City of Bixby
Bixby Public Works Authority
Meeting Agenda

Monday, May 22, 2023	**Immediately Following the City Council Meeting**	**City Hall Municipal Building 116 W. Needles Ave., Bixby, OK 74008**

Public comments are limited to items on the agenda. Those wishing to speak on agenda items will need to appear in the City Council Chamber.

Call to Order

Chairman

Roll Call

Shannon Duran, City Clerk

Consent Agenda

Secretary's Report

Consider and Approve:

1) Minutes for the Bixby Public Works Authority Meeting dated 05/08/23.

2) Consider and/or approve purchase order to Oklahoma Municipal Assurance Group for renewal of City's general liability and automobile insurance in the amount of $28,451.00. (BPWA's portion of total bill)

3) Consider and/or approve purchase order to Oklahoma Municipal Assurance Group for renewal of BPWA's property insurance in the amount of $86,753.84. (BPWA's portion of total bill)

Regular Agenda

1) Consider, discuss, and approve Ordinance Number 2445, Bixby Easement Closure (B.X.E.C.) Number 23.01 Murdoch. A partial easement closure of a waterline easement blanketing a property located in Section 9 Township 17 North Range 13 East in the City of Jenks.

Justin Dowd, Assistant City Engineer

2) Discussion, consideration, and possible vote for approval of an Emergency Clause for Ordinance number 2445, making it effective immediately upon passage and approval.

Justin Dowd, Assistant City Engineer

3) New Business
In accordance with the Open Meeting act, Title 25 O.S. § 311.A.10, new business is defined as any matter not known about or which could not have been reasonably foreseen prior to the time of posting the agenda.

4) Adjournment

Notice of Posting

This Notice and Agenda was posted on the bulletin board this day of May 19, 2023, on or before 6:00 p.m., at City Hall, 116 W. Needles Bixby, Oklahoma.

Respectfully Submitted

Shannon Duran
City Clerk

Note: All cell phones and pagers must be turned off or operated silently during all meetings.

21 O.S. Section 280 provides the following: A. It is unlawful for any person, alone or in concert with others and without authorization, to willfully disturb, interfere or disrupt state business, agency operations or any employee, agent, official or representative of the state. B. It is unlawful for any person who is without authority or who is causing any disturbance, interference or disruption to willfully refuse to disperse or leave any property, building or structure owned, leased or occupied by state officials, employees, agents or representatives or used in any manner to conduct state business or operations after proper notice by a peace officer, sergeant-at-arms, or other security personnel. C. Any violation of the provisions of this section shall be a misdemeanor punishable by imprisonment in the county jail for a term Oklahoma Statutes - Title 21. Crimes and Punishments Page 94 of not more than one (1) year, by a fine not exceeding One Thousand Dollars ($1,000.00), or by both such fine and imprisonment. D. For purposes of this section, “disturb, interfere or disrupt” means any conduct that is violent, threatening, abusive, obscene, or that jeopardizes the safety of self or others.

For Special Accommodations

Persons who require a special accommodation to participate in this meeting should contact City Clerk, Shannon Duran: 116 West Needles Avenue, Bixby, Oklahoma, 918-366-4430 or email City Clerk, Shannon Duran (sduran@bixbyok.gov), as far in advance as possible and preferably at least 48-hours before the date of the meeting. Persons using a Telecommunication Device for the Deaf may contact Oklahoma Relay at 1-800-722-0353 and voice calls should be made to 1-800-522-8506 to communicate via telephone with hearing telephone users and vice versa.

Consent Agenda Item Commentary

Item Title

Minutes for the Bixby Public Works Authority Meeting dated 05/08/23.

Initiator

Staff Information Source

Background

Exhibits

1. BPWA 05/08/23

Key Issue

Council Action

Recommendation

Item No: 1.

Meeting Date

May 22, 2023

Meeting

Bixby Public Works Authority Agenda 05/22/23

Bixby Public Works Authority Meeting Minutes

City Hall Municipal Building
116 W. Needles Ave., Bixby, OK 74008
May 8, 2023 at 6:00 PM

Call to Order

Mayor Guthrie called the Bixby Public Works Authority Meeting to order at 6:22 pm.

