



**Perry Municipal Authority Meeting Minutes
Monday, May 18, 2009
Perry Council Chambers**

Meeting was called to Order by Mayor Hall at 7:00 p.m.

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

Mayor Hall **Declaration a Quorum**

Opening Prayer was provided by Ed Cook of the First United Methodist Church.

1. Councilman Daylor motioned approval of the **Consent Agenda**, Marshall seconded the motion;
AYE: Warner, Wade, Marshall, Greenwell, Streller, Sadler, Daylor, Johnson and Hall.
Opposed: None
Motion carried
2. No Items were **Removed from the Consent Agenda for Discussion.**
3. **Consider and act on items removed from the Consent Agenda, if any.** No action necessary.
4. **Comments From Those Assembled.**
5. **Accept Recommendation of Award for Airport Taxiway Seal and Crack Repair from Airport Engineer; and Authorize City Manager, Jim Davis, to apply for FAA grant funding.**
An advertisement was issued March 28th requesting bids for a seal coat and crack repair on the South Taxiway. Bid opening occurred on April 30, 2009. One bid was received from Evans and Associates in the amount of \$173,365.00. Curtis Brown, P.E., of Garver Engineers, has submitted the bid to FAA for authorization to proceed (authorization is required because only one bid was received). Mr. Brown anticipates that the FAA will approve the bid. The award of the bid must be made contingent upon the award of the grant. The grant request is \$236,565.00. Mr. Brown will contact the City on Monday and provide an update. Even though the bid was not authorized prior to the City Council meeting, the administration recommended authorizing the City Manager to apply for the grant. Hall motioned acceptance of the Engineer's recommendation, contingent on FAA approval and authorization for Jim Davis to apply for grant funding, Wade seconded the motion;
AYE: Warner, Wade, Marshall, Greenwell, Streller, Sadler, Daylor, Johnson and Hall.
Opposed: None
Motion carried
6. **Old Business.** No Old Business was brought before the Council.

7. **New Business.** No New Business was brought before the Council.
8. Marshall motioned to **Adjourn** at 7:07 p.m. , Daylor seconded the motion,
AYE: Warner, Wade, Marshall, Greenwell, Streller, Sadler, Daylor, Johnson and Hall
Opposed: None
Motion carried

APPROVED THIS _____ DAY OF _____, 2009.

Mayor Charles Hall

Kyla Golay, City Clerk



Regular Meeting Minutes
Monday, May 18, 2009
Perry City Council Chambers

Meeting was called to Order at 7:07 p.m. by Mayor Hall

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

Mayor Hall Declaration a Quorum

1. Councilman Daylor made motion to approve the **Consent Agenda**, Marshall seconded the motion:
AYE: Warner, Wade, Marshall, Greenwell, Streller, Sadler, Daylor, Johnson and Hall.
Opposed: None
Motion carried
2. **Items Removed from Consent Agenda for Discussion.** No items were removed.
3. **Consider and act on items removed from the Consent Agenda, if any.** None.
4. **Comments from Those Assembled.** Craig Weeks made another appearance regarding 12 and Under Baseball and the Perry Kids organization. He asked for an update on the issue and presented a letter from his attorney, which was accepted by City Attorney Bryce Kennedy. Mr. Weeks was informed of the City's standing on payment requirement for the two teams in question to use the City fields. The City and Perry Kids are currently working on new By-laws to govern situations such as this.
5. **Receive the monthly Financial Report from the Chief Financial Officer.** Russ stated that the General fund was operating at expected budget levels, and that the Utility income can be expected to increase with the onset of Summer.
6. **Consider Approval of Budget Amendment, providing for certain amendments to the General Fund and other City budgets.** General Fund net decrease of \$221,000, Enterprise fund is increased \$158,000. Special Revenue funds had a decrease of \$2.7 Million mostly due to street repair monies being transferred. Warner asked about the Limited Purpose line item, which include the street sales tax income and the debt repayment for the water line improvement. Hall pointed out that the City is getting close to a balanced budget and not hitting the carryover amounts.
Wade motioned approval of the budget amendments as presented, Marshall seconded the motion;
AYE: Warner, Wade, Marshall, Greenwell, Streller, Sadler, Daylor, Johnson and Hall
Opposed: None
7. **Schedule budget meetings for FY 2009-2010.** The following schedule was suggested for budget meetings. Small group meetings will be held between two or three Council members, city staff and the chief financial officer on Wednesday, May 27, 2009. Sessions will be held at 10:00 a.m., noon and 2:00 p.m. The second budget session would be held at the regular meeting to be held June 1, 2009. The third budget meeting would be held at the regular meeting scheduled for June 15, 2009. If additional meetings are needed they will be held between the 1st and the 15th. The budget must be adopted by June 23, 2009.

