

AGENDA
BOARD OF CITY COMMISSIONERS
September 4, 2018 AT 6:00 P.M.
COMMISSION CHAMBERS AT CITY HALL
SHAWNEE, OKLAHOMA

CALL TO ORDER

DECLARATION OF A QUORUM

INVOCATION

FLAG SALUTE

1. Consider approval of Consent Agenda:
 - a. Minutes from the August 20, 2018 regular meeting.
 - b. Acknowledge the following minutes:
 - Shawnee Community Beautification Committee Minutes from July 19, 2018 meeting.
 - c. Authorize staff to submit application to Oklahoma Department of Emergency Management for sub-grant of Emergency Management Performance Grant (EMPG) funds.
 - d. Confirm and approve the Interim City Manager's hiring of Bradley Schmidt as the Shawnee Municipal Authority Utility Director.
 - e. Acknowledge receipt of Pioneer Library Systems Revised Budget for July 1, 2018 through June 30, 2019.
2. Presentation by Animal Control to present the Pet of the Week.
3. Citizens Participation

(A three minute limit per person)
(A twelve minute limit per topic)
4. Discussion, consideration, and possible action to determine the selection process for Municipal Judge.
5. Discussion, consideration, and possible approval of an ordinance to repeal and amend existing ordinances relating to the purchase, sale, consumption, and transportation of alcoholic beverages.
6. Discussion, consideration, and possible approval of an ordinance to amend Chapter 8 of the City Code to add article regarding medical marijuana.
7. Administrative Reports

a. Fire Station No. 2 Renovation Project – Fire Chief Dru Tischer

8. New Business

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

9. Commissioners Comments

10. Adjournment

Respectfully submitted

Lisa Lasyone, CMC, City Clerk

The City of Shawnee encourages participation from its citizens in public meetings. If participation is not possible due to a disability, notify the City Clerk, in writing, at least forty-eight hours prior to the scheduled meeting and necessary accommodations will be made. (ADA 28 CFR/36)

Regular Board of Commissioners**1.a.**

Meeting Date: 09/04/2018

CC Minutes

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Minutes from the August 20, 2018 regular meeting.

AttachmentsCC Minutes

BOARD OF CITY COMMISSIONERS PROCEEDINGS
AUGUST 20, 2018 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, 9th and Broadway, Shawnee, Oklahoma, Monday, August 20, 2018 at 6:00 p.m., pursuant to notice duly posted as prescribed by law. Mayor Finley presided and called the meeting to order. Upon roll call, the following members were in attendance.

Richard Finley
Mayor

Ed Bolt
Commissioner Ward 1

Ron Gillham
Commissioner Ward 2

James Harrod
Commissioner Ward 3-Vice Mayor

Darren Rutherford
Commissioner Ward 4

Mark Sehorn
Commissioner Ward 5

Ben Salter
Commissioner Ward 6

ABSENT: None

INVOCATION

Don Lynch, Emergency Management
Director

FLAG SALUTE

AGENDA ITEM NO. 1:

Consider approval of Consent Agenda:

- a. Minutes from the August 6, 2018 regular meeting.
- b. Acknowledge the following reports and minutes:
 - License Payment Report for July 2018
 - Project Payment Report for July 2018
 - Shawnee Urban Renewal Authority Minutes from May 1, 2018 meeting
- c. Acknowledge resignation of Ed Bolt from the Zoning Board of Adjustments.

d. Mayor's Appointment

Shawnee Library Board

Justin Wood 1st Partial Term

Expires 06/30/2019

Replaces Michelle Dominy – Resigned

e. Acknowledge resignation of City Manager Justin Erickson.

A motion was made by Commissioner Gillham, seconded by Commissioner Salter, to approve Consent Agenda Item Nos. 1(a-e). Motion carried 7-0.

