

BOARD OF CITY COMMISSIONERS PROCEEDINGS
SEPTEMBER 7, 2021 AT 6:00 P.M.

The Board of City Commissioners of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in Regular Session in the Commission Chambers at City Hall, 16 West 9th Street, Shawnee, Oklahoma on, Tuesday, September 7, 2021 at 6:00 p.m., pursuant to notice duly posted as prescribed by law at 4:24 p.m. on September 2, 2021. Mayor Bolt presided and Mr. Dean Hibben called the meeting to order. Upon roll call, the following members were in attendance.

Ed Bolt
Mayor

Daniel Matthews
Commissioner Ward 1

Bob Weaver
Commissioner Ward 2

Travis Flood
Commissioner Ward 3

Darren Rutherford
Commissioner Ward 4-Vice Mayor

Mark Sehorn
Commissioner Ward 5

Absent
Commissioner Ward 6

ABSENT: Ben Salter

INVOCATION

Ms. Lexi Large
Fellowship of Christian Athletes

FLAG SALUTE

AGENDA ITEM NO. 1:

Citizens Participation
(A three-minute limit per person)
(A twelve-minute limit per topic)

Mr. Rob Morris spoke regarding the Shawnee Civic and Cultural Development Authority, Planning Commission, Shawnee Lake Advisory Committee, a Consent Agenda Item, and a complaint with the Attorney General's Office.

Ms. Lexi Large explained the Fellowship of Christian Athletes (FCA) in Pottawatomie County.

AGENDA ITEM NO. 2:

Consider approval of Consent Agenda:

- a. Minutes from the August 16, 2021 regular meeting.
- b. Acknowledge the following minutes:
 - Traffic Commission Minutes from the June 22, 2021 regular meeting.
- c. Lake Lease Transfer:

TRANSFER:
Lot 3 Hart Tract, 16401 Hart Road
From: James Reid
To: Adam Balkema
- d. Acceptance of a Permanent Drainage and Utility Easement for Cedar Ridge Investments, LLC, located in the southwest quarter of the northwest quarter of Section 5, Township 10 North, Range 4 East.
- e. Acceptance of a Utility Easement for Cedar Ridge Investments, LLC, located in the southwest quarter of the northwest quarter of Section 5, Township 10 North, Range 4 East.
- f. Approval of a preliminary Right-of-Way Utility Easement Agreement with OG&E for property located along the east edge of the north half of the northwest quarter of Section 7, Township 11 North, Range 4 East.
- g. Approve an amended contract with Olsson, Inc. for professional design services regarding the Kickapoo Street Sidewalk Design Project.
- h. Acknowledge the resignation of LeAnne Henry Wright from the Shawnee Arts and Culture Commission.

- i. Confirm and approve the Interim City Manager's hiring of Andrea Weckmueller-Behringer as the Planning Director/Assistant City Manager.

Commissioner Weaver asked that Consent Agenda Item No. 2(c) be pulled for separate consideration.

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Weaver, to approve Consent Agenda Item Nos. 2(a-i), less item 2(c). Motion carried 6-0.

AYE: Rutherford, Weaver, Flood, Bolt, Sehorn, Matthews

NAY: None

Regarding Agenda Item No. 2(c), Commissioner Weaver explained there was a clerical error on the Agenda. The Lake Lease Lot in question is Lot 13, instead of Lot 3.

A motion was made by Commissioner Weaver, seconded by Commissioner Flood, to approve Consent Agenda Item No. 2(c), the transfer of Lot 13 of the Hart Tract (16401 Hart Road) from James Reid to Adam Balkema. Motion carried 6-0.

AYE: Weaver, Flood, Bolt, Rutherford, Sehorn, Matthews

NAY: None

AGENDA ITEM NO. 3:

Presentation by Animal Control to present the Pet of the Week.

Animal Control Officer Brandy Spoon introduced Bear, a three-and-a-half-month-old German Shepherd mix and Miss Piggy, a pig. Bear is up for adoption.

Officer Spoon stated the Animal Shelter currently has thirty-two dogs, seven cats, and one pig. She announced a Bass Tournament fundraiser will be held on Saturday, October 9, 2021 from 7:00 a.m. to 2:00 p.m. at Shawnee Twin Lakes; the entry fee is \$100.00 for a two-person team.

AGENDA ITEM NO. 4:

Mayor's Proclamations:

"POW/MIA Recognition Day"

September 17, 2021

Ms. Barbara White, President of Shawnee VFW Post 1317, accepted the Mayor's Proclamation for "POW/MIA Recognition Day" presented by Mayor Bolt.

