



**PMA Regular Meeting Minutes
Tuesday, February 16, 2010
Perry City Council Chambers**

Meeting was called to Order at 6:16 p.m. by Mayor Charles Hall.

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

Hall Declaration a Quorum

Opening Prayer was provided by Richard Levings.

1. Councilman Wade motioned approval of the **Consent Agenda**, Greenwell seconded the motion:
AYE: Warner, Wade, Greenwell, Marshall, Streller, Sadler, Duke, Johnson and Hall.
Opposed: None
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.** Greenwell motioned to Adjourn the PMA meeting at 6:18 p.m., Sadler seconded the motion;
AYE: Warner, Wade, Greenwell, Marshall, Streller, Sadler, Duke, Johnson and Hall.
Opposed: None

APPROVED THIS _____ DAY OF _____, 2010.

Mayor Charles Hall

Kyla Golay, City Clerk



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Tuesday, February 16, 2010
Perry City Council Chambers**

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

Roll Call:

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

Mayor Hall Declaration a Quorum.

1. Streller motioned approval of the **Consent Agenda**, Duke 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 Comments were made.
5. **Receive Annual Court Report from Judge Sherry DeBord.** Judge DeBord's report showed a 33% increase in revenues from 2008. There were a total of 430 cases heard in 2009. Of the 38 dismissed cases, some cases included compliance with the citation for example proof of insurance was given. Judge DeBord stated that 2010 is looking to have a heavier case load than 2009. She contributed some of the load to the fact that Outstanding Warrants are being served with the help of the Perry PD. She also stated that she applies the new \$549 fine to all who fail to appear at their court date. Greenwell asked if we are charging interest on old warrants but until the cases are filed in District Court, statutory interest cannot be charged. Judge DeBord does support the idea of filing these cases in District Court and may begin that process. Hall commented on how well the Court is run.
6. **Receive Financial Report from Chief Financial Officer.** Meredith was present to report on the financials for January 2010. Over all Cash we are setting at \$4.5 million with \$3 million being restricted funds. General Fund is setting at 58% of budget and is on target. The Operating Departments in the Utility Fund are still covering their costs including debt payments. Cemetery and Cemetery Care fund have received their transfer of \$65,000.

- 7. Consider Discussion of an Amendment No. 1; To the Agreement for Streetscape Design and Construction Phase Services with LandPlan Consultants, Inc.; Take any Action Necessary.** LandPlan has requested a modification amendment to their contract, deleting their requirement to perform Construction Phase Services which would decrease our agreement by \$24,015.00. Hall feels due to the length of this project that the original price no longer covers actual costs. Warner asked if we felt they would comply to the approved plans if we reject their request. Streller inquired about what would happen if we reject and LandPlan would have to submit an engineering firm for our approval. Johnson motioned to reject Amendment No. 1 to the LandPlan agreement, Duke seconded the motion;
AYE: Warner, Wade, Greenwell, Marshall, Streller, Sadler, Duke, Johnson and Hall.
Opposed: None
Motion carried
- 8. Receive Presentation of City Manager's Report.** Jim Davis gave a verbal report covering all issues on his written report. The broken culvert near 2nd Street has been resolved by finding the trucker responsible and asking him to take a different route. Comfort Inn is being worked on and has put up a temporary chain link fence. BRB will be running tests on the leak at I-35. Assistant Chief Mike Thomas has retired from the PPD. The OWRB loan for the Water Treatment Plant should close the week of February 15th. The sidewalk project is still in progress and Jim recommended to reject the amendment with LandPlan. It has been suggested that LandPlan employ Blaine Reely, our City Engineer as the engineer on the sidewalk project. Greenwell asked if Reely had been approached about this project and was informed that he is fine with this arrangement including the compensation involved. Johnson stated that the percentage set aside for engineering is average. Greenwell expressed his appreciation for the work done by the Street Crew during the recent storms.
- 9. Consider Approval of Resolution No. 2010- 04 of the Mayor and City Council of the City of Perry, Oklahoma, in Opposition to any Legislative Act that Would Eliminate the Municipal Sales Tax from Being Imposed on Food and Beverage Sales, Including But Not Limited to Senate Bill No. 1328; Directing that a Copy of This Resolution Be Sent to Senator David Myers, Representative Rex Duncan and the Speaker of the Oklahoma House of Representatives and Pro Temp of the Oklahoma State Senate.** The voters of the City have approved several specific municipal sales taxes, with a portion of the funds dedicated for and used to retire bonded or note indebtedness for major water and street projects in the municipality. Senate Bill No. 1328 proposes to eliminate the municipal sales currently imposed on food and beverage sales when state revenues reach the 110% level. If this bill eliminates such municipal sales tax on grocery sales, 20% of the current sales taxes currently imposed and collected would be lost. If this bill eliminates such municipal sales tax on grocery and food establishments, 37% of the current sales taxes currently imposed would be lost. Such lost of sales taxes would dramatically impair the ability of the City to pay its bonded indebtedness, adversely affecting its credit rating and ability to secure additional credit in the future, as well as impair its ability to furnish police, fire, ambulance and other general government services. Although Senate Bill No. 1328 provides for the reimbursement of the municipality with such lost sales taxes from their own funds, such reimbursement is subject to annual appropriation by the state and such funds may be needed for another state purpose in the future. The City should be fiscally responsible for its own