AYE: Gillham, Salter, Bolt, Harrod, Finley, Rutherford, Sehorn

NAY: None

AGENDA ITEM NO. 2:

Citizens Participation

(A three-minute limit per person)

(A twelve-minute limit per topic)

Mr. Rodney Ackerman with Georg Fischer Central Plastics and Blue Zones spoke on behalf of the environment of the community – work area, home area, and school area. Mr. Ackerman said approximately eight years ago he had open heart surgery and had no support in his community. Blue Zones has recently reached out to several areas in the community, including to Georg Fischer Central Plastics. Mr. Ackerman stated what has helped him out so tremendously is that he has had so much support in the environment being created at Georg Fischer through Blue Zones. He asked the Commission to consider how the environment of the people around you can help you tremendously.

Ms. Sherry Smith, Chairman of Pottawatomie Alliance Toward Community Health (PATCH), and Dr. April Grace, Superintendent of Shawnee Public Schools, spoke about changes that have taken place in the Shawnee Public School System with regard to the Healthy Hunger Free Kids Act of 2010 (the “Act”). The Act requires school districts to participate in a national school lunch or breakfast program to strengthen existing wellness policies. In April 2018, the Shawnee School Board voted to approve an updated wellness policy that meets all required elements of the Act.

Ms. Rachael Melot, with Blue Zones Project, reported on the recently adopted Downtown Parklet Policy. At the 3rd Friday Event on August 17th, a temporary parklet was set up, feedback was taken from citizens, and a contest for a parklet design was held. The Avedis Foundation has granted Save Events for Families (SEFF) a grant to put in the first parklet. Ms. Melot thanked the Commission for being progressive for downtown.

AGENDA ITEM NO. 3: Presentation by Blue Zones Project regarding the *Well-Being Coalition*.

Mr. Chuck Skillings, CEO/President of SSM Health St. Anthony Shawnee, and Ms. Miriam Bell with Blue Zones Project spoke regarding the Well-Being District and how the district will impact the environment. The Well-Being District will challenge local leaders to define an area, define criteria, tackle issues in tobacco environment, the food environment, the built environment, and media promotions to address well-being, complete the criteria, bring it to the coalition and the coalition and leaders do the work.

AGENDA ITEM NO. 4: Consideration of a resolution of support for the Shawnee Oklahoma Well-Being District.

Resolution No. 6570 was introduced.

A RESOLUTION SUPPORTING THE SHAWNEE OKLAHOMA WELL-BEING DISTRICT.

A motion was made by Commissioner Bolt, seconded by Commissioner Gillham, to approve a resolution of support for the Shawnee Oklahoma Well-Being District. Motion carried 7-0.

AYE: Bolt, Gillham, Harrod, Finley, Rutherford, Sehorn, Salter

NAY: None

AGENDA ITEM NO. 5: Presentation by Blue Zones Project regarding a Healthy Food Environment.

Ms. Holly Gordon and Mr. Neil Lindenbaum with the Pottawatomie County Food Policy Council explained that the Council is comprised of community stakeholders throughout Pottawatomie County. The Council identifies the food systems in the county and recommends to the city government policy initiatives to support the goals and objectives of the Council. Ms. Gordon stated they are asking

for support of the City of Shawnee by approving a Healthy Food Environment Resolution.

AGENDA ITEM NO. 6: Consideration of a resolution of support for the Blue Zones Project to create a Healthy Food Environment.

Resolution No. 6571 was introduced.

A RESOLUTION SUPPORTING A HEALTHY FOOD ENVIRONMENT.

A motion was made by Commissioner Bolt, seconded by Vice Mayor Harrod, to approve a resolution of supporting a Healthy Food Environment. Motion carried 7-0.

AYE: Bolt, Harrod, Finley, Rutherford, Sehorn, Salter, Gillham
NAY: None

AGENDA ITEM NO. 7: Discussion, consideration and possible action to determine process for selection of a permanent city manager, including formation of a search subcommittee.

City Manager Justin Erickson explained this item is required to begin the search process for a permanent city manager. Mr. Erickson advised that during the last search, a subcommittee was formed to work with the Human Resources Department and the interim City Manager to fulfill the search responsibilities.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Gillham, appoint a committee of Vice Mayor Harrod, Commissioner Bolt and Commissioner Gillham for the purpose of identifying and presenting proposals to the Commission at-large with regard to the hiring of a City Manager. Motion carried 7-0.