Roll Call

Shannon Duran, City Clerk, called the roll, and the following were present:

Members Present
Mayor Guthrie
Vice Mayor Founds
Councilor Girard
Councilor Revelis (Not Present)
Councilor Hirshey (Not Present)

Staff Present
Jared Cottle, City Manager
Shannon Duran, City Clerk
Phil Frazier, City Attorney
Charles Barnes, Finance Director
Bea Aamodt, Public Works Director
OC Walker, City Planner
Todd Blish, Police Chief
Mike Butler, Fire Chief
Justin Dowd, City Engineer
Bryan Toney, Public Information Officer

Consent Agenda

1) Minutes for the Bixby Public Works Authority Meeting dated 4/24/23.

2) Consider and/or approve 2023-2024 Oklahoma Municipal League service Fees in the amount of $12,454.75 (BPWA portion).

3) Discussion and possible action to enter into a contract with CBEW for the FY-23 audit in the amount of $9,950 (BPWA portion).

Mayor Guthrie said Item 1-3 on the Consent Agenda is up for discussion and consideration.

Mayor Guthrie asks for a motion to approve item 1-3. Vice Mayor Founds made a motion to approve, seconded by Councilor Girard. The vote was taken with the following results:

Carried:3-0
Ayes: Founds, Girard, Guthrie
Nays: 0

Regular Agenda

1) Discuss and/or approve a Proclamation declaring May 21-27, 2023, "Public Works Week".

   Mayor Guthrie said Item 1 on the Regular Agenda is up for discussion and consideration.
   Item presented by Bea Aamodt

   Mayor Guthrie asks for a motion to approve item 1. Councilor Girard made a motion to approve, seconded by Vice Mayor Founds. The vote was taken with the following results:

   Carried:3-0

   Ayes: Girard, Founds, Guthrie
   Nays: 0

   Mayor Guthrie reads the Public Works Week Proclamation.

2) New Business
   In accordance with the Open Meeting act, Title 25 O.S. § 311.A.10, new business is defined as any matter not known about or which could not have been reasonably foreseen prior to the time of posting the agenda.

3) Adjournment

   Adjournment was called at 6:24 pm

_____
Mayor

_____
City Clerk

Consent Agenda Item Commentary

Item Title

Consider and/or approve purchase order to Oklahoma Municipal Assurance Group for renewal of City's general liability and automobile insurance in the amount of $28,451.00. (BPWA's portion of total bill)

Initiator

Charles Barnes

Staff Information Source

Charles Barnes

Background

The City's total general liability and automobile insurance for FY-24 is $128,428. This represents a $13,143.00 or 11% increase over last year.

Exhibits

1. Bixby GLA140043607 Renewal Invoice and Letter 20230510

Key Issue

General liability and automobile insurance coverage for FY-24.

Council Action

Approve or deny

Recommendation

Approve

Item No: 2.

Meeting Date

May 22, 2023

Meeting

Bixby Public Works Authority Agenda 05/22/23

3650 S. Boulevard • Edmond, OK 73013 • omag.org
405.657.1400 • 800.234.9461 • FAX 405.657.1401

Date of Invoice: 5/10/2023

INVOICE

Mail To:	Insured: City of Bixby
City of Bixby P.O. Box 70 Bixby, Oklahoma 74008-0070	Policy No.: GLA140043607 Policy Type: General Liability/Auto Effective Date: 7/1/2023 Expiration Date: 7/1/2024

Inst. No.	Date	Transaction Type	Amount	Running Total
1	7/1/2023	Renewal	$32,107.00	$32,107.00
			Current Amount Due	$32,107.00
	Total Policy Balance Before Payment: $128,428.00		**Payment Due By**	7/1/2023

Thank you for your business. If you have questions about your account, please call 1-800-234-9461 or 405-657-1400.

If not paid within 45 days of due date, policy will be cancelled.

If you are interested in being able to make this payment via ACH, please contact Matt Jacobson at (405) 657-1429.

Detach along the perforation above. Keep top portion for your records. Return bottom portion with your remittance.

Policy No.: GLA140043607 Insured: City of Bixby	Amount Due: $32,107.00 Payment Due By: 7/1/2023

PLEASE REMIT PAYMENT TO:

OMAG
P.O. Box 3091
Edmond, OK 73083

OMAG
3650 S. Boulevard • Edmond, OK 73013 • omag.org
405.657.1400 • 800.234.9461 • FAX 405.657.1401

May 10, 2023

Charles Barnes
City of Bixby
P.O. Box 70
Bixby, Oklahoma 74008-0070

RE: City of Bixby - Policy GLA140043607

Your OMAG Municipal Liability Protection Plan (MLPP) renewal has been processed, enclosed you will find your invoice. All other policy documents can be accessed on the OMAG Policy Portal.