"Recovery Day"

September 18, 2021

Mayor Bolt presented the Mayor's Proclamation for "Recovery Day" to Gateway of Prevention attendees.

AGENDA ITEM NO. 5:

Presentation by Berkeley Young, Young Travel Consultants, to discuss key points of Shawnee Travel Study.

Interim City Manager Eric Benson introduced Mr. Berkeley Young.

Mr. Berkeley Young gave a presentation and stated Young Strategies produced a travel market research study for the City of Shawnee Department of Tourism that identifies the following, but not limited to, the current segmented markets, visitor geographic/sociodemographic profile and spending levers, attractors and motivators that drive visitation to the City of Shawnee, target and growth markets and visitor segments, and future project development initiatives for the City of Shawnee.

AGENDA ITEM NO. 6:

Discussion and consideration of a request for the addition of stop signs at West 10th Street and North Louisa Avenue.

City Engineer Seth Barkhimer explained a request was submitted for the addition of a stop sign at West 10th Street and North Louisa Avenue, creating a four-way stop intersection. He advised that the Traffic Commission and Staff support this request.

A motion was made by Commissioner Weaver, seconded by Commissioner Matthews, to approve the addition of stop signs at West 10th Street and North Louisa Avenue. Motion carried 6-0.

AYE: Weaver, Matthews, Flood, Bolt, Rutherford, Sehorn

NAY: None

AGENDA ITEM NO. 7:

Discussion and consideration of a request for the addition of stop signs at every intersection on North Park Avenue between West MacArthur Street and West 37th Street.

City Engineer Seth Barkhimer explained a request was submitted for the addition of stop signs at five intersections along North Park Avenue between West MacArthur Street and West 37th Street creating four-way stop intersections. Staff recommends a partial approval of the request - adding stop signs to create four-way stops at three of the five intersections. The Traffic Commission recommends Staff's recommendation.

A motion was made by Commissioner Matthews, seconded by Commissioner Sehorn, to approve Staff's recommendation for the addition of stop signs at three intersections (West 32nd Street, West 33rd Street, and West 34th Street) on North Park Avenue. Motion carried 6-0.

AYE: Matthews, Sehorn, Weaver, Flood, Bolt, Rutherford

NAY: None

AGENDA ITEM NO. 8:

Discussion and consideration of Redbird Properties, LLC's appeal of an Administrative Order regarding the demolition of the structure located at 110 West Main Street.

City Attorney Joe Vorndran explained the appeal is void of factual considerations for the City Commission; the appeal expresses a general disagreement with the Administrative Order. Mr. Vorndran suggested allowing Mr. Bill Warmaker, owner of Redbird Properties, LLC, to present specific items that are in error to the Administrative Order.

Mr. Bill Warmaker provided a handout and explained his appeal. He stated the City of Shawnee has issued an Administrative Order for the demolition of the structure located at 110 West Main Street. Mr. Warmaker explained he would like to restore the building and has contacted a contractor for the repair.

Building Inspector Kevin Moore gave a presentation and explained the ongoing process with the structure at this location.

Mr. Kevin Moore and Mr. Joe Vorndran answered questions from the Commission. Staff's recommendation is to uphold the Administrative Order regarding the demolition of the structure located at 110 West Main Street.

A motion was made by Commissioner Matthews, seconded by Commissioner Sehorn, to deny Redbird Properties, LLC's appeal of an Administrative Order regarding the demolition of the structure located at 110 West Main Street. Motion carried 5-1.

AYE: Matthews, Sehorn, Flood, Bolt, Rutherford

NAY: Weaver

AGENDA ITEM NO. 9:

Discussion and consideration of an amendment to the Sales Tax Rebate Agreement with Elmer Smith Oil Company.

City Engineer Seth Barkhimer provided a staff report. He explained the original Sales Tax Rebate Agreement with Elmer Smith Oil Company included public infrastructure construction of two traffic signals. However, the Oklahoma Department of Transportation denied the request. Since the traffic signals cannot be permitted, the developer requested to alter the original Sales Tax Rebate Agreement to remove \$250,000.00 from the maximum incentive.

A motion was made by Commissioner Weaver, seconded by Commissioner Sehorn, to approve an amendment to the Sales Tax Rebate Agreement with Elmer Smith Oil Company. Motion carried 6-0.

