

**RESOLUTION NO. 06-26-2020**

WHEREAS, the Trustees of the Spencer Utilities Authority have determined to issue an aggregate principal amount of not to exceed \$8,850,000.00 Revenue Bonds Series 2020 of the Authority (to be issued in both taxable and tax-exempt form), to retire existing indebtedness and other obligations of the Authority and the City, and to provide funds for capital improvements for the Authority and the City of Spencer, Oklahoma, the beneficiary of the Authority; and

WHEREAS, the Authority has offered to sell its Revenue Bonds Series 2020 evidencing the aforesaid indebtedness at a purchase price of not less than Ninety-eight and fifteen hundredths percentum (98.15%) of the principal amount thereof, plus accrued interest on said Bonds from the date thereof, to the date of delivery thereof, said Bonds to bear interest at the combined aggregate average annual rate of not to exceed Four and sixty-five hundredths percentum (4.65%); and

WHEREAS, the Authority has determined in order to effect the issuance and delivery of the aforesaid Bonds, that Johanning & Byrom, PLLC be designated as Bond Counsel and The Baker Group LP be designated as Financial Advisor to the Authority; and

WHEREAS, it would be in the best interest of the Trust Estate of the Authority that the sale and issuance of said Bonds be contractually confirmed at this time;

**BE IT RESOLVED BY THE TRUSTEES OF SPENCER UTILITIES  
AUTHORITY:**

**SECTION 1.** The aforesaid Bonds of the Authority are hereby authorized to be sold. The Chairman or Vice-Chairman and Secretary of Trustees hereby are authorized and directed, upon behalf of the Authority, to determine the form and substance of, and to execute, attest and deliver a Contract for the sale of said Bonds, all for and on behalf of the Authority. Competitive bidding upon the aforesaid Bonds hereby is expressly waived. The sale of said Bonds at a discount of not more than One and eighty-five hundredths percent (1.85%) hereby is expressly approved.

**SECTION 2.** The Chairman or Vice-Chairman and Secretary of Trustees hereby are authorized and directed, for and on behalf of the Authority, to determine the form and substance of, and to execute, attest and affix the seal of the Authority to and deliver said Bonds, a Continuing Disclosure Agreement and a Revenue Bond Indenture providing for the issuance of and securing them, and any and all certificates, receipts, instruments and other writings and to do and perform any and all acts upon behalf of the Authority and the Trustees thereof requisite to the issuance and delivery of said Bonds and of said Revenue Bond Indenture in accordance with the terms and provisions thereof, and the Chairman or Vice-Chairman of Trustees of the Authority further is authorized, for and on behalf of the Authority and the Trustees thereof, to direct the disbursement and disposition of the proceeds of said Bonds and to do and perform all other acts necessary or convenient to the delivery of the aforesaid Bonds and Revenue Bond Indenture and to effect such disbursement and disposition in meeting the obligations of the Authority and the Trustees thereof in relation to the purposes for which said bonded indebtedness is incurred.

ADOPTED this 26th day of June, 2020.

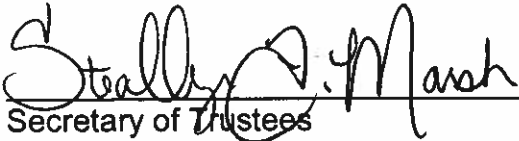
  
\_\_\_\_\_  
Chairman of Trustees

ATTEST: (Seal)  
  
  
\_\_\_\_\_  
Secretary of Trustees

Law Office  
**JOHANNING & BYROM, PLLC**  
Oklahoma City

I, the undersigned Secretary of Trustees of the Spencer Utilities Authority, a public trust, hereby certify that the foregoing is a true, correct and complete copy of a Resolution adopted by the Trustees of said Authority at a meeting held on the date therein stated, as the same appears on file in my office as a part of the official records thereof.