The total premium for your MLPP renewal is $128,428.00. You may pay your premium in full, semi-annual or quarterly installments. The initial payment is due by the effective date of the MLPP policy. If you choose to make a 50% or a 25% initial payment, we will send you notices on a semi-annual or quarterly basis, respectively.

Due to varying factors, you may notice a 5% increase or higher in premium. Additionally, premium increases from mid-term changes will no longer be waived. If you would like additional information regarding this, please contact me at 405-657-1442.

Sincerely,

Chris Webb
Underwriting Director

Consent Agenda Item Commentary

Item Title

Consider and/or approve purchase order to Oklahoma Municipal Assurance Group for renewal of BPWA's property insurance in the amount of $86,753.84. (BPWA's portion of total bill)

Initiator

Charles Barnes

Staff Information Source

Charles Barnes

Background

BPWA's total property insurance for FY24 is $86,753.84. We had new acquisitions.
(Waste Water Treatment Plant)

Exhibits

1. Bixby PRO140040407 Renewal Invoice and Letter 20230511

Key Issue

Property insurance coverage for FY-24.

Council Action

Approve or deny

Recommendation

Approve

Item No: 3.

Meeting Date

May 22, 2023

Meeting

Bixby Public Works Authority Agenda 05/22/23

3650 S. Boulevard • Edmond, OK 73013 • omag.org
405.657.1400 • 800.234.9461 • FAX 405.657.1401

Date of Invoice: 5/11/2023

INVOICE

Mail To:	Insured: City of Bixby
City of Bixby P.O. Box 70 Bixby, Oklahoma 74008-0070	Policy No.: PRO140040407 Policy Type: Property Effective Date: 7/1/2023 Expiration Date: 7/1/2024

Inst. No.	Date	Transaction Type	Amount	Running Total
1	7/1/2023	Renewal	$38,014.00	$38,014.00
			Current Amount Due	$38,014.00
	Total Policy Balance Before Payment: $152,056.00		**Payment Due By**	7/1/2023

Thank you for your business. If you have questions about your account, please call 1-800-234-9461 or 405-657-1400.

If not paid within 45 days of due date, policy will be cancelled.

If you are interested in being able to make this payment via ACH, please contact Matt Jacobson at (405) 657-1429.

Detach along the perforation above. Keep top portion for your records. Return bottom portion with your remittance.

Policy No.: PRO140040407 Insured: City of Bixby	Amount Due: $38,014.00 Payment Due By: 7/1/2023

PLEASE REMIT PAYMENT TO:

OMAG
P.O. Box 3091
Edmond, OK 73083

3650 S. Boulevard • Edmond, OK 73013 • omag.org
405.657.1400 • 800.234.9461 • FAX 405.657.1401

May 11, 2023

Charles Barnes
City of Bixby
P.O. Box 70
Bixby, Oklahoma 74008-0070

RE: City of Bixby, Policy Number PRO140040407

Your OMAG Municipal Property Protection Plan (MPPP) renewal has been processed, enclosed you will find your invoice. All other policy documents can be accessed on the OMAG Policy Portal.

The total premium for your MPPP renewal is $152,056.00. You may pay your premium in full, semi-annual or quarterly installments. The initial payment is due by the effective date of your MPPP policy. If you choose to make a 50% or a 25% initial payment, we will send you notices on a semi-annual or quarterly basis, respectively.

Due to varying factors, you may notice a 5% increase or higher in premium. If you would like additional information regarding this, please contact me at 405-657-1442.

Sincerely,

Chris Webb
Underwriting Director

Regular Agenda Item Commentary

Item Title

Consider, discuss, and approve Ordinance Number 2445, Bixby Easement Closure (B.X.E.C.) Number 23.01 Murdoch. A partial easement closure of a waterline easement blanketing a property located in Section 9 Township 17 North Range 13 East in the City of Jenks.

Initiator

Justin Dowd

Staff Information Source

Justin Dowd

Background

Tulsa Engineering and Planning (T.E.P.), on behalf of the developers of Harvard Oaks, submitted a partial easement closure application for the closure of the blanket waterline easement, less the west 50-feet, over their property along Harvard, north of 141st.

The Okmulgee Rural Water District (R.W.D.) #6 conveyed a blanket utility easement to the Bixby Public Works Authority (B.P.W.A.) in 1996, when the R.W.D. conveyed the waterlines to the B.P.W.A. As the waterline is along the east side of Harvard, the developers of Harvard Oaks have requested a partial easement closure of the blanket easement. The request will effect the subject property only. The B.P.W.A. will maintain an easement along the dedicated right-of-way for the subject property. All other utility easement in this area will remain unchanged.

