



**PMA Regular Meeting Minutes
Monday, December 7, 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

Greg Stone from Kaw Street 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. **Give notice to Secretary of the PMA of the date, time and place of regular meetings for calendar year 2010 by December 15, 2009.** 25 O.S. 311A.4 provides that the governing body must give the Secretary of the PMA notice of the date, time and place for regular meetings for calendar year 2010 by December 15, 2009. The second meeting for January was changed from the 19th to the 25th. Sadler motioned approval of the revised meeting dates, Duke seconded the motion;
AYE: Warner, Wade, Greenwell, Marshall, Streller, Sadler, Duke, Johnson and Hall.
Opposed: None
Motion carried
6. **Consider Approval of 2008-2009 Final Audit.** The governing body deferred approval of the audit until the receipt of the hospital's audit. The hospital audit has been received and the trustees may approve the PMA's audit at this time. Wade motioned approval of the Final Audit, Greenwell seconded the motion;
AYE: Warner, Wade, Greenwell, Marshall, Streller, Sadler, Duke, Johnson and Hall.
Opposed: None
Motion carried

7. **Old Business.** No Old Business was discussed.
8. **New Business.** No New Business was discussed.
9. **Adjourn.** Greenwell motioned to Adjourn the PMA meeting at 6:21 p.m., Marshall 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



**Regular Meeting Minutes
Monday, December 7, 2009
Perry City Council Chambers**

Meeting was called to Order at 6:22 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. Wade motioned approval of the **Consent Agenda**, Greenwell 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. **Give notice to City Clerk of the City of the date, time and place of regular meetings for calendar year 2010 by December 15, 2009.** Marshall motioned approval of the meeting dates with the second meeting in January being moved to January 25th, Sadler seconded the motion;
AYE: Warner, Wade, Greenwell, Marshall, Streller, Sadler, Duke Johnson and Hall.
Opposed: None
Motion carried
6. **Consider Approval of 2008-2009 Final Audit.** Marshall motioned approval of the Final Audit, Wade seconded the motion;
AYE: Warner, Wade, Greenwell, Marshall, Streller, Sadler, Duke Johnson and Hall.
Opposed: None
Motion carried

7. Receive Canvas of Bids for Water Plant Improvements, Reject all Bids and Authorize Re-Advertisement. The bids for the project were received on December 3, 2009. The bids were as follows:

	Base Bid Chlorination, Filter, Automation	Alternate #1 Enclosure	Alternate #2 Chain collection	Totals
Luckinbill	\$292,400.00	\$524,000.00	\$241,000.00	\$1,057,400.00
L & L Construction	\$237,000.00	\$372,000.00	\$186,000.00	\$795,000.00
Engineer's Estimate	\$213,000.00	\$239,000.00	\$45,000.00	\$497,000.00

The City received a \$237,000.00 CDBG/REAP grant from NODA to assist with this project. That grant will not be available until approximately May 2010. The bids received exceed the current available \$650,000.00 loan and since the \$237,000 grant cannot be used at this time, these bids should be rejected. There will be a recommendation to re-advertise for new bids for a portion of the project. The other portion of the project can be bid once the grant is available. SRF OWRB Loan funds will be used for the basin covers, chain collection system and valve operators. Those items are recommended for re-bidding at this time. Bids will be due on January 20, 2010, at 3:00 p.m. CDBG/REAP grant funds will be used for the chlorination injectors, filter media and turbidity meter. That project will be bid in May 2010 or whenever NODA informs the City that bidding is permitted. This procedure will break down the bids into their components based on funding and the engineer will target specific bidders with hopefully more realistic pricing. For instance, the basin enclosure project will be targeted to metal building contractors to avoid mark-up which exists when a general contractor is used. The REAP monies can only be used on items that will ultimately help relieve the Consent Order that was issued by ODEQ. Councilman Johnson asked for the sequence of construction. OWRB loan funds will be used for the basin covers, chain collection system and valve operators. The chlorination injectors, filter media and turbidity meter will be bid once the REAP funds are available. Mr. Reely did not feel the order of construction would be an issue during either phase of this project.

Wade motioned to reject all bids and rebid the entire project, **Greenwell** seconded the motion;

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

Opposed: None
 Motion carried

8. Approval of 1st Amendment to Contract for Services and Lease Agreement with Wheatheart Nutrition Project, Inc. A proposed 1st Amendment to the Contract for Services and Lease Agreement with accompanying letter has been sent to Wheatheart Nutrition Project, Inc. ("Wheatheart"). Wheatheart will consider the 1st Amendment at its board meeting on December 15, 2009. The 1st Amendment deletes the rent requirement,

provides for a \$375.00 utility credit and provides for additional improvements to be made by the City to the Wheatheart building and the transportation of additional equipment. The 1st Amendment contains the provisions agreed to at the last City Council meeting. Davis informed the Council that we will begin moving equipment on December 18th and renovations will take place each day after the lunch crowd has left the Wheatheart Building. Streller questioned if this action is pending on the decision of the Wheatheart Board. All action taken will resend if their Board fails to approve.

