



**PMA Regular Meeting Minutes
Monday, November 16, 2009
Perry City Council Chambers**

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

Roll Call: Those present: Warner, Wade, Marshall, Greenwell, Streller, Sadler, Duke, Johnson and Hall.
Those Absent: None

Mayor Hall Declaration a Quorum

Jack Gert from Grace Baptist Church opened the meeting with Prayer.

1. Councilman Streller motioned approval of the **Consent Agenda**, Sadler seconded the motion:
AYE: Warner, Wade, Greenwell, Marshall, 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. **Receive presentation from Perry Public School Superintendent, Tim Smith.** Mr. Smith wanted to personally address the Council regarding what the City Employees have done for the School District. With the coordination of Jim Davis, all playground equipment was moved and installed at the new location, the Police Department helped with traffic control during the first few days of school, and the cal-a-sac at the High School campus has been converted into a thru street. Mr. Smith thanked the City for the good working relationship that has been established.
6. **Consider Report from the Chairman concerning OWRB financing of the Water Plant Improvements.** On Tuesday, November 10, 2009, Chuck Hall attended the monthly OWRB meeting. The Board approved the PMA's application for a loan to finance the Water Plant Improvement Project. Chairman Hall will report. Hall stated that on Wednesday, November 18, 2009, the governing board of NODA will consider the \$250,000.00 grant request for the Water Plant Improvement Project. Mr. Hall plans to be in attendance and urge its approval. The bids for the project are to be received on December 3, 2009. Once we are notified about the NODA grant, the project can be sized and the loan closed.

7. **Review and approve Insurance Policy for Perry Municipal Airport through Aviation Insurance Managers, Inc.** The premium has not increased over last year's premium of \$3375.00. The limit of coverage is \$2,000,000.00 (combined single limit bodily injury and property damage legal liability). Hall motioned to approve the Policy thru Aviation Insurance Managers, Johnson seconded the motion:
AYE: Warner, Wade, Greenwell, Marshall, Streller, Sadler, Duke, Johnson and Hall.
Opposed: None
Motion carried
8. **Consider and take action on contract with Jim Davis for General Manager Services with the Perry Municipal Authority.** At the last meeting, the governing body convened into executive session to consider the performance of Jim Davis. This Employment Agreement is identical to the current agreement except it provides for a 3% cost of living raise. All other employees received their cost of living raise in July 2009. Johnson motioned to approve the contract with Jim Davis, Greenwell seconded the motion:
AYE: Warner, Wade, Greenwell, Marshall, Streller, Sadler, Duke, Johnson and Hall.
Opposed: None
Motion carried
9. **Consider Approval of a Rental Agreement with Jeremy A. Gass for the single family residence located at the Perry Municipal Airport.** Police Officer Jeremy A. Gass desires to rent the single family residence at the Perry Municipal Airport. The term is month to month and can be terminated by either party upon a thirty (30) day written notice to the other party. The tenant provides the PMA certain security services at the airport in consideration of free rent, electric, water, sewer and solid waste services. Marshall motioned approval of the rental agreement, Greenwell seconded the motion;
AYE: Warner, Wade, Greenwell, Marshall, Streller, Sadler, Duke, Johnson and Hall.
Opposed: None
Motion carried
10. **Old Business.** No Old Business was discussed.
11. **New Business.** No New Business was discussed.
12. **Adjourn.** Marshall motioned to Adjourn the PMA meeting at 6:27 p.m., Streller seconded the motion;
AYE: Warner, Wade, Greenwell, Marshall, 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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Monday, November 16, 2009
Perry City Council Chambers

Meeting was called to Order at 6:27 p.m. by Mayor Hall

Roll Call:

Those present: Warner, Wade, Marshall, Greenwell, Streller, Sadler, Duke Johnson and Hall.
Those Absent: None

