

THE TRUSTEES OF THE SHAWNEE MUNICIPAL AUTHORITY OF THE CITY OF SHAWNEE, COUNTY OF POTTAWATOMIE, STATE OF OKLAHOMA, MET IN REGULAR SCHEDULED SESSION, MONDAY, AUGUST 15, 2022, DURING THE BOARD OF CITY COMMISSIONER MEETING AT 6:00 P.M., PURSUANT TO NOTICE DULY POSTED AS PRESCRIBED BY LAW AT 5:18 P.M. ON AUGUST 11, 2022. UPON ROLL CALL, A QUORUM WAS DECLARED WITH THE FOLLOWING MEMBERS IN ATTENDANCE:

PRESENT: Matthews, Engles, Flood, Bolt, Rutherford, Sehorn, Salter  
ABSENT: None

Call to Order  
Declaration of a Quorum

AGENDA ITEM NO. 1: Consider approval of Consent Agenda:

- a. Minutes from the August 1, 2022 regular meeting and the August 8, 2022 special call meeting.

A motion was made by Trustee Matthews, seconded by Trustee Flood, to approve Consent Agenda Item No. 1(a). Motion carried 6-0-1.

AYE: Matthews, Flood, Bolt, Rutherford, Salter, Engles  
NAY: None  
ABSTAIN: Sehorn

AGENDA ITEM NO. 2: Consider an executive session for discussion and possible action regarding potential claims, litigation, or other options as authorized by 25 O.S. §307(B)(4) on the recommendation of counsel that public discussion would impair the ability of the City Attorney to adequately defend the City.

A motion was made by Trustee Matthews, seconded by Trustee Rutherford, to enter into an executive session for discussion and possible action regarding potential claims, litigation, or other options as authorized by 25 O.S. §307(B)(4) on the recommendation of counsel that public discussion would impair the ability of the City Attorney to adequately defend the City. Motion carried 7-0.

AYE: Matthews, Rutherford, Sehorn, Salter, Engles, Flood, Bolt  
NAY: None

TRUSTEES ENTERED INTO EXECUTIVE SESSION AT 7:49 P.M. WITH ALL MEMBERS PRESENT.

TRUSTEES RECONVENED FROM EXECUTIVE SESSION AT 8:36 P.M. WITH ALL MEMBERS PRESENT.

AGENDA ITEM NO. 3:

Consider matters discussed in executive session regarding potential claims, litigation, or other options as authorized by 25 O.S. §307(B)(4) on the recommendation of counsel that public discussion would impair the ability of the City Attorney to adequately defend the City.

No action taken.

AGENDA ITEM NO. 4:

Reconsider and take action with respect to a resolution of the Shawnee Municipal Authority (the "Authority") approving and authorizing a Clean Water SRF loan from the Oklahoma Water Resources Board in the total aggregate principal amount of \$65,635,000.00; approving the issuance of a promissory note in the total aggregate principal amount of \$65,635,000.00, secured by a pledge of revenues and authorizing its execution; approving and authorizing the execution of a loan agreement for Clean Water SRF loan; designating a local trustee and approving and authorizing the execution of a trust agreement; approving and authorizing the execution of a security agreement; ratifying and confirming a lease agreement and operation and maintenance contract, as amended; approving various covenants; approving and authorizing payment of fees and expenses; and containing other provisions relating thereto.

A motion was made by Trustee Salter, seconded by Chairman Bolt to reconsider a resolution of the Shawnee Municipal Authority (the "Authority") approving and authorizing a Clean Water SRF loan from the Oklahoma Water Resources Board in the total aggregate principal amount of \$65,635,000.00; approving the issuance of a promissory note in the total aggregate principal amount of \$65,635,000.00, secured by a pledge of revenues and authorizing its execution; approving and authorizing the execution of a loan agreement for Clean Water SRF loan; designating a local trustee and approving and authorizing the execution of a trust agreement; approving and authorizing the execution of a security agreement; ratifying and confirming a lease agreement and operation and maintenance contract, as amended; approving various covenants; approving and authorizing payment of fees and expenses; and containing other provisions relating thereto. Motion carried 7-0.

AYE: Salter, Bolt, Rutherford, Sehorn, Matthews, Engles, Flood  
NAY: None

Ms. Andrea Weckmueller-Behringer, City Manager gave a presentation regarding the history of the Southside Wastewater Treatment Plant, the Northside Wastewater Treatment Plant, upgrade options, project cost and financial options. The Mayor and Trustees made comments and asked questions of Staff.

A motion was made by Chairman Bolt, seconded by Trustee Sehorn, to approve a resolution of the Shawnee Municipal Authority (the "Authority") approving and authorizing a Clean Water SRF loan from the Oklahoma Water Resources Board in the total aggregate principal amount of \$65,635,000.00; approving the issuance of a promissory note in the total aggregate principal amount of \$65,635,000.00, secured by a pledge of revenues and authorizing its execution; approving and authorizing the execution of a loan agreement for Clean Water SRF loan; designating a local trustee and approving and authorizing the execution of a trust agreement; approving and authorizing the execution of a security agreement; ratifying and confirming a lease agreement and operation and maintenance contract, as amended; approving various covenants; approving and authorizing payment of fees and expenses; and containing other provisions relating thereto.

Resolution No. SMA-2022-2 was introduced.

