

AGENDA  
SHAWNEE MUNICIPAL AUTHORITY  
March 16, 2015 AT 6:30 P.M.  
COMMISSION CHAMBERS AT CITY HALL  
SHAWNEE, OKLAHOMA

CALL TO ORDER

DECLARATION OF A QUORUM

All motions will be made in the affirmative. The fact that a commissioner makes or offers a second to a motion does not mean that the commissioner must vote in favor of passage.

1. Consider approval of Consent Agenda:
  - a. Minutes from the March 2, 2015 meeting.
2. Consideration, discussion and possible action on agreement with the Barbara Rauch for legal services in connection with matters related to the protection and expansion of the City of Shawnee's utility services. *(Tabled from March 2, 2015 Shawnee Municipal Authority Meeting.)*
3. Consider Bids:
  - a. Shawnee Lake Maintenance/Office Building (Open)
4. New Business

(Any matter not known about or which could not have been reasonably foreseen prior to the posting of the agenda)
5. Adjournment

Respectfully submitted

Phyllis Loftis, CMC, City Clerk

**Shawnee Municipal Authority**

**1. a.**

**Meeting Date:** 03/16/2015

SMA Minutes 3-2-2015

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

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Information

Title of Item for Agenda

Minutes from the March 2, 2015 meeting.

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Attachments

SMA Minutes 3-2-2015

THE TRUSTEES OF THE SHAWNEE MUNICIPAL AUTHORITY OF THE CITY OF SHAWNEE, COUNTY OF POTTAWATOMIE, STATE OF OKLAHOMA, MET IN REGULAR SCHEDULED SESSION IN THE COMMISSION CHAMBERS AT CITY HALL, 9TH AND BROADWAY, SHAWNEE, OKLAHOMA, MONDAY, MARCH 2, 2015, DURING THE BOARD OF CITY COMMISSIONERS MEETING AT 6:30 P.M., PURSUANT TO NOTICE DULY POSTED AS PRESCRIBED BY LAW. UPON ROLL CALL, A QUORUM WAS DECLARED WITH THE FOLLOWING MEMBERS IN ATTENDANCE:

PRESENT: Agee, Harrod, Mainord, Hall, Shaw, Dykstra

ABSENT: Vogel

Call to Order

Declaration of a Quorum

AGENDA ITEM NO. 1: Consider approval of Consent Agenda

a. Minutes from the February 17, 2015 meeting.

A motion was made by Trustee Harrod, seconded by Trustee Agee, to approve Consent Agenda item No. 1(a). Motion carried 6-0.

AYE: Harrod, Agee, Mainord, Hall, Shaw, Dykstra

NAY: None

AGENDA ITEM NO. 2: Consideration, discussion and possible action on agreement with the Barbara Rauch for legal services in connection with matters related to the protection and expansion of the City of Shawnee's utility services.

A motion was made by Trustee Dykstra, seconded by Trustee Shaw, to table the item until the March 16, 2015 Shawnee Municipal Authority meeting. Motion carried 6-0.

AYE: Dykstra, Shaw, Agee, Harrod, Mainord, Hall

NAY: None

AGENDA ITEM NO. 3:

Consider Bids:

a. Emergency Generator Projects Contract No. SMA-15-04 (Award)

Public Works Director Steve Nelms announced that three bids were received and after review and consideration it was staff's recommendation to award the bid to the second lowest bidder All Phase Electric, Inc. of Shawnee, Oklahoma in the total amount of \$78,664.00.

A motion was made by Trustee Harrod, seconded by Trustee Dykstra, to accept staff's recommendation and award the bid to All Phase Electric Inc. in the total amount of \$78,664.00. Motion carried 6-0.

AYE: Harrod, Dykstra, Agee, Mainord, Hall, Shaw

NAY: None

b. Tennessee Lift Station Rehabilitation Contract No. SMA-15-03 (Award)

Public Works Director Steve Nelms announced that four bids were received and after review and consideration it was staff's recommendation to award the bid to the second lowest bidder Jordan Contractors, Inc. of Tecumseh, Oklahoma in the total amount of \$147,650.00.

A motion was made by Trustee Harrod, seconded by Trustee Dykstra, to accept staff's recommendation and award the bid to Jordan Contractors, Inc. in the total amount of \$147,650.00. Motion carried 6-0.

AYE: Harrod, Dykstra, Agee, Mainord, Hall, Shaw

NAY: None

AGENDA ITEM NO. 4:

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

There was no New Business.

AGENDA ITEM NO. 5:

Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (7:00 p.m.)

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WES MAINORD  
CHAIRMAN

ATTEST:

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PHYLLIS LOFTIS, CMC, CITY CLERK  
SECRETARY

**Shawnee Municipal Authority**

**2.**

**Meeting Date:** 03/16/2015

Rauch Agreement

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

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Information

Title of Item for Agenda

Consideration, discussion and possible action on agreement with the Barbara Rauch for legal services in connection with matters related to the protection and expansion of the City of Shawnee's utility services.  
*(Tabled from March 2, 2015 Shawnee Municipal Authority Meeting.)*

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Attachments

Rauch Memo

Rauce Letter

**Mayor**  
**WES MAINORD**



**CITY ATTORNEY**  
**MARY ANN KARNS**

## **The City of Shawnee**

16 W. 9<sup>th</sup> St.  
P.O. Box 1448  
Shawnee, Oklahoma 74802-1448  
Tel: (405) 878-1686  
Fax: (405) 214-4249  
[maryann.karns@shawneeok.org](mailto:maryann.karns@shawneeok.org)  
[www.ShawneeOK.org](http://www.ShawneeOK.org)