A rough draft budget was handed out to the Council which included all Department Head requests, no rate increases, 3% cost of living raise for all City employees and higher health insurance rates.

Wade motioned approval of the scheduled meetings, Greenwell seconded the motion:

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

Opposed: None

- 8. Consider Approval of a Waiver of Competitive Bidding pursuant to Section 7-114 of the Perry Municipal Code with Integrated Circuits/Jim Ivins for replacement of 911 radio equipment for dispatch; Authorize 50% Down payment if Deemed Appropriate.** Certain radio equipment for the E 911 Communication Center was competitively bid in May 2008, and Integrated Circuits/Jim Ivins was the low bidder. Shortly after the purchase and installation of the radio equipment, a lighting strike damaged or destroyed much of the equipment. Integrated Circuits/Jim Ivins has submitted a proposal to repair and/or replace the damaged and/or destroyed equipment. Property insurance received by the City is sufficient to repair or replace the damaged equipment. The municipal code requires contracts pertaining to the purchase of goods and services in an estimated amount in excess of \$25,000.00 to be subject to competitive bidding. However, Section 7-114 provides that such requirement can be waived whenever some material feature or characteristic of the item or service to be purchased is unique or for any other reason that is deemed necessary in the public interest. This purchase was originally competitively bid. The proposed vendor was the low bidder. Much of what was damaged requires parts to be replaced. Staying with one vendor may be better for service, warranty and continuing maintenance purposes. Pursuant to Section 7-114, the Mayor may deem that these characteristics make this purchase unique and the City Council may agree to waive competitive bidding for these reasons. If waiver is given, the reasons for the waiver should be entered in the city minutes. The vendor has also requested a 50% down payment. Mayor Hall gave 3 reasons for waiving the Competitive bidding including: 1) They were low bidder and we were happy with their service, 2) They are a specialized vendor and equipment/parts, and 3) the equipment can be up and running more quickly. Questions were asked on what steps are being taken to insure that this does not occur again. It was stated that the tower has now been grounded. Johnson motioned approval to waive the Competitive Bidding requirement and authorize a 50% down payment, Sadler seconded the motion;
- AYE: Warner, Wade, Marshall, Greenwell, Streller, Sadler, Daylor, Johnson and Hall.
- Opposed: None
Motion carried

- 9. Consider Approval of Ordinance No. 2009-07 Amending Chapter 3 by the Addition of a new Article 3 Entitled "Miscellaneous" and by the Addition Of A New Section 3-301 of the Perry Municipal Code 2004 (2nd Biannual Supplement), Entitled "Permitting or Allowing Gatherings Where Minors Are Consuming Alcoholic Beverages"; Providing For Repealer; Savings Clause; Codification; Severability; and Emergency.** Parties are often held on private property where alcoholic beverages are consumed by minors. Often these properties are under the control of persons who know that the consumption of alcoholic beverages by minors is occurring. Additionally, persons responsible for the gatherings often fail to take reasonable steps to prevent the consumption of alcoholic beverages by minors. The purpose of this ordinance is to control gatherings on private property where alcoholic beverages are consumed by minors. Problems associated with gatherings where alcoholic beverages are consumed by minors are difficult to prevent and deter unless the City Police Department has the legal authority to arrest offenders and direct the host to disperse the gathering. Police activity to abate gatherings on private property where alcohol is consumed by minors may result in a decrease in abuse of alcohol by minors, physical alterations and injuries, neighborhood vandalism, and excessive noise disturbance, thereby improving public safety. This ordinance makes it a crime punishable by a Five Hundred Dollar (\$500.00) fine for any person in control of private property to knowingly host, permit, or allow a party, gathering, or event where minors are present consuming alcoholic beverages. It was believed that the Council considered the approval of this ordinance in 2007, but no minutes or approved

ordinance can be located. Chief Brian Thomas stated that this does not give Officers authority to go onto property without probable cause and they must witness the minor in possession. Currently they can take offenders to District Court, but this will allow local prosecution.