AYE: Harrod, Gillham, Finley, Rutherford, Sehorn, Salter, Bolt
NAY: None

AGENDA ITEM NO. 8: Acknowledge monthly Sales Tax and City Treasurer Report

Finance Director Chance Allison stated that that August sales tax deposit was \$1,553,456.44, which is flat over the July collections.

AGENDA ITEM NO. 9:

City Manager Report

City Manager Justin Erickson presented updates on the following:

- a. Police Headquarters Building (First United Bank Building) – Police Chief Mason Wilson and Mr. Erickson met with TAP Architecture last week to review findings of the building. Asbestos was found but is reasonably contained and can be dealt with relatively inexpensively through the remodeling process. Overall the building appears to be suitable for the Police Department Headquarters. The final report will be presented in September or October.
- b. Fire Station No. 2 – The building itself is near completion. Due to the recent rains, the dirt work and concrete work has been delayed. He anticipated three to four weeks before the project is completed.
- c. Comprehensive Plan Update – He thanked the community for the participation in the public events in August. More events are scheduled for September.
- d. Broadway Street and the Marquee Project – Rachael Melot updated the Commission at the last meeting regarding the Broadway Street Project. Since that time, Staff has started the process of evaluating design options and cost estimates.

Mr. Erickson gave a special thank you to the Mayor, City Commission, his family and Staff for their support in while he has been City Manager.

AGENDA ITEM NO. 10:

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

City Manager Justin Erickson advised that Staff had received an Agreement for Administration of the Sales and Use Tax Ordinances of the City and an Agreement to Engage in Compliance Activities by the City of Shawnee with Oklahoma Tax Commission (OTC) was received today to begin implementing the new sales tax rate that becomes effective October 1, 2018.

A motion was made by Commissioner Gillham, seconded by Vice Mayor Harrod, to approve the Agreement for Administration of the Sales and Use Tax Ordinances of the City and an Agreement to Engage in Compliance Activities by the City of Shawnee with Oklahoma Tax Commission. Motion carried 7-0.

AYE: Gillham, Harrod, Finley, Rutherford, Sehorn, Salter, Bolt

NAY: None

AGENDA ITEM NO. 11:

Commissioners Comments

Commissioner Bolt shared a personal experience and encouraged everyone to become organ donors.

Mayor Finley commented on the walking school bus that has been implemented in local schools and encouraged citizens to volunteer to walk children to schools.

The Mayor and Commissioners each thanked Justin Erickson for his dedication and time to the City of Shawnee and offered him well wishes. Mayor Finley presented a plaque of appreciation to Justin Erickson.

RECESS CITY COMMISSION MEETING BY THE POWER OF THE CHAIR
TO CONVENE SHAWNEE AIRPORT AUTHORITY AND SHAWNEE
MUNICIPAL AUTHORITY (6:49 P.M.)

RECONVENE CITY COMMISSION MEETING BY THE POWER OF THE
CHAIR (6:53 P.M.)

AGENDA ITEM NO. 12:

Discussion, consideration and possible action to enter into executive session for the purpose of interviewing and/or naming a specific individual to serve as Interim City Manager pursuant to 25 O.S. §307(B)(1) “Discussing the employment, hiring, appointment, demotion, disciplining or resignation of any individual salaried public officer or employee”.

A motion was made by Commissioner Bolt, seconded by Commissioner Gillham, to enter into executive session for the purpose of interviewing and/or

naming a specific individual to serve as Interim City Manager pursuant to 25 O.S. §307(B)(1) "Discussing the employment, hiring, appointment, demotion, disciplining or resignation of any individual salaried public officer or employee".

AYE: Bolt, Gillham, Harrod, Finley, Rutherford, Sehorn, Salter

NAY: None

AGENDA ITEM NO. 13:

Consider an Executive Session to discuss Municipal Judge Wiley's employment contract with the City of Shawnee pursuant to 25 O.S. §307(B)(1) "Discussing the employment, hiring, appointment, demotion, disciplining or resignation of any individual salaried public officer or employee."

A motion was made by Commissioner Bolt, seconded by Commissioner Gillham, to enter into executive session to discuss Municipal Judge Wiley's employment contract with the City of Shawnee pursuant to 25 O.S. §307(B)(1) "Discussing the employment, hiring, appointment, demotion, disciplining or resignation of any individual salaried public officer or employee."