Mayor Hall Declaration a Quorum

1. Marshall motioned approval of the **Consent Agenda**, Streller seconded the motion;
AYE: Warner, Wade, Greenwell, Marshall, 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. **Quarterly Report on Perry Memorial Hospital from CEO Joe Duerr.** Mr. Duerr reported that the Hospital plans to upgrade the CAT scan equipment and add a picture archiving system. Installation should be complete in late December. Stillwater medical center offered to assist with physician recruiting by discounting their billing service to half the fee, paying up to \$13,000 on the recruiting fee and assisting with moving allowance up to \$10,000. The FY 2010 budget was approved which reflected a loss from operations of (\$477,813.34), which reflects \$300,000 used from the reserve fund. Three Defibrillators were purchased for the treadmill room, emergency room and recovery room. Hall asked about the increase of Swine Flu, which has contributed to 4 deaths in Noble County. The Hospital has not seen an increase in hospital stays due to the Swine Flu. Hall thanked Mr. Duerr for being timely with his monthly reports to the Council.
6. **Receive Financial Report from Chief Financial Officer.** Russ stated that the cash account was down \$20,000, Sales Tax is down 2.5% from last year and expenses are staying in line with expectations. Warner inquired about Economic Development expenditures, and was informed those reflect support to the Chamber and Main Street programs. Wade asked why the Parks and Rec. fund was high. Russ contributed it to Tower rent received that was not budgeted. Code Enforcement revenue is up due to collection of fines. Warner asked what

the monthly income from the Hotel/Motel tax has run. The City is currently bringing in approximately \$7200 a month which is an increase from prior years.

7. **Consider Presentation by Steve McIntyre of American Municipal Services concerning their Collection Services.** The City has contracted with CBSA Collection for collection services for more than a decade. The results have been less than impressive. The current contract can be terminated upon thirty (30) days notice. American Municipal Services has asked for an opportunity to discuss their company and services with the City Council. Mr. McIntyre began by informing the Council that due to HB 1800, collection services are now free. The bill allows a 35% fee to be added to the amount owed by the customer and is used to compensate the collection agency. AMS has online tracking access that allows the City to view progress made on all accounts. Mr. McIntyre explained the difference between Clearance Rate and Collection Rate. The Collection rate for AMS is about 35-38% and the Clearance Rate, which is determining the subject, is no longer living, or in jail, is around 15%. AMS will report delinquents to the Credit Bureaus to be placed on the individual's credit report.

Marshall motioned to pursue an agreement with AMS and draft notice of termination to CBSA, **Greenwell** seconded the motion;

The current contract with CBSA states we give them 30 day notice of termination, and then they have 180 days to work the active cases. Duke asked what happens to those cases after the 180 days and they will be turned over to the new Collection Agency. Wade asked how many active cases we currently have, and when our last collection was received, but the answers to these questions were not available. Mr. McIntyre stated that the percentage of collection for utilities is around 15%. The 35% collection is on Court related fines. The Set Back program thru the Oklahoma Tax Commission was discussed but not a good option because of the paperwork involved and the staff level at the OTC.

AYE: Warner, Wade, Greenwell, Marshall, Streller, Sadler, Duke, Johnson and Hall.

Opposed: None

Motion carried

8. **Consider and take action on contract with Jim Davis for City Manager Services with the City of Perry.** Greenwell motioned approval of Davis' contract, Sadler seconded the motion;

AYE: Warner, Wade, Greenwell, Marshall, Streller, Sadler, Duke Johnson and Hall.

Opposed: None

Motion carried

9. **Consider Approval of 1Ordinance No. 2009-20 Amending Chapter 14 Of The Perry Municipal Code 2004 (2nd Bi-Annual Supplement), Entitled "Streets, Sidewalks And Public Works", By The Addition Of A New Section 14-115 Entitled "Enclosing Sidewalks, Streets, Alleys Or Other Public Way With A Fence, Building Or Structure Prohibited"; And By The Addition Of A New Section 14-116 Entitled "Mowing And/Or Sweeping Grass Clippings, Vegetative Material Or Other Litter In The Streets Or Other Public Place Prohibited"; Savings; Severability; Repealer; Codification; Penalty; And Declaring An Emergency.** This ordinance prohibits enclosing any sidewalk, alley, public way or public easement with a fence, building structure or obstruction. This