  
Secretary of Trustees

**CITY OF SPENCER**  
**Regular Joint City Council & Utility Authority Meeting**  
**Thursday, May 21, 2020 at 7:00 p.m.**

Pursuant to legal notice required by the Oklahoma Open Meeting Act, including posting of an agenda as required by the terms, thereof, the Spencer City Council & Utility Authority met in regular session on May 21, 2020 via Zoom virtual meeting.

**Minutes**

**Item No.**

1. Meeting was called to order at 7:02 p.m.
2. Roll Call and declaration that a quorum is present.

	<u>Present</u>	<u>Absent</u>
Chairman/Mayor Calvin	X	
Vice Chairman/Mayor Scanlan	X	
Trustee/Council Member Talley	X	
Trustee/Council Member Andrews	X	
Trustee/Council Member Canaday	X	

**A quorum was declared and the meeting went forward.**

3. The Flag Salute and Invocation by Mayor Calvin
4. Citizens desiring to be heard: Citizens desiring to be heard will be given three (3) minutes to speak on any item on the agenda. Citizens must have signed up by 12 Noon the Wednesday before the meeting in order to be recognized. Public Participation Resolution # 35-07-05. Postponed until the next meeting  
Dorcine Redo – 3711 Redbud Dr. Spencer, OK 73084 – Banning Fireworks in the City of Spencer.

Asking the City Council to ban firework in the City of Spencer. Every year it get worst with non-citizens of Spencer come out liter the city with trash from the fireworks. She stated that she has suffered damage to her home from fireworks. Would like the ban to be specifically for residential areas. A suggestion would be to not ban in the areas with larger acres.

5. **NEW BUSINESS.** Discussion, consideration, and possible of New Business item/s, and direct City Staff to take appropriate action... (“New Business,” as used herein, shall mean any matter not know about or which could not have been reasonably foreseen prior to the time of posting.)

**The fatal shooting that occurred in Bintree Addition on early morning of Thursday, May 21, 2020. City Manager Long reported that no call were made to the dispatcher for Spencer nor Oklahoma County regarding the shooting. The shooting was believed to happen around 2 a.m. with no officials being called until 7 a.m. Once called the Spencer Police department did an awesome job. He also stated that they’ve learned that this was gang related. Mr. Long stated that he has been in contact with the media outlets to make sure that a uniformed statement is reported.**

**6. CONSENT DOCKET:** (individual items may be deleted from the Consent Docket under item #6).

6.1. Approval/Ratification of the Joint City Council & Utility Authority meeting minutes from March 19, 2020. (GG)

6.2. Approval/Ratification of the Joint City Council & Utility Authority meeting minutes from April 16, 2020

6.3. Approval/Ratification of April 2020 bi-weekly Payroll and Accounts Payables. (GG)

6.4. Resolution to Amend - The Agreement Establishing OMAG.

6.5. District #1 Oklahoma County Mutual Aide Agreement.

**Vice Chairman/Mayor Scanlan motioned to approve the CONSENT DOCKET items 6.1-6.5. Trustee/Council Member Andrews seconded the motion. The vote was as follows. Yeas: Trustee/Council Member Andrews, Trustee/Council Member Talley, Vice Chairman/Mayor Scanlan and Chairman/Mayor Calvin Abstain: Trustee/Council Member Canaday, Trustee/Council Nays:**

7. Discussion on items to be removed from the Consent Document. (GO & UA)

**None**

**Move to the Utility Authority**

5.1. Approve Evans Enterprises for Repair of 2nd 25 HP Pump for Liberty Lift Station for \$7869.98.

**Trustee/Council Member Talley motioned to approve the CONSENT DOCKET items 5.1. Trustee/Council Member Andrews seconded the motion. The vote was as follows. Yeas: Trustee/Council Member Andrews, Trustee/Council Member Talley, Vice Chairman/Mayor Scanlan and Chairman/Mayor Calvin Abstain: Trustee/Council Member Canaday, Trustee/Council Nays:**