Greenwell motioned for the approval of Ordinance 2009-07, Johnson seconded the motion;

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

Opposed: None

Motion carried

Wade motioned approval of the Emergency Cause, Greenwell seconded the motion;

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

Opposed: None

Motion carried

10. Consider Amendments to the Policies of PIN concerning donations, sponsorship of programming and use of PIN equipment.

Due to community support for locally produced programming, the current PIN policies should be amended to detail the procedure for sponsoring programs. The amendment provides that all donations or sponsorships be made to the City of Perry/PIN TV. The Telecommunications Director will set sponsorship rates based on customary criteria, with the rates being consistent, approved by the City Manager and posted at City Hall. An additional amendment concerning the use of city-owned equipment will now require the completion of an appropriate equipment training course with program submittals consistent with PIN's mission and purpose. The policies were intentionally left vague and without set prices to allow variance due to the viewing audiences of each program. Greenwell asked if the sponsorship will be included in down streaming once City Council goes online. Warner asked for programming to include gardening, cooking and crafts. Attorney Kennedy pointed out that would move toward Public Access TV and we are trying to avoid that. Hall pointed out that we were given a second channel and hopes to use it as an Education channel for school activities and sports. Warner asked about the cost for the second channel, but surplus equipment will be used and the school may be able to help with additional equipment to continue the program.

Streller motioned approval of the PIN contract amendments, Marshall seconded the motion;

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

Opposed: Warner

Motion carried

11. Consider Approval of Ordinance No. 2009-08 Amending Chapter 8 Of The Perry Municipal Code 2004 (2nd Biannual Supplement), By The Amendment Of Section 8-109 Concerning "Open Burning"; Providing For The Regulation Of Open Burnings And Compliance With New State Law In Agricultural Districts; Providing For Savings; Severability; Repealer; Codification; Penalty; And Declaring An Emergency.

State law was recently amended requiring municipalities to permit owners of agriculturally zoned property to burn debris originating on their property following a flood or other natural disaster, after securing a permit and subject to the reasonable regulations. Currently, all open burnings are prohibited in Perry. The Fire Chief assisted in assembling the reasonable regulations that should be required to permit open burning in agriculturally zoned districts and in other locations. Permits will be required for camp fires, bon fires, ceremonial fires and burning on agriculturally zoned property. Other open burnings are banned or significantly limited. Permits extend for thirty (30) days and cost \$25.00. Mandatory revocations of permits are included based on good cause and violators can be assessed fined of \$200.00 per offense. Warner asked about common fire pits and Chimineas, which are not considered under this Ordinance. Chief Emmons will create the permit form and will require 24 hour advance notice. Signage for parks was recommended. Streller asked about the Agriculture zoned property, and burning is only allowed by State Law after a natural disaster. Any other time a permit must be obtained. Chief Emmons stated that if camping fees are paid, an additional permit fee not be required. Greenwell verified that the permit is good for 30 days.

Daylor motioned approval of Ordinance No. 2009-08, Streller seconded the motion;
AYE: Warner, Wade, Streller, Sadler, Daylor, Johnson and Hall.

Opposed: Marshall, Greenwell,
Motion carried 7-2

Daylor motioned approval of the Emergency Cause, Wade seconded the motion;
AYE: Warner, Wade, Streller, Sadler, Daylor, and Hall.