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ordinance also prohibits mowing and/or sweeping grass or other vegetative matter into the public streets, gutters or any other public place. The fine for violation of this ordinance shall be \$100.00, plus state assessments and costs. Warner asked if this includes those who park on sidewalks. Bryce stated that it would, but there are also other ordinances that cover that issue. Johnson voiced his concern with the Easement language. He stated that property owners have the right to place their fence on their property line and should have the understanding that if it interferes with an easement or right-of-way that it is their responsibility to move or repair the fence and repair the yard if the City must access the property. It was discussed that no permanent structures are allowed on the easements, but anything portable or removable is allowed. Drainage issues were discussed but should be spelled out in the plat documents. Johnsons suggested that the words "public easement" be removed and insert wording about the City's right to access and the property owners responsibility to maintain the easement and items they place on the easement. Tree trimming was discussed including who has the responsibility to trim trees between the curb and the property line. The property owner also owns the trees, but we have the right to trim if they will interfere with our electrical lines. Johnson stated that the City should be able to back charge the property owners for the trimming that we are doing. Wade asked that the fine assessed for not mowing be brought to the next meeting. Sadler motioned to defer this item until the December 7th meeting with the recommended changes, Streller seconded the motion;

AYE: Warner, Greenwell, Marshall, Streller, Sadler, Duke Johnson and Hall.

Opposed: Wade

Motion carried

10. **Consider Approval of an Amendment to the City of Perry Personnel Manual, namely Chapter VI- Miscellaneous, Section 4 entitled Use of the City's Electronic Communication Devices.** With the proliferation of cellular telephones in the workplace, and the potential abuse of the same, it was deemed necessary to propose an amendment to the personnel manual addressing their proper use. Most employees who are required to carry cell phones are currently paid \$30 to \$50 per month depending on their position and are required to purchase their cell phones, pay for their monthly service and carry them for official city business. The city also issues cell telephones to the water and electric crew who are on call. This policy limits the use of personal cell phones for personal calls during work time and provides some standards for use of the cell phone while driving. Johnson motioned approval of the Amendment, Wade seconded the motion;

AYE: Warner, Wade, Greenwell, Marshall, Streller, Sadler, Duke Johnson and Hall.

Opposed: None

Motion carried

11. **Consider Discussion of the reduction of state funding for Wheatheart Nutrition Program and direct action as may be appropriate.** 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 (Monday through Thursday). These meals will be made from a kitchen in Garber or Blackwell. At the last regular meeting, Marianne Gutierrez, Program Director of the Wheatheart Nutrition Program, spoke to the City Council concerning the reduced funding and services. Mayor Hall reported on the options now available to the City. Option A was described as closing the kitchen, having meals bussed in and not servicing meals on Friday. Option B is what will be done on Fridays. Meals have been provided by the City and the Hospital. The School has agreed to provide the food on November 20th, First Bank will provide on December 4th. Hall stated that he has visited with DHS, the House of Representatives, Senate and a Representative from the Governor's office and feels there is no hope for future funding. Option 1 is to accept the offer from the Ministerial Alliance to coordinate the Friday meals. Volunteers are still coming forward, Ty Engel is the first cash contributor, and Wheatheart held a fundraiser on Sunday. Aaron Summers from First Baptist Church spoke to the idea of the Ministerial Alliance coordinating the Friday meals and has already contacted the school for assistance. Wheatheart employees will still be on furlough every Friday. Marianne was in attendance on the behalf of the Wheatheart program and encouraged everyone to continue contacting the Political bodies and express our support. The Wheatheart Board will be meeting in December to make final decisions, but Marianne brought some new options to the Council. She will recommend to her Board that the Perry Kitchen would remain open and help provide meals to Enid and possibly Garber. Wheatheart felt that Perry believes in the partnership and works hard for the seniors and that is why we are being considered for a kitchen site. Wheatheart is still looking to cut some costs and they are currently only paying rent at Blackwell and only paying utilities at Garber. She encouraged a local account for donations so the money stays here. It was decided that donations will be given to the Ministerial Alliance and kept in a separate fund for the Wheatheart project. Warner asked if a larger building will be needed or upgrades to the current structure would have to be made. Marianne felt new equipment would be necessary and minor renovations may be needed. Streller asked what the future schedule consists of if the Board approves her recommendation. The furloughs are still scheduled thru June 30th. Blackwell is open on Friday as usual due to local donations. If Perry is chosen to furnish meals from our kitchen, we are less likely to be closed in future budget cuts. Hall feels dropping the \$125 a month on rent is a no brainer, and can give them some utility concession on water and sewer which would have minimal effects on the City. We have current staff to help renovate the existing building and the kitchen equipment can be moved from the Enid site. Current utilities run \$9300 annually and rent is \$1500 annually. Greenwell asked if there can be City representatives at the Wheatheart Board meeting or if they needed something in writing.