budget, both revenues and expenditures, especially with regard to its financial commitments for important public projects. This resolution opposes any legislative act that would eliminate the municipal sales tax from being imposed on food and beverage sales, including but not limited to Senate Bill No. 1328, and asks that this bill, and any similar legislative effort be summarily rejected. It was stated that this could be used as a campaign strategy in the upcoming political elections. Without this sales tax, Cities everywhere would probably have to raise their utility rates to cover expenses allocated to the sales tax income. With the current tax arrangement, not only are local residents paying but so are travels and visitors coming into the Cities. Johnson motioned to approve Resolution 2010-04, Greenwell seconded the motion;

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

Opposed: None

Motion carried

10. Consider Approval of Ordinances Pertaining to Traffic Matters:

A. Consider Approval of Ordinance No. 2010-01 providing that 12th Street between Jackson and Ivanhoe Streets, be changed from a One Way Street Going South to a Two Way Street (“Street”); Savings; Severability; Repealer; and Declaring an Emergency.

Wade motioned approval of Ordinance No. 2010-01, Greenwell seconded the motion:

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

Opposed: None

Motion carried

Greenwell motioned approval of the Emergency Clause, Johnson seconded the motion:

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

Opposed: None

Motion carried

B. Consider Approval of Ordinance No. 2010-02 Amending the Speed Limit on 15th Street from Fir Avenue South to Cedar Street from 25 mph to 35 mph; Savings; Severability; Repealer; and Declaring an Emergency.

Streller motioned approval of Ordinance No. 2010-02, Sadler seconded the motion:

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

Opposed: None

Motion carried

Duke motioned approval of the Emergency Clause, Sadler seconded the motion:

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

Opposed: None

Motion carried

C. Consider Approval of Ordinance No. 2010-03 Providing that the Alley located in the 300 Block between 7th & 8th Street, from Cedar Street to Delaware Street (“Alley”), be changed from a Two Way Alley to a One Way Alley Going South; Savings; Severability; Repealer; and Declaring an Emergency.

Greenwell motioned table the approval of Ordinance No. 2010-03 until the March 15, 2010 meeting to allow the Planning Commission review, Warner seconded the motion:

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

Opposed: None

Motion carried

11. **Old Business.** Greenwell expressed his Thanks to the Chamber and Brett Powers for all their assistance in opening the new restaurant. Warner thanked everyone who donated during the food drive and reported that 1066 pounds of food was collected.
12. **New Business:** Post 2 members of the Council attended the New Member workshop in Stillwater on Saturday February 13th. They have brought back suggestions about certain agenda items that will be implemented soon.
13. **Adjourn.** Greenwell motioned to adjourn the City meeting at 7:20 p.m., Duke seconded the motion;
AYE: Warner, Wade, Greenwell, Marshall, Streller, Sadler, Duke, Johnson and Hall.

APPROVED THIS _____ DAY OF _____, 2010.

Mayor Charles Hall

Kyla Golay, City Clerk