6. Discussion, consideration, and possible action on items removed from the Consent Docket. **NONE**

7. BUSINESS AGENDA: Discussion, consideration and possible action:

7.1. Replacement/Repair of Wastewater Treatment Plant.

Discussion: Had a number issues at the Spencer Waste Water Treatment Plant dealing with the clarifier. City Manager Long asked City Engineer Peacock to look into the problem take a look at and review it to report back to council on his findings. City Engineer Peacock the rubber has worn out and the arms will need to be replaced. City Engineer has gone out and put together a price to replace the arms and also scum buckets need to be replace. The cost will be \$25,000. This needed to be done because eventually the motor will over be overworked and need to be replaced. The life of the parts are 20 – 25 years. Timeline to get this done is six weeks.

**Vice Chairman/Mayor Scanlan motioned to approve to move forward with Replacement/Repair of Wastewater Treatment Plant. Trustee/Council Member Talley seconded the motion. The vote was as follows. Yeas: Trustee/Council Member Andrews, Trustee/Council Member Talley, Vice Chairman/Mayor Scanlan and Chairman/Mayor Calvin Abstain: Nays: Trustee/Council Member Canaday,**

## **Move to Regular City Council**

### **8. BUSINESS AGENDA: Discussion, consideration and possible action:**

#### **8.1. IAFF Collective Bargaining Agreement**

**Discussion: The most frustrating thing as City Manager Long worked on this was the retaining staff. As he sat down with IAFF that he wanted a plan of action to stop this leakages.**

**Developing a program to sustain employees.**

**Proposed to change the package with Blue Cross Blue Shield to save the city of Spencer \$5000. Currently we are paying 14,000 a month for all employees.**

**Building a department of retention plan with incentive to retain employees.**

**\*Complete details of the proposal is provided in the council's packets.**

**Trustee/Council Member Canaday motioned to approve the IAFF Collective Bargaining Agreement. Vice Chairman/Mayor Scanlan seconded the motion. The vote was as follows. Yeas: Trustee/Council Member Canaday, Trustee/Council Member Andrews, Trustee/Council Member Talley, Vice Chairman/Mayor Scanlan and Chairman/Mayor Calvin Abstain: Trustee/Council Nays:**

#### **8.2. VISION23 Grant Application.**

##### **DISCUSSION ONLY**

**Grant application: Vision 23 a plan that City Manager Long and Mayor Calvin discussed with Midwest City to discuss the opportunity and redoing the landscape of the 23<sup>rd</sup> corridor and later decided to bring in the County. They decided to make both sides of the 23<sup>rd</sup> corridor look identical. Basically cleaning up 23<sup>rd</sup> corridor and make it business friendly. This will be a way to attract move businesses. OU has a program that will design the corridor landscaping and will be working with this grant program.**

**\*Funding and documents are outline in the packets of the council.**

#### **8.3. Republic First National – ratification of minutes from June 20, 2019 and July 18, 2019, approving loan document for**

**Fire Truck.**

**1. Determination of Need.** The Governing Body of Obligor has determined that a true and very real need exists for the acquisition of the Equipment described on Exhibit A of the Government Obligation Contract dated as of April 20, 2020, between City of Spencer, Oklahoma (Obligor) and Republic First National Corporation (Obligee).

**2. Approval and Authorization.** The Governing Body of Obligor has determined that the Contract, substantially in the form presented to this meeting, is in the best interests of the Obligor for the acquisition of such Equipment, and the Governing Body hereby approves the entering into of the Contract by the Obligor and hereby designates and authorizes the following person(s) to execute and deliver the Contract on Obligor's behalf with such changes thereto as such person(s) deem(s) appropriate, and any related documents, including any Escrow Agreement, necessary to the consummation of the transaction contemplated by the Contract.

**3. Adoption of Resolution.** The signatures below from the designated individuals from the Governing Body of the Obligor evidence the adoption by the Governing Body of this Resolution.

Discussion: Payment schedule can be found in the council packets.

Finalizing the loose ends with Republic First Nationals to be able to move forward to complete the process.