Exhibits

1. Ordinance - 2445
2. Partial Release of Easement
3. Exhibit
4. Okmulgee Rural Water District #6 - Utility Easement
5. Dedication of Utility Easement to Bixby Public Works Authority

Key Issue

Approval

Council Action

Approval

Recommendation

Approval

Item No: 1.

Meeting Date

May 22, 2023

Meeting

Bixby Public Works Authority Agenda 05/22/23

ORDINANCE Number 2445

AN ORDINANCE CLOSING A UTILITY EASEMENT BEING PART OF THE SOUTH 750 FEET OF THE NORTHWEST QUARTER OF SECTION NINE, TOWNSHIP SEVENTEEN NORTH, RANGE THIRTEEN EAST, TULSA COUNTY, STATE OF OKLAHOMA, AND DECLARING AN EMERGENCY.

WHEREAS the owner has requested the closure of a Utility Easement described below to accommodate proposed improvements to the property; and,

WHEREAS the City of Bixby, Oklahoma, has determined that the utility easement is no longer needed to the property or adjacent properties due to the utility connections that have occurred since the access was dedicated; and,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIXBY, OKLAHOMA, as follows:

The following described property, to wit:

A TRACT OF LAND CONTAINED WITHIN THE NORTHWEST QUARTER (NW/4) OF SECTION NINE (9), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING PARTICULARLY DESCRIBED AS FOLLOWS:

SOUTH 750 FEET OF THE NORTHWEST (NW/4) OF SECTION (9), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, LESS AND EXCEPT THE WEST 50.00 FEET THEREOF, AND THE EAST 300.00 FEET THEREOF.

IS HEREBY CLOSED AS A UTILITY EASEMENT.

APPROVED in an open meeting of the Bixby City Council and PASSED by an affirmative majority vote of the entire membership of the City Council, to-wit: **___-YES, ___-NO, ___-ABSTAINING, ___-ABSENT**, on this 22th day of May, 2023.

_____

Mayor of the City of Bixby, Oklahoma

APPROVED as an Emergency Measure ruled upon separately and PASSED by an affirmative majority vote of at least four-fifths (4/5) of the entire membership of the Bixby City Council, to wit: **___-YES, ___-NO, ___-ABSTAINING, ___-ABSENT**, on this 22th day of May, 2023.

_____
Mayor of the City of Bixby, Oklahoma

(Seal)
ATTEST:

_____
City Clerk

APPROVED:

_____
City Attorney

PARTIAL RELEASE OF UTILITY EASEMENT

NOW ON THIS _____ day of _____, 2023, The City of Bixby, State of Oklahoma, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby releases the Utility Easement in favor of Rural Water District No. 6, Okmulgee County, Oklahoma dated August 18, 1956 and recorded May 14, 1957, in Book 229 at Page 526 in the office of the Tulsa County Clerk subsequently assigned to Bixby Public Works Authority, on the 9th day of May, 1996 and recorded June 13, 1996, Book 5818 at Page 928 insofar as it affects the following property, except for the West 50' thereof:

A tract of land contained within the Northwest Quarter (NW/4) of Section Nine (9), Township Seventeen (17) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows:

The South 750.00 feet of the Northwest (NW/4) of Section Nine (9), Township Seventeen (17) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, Less and Except the East 300.00 feet thereof.

Bixby Public Works Authority

BY: _____

_____

STATE OF _____ **)**

) ss.