AYE: Bolt, Gillham, Harrod, Finley, Rutherford, Sehorn, Salter

NAY: None

COMMISSION ENTERED INTO EXECUTIVE SESSION AT 6:54 P.M. WITH ALL MEMBERS PRESENT.

COMMISSION RECONVENED FROM EXECUTIVE SESSION AT 8:14 P.M. WITH ALL MEMBERS PRESENT.

AGENDA ITEM NO. 14:

Consideration and possible action on matters discussed in executive session for the purpose of interviewing and/or naming a specific individual to serve as Interim City Manager pursuant to 25 O.S. §307(B)(1) "Discussing the employment, hiring, appointment, demotion, disciplining or resignation of any individual salaried public officer or employee".

A motion was made by Vice Mayor Harrod, seconded by Commissioner Rutherford, to appoint Mr. Eric Benson as Interim City Manager and authorize the Mayor and City Attorney to execute a 90-day contract with the appointee that provides compensation at \$75.00 per hour capping at \$12,000.00 per month and that he be reimbursed for temporary housing up to \$2,000.00 per month. Motion carried 7-0.

AYE: Harrod, Rutherford, Sehorn, Salter, Bolt, Gillham, Finley
NAY: None

AGENDA ITEM NO. 15: Consider matters discussed in Executive Session regarding discussion of Municipal Judge Wiley's employment contract with the City of Shawnee pursuant to 25 O.S. §307(B)(1) "Discussing the employment, hiring, appointment, demotion, disciplining or resignation of any individual salaried public officer or employee."

A motion was made by Commissioner Bolt, seconded by Vice Mayor Harrod, to accept the resignation of Municipal Judge Randall Wiley effective November 30, 2018 and that his employment contract and term of appointment be extended to that date. Motion carried 7-0.

AYE: Bolt, Harrod, Finley, Rutherford, Sehorn, Salter, Gillham
NAY: None

AGENDA ITEM NO. 16: Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (8:17 p.m.)

RICHARD FINLEY, MAYOR

ATTEST:

LISA LASYONE, CMC
CITY CLERK

Regular Board of Commissioners

1.b.

Meeting Date: 09/04/2018

Minutes

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Acknowledge the following minutes:

- Shawnee Community Beautification Committee Minutes from July 19, 2018 meeting.
-

Attachments

Beautification Minutes



Office of the Director of Operations

Minutes

Shawnee Community Beautification Committee

JULY 19, 2018

The Shawnee Community Beautification Committee met at the Shawnee Chamber of commerce

The meeting was called to order at 4:00 pm

Roll Call was taken showing the following members present:

		Present	Absent
Member	Tom Terry	<u> X </u>	<u> </u>
Member	Debi Renegar	<u> </u>	<u> X </u>
Member	Joe Harbeson	<u> X </u>	<u> </u>
Member	Sherry Lankford	<u> X </u>	<u> </u>
Member	Kevin Huddleston	<u> X </u>	<u> </u>
Member	Ethan Birdwell	<u> X </u>	<u> </u>
Member	Mike Mlynek	<u> X </u>	<u> </u>
Member	Holly Gordon	<u> X </u>	<u> </u>
Member	Sue Nelson	<u> </u>	<u> X </u>
Member	Carla Smith	<u> </u>	<u> X </u>
City Staff	Whisper Peace	<u> X </u>	<u> </u>
City Staff	James Bryce	<u> X </u>	<u> </u>
City Staff	Jim Vanantwerp	<u> X </u>	<u> </u>
City Staff	Geoff Garner	<u> X </u>	<u> </u>

AGENDA NO 1 Call to Order.

AGENDA NO 2 Roll Call and Declaration of a Quorum. Roll was called and a quorum was declared.

AGENDA NO 3 **Approved minutes for JUNE 21, 2018.** The minutes for June 21, 2018 were approved with a motion made by Mike Mlynek and 2nd by Sherry Lankford . The motion carried unanimously.