Johnson motioned to put Bryce's considerations, which include the City moving and installing the kitchen equipment from the Enid site, removing any necessary walls, discount \$375 a month from utility charges and remove the rent obligation, into writing and be presented to the Wheatheart Board. **Greenwell** seconded the motion; Marshall asked about a new contract and what precedence does this set for other organizations to ask for utility credits. Hall pointed out that we own the Wheatheart building and Bryce stated that this is a public purpose. Bryce pointed out that this partnership is good for now and is subject to change in the future because of funding levels and need.

Hall then called for a vote.

AYE: Warner, Wade, Greenwell, Marshall, Streller, Sadler, Duke Johnson and Hall.

Opposed: None

Motion carried

Hall clarified that Friday the 20th is covered; they are closed for Thanksgiving, and First Bank should coordinate thru the Ministerial Alliance for the December 4th meal. It was pointed out that the Schools are not allowed to give away meals, so they will have a suggested fee for the meal so the Citizens can donate and the balance will be paid by an anonymous donor. Ty Engel mentioned that Wheatheart will take donated fruits and vegetables. The Wheatheart Board meeting will be held on December 16, 2009 at the Central National Bank in Blackwell. Hall expressed his Thanks to those businesses that have stepped up to help with this project.

12. **Report on GPS 911 Mapping Agreement with Interact Public Safety Systems.** Interact was the lowest responsible bidder for the GPS 911 Mapping Project. The City Attorney, as General Counsel of NODA, drafted the Agreement with Interact and their approval of the Agreement is expected this week. The term of the contract is 18 months and the city administration will update you on the progress of this work as it develops.
13. **Consider and Approve Resolution 2009-19; Authorizing and Establishing the City of Perry Christmas Lighting/Electric Rebate Program.** Wade motioned approval of Resolution 2009-19, Greenwell seconded the motion;
AYE: Warner, Wade, Greenwell, Marshall, Streller, Sadler, Duke, Johnson and Hall
Opposed: None
Motion Carried.
14. **Old Business.** No Old Business was discussed.
15. **New Business:** Councilwoman Sadler reminded everyone of the Arts Council meeting to be held on Wednesday, November 18, 2009 at 6:30 p.m. in the Heritage Center. She publically thanked First Bank and Exchange Bank for sponsoring this event with Jennifer Kidney. Greenwell expressed his appreciation for the support of the Wheatheart program stating it is the most positive thing he has seen in this community since being elected to the Council.
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).** Details are still being worked on, so Mayor Hall did not call for an Executive Session.
17. **Reconvene into regular session.** No action necessary.
18. **Take any action deemed necessary pursuant to the executive session.** No action necessary.

- 19. Adjourn.** Greenwell motioned to adjourn the City meeting at 8:01 p.m., Wade seconded the motion;
AYE: Warner, Wade, Greenwell, Marshall, Streller, Sadler, Duke, Johnson and Hall.

APPROVED THIS _____ DAY OF _____, 2009.

Mayor Charles Hall

Kyla Golay, City Clerk