Opposed: Marshall, Greenwell, Johnson
Motion carried 6-3

12. **Discussion of Perry Armory; if appropriate, authorize City Manager to send appropriate letter of intent to the Oklahoma Department of Military.** The BRAC Commission closed numerous armories in Oklahoma and established seven (7) regional armories in Oklahoma. The Perry Armory was one of the armories closed. The State of Oklahoma owns the Perry Armory and desires to transfer ownership to the City. On May 18th, an engineer from the Oklahoma Military Department and attorney from the Oklahoma Department of Environmental Quality (“ODEQ”) discussed this possible transfer with the City Manager, City Attorney and Mayor. The procedure for transfer is as follows: The State transfers the property to the City subject to a first transfer to ODEQ for remediation purposes. The ODEQ conducts an environmental assessment on the property, takes bids and thereafter remediates any environmental problems at the facility (typically removal of asbestos and lead paint and tiles). This remediation takes about one (1) year. When the remediation is complete, ODEQ releases its interest in the property and it is owned by the City. The ODEQ also holds a formal transfer ceremony and invites the public and state and local officials. The state representatives were surprised by the good condition of the armory given its 1936 construction. The City is receiving the complete file on the armory from the state to help assess its condition and maintenance and operation expenses. The City Council discussed its possible uses, including an economic development site for a manufacturing or other industrial concern. David Payne presented the Council with a printout showing a possible floor plan and uses. Hall stated that Noble County would have the option to accept the Armory if the City chose to decline. The process is still over 1 year before finalization, all asbestos, lead and other contaminants will be removed by DEQ. Greenwell asked if we have to submit a plan for use prior to taking possession but Kennedy stated we did not but they do not want it to be used as storage. Streller asked if there is a time frame to update the building once we take possession. Hall and Kennedy stressed that if the Council decides to send the Letter of Intent, they do not want the City to back out of the deal.
- Sadler motioned to authorize the City Manager to sign the letter of intent, Daylor seconded the motion: Hall stated that for the benefit of future Council members, a plan should be put in place. Marshall does not like the idea of proceeding with a vague plan. The transfer is scheduled for September 2010.
AYE: Warner, Wade, Marshall, Greenwell, Streller, Sadler, Daylor, Johnson and Hall.
Opposed: None
Motion carried
13. **Receive the City Manager’s Report.** Jim Davis gave an update on the street project. The original promise was 175 blocks and we have exceeded that by 42 blocks. They are looking at creating a maintenance fund from the excess proceeds. Johnson asked if a priority list has been made of the remaining blocks. No priorities have been set. The railroad crossing at 11th and Birch has been repaired. The Bond was on a 10 year maturity and we are currently in year 2. BRB has finished repairs to the drawdown tower at CCC Lake and once the concrete dries, we will be back on McMurtry water.

The utility lines for Comfort Inn have been delayed due to weather. Daylor asked when the Swimming Pool was going to open and if the City was prepared to spray for mosquitoes. The interior of the pool has been painted and they are working on the pool house. An article will run in the paper once an opening date has been set.

- 14. Old Business. A. Update of Strategic Planning.** Next Strategic Planning meeting is May 19th. They are currently working to narrow the focus points and Mayor Hall would like to see more participation.
B. Collective Bargaining Agreements. Health insurance premiums will increase 20% for the FY2009-2010 year. City staff is investigating ways to contain costs and still provide for the employees and their families' health care needs. Finalizing the contracts will be continued until this study is prepared, presented to the collective bargaining units and presented to the governing body for their consideration and review.
- 15. New Business:** Jim Davis brought up the option of changing meeting times to earlier in the evening. Greenwell stated that he would be fine with 6:00 and no objections were made by other members. Johnson stated that there may be times he would be late for a 6:00 meeting, but it would be rare. Warner confirmed that it would not interfere with Municipal Court. This topic will appear on the June 1st agenda. Hall then informed the Council that the Legislature has cut all REAP funding from the Budget despite our letter of protest. Hall asked that everyone contact our Legislature and Governor expressing our strong support of REAP funding and the projects it has allowed the City to complete.
- 16. Adjourn.** Greenwell motioned to adjourn at 9:29 p.m., Johnson seconded the motion;
AYE: Warner, Wade, Marshall, Greenwell, Streller, Sadler, Daylor, Johnson and Hall.
Opposed: None
Motion carried

APPROVED THIS _____ DAY OF _____, 2009.

Mayor Charles Hall

Kyla Golay, City Clerk