COUNTY OF_____ **)**

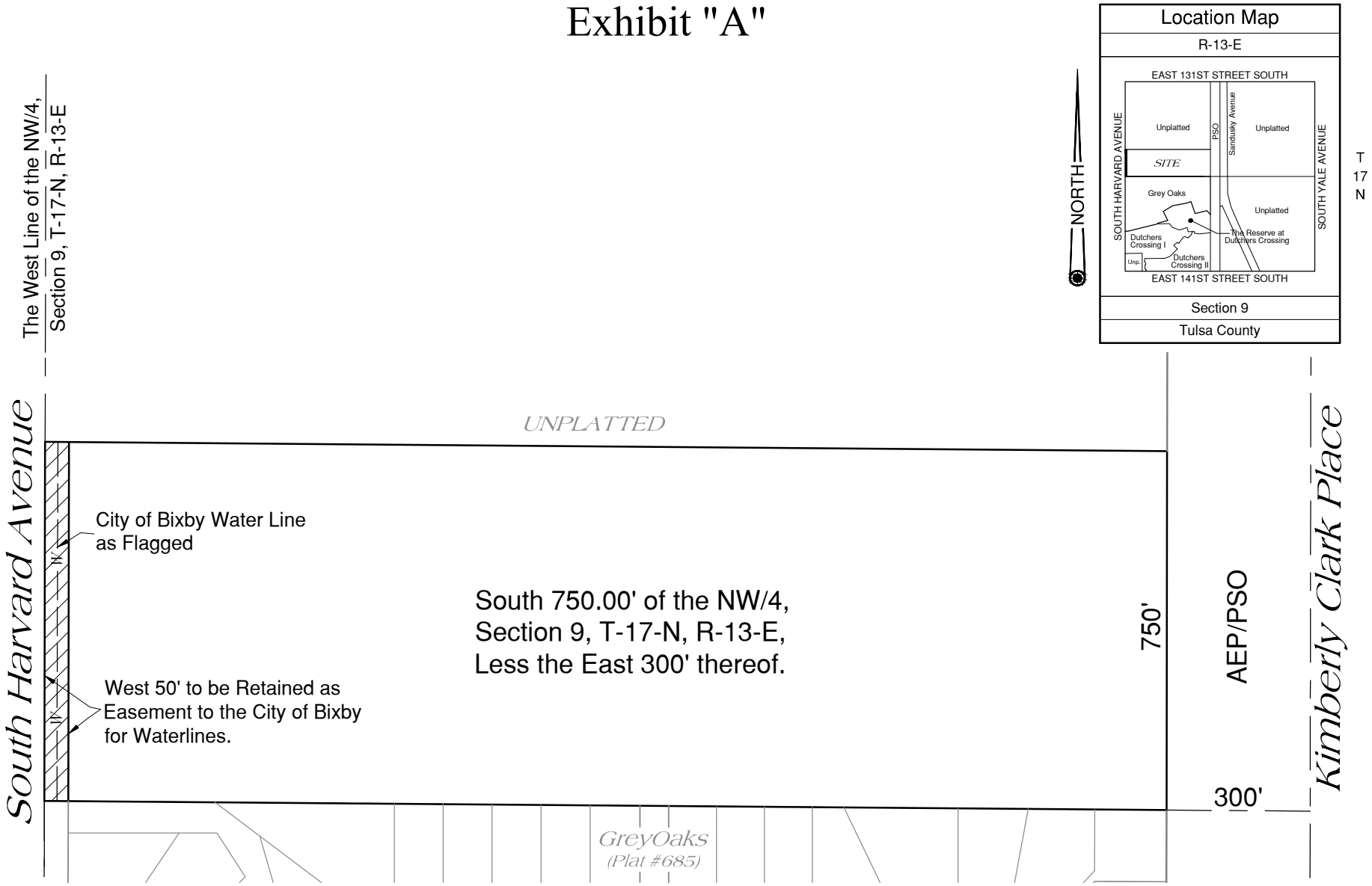
BEFORE ME, the undersigned, a Notary Public, in and for said County and State, on this _____ day of _____, 20___, personally appeared _____**,** to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal of office the day and year last above written.

_____

NOTARY PUBLIC

Exhibit "A"



PARTIAL RELEASE EXHIBIT

Tulsa Engineering & Planning Associates
9810 E. 42nd Street, Suite 100 Tulsa, Oklahoma 74146
Phone: 918-252-9621 Fax: 918-340-5999
Civil Engineering, Land Surveying, Land Planning
Certificate of Authorization No. CA 531 PE/LS Renewal Date June 30, 2023

Partial Release of Utility Easement, Book 3854, Page 629, Tulsa County, State of Oklahoma

Job No: 21-104
Scale: 1"=300'
Date: 4/11/2023

G:\21-104\MiscDwgs\WL Partial Release Exhibit\21-104 Partial Release Exhibit.dwg, 4/11/2023 - 10:18 AM

E 445588 Sheet 18 Tract 4 Nofee

BOOK 3854 PAGE 629

RURAL WATER DISTRICT NO. 6
OKMULGEE COUNTY, OKLA.

UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS: That the undersigned,

CARL ROW and GENEVA ROW, husband and wife,

owner or owners of the legal and equitable title to the following described real estate situated in TULSA COUNTY, STATE OF OKLAHOMA, for and in consideration of the sum of One ($1.00) Dollar, cash in hand paid by RURAL WATER DISTRICT NO.6, OKMULGEE COUNTY, OKLAHOMA, A CORPORATION, and other good and valuable consideration, receipt of which are hereby acknowledged, do (does) hereby grant and convey unto the said RURAL WATER DISTRICT NO.6, OKMULGEE COUNTY, OKLAHOMA, A CORPORATION, a perpetual easement through, over, under and across, the following described property situated in said County, to-wit:

STATE OF OKLAHOMA
TULSA COUNTY
FILED FOR RECORD
JUL 11 11 18 AM '68
CLYDE WILLINGER
COUNTY CLERK

NORTHWEST QUARTER of
Section 9, Township 17 North, Range 13 East,
less 10 acres,

for the purpose of permitting said water district to construct a water pipe line, [redacted] thereon, through, over, under and across said property, together with all necessary and convenient appurtenances thereto; and to use and maintain the same, and of affording said water district, its officers, agents, employees and assigns, and all persons under contract with said water district, the right to enter upon said premises for the purpose of surveying, excavating, for laying, constructing, operating, repairing, relaying and maintaining said water pipe line, [redacted], and for the further purpose of enabling the said water district, or such others as set out hereinabove, to do any and all convenient things incident to such construction, operation, repairing and maintaining of such water pipe line, [redacted]

TO HAVE AND TO HOLD such easement and right-of-way unto the said RURAL WATER DISTRICT NO.6, OKMULGEE COUNTY, OKLAHOMA, its successors and assigns.

Dated this 30th day of October, , 1967.

Carl Row
(Carl Row)

Geneva Row
(Geneva Row)

A C K N O W L E D G M E N T

STATE OF OKLAHOMA)
) SS.
COUNTY OF Okmulgee.)

Before me, a notary public in and for said County and State, on this 30th day of October, , 1967, personally appeared, Carl Row and Geneva Row, his wife

and known to me to be the identical person(s) who executed the above and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

WITNESSED my hand and seal the day and year last set out above.

Jessie Wilson
NOTARY PUBLIC

MY COMMISSION EXPIRES:
May 20, 1971.

TULSA COUNTY CLERK - JOAN HASTINGS RCPT 161318 06/13/96 16:57:55
DOC # 96058208 FEE 0.00 PGS 2 B/P 5818/0928-0929

5818 0928

ASSIGNMENT OF EASEMENT

This Assignment of Easement is made and entered into on this 9th day of May, 1996.

This Assignment is part and parcel to a transaction by and between Rural Water District No. 6, Okmulgee County, hereinafter referred to as District 6, and Bixby Public Works Authority, hereinafter referred to as Authority. Additionally, this Assignment of Easement Agreement shall be in connection with a Bill of Sale and a Purchase Agreement between the same parties affecting a transfer of certain service lines from District 6 and the Authority.

Consideration shall be the mutual covenants and obligations as contained within such collateral agreements.

District 6 hereby sells, sets over and assigns and conveys to the Authority all water line easements wherein such transmission lines, service connections and other appurtenances are located which are covered by the Bill of Sale.

Such easements being conveyed herein are lying within, over and across the following described real property, lying within Tulsa County, Oklahoma:

> W/2 of Section 14, Township 17 North, Range 13 East; Section 15, Township 17 North, Range 13 East; Section 16, Township 17 North, Range 13 East; E/2 of Section 8, Township 17 North, Range 13 East; Section 9, Township 17 North, Range 13 East; and Section 4, Township 17 North, Range 13 East and E/2 of Section 17, Township 17 North, Range 13 East.

The Authority is given by District 6 a right of use and co-occupancy of easements lying within, over and across the following described real property, lying within Tulsa County, Oklahoma:

> That area along the North Section line of Section 23, Township 17 North, Range 13 East AND along the North Section line of Section 22, Township 17 North, Range 13 East AND along the North Section line of Section 21, Township 17 North, Range 13 East.
>
> EXCEPT an 8" waterline running along the North side of Section 21, Township 17 North, Range 13 East and a 6" waterline running along the East side of Section 21, Township

5818 0929

17 North, Range 13 East. These lines shall be excluded from this sale.

RURAL WATER DISTRICT NO. 6

BY: Mary L. Smith

Attest:

Secretary

BIXBY PUBLIC WORKS AUTHORITY

BY:

Attest:

Secretary

COUNTY CLERK TULSA COUNTY OKLAHOMA