The delivery date of the truck is expected in June 2020.

**Trustee/Council Member Andrews motioned to approve** ratification of minutes from June 20, 2019 and July 18, 2019, approving loan document for Fire Truck. 1 – 3. **Trustee/Council Member Talley seconded the motion. The vote was as follows. Yeas: Trustee/Council Member Canaday, Trustee/Council Member Andrews, Trustee/Council Member Talley, Vice Chairman/Mayor Scanlan and Chairman/Mayor Calvin Abstain: Trustee/Council Nays:**

8.4. Large Animal Ordinance – Trustee/Council Member Tonni Canaday.

Continued discuss. Council still needing additional information and research. This has been TABLE again for additional information.

### **Move to Joint Council and Utility Authority\*\* DISCUSSION ONLY**

8.5. Consider and discuss the refinancing and capital improvements project of the City and the Spencer Utilities Authority.

Discussion: City Manager Long asked Chris Byrom and Greg Nieto (from the Baker Group Financial Advisor)

Breakdown information and stats are in the council packet.

Basically to move forward the city needs to be able to restructure the bonds in order to be able to apply for new federal grants.

Possible option is to stretch out the payment over 30 years and create a brand new bond.

7.2. Refinancing of Municipal Bonds.

### **Move to Utility Authority**

7.3 Consider and adopt a Resolution authorizing the sale, issuance and delivery of bonds of the Authority; designating Bond Counsel and Financial Advisor; authorizing sale thereof at a discount; waiving competitive bidding thereon; and containing other provisions relating thereto.

What does this mean? 80% negotiated bases for municipals go out and seek what is the best term on the behalf of the municipal.

**Vice Chairman/Mayor Scanlan motioned to approve Consider and adopt a Resolution authorizing the sale, issuance and delivery of bonds of the Authority; designating Bond Counsel and Financial Advisor; authorizing sale thereof at a discount; waiving competitive bidding thereon; and containing other provisions relating thereto. Trustee/Council Member Talley seconded the motion. The vote was as follows. Yeas: Trustee/Council Member Andrews, Trustee/Council Member Talley, Vice Chairman/Mayor Scanlan and Chairman/Mayor Calvin Abstain: Trustee/Council Nays: Trustee/Council Member Canaday**

### **Move to Council Meeting**

8.6. Consider and adopt a Resolution approving the incurring of indebtedness by the Spencer Utilities Authority; consenting to the issuance of bonds evidencing the same; waiving competitive bidding thereon; and declaring an emergency.

**Trustee/Council Member Andrews motioned to approve Consider and adopt a Resolution approving the incurring of indebtedness by the Spencer Utilities Authority; consenting to the issuance of bonds evidencing the same; waiving competitive bidding thereon; and declaring an emergency.. Trustee/Council Member Talley seconded the motion. The vote was as follows. Yeas: Trustee/Council Member Andrews, Trustee/Council Member Talley, Vice Chairman/Mayor Scanlan and Chairman/Mayor Calvin Abstain: Trustee/Council Nays: Trustee/Council Member Canaday**

### **\*\*Declaring an emergency item**

**Trustee/Council Member Talley motioned to approve declaring an emergency item. Trustee/Council Member Andrews seconded the motion. The vote was as follows. Yeas: Trustee/Council Member Andrews, Trustee/Council Member Talley, Vice Chairman/Mayor Scanlan and Chairman/Mayor Calvin Abstain: Trustee/Council Nays: Trustee/Council Member Canaday**



8.7. Consider and adopt a Resolution appropriating sales tax proceeds to the Spencer Utilities Authority.

**Trustee/Council Member Talley motioned to approve Consider and adopt a Resolution appropriating sales tax proceeds to the Spencer Utilities Authority. Trustee/Council Member Andrews seconded the motion. The vote was as follows. Yeas: Trustee/Council Member Andrews, Trustee/Council Member Talley, Vice Chairman/Mayor Scanlan and Chairman/Mayor Calvin Abstain: Trustee/Council Nays: Trustee/Council Member Canaday**