AGENDA NO 4 **Update on Door hangers.** James Bryce passed around an example of different designs for the new door hangers and everyone agreed to move forward with purchasing them.

AGENDA NO 5 **Discussion on Gardening with the Experts.** The event is set for January 26, 2019 and discussion was made on possible speakers to invite and topics they could discuss at the event. Holly Gordon announced that Lindsay Goodson would attend the next meeting and bring an example of a tool kit that she had put together and James Bryce said he would call the Department of Ag to see about getting some milkweed seeds to give out.

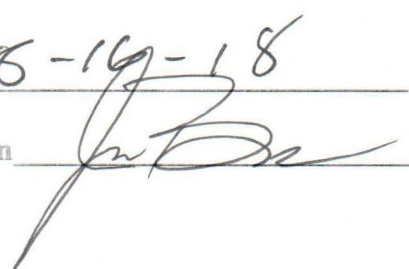
AGENDA NO 6 **Old Business.** James Bryce gave an update on Streetscape plants that have been damaged. One tree was replaced but the plants were not covered under warranty and will have to be replaced by the city.

AGENDA NO 7 **New Business.**

AGENDA NO 8 **Comments.** Jim Vanantwerp announced the Becky Carlberg wanted to fund a \$1200.00 water feature at the Japanese Peace Garden if the Parks Department can run Electricity and a water line to it. The group agreed that the Sister Cities group would need to approve the idea before anything could be done.

Tom Terry announced the OBU freshman students would be doing their Serve Shawnee Project soon and asked for ideas of areas that needed attention. So far they are scheduled to work on the Japanese Peace Garden, Early Childhood Center, Auditorium, Native Plant Park, Rose Garden Park, and Santa Fe Depot.

AGENDA NO 9 **Adjournment.** Meeting was adjourned at 4:48 p.m.

Date 8-19-18
Chairman 

Regular Board of Commissioners

1.c.

Meeting Date: 09/04/2018

EM Sub-Grant

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Authorize staff to submit application to Oklahoma Department of Emergency Management for sub-grant of Emergency Management Performance Grant (EMPG) funds.

Attachments

EM Sub-Grant



MEMORANDUM

To: Honorable Mayor and City Commissioners
Through: Eric Benson, City Manager *D.L.*
From: Donald D. Lynch, Emergency Management Director
Date: August 28, 2018
Subject: Request to apply for EMPG Sub-Grant

NATURE OF THE REQUEST:

I am requesting permission for staff to apply for a sub-grant of Emergency Management Performance Grant (EMPG) funds from the Oklahoma Department of Emergency Management

STAFF ANALYSIS /CONSIDERATIONS:

This is the annual sub-grant program that the City has participated in for many years which helps defray the costs associated with the administration of our emergency management program.

The EMPG is a funding source provided by the Federal Emergency Management Agency to states for the development and maintenance of emergency management programs. The State of Oklahoma, in turn, makes a large portion of this funding available to local emergency management agencies through their State and Local Assistance Program.

This request is for submission of an application for funding in the Federal Fiscal Year 2019 cycle. Under our sub-grant, we will be required to demonstrate performance benchmarks that are specific and measurable. Quarterly reports and billings will document our progress.

The grant guidance is attached for your review. Upon notice of award of the grant, Commission approval will again be sought for acceptance of the grant.

RECOMMENDATION:

Staff recommends approval.

BUDGET CONSIDERATION:

The 2018 funding amount was \$50,000. I anticipate level funding awards for 2019, but will request an increase in our application equating to 50% of our budget.

Thank you for your favorable attention to this request.

ALBERT ASHWOOD
State Director



MARY FALLIN
Governor

STATE OF OKLAHOMA
DEPARTMENT OF EMERGENCY MANAGEMENT

August 10, 2018

Dear Director:

The City of Shawnee is invited to submit a sub-grant funding application for the Emergency Management Performance Grant (EMPG), Fiscal Year 2019 (October 1, 2018 to September 30, 2019) for an amount to be determined as funds become available. EMPG is a **performance based** sub-grant. Contingent upon successful completion of the identified requirements in the application, applicants will receive twenty-five Percent (25%) of the awarded sub-grant to be paid in quarterly disbursements.