A RESOLUTION OF THE SHAWNEE MUNICIPAL AUTHORITY (THE "AUTHORITY") APPROVING AND AUTHORIZING A CLEAN WATER SRF LOAN FROM THE OKLAHOMA WATER RESOURCES BOARD IN THE TOTAL AGGREGATE PRINCIPAL AMOUNT OF \$65,635,000.00; APPROVING THE ISSUANCE OF A PROMISSORY NOTE IN THE TOTAL AGGREGATE PRINCIPAL AMOUNT OF \$65,635,000.00, SECURED BY A PLEDGE OF REVENUES AND AUTHORIZING ITS EXECUTION; APPROVING AND AUTHORIZING THE EXECUTION OF A LOAN AGREEMENT FOR CLEAN WATER SRF LOAN; DESIGNATING A LOCAL TRUSTEE AND APPROVING AND AUTHORIZING THE EXECUTION OF A TRUST AGREEMENT; APPROVING AND AUTHORIZING THE EXECUTION OF A SECURITY AGREEMENT; RATIFYING AND CONFIRMING A LEASE AGREEMENT AND OPERATION AND MAINTENANCE CONTRACT, AS AMENDED; APPROVING VARIOUS COVENANTS; APPROVING AND AUTHORIZING PAYMENT OF FEES AND EXPENSES; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

Motion carried 6-1.

AYE: Bolt, Sehorn, Salter, Matthews, Engles, Flood

NAY: Rutherford

RECESS SHAWNEE MUNICIPAL AUTHORITY MEETING BY THE POWER OF THE CHAIR TO RECONVENE CITY COMMISSION MEETING (9:23 P.M.)

RECONVENE SHAWNEE MUNICIPAL AUTHORITY MEETING BY THE POWER OF THE CHAIR (9:35 P.M.)

AGENDA ITEM NO. 5:

Confirm action taken by the City Commission on Agenda Item No. 23 with respect to an ordinance amending portions of the Shawnee Municipal Code, Chapter 26 "Utilities", by adding and adopting a utility improvement fee; and providing for repeal;

providing for severability; and providing for codification.

Ms. Andrea Weckmueller-Behringer, City Manager, stated this item confirms action taken by the City Commission on Agenda Item No. 23.

A motion was made by Trustee Matthews, seconded by Trustee Flood, to confirm action taken by the City Commission on Agenda Item No. 23 with respect to an ordinance amending portions of the Shawnee Municipal Code, Chapter 26 "Utilities", by adding and adopting a utility improvement fee; and providing for repeal; providing for severability; and providing for codification. Motion carried 7-0.

AYE: Matthews, Flood, Bolt, Rutherford, Sehorn, Salter, Engles

NAY: None

AGENDA ITEM NO. 6

Confirm action taken by the City Commission on Agenda Item No. 24 with respect to a resolution updating the City Fee Schedule by setting the monthly rate of the utility improvement fee pursuant to Chapter 26, Article II, Section 26-30, of the City Code; and providing for the re-adoption of the City Fee Schedule in whole.

Ms. Andrea Weckmueller-Behringer, City Manager, stated this item confirms action taken by the City Commission on Agenda Item No. 24.

A motion was made by Trustee Engles, seconded by Trustee Sehorn, to confirm action taken by the City Commission on Agenda Item No. 24 with respect to a resolution updating the City Fee Schedule by setting the monthly rate of the utility improvement fee pursuant to Chapter 26, Article II, Section 26-30, of the City Code; and providing for the re-adoption of the City Fee Schedule in whole. Motion carried 7-0.

AYE: Engles, Sehorn, Salter, Matthews, Flood, Bolt, Rutherford

NAY: None

AGENDA ITEM NO. 7

Consider Bids

a. Wastewater System Improvements (Award)

Mr. Joe Vorndran, City Attorney, stated that the bid opening was on August 1, 2022 and a subsequent meeting on August 8, 2022 to entertain the financing piece that was just considered at tonight's meeting. At the August 8, 2022 meeting, that item failed, which meant there would not be sufficient funding to go forth with an award of a contract on the Wastewater System Improvements project. At that time the measure failed, which meant that there was not sufficient funding to go forward with an award. At that time, Staff ceased work on their due diligence in certifying the bids, which is a normal duty and process Staff undertakes with each bid prior to an award recommendation. As a result of tonight's vote, Staff will need to reengage that process and is not ready to make a recommendation tonight. Mr. Vorndran wanted to make the Commission aware of some timeframes that are important. Oklahoma Statutes Title 61

Section 111, relating to the timing of award of contracts after a bid opening, requires that the contract award be awarded within thirty (30) days of bid opening. There is an exception that allows for an extension of that period of award by up to fifteen (15) days when the Commission determines that for good cause shown an extension should be granted. Given the facts outlaid regarding the timing of the financing and the ability of the City to proceed with the project, Staff believes that constitutes the necessary factors to meet a good cause finding by this Commission. It is the recommendation of Staff that the Commission go forward in making such a finding that good cause exists to extend the award of that contract for up to fifteen (15) days pursuant to State Statute and that the award be deferred until the September 6, 2022 Shawnee Municipal Authority meeting.

A motion was made by Trustee Matthews, seconded by Trustee Engles, that good cause does exist to extend the award to the lowest responsible bidder and therefore defer the award to the September 6, 2022 Shawnee Municipal Authority meeting. Motion carried 7-0.

AYE: Matthews, Engles, Flood, Bolt, Rutherford, Sehorn, Salter  
NAY: None

AGENDA ITEM NO. 8:

New Business (Any matter not known, or which could not have been reasonably foreseen prior to the posting of the agenda)

There was no New Business.

AGENDA ITEM NO. 9:

Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (9:43 p.m.)

ATTEST:

Lisa Laszone  
LISA LASYONE, CMC, CITY CLERK



Ed Bolt  
ED BOLT, CHAIRMAN