (25 O.S. 307B1).** Wade motioned to convene into Executive Session at 8:18, Johnson seconded the motion;
AYE: Warner, Wade, Streller, Sadler, Duke Johnson and Hall.
Opposed: none
Motion carried

The Council went into Executive Session at 8:18 p.m. with Warner, Wade, Streller, Sadler, Duke, Johnson, Hall, Jim Davis and Bryce Kennedy. Hall exited Executive Session at 8:27 p.m. and re-entered at 8:33 p.m. Davis and Kennedy exited Executive Session at 8:47 p.m. Council returned to Open Session at 9:11 p.m., No votes were taken in Executive Session.

17. **Reconvene into regular session.** Wade motioned to reconvene into Open Session at 9:11 p.m., Sadler seconded the motion;
AYE: Warner, Wade, Streller, Sadler, Duke, Johnson and Hall.
Opposed: none
Motion carried
18. **Take any action deemed necessary pursuant to the executive session.** Mayor Hall stated that Jim Davis' contract as City Manager is up for renewal and received a satisfactory review. The Council directed Bryce Kennedy to prepare a continued employment contract for the next agenda.
19. **Adjourn.** Wade motioned to adjourn the City meeting at 9:14 p.m., Duke seconded the motion;
AYE: Warner, Wade, Streller, Sadler, Duke, Johnson and Hall.

APPROVED THIS _____ DAY OF _____, 2009.

Mayor Charles Hall

Kyla Golay, City Clerk