Please review the eligibility and performance requirements in the FY 2019 EMPG sub-grant agreement carefully before applying. **Applicants must submit all of the required documentation in order to receive EMPG sub-grant approval.** The omission of any document will result in a rejected application without further inquiry. It is the Oklahoma Department of Emergency Managements intent to supplement city, county and tribal Emergency Management program funds. This can only be achieved by the commitment and compliance of EMPG applicants.

The application must be received no later than September 30, 2018 to be eligible. **No grant funds will be awarded to** The City of Shawnee **if the application is not submitted by** September 30, 2018. If you have any questions, please contact your Oklahoma Department of Emergency Management Regional Coordinator.



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Emergency Management Grant Program

FY2019 Sub-Grant Agreement

This agreement is entered into by and between **The State of Oklahoma Department of Emergency Management**, and The City of Shawnee, Oklahoma, hereinafter referred to as the Political Subdivision. **Witnesses that** Oklahoma Department of Emergency Management and the Political Subdivision for the considerations named agree as follows:

Article 1. Eligibility Criteria

To be eligible for an Emergency Management Performance Grant (EMPG) Sub-grant, a local jurisdiction must meet the following eligibility requirements:

1. The Jurisdiction must have a current existing Emergency Management program.
Refer to Article 2. Minimum Task/Activity Requirements
2. The Jurisdiction must have a paid Emergency Management Director, either full or part time, who works at least 20 hours a week and is employed as defined under Oklahoma State Statute, Title 63-683.11 to 13, Emergency Management Compact and Fair Labor Standards Act (See Title 63 excerpt attachment provided in application packet).
3. The Emergency Management Program budget must exceed the Emergency Management Performance Grant dollar amount and cover the entire cost of the jurisdiction's emergency management office, independent of any sub-grant monies. The Emergency Management Performance Grant is based on a 50/50 match (50% local and 50% state). A certified copy of the Emergency Management Budget for the jurisdiction must be included with the application.* For the Emergency Management Program Grant closeout, during the 4th quarter only, provide a notarized copy of the local jurisdiction's year end emergency manager's treasurer / county clerk's report.

4. Should have a facility or location designated as the jurisdiction's Emergency Operations Center (EOC) with the capacity to coordinate response efforts and resource capabilities in the event of an incident.
 5. A list of your jurisdictions All Hazard, Whole Community Planning Group Annexes or Emergency Support Function (ESF) representatives, Tribal representatives, Higher-Education representatives, business partners as well as any other persons the Planning Group deems necessary to promote the "whole community" concept of planning. The Planning Group list will include name, position, email and phone number.
 6. ***Maintain a 24 hour point of contact who will promptly report to Oklahoma Department of Emergency Management Duty Officer, (800) 800-2481, all significant events happening within the jurisdiction.*** (Per State Statute, Title 63–683.11.E)
 7. Current Emergency Operations Plan (EOP)
 8. State Approved Hazard Mitigation Plan (HMP)
 9. National Incident Management System (NIMS) Compliance Certificate
- * **Please note:** The Jurisdiction cannot replace the Emergency Management program's budget with Emergency Management Performance Grant funds. This means the previously budgeted Jurisdictional Emergency Management program cannot be reduced when receiving the EMPG funds. The EMPG funds are supplemental funds for improving and/or increasing the Jurisdiction's Emergency Management Program only.

Article 2. Minimum Task/Activity Requirements

The following 8 activities are the **minimum** task requirements that shall be completed by the Political Subdivision. All Deliverables will be submitted to the Oklahoma Department of Emergency Management Preparedness and Response Division Grants Coordinator.

Preparedness and Planning

1. Quarterly ALL Hazard, Whole Community Planning Group Meetings

An All-Hazard, Whole Community Planning group within your jurisdiction will be formed consisting of all Annexes or Emergency Support Function (ESF) representatives, Tribal representatives, Higher Education representatives and business partners as well as any other persons the Planning Group deems necessary to promote the “whole community” concept of planning to meet quarterly.