AYE: Weaver, Sehorn, Matthews, Flood, Bolt, Rutherford

NAY: None

AGENDA ITEM NO. 10:

Discussion and consideration of a resolution declaring certain items of personal property surplus and no longer needed for City purposes; describing said items, and authorizing the sale of said items by auction and, in the event items do not sell at auction, disposal at the City's discretion.

Public Works Director Brad Schmidt explained this resolution is to surplus items that are no longer needed.

A motion was made by Commissioner Matthews, seconded by Vice Mayor Rutherford, to approve a resolution declaring certain items of personal property surplus and no longer needed for City purposes; describing said items, and authorizing the sale of said items by auction and, in the event items do not sell at auction, disposal at the City's discretion.

Resolution No. 6640 was introduced.

A RESOLUTION DECLARING CERTAIN ITEMS OF PERSONAL PROPERTY SURPLUS AND NO LONGER NEEDED FOR CITY PURPOSES; DESCRIBING SAID ITEMS; AND AUTHORIZING THE SALE OF SAID ITEMS BY AUCTION AND, IN THE EVENT ITEMS DO NOT SELL AT AUCTION, DISPOSAL AT THE CITY'S DISCRETION.

Motion carried 6-0.

AYE: Matthews, Rutherford, Sehorn, Weaver, Flood, Bolt

NAY: None

AGENDA ITEM NO. 11:

Discussion and consideration of a resolution removing the temporary moratorium on the granting of new business permits and licenses requested under Chapter 8, Article VIII (Medical Marijuana), of the Code of Ordinances of the City of Shawnee. *(Deferred from the August 16, 2021 City Commission meeting.)*

City Attorney Joe Vorndran addressed Agenda Item Nos. 11 and 12. He explained the removal of the temporary moratorium on new business permits and licenses. Mr. Vorndran also provided information on restricting locations of medical marijuana establishments within the City of Shawnee. Staff recommends

removal of the moratorium; however, staff does not recommend passage of an ordinance restricting locations of medical marijuana establishments within the City of Shawnee, as detailed in Agenda Item No. 12.

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Matthews, to approve a resolution removing the temporary moratorium on the granting of new business permits and licenses requested under Chapter 8, Article VIII (Medical Marijuana), of the Code of Ordinances of the City of Shawnee.

Resolution No. 6641 was introduced.

A RESOLUTION REMOVING THE TEMPORARY MORATORIUM ON THE GRANTING OF NEW BUSINESS PERMITS AND LICENSES REQUESTED UNDER CHAPTER 8, ARTICLE VIII (MEDICAL MARIJUANA), OF THE CODE OF ORDINANCES OF THE CITY OF SHAWNEE.

Motion carried 6-0.

AYE: Rutherford, Matthews, Weaver, Flood, Bolt, Sehorn

NAY: None

AGENDA ITEM NO. 12:

Discussion and consideration of an ordinance providing for license and permit requirements; restricting locations of medical marijuana establishments within the City of Shawnee; providing for severability; providing for codification; providing for repeal; and providing for emergency clause.

There was no action taken.

AGENDA ITEM NO. 13:

Discussion regarding restrictions of shopping carts in public areas.

Interim City Manager Eric Benson explained he has examined how other municipalities have addressed shopping carts in public areas. He stated he would like the opportunity to present a method of handling the situation, if there was no opposition from the Commission.

AGENDA ITEM NO. 14:

Discussion regarding nuisance liens filed by the City of Shawnee.

Interim City Manager Eric Benson explained there was nearly \$1 million in outstanding lien fees. Currently the City of Shawnee does not have a mechanism to leverage said interest. He stated he would like to present a means by which those properties could become available with several options.

AGENDA ITEM NO. 15:

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. 16:

Commissioners Comments

The Commissioners commented on the Administrative Order appeal regarding the Main Street structure.

Commissioner Flood thanked City Staff for their hard work.

Commissioner Weaver commented on the previous Shawnee Twin Lake Advisory Committee meeting.

Commission Weaver announced he would be relocating to a different Ward in the City and stated he would be resigning as Ward Two City Commissioner.

Commissioner Matthews commented on shopping carts in public places and expressed his hopefulness for a solution.

Mayor Bolt expressed his appreciation for the Tourism Presentation. He also commented on the Shawnee Twin Lakes Advisory Committee meeting.

AGENDA ITEM NO. 17:

Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (8:50 p.m.)



ATTEST:

Lisa Lasyone
LISA LASYONE, CMC, CITY CLERK

ED BOLT, MAYOR