**Commissioners**  
**GARY VOGEL**  
**LINDA AGEE**  
**JAMES HARROD**  
**KEITH HALL**  
**LESA SHAW**  
**MICHEAL DYKSTRA**

### **MEMORANDUM**

**To:** Mayor and City Commissioners  
**From:** Mary Ann Karns, City Attorney  
**Re:** Engagement Letter with Barbara Rauch  
**Date:** March 2, 2015

In March 2013, the City/SMA, at the recommendation of Mike Wofford, hired Barbara Rauch as a consultant in connection with the City's concerns about encroachment into its water and sewer service area. (At that time, Mr. Wofford's firm was providing legal representation in that matter.) Ms Rauch was engaged primarily because of her years of experience at the Oklahoma Department of Environmental Quality, including working with tribal nations as well as other governmental and private entities. She has not been hired to provide legal advice. She has met with the Trustees in the past. She has been able to gather documents for us more cheaply than law firms could do, and has provided insight for us with regard to dealings with ODEQ and also the Oklahoma Water Resources Board.

I have discussed her role going forward with her and we have reduced those discussions to writing. I cannot give you a "cap" for what we might pay her. That amount is determined by the work to be done and how long it takes. The expenditure is controlled by the budget approval process.

**Barbara Rauch, Esq.**  
**Attorney at Law**

RECEIVED  
FEB 12 2015  
CITY ATTORNEY

Mary Ann Karns, Esq.  
City Attorney  
City of Shawnee  
16 W. 9<sup>th</sup> Street  
Shawnee, Oklahoma 74801

Dear Ms. Karns:

I have agreed to work as a legal consultant with you and the Shawnee Municipal Authority for the purpose of providing fact gathering and other professional services regarding the protection and expansion of utility services, including but not limited to water line extensions to certain residents, as well as other assistance and fact gathering investigations performed at your request or the request of another attorney acting as your designee.

Additionally, my responsibilities under this agreement include discussions with attorneys, technical staff and other officials of the Oklahoma Secretary of the Environment's Office, the Oklahoma Department of Environmental Quality, and the Oklahoma Water Resources Board, as well as local governments and federal agencies regarding environmental matters concerning the City and issues arising therefrom.

In working directly for you or any attorney you designate, communications between us shall be privileged as attorney client privilege and all work shall be protected as my attorney work product.

Further, as agreed, my fee for these consulting services is \$100.00 per hour, including travel time, plus reasonable expenses.

Thank you for the opportunity to work with you and the Shawnee Municipal Authority.

Sincerely,



Barbara Rauch, Esq.  
February 1, 2015

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WES MAINORD, Mayor  
Shawnee Municipal Authority

ATTEST:

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PHYLLIS LOFTIS, CMC  
Authority Secretary

**Shawnee Municipal Authority**

**3. a.**

**Meeting Date:** 03/16/2015

Bids Lake Bldg

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

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Information

Title of Item for Agenda

Shawnee Lake Maintenance/Office Building (Open)

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Attachments

Lake Bldg Notice

SMA Lake Bldg Plan Holders

## NOTICE TO BIDDERS

Sealed bids will be received by the City of Shawnee, 9th & Broadway, P. O. Box 1448, Shawnee, Oklahoma, up to 4:00 p.m., Monday, March 16, 2015, for:

### **Shawnee Lake Maintenance/Office Building**

**Instructions and Bid Documents are available to qualified bidders at:**

Reidprographics  
6800 N. Shartel Oklahoma City, Ok 73116  
[asap@reidprographics.com](mailto:asap@reidprographics.com)  
Phone 405-848-7274  
Fax 405-848-0086

**Instructions and Bid Documents can be viewed at:**

Fairview Cemetery Office, 1400 north Center Street Shawnee, Oklahoma 74801  
8:00 am to 4:00 pm Monday – Friday.

Price Group Architects, 1129 N. Kickapoo Ave. Shawnee, Ok 74801  
(405) 273-2200

Southwest Construction News Service, 2811 NW 36<sup>th</sup> Oklahoma City, Ok 73112

Each bid shall be filed in a sealed envelope. On the front of each envelope shall be written the following words to the left of the address:

### **BID - Shawnee Lake Maintenance/Office Building March 16, 2015**

The ORIGINAL bid shall be filed with the City Clerk of the City of Shawnee at **16 W. 9<sup>th</sup> Street**, together with a sworn non-collusion affidavit in writing that the bidder has not entered into any agreement, expressed or implied, with any other bidder, or bidders, for the purpose of limiting the bid, or bidders or parcel out to any bidder, or bidders or any other persons, any part of the contract or subject matter of the bid.

Bids will be opened and considered by the Board of City Commissioners at a Public Meeting in the City Hall Commission Chambers, 16 W. 9<sup>th</sup> Street Shawnee, Oklahoma 74801, at 6:30 p.m., Monday, March 16, 2015.

The City of Shawnee reserves the right to reject any or all bids.

CITY OF SHAWNEE, A Municipal Corporation  
By: Justin Erickson  
Justin Erickson, Interim City Manager

(SEAL)  
ATTEST:  
Phyllis Loftis  
Phyllis Loftis, CMC, City Clerk

## **Lake Maintenance/Office Building**

### Notice to Bidders

Shawnee News Star

City of Shawnee Web

Southwest Construction News

### Plan Holders List

Greg Rodgers

Greg Rodgers Electric

Martin Benn

Sagemill Construction

Brandon Columbus

Oklahoma Construction

TaMel Sisney

CMD