Measurement Methods:

- a. A meeting invitation letter for each meeting to include a mailing list (can be an email copy).
- b. An agenda and minutes for each quarterly meeting should reflect EOP and Hazard Mitigation Planning, and / or projects.
- c. Sign-in sheets for each quarterly meeting (dated).

2. Preparedness Projects

Emergency Management Whole Community Preparedness projects.

Measurement Methods:

Submit a summary of your Emergency Management Jurisdiction whole community preparedness activities for the current grant year. Must be submitted with your application. Submit progress reports within your jurisdictions quarterly meeting minutes. Examples of appropriate preparedness projects include outreach at your jurisdiction(s) events, social media presence, and activities.

3. Emergency Operations Plan

The Jurisdiction must have an Emergency Operations Plan to participate in the Emergency Management Performance Grant. The All Hazard, Whole Community Planning Group will be directly involved in the quarterly planning and updates of the Jurisdiction's Emergency Operations Plan. The Emergency Operations Plan will be updated according to CPG 101-v.2

Measurement Methods:

- a. The quarterly report submitted to Oklahoma Department of Emergency Management.
- b. Sign-in Sheet from Quarterly Planning Meetings.
- c. An Emergency Operations Plan approval page signed annually by each of the Annexes or ESF representatives and the jurisdictions highest elected official
- d. By the 4th quarter report and no later than September 30, 2019 (form provided).

4. A Hazard Mitigation Plan Approved by the State and Updated as Required

The Jurisdiction must have an approved Hazard Mitigation Plan or be in the process of approving their Hazard Mitigation Plan. The All Hazard, Whole Community Planning Group will update the Jurisdictional Hazard Mitigation plan as required.

Exercise

5. Two (2) Exercises of Any Type

The Jurisdiction must conduct two (2) exercises of any type.

The types of exercises are Seminars, Workshops, Tabletop, Games, Drills, Functional, and Full-Scale. All exercises need to test all or part of the Emergency Operations Plan.

Measurement Methods:

A copy of the After-Action Report-Improvement Plan (AAR-IP) for each exercise must be submitted to the Oklahoma Department of Emergency Management by the 4th quarter report and no later than September 30, 2019.

6. One (1) Full Scale Exercise

The Jurisdiction must complete one Full-Scale Exercise.

The Statewide Earth Wind and Fire exercise will count as an Emergency Operations Center full scale exercise. Jurisdiction must fully activate their local EOC.

Measurement Methods:

The AAR-IP for the jurisdiction's part of the exercise must be generated by the jurisdiction and a copy of the AAR-IP and sign in sheet must be submitted to Oklahoma Department of Emergency Management by the 4th quarter report and no later than September 30, 2019.

Training

7. Attendance at the Strategic Regional Planning Workshop

The Oklahoma Department of Emergency Management Regional Coordinator, in conjunction with local Emergency Managers, will host a Professional Development Training Workshop. The Emergency Management Director or designee attends their Regions Workshop, in its entirety.

Measurement Methods:

A copy of the Certificate or other appropriate documentation shall be submitted to Oklahoma Department of Emergency Management by the 4th quarter report and no later than September 30, 2019.

8. Attendance of the Annual Oklahoma Emergency Management Conference

The Emergency Management Director or designee must attend the Annual Oklahoma Emergency Management Conference

Measurement Methods:

A copy of the Certificate or other appropriate documentation shall be submitted to Oklahoma Department of Emergency Management by the 4th quarter report and no later than September 30, 2019.

Article 3. Authorized Representatives

The Agency Director of the Oklahoma Department of Emergency Management and the Political Subdivision Director of Emergency Management shall be the authorized representatives to complete work and negotiate changes to this agreement. The Political Subdivision will, on a form provided by the Oklahoma Department of Emergency Management, identify a Director of Emergency Management for the Political Subdivision, an alternate, and the Political Subdivision's official mailing address. The Director of Emergency Management for the Political Subdivision will serve as the Political Subdivision's official point of contact (POC), responsible for reporting on, or responding to inquiries regarding the four (4) phases of emergency management (mitigation, preparedness, response and recovery) plus the recently added mission areas of Prevention and Protection, to include incident reporting.