## **9. EXECUTIVE SESSION:**

9.1. Discussion, consideration, and possible action to enter into Executive Session pursuant to and authorized by 25O.S. Section 307(B)(4) Confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest. (GG & UA)

**None**

10. Possible Action on Executive Session Items. (GG & UA)

**None**

11. Remarks and Comments.

- No Comment: Council Members Canaday
- Council Member Talley: Requested that we not have another marathon meeting on Zoom.
- Is praying for everyone and ask everyone to stay safe.
- Vice Mayor Scanlan: Sometimes you have to spend money to make money.
- Council Member Andrews: Would like to council to take serious consideration regarding citizen Ms. Redo regarding the banning fireworks in the City of Spencer.
- Tanya Mustin: Thanked Mayor Calvin and Vice Mayor Scanlan for their support of the Star Spencer High School 2020 graduation class and the celebration parade.
- Mayor Calvin: COVID-19 is still active and asked that everyone continue to stay safe.

12. Adjournment

**The meeting adjourned at 9:38 p.m.**

Respectfully Submitted,

*Tanya Mustin*

Tanya Mustin, Minute Taker

**CITY OF SPENCER**  
**Special Joint City Council & Utility Authority Meeting**  
**Friday, June 26, 2020 at 3:00 p.m.**

In accordance with Senate Bill 661, which temporarily modified the Open Meeting Act as approved by Governor Stitt on March 18, 2020, the Spencer City Council and Utility Authority will host a virtual meeting option until the State of Emergency is lifted.

**Minutes**

**Item No.**

1. Meeting was called to order at 3:09 p.m.
2. Roll Call and declaration that a quorum is present.

	<u>Present</u>	<u>Absent</u>
Chairman/Mayor Calvin	X	
Vice Chairman/Mayor Scanlan	X	
Trustee/Council Member Talley	X	
Trustee/Council Member Andrews	X	
Trustee/Council Member Canaday		X

**A quorum was declared and the meeting went forward.**

3. The Flag Salute was led by Vice Mayor Scanlan and Invocation by Mayor Calvin
4. Discussion, consideration and possible action: To adopt a Resolution approving the incurring of indebtedness by the Spencer Utilities Authority; consenting to the issuance of bonds evidencing the same; waiving competitive bidding thereon; and declaring an emergency. – Interest rate went up due to the spike in the virus, need more wiggle room.

**Motion to Adopt Resolution:**

	<u>Motion</u>	<u>2nd</u>	<u>Yes</u>	<u>Abstain/No</u>
Chairman/Mayor Calvin			X	
Vice Chairman/Mayor Scanlan			X	
Trustee/Council Member Talley	X		X	
Trustee/Council Member Andrews		X	X	
Trustee/Council Member Canaday				

**Motion to adopt Emergency Clause:**

	<u>Motion</u>	<u>2nd</u>	<u>Yes</u>	<u>Abstain/No</u>
Chairman/Mayor Calvin			X	
Vice Chairman/Mayor Scanlan			X	
Trustee/Council Member Talley	X		X	
Trustee/Council Member Andrews		X	X	
Trustee/Council Member Canaday				

### Move to Utility Authority

3.1. To adopt a Resolution approving the incurring of indebtedness by the Spencer Utilities Authority; consenting to the issuance of bonds evidencing the same; waiving competitive bidding thereon; and declaring an emergency.

Motion to adopt Resolution:

	<u>Motion</u>	<u>2nd</u>	<u>Yes</u>	<u>Abstain/No</u>
Chairman/Mayor Calvin			X	
Vice Chairman/Mayor Scanlan			X	
Trustee/Council Member Talley	X		X	
Trustee/Council Member Andrews		X	X	
Trustee/Council Member Canaday				

5. Remarks and Comments. None.

6. Adjournment 3:17 pm

Respectfully Submitted,

*Steallyn F. Marsh*

Steallyn F. Marsh, City Clerk - Minute Taker