Johnson motioned approval of the Contract Amendment, Duke seconded the motion;

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

Opposed: None

Motion carried

9. **Discuss and Approve the 2010 Holiday Schedule for the City of Perry Offices.** Johnson motioned approval of the 2010 Holiday schedule, Greenwell seconded the motion;

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

Opposed:

Motion carried

10. **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; Fencing or Enclosing Public Easements” 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 was considered at the last meeting and continued until this meeting. A new subsection B was added to address fencing public easements. This draft contains notice and certain obligations on the property owner seeking to fence a public easement in the event the easement holder needs access to the utility. The City shall give the property owner at least 3 days notice of its intent t utilize the public easement by placing a door hanger on the real property stating the time and date that the use will commence, no such notice shall be required in the event of an emergency. The City/Utility is not required to replace the fence. This ordinance also prohibits mowing and/or sweeping grass or other vegetative matter into the public streets, gutters or any other public place. The maximum fine has also been increased to \$250.00 to make it consistent with other code violations.

Johnson motioned approval of Ordinance 2009-20, Marshall seconded the motion;

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

Opposed: None

Motion carried

Hall motioned approval of the Emergency Clause for Ordinance 2009-20, Greenwell seconded the motion;

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

Opposed: None

Motion carried

11. **Consider Approval Of Ordinance No. 2009-21 Renaming The Portion Of 9th Street Conveyed By The Independent School District No. 1, Perry, Noble County, Oklahoma, To The City Of Perry, Oklahoma, By Right-Of-Way Easement, To “Maroon Drive”; Agreeing To Make Certain Improvements On Maroon Drive Subject To Repayment By The Independent School District No. 1, Perry, Noble County, Oklahoma; Making Maroon Drive A One Way Street And Establishing A Ten (10) Mph Speed Limit; Designating Maroon Drive As A School Zone; Providing For Three (3) Marked Crosswalks; Providing For Repeater; Savings; Severability; And Declaring An Emergency.** The right-of-way easement has been conveyed to the City and filed of record with the Noble County Clerk. The School District also paid Evans & Associates directly for the cost of the roadway improvements. Approval of this ordinance will rename that portion of 9th Street as Maroon Drive, designate the roadway as both a school zone and as a ten (10) mph speed limit zone and provide for three (3) marked crosswalks.

Marshall motioned approval of Ordinance 2009-21, Greenwell seconded the motion;
AYE: Warner, Wade, Greenwell, Marshall, Streller, Sadler, Duke, Johnson and Hall.
Opposed: None
Motion carried

Marshall motioned approval of the Emergency Clause for Ordinance 2009-21, Greenwell seconded the motion;
AYE: Warner, Wade, Greenwell, Marshall, Streller, Sadler, Duke, Johnson and Hall.
Opposed: None
Motion carried

12. **Consider Approval of Contract with Perry Memorial Hospital to provide Drug and Alcohol Testing.** This Contract provides a lower price schedule for drug and alcohol testing to be performed by Perry Memorial Hospital than is provided without a contract. Hall motioned approval of the PMH contract for Drug and Alcohol testing, Sadler seconded the motion;
AYE: Warner, Wade, Greenwell, Marshall, Streller, Sadler, Duke, Johnson and Hall.
Opposed: None
Motion carried

13. **Consider approval of lump sum payment of OMRF Pension for Judge Jack Dorl.** Long time City employee, Jack Dorl has requested that his Pension contributions be paid in one lump sum. The City Council, in its capacity as the governing body of the pension board must approve the request. Wade motioned approval of the lump sum payment, 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:** 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).** Wade motioned to convene into Executive Session at 6:50 p.m., Marshall seconded the motion; AYE: Warner, Wade, Greenwell, Marshall, Streller, Sadler, Duke, Johnson and Hall
Opposed: None
Motion Carried.

The Council went into Executive Session at 6:50 p.m. with Warner, Wade, Greenwell, Marshall, Streller, Sadler, Duke, Johnson, Hall, Jim Davis, Blaine Reely and Bryce Kennedy. Council returned to Open Session at 7:05 p.m., No votes were taken in Executive Session.

- 17. Reconvene into regular session.** Wade motioned to convene into Regular Session at 7:05 p.m., Greenwell seconded the motion; AYE: Warner, Wade, Greenwell, Marshall, Streller, Sadler, Duke, Johnson and Hall
Opposed: None
Motion Carried.
- 18. Take any action deemed necessary pursuant to the executive session.** No action necessary.
- 19. Adjourn.** Marshall motioned to adjourn the City meeting at 7:06 p.m., Greenwell 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