Article 4. Duration

This agreement shall be in full force and effective at 12:01 a.m. on October 1, 2018 by both parties and terminating at 12:00 p.m. on September 30, 2019, unless terminated by either party prior to that time, in writing. The Oklahoma Department of Emergency Management may extend the term of this Agreement by giving written notice to the Political Subdivision 30 days prior to the end of this Agreement. If the Oklahoma Department of Emergency Management exercises this option, the extended Agreement shall be considered to include this option provision. The total duration of this Agreement, including the exercise of any options under this clause, shall not exceed three years.

Article 5. Purpose

The purpose of this agreement is to provide a 50/50 sub-grant with a portion of the funds awarded to the State of Oklahoma under the Federal Emergency Management Agency (FEMA)'s Emergency Management Performance Grant (EMPG) program. The EMPG program encourages the development of a comprehensive emergency preparedness system for all hazards by the State and local governments.

Article 6. Authorities

The authorities for this award are:

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, 42 U.S.C. § 5121 et. Seq. (the Stafford Act); Title 44, Code of Federal Regulations (CFR), Part 302, et. Seq.; Title 2, Code of Federal Regulations (CFR), U.S. Department of Homeland Security Presidential Directive 5 (HSPD-5); Oklahoma Emergency Management Act 2003, 63 O.S. 683. 1 et. Seq.; State Administrative Plan adopted by the Oklahoma Department of Emergency Management.

Article 7. Time of Completion

The Political Subdivision shall complete all work during Federal Fiscal Year 2019, with the exception that the auditor's opinion letter, which accompanies the jurisdiction's annual audit, must be submitted as soon as the audit is completed.

Article 8. Suspension of Sub-Grant/Debarment from Future Awards

If the Political Subdivision fails to complete the agreed scope of work they may be barred from participation in the sub-grant program for the following Federal Fiscal Year.

Article 9. General Provisions

- A. All work shall be completed in a professional manner and in compliance with all applicable laws.
- B. To the extent required by law, individuals duly licensed and authorized by law to do so shall perform all work.
- C. The Political Subdivision warrants that it is adequately insured for injury to its employees and others incurring loss or injury as a result of the acts of the Political Subdivision or its employees or agents.
- D. The Political Subdivision agrees that neither it nor its employees or agents are covered under insurance paid for by the State of Oklahoma, and are not authorized to obligate the State of Oklahoma, its employees or agents.
- E. The Standard Assurances for Federal Funds submitted by the Political Subdivision, as part of their application package, are hereby referenced and incorporated into this agreement.

FY 2019 Emergency Management Grant Program

Required Application Documents

Listed below are the documents required for the successful completion of the FY 2019 EMPG application.

Please complete the following provided documents:

1. Sub-Grant Funding Worksheet (See Excel Attachment)
2. Summary of your Emergency Management Jurisdiction whole community preparedness activities for the current grant year.
3. All Hazard, Whole Community Planning Group Member's List
4. State of Oklahoma Designation of Political Sub-Division Agent
5. Elected Official, City Manager, Tribal Officials Signature Page

Please supply the following documents:

1. Certified Jurisdiction's Official Emergency Management Program Budget
2. Jurisdiction's NIMS Compliance Certificate

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FY 2019 Emergency Management Grant Program

Emergency Support Function Annex Definitions

Roles and Responsibilities of the ESFs

ESF	Scope
ESF#1 – Transportation	Transportation Safety Restoration/recovery of transportation infrastructure People, equipment and commodities movement
ESF#2 – Communications	Coordination with telecommunications and information technology Restoration and repair of telecommunications infrastructure Protection, restoration, and sustainment of cyber and information technology resources Oversight of communications within the incident management and response structures
ESF#3 - Public Works &/or Road Foreman	Infrastructure protection and emergency repair Infrastructure restoration Engineering services and construction management
ESF#4 – Firefighting	Coordination of firefighting activities Support to wildland, rural, and urban firefighting ops
ESF#5 – Emergency Management	Coordination of preparedness, EOC response, recovery, and mitigation operations Resource and human capital Incident action planning Financial management Damage and Impact Assessment
ESF#6 – Mass Care	Mass care Emergency assistance Disaster housing Human services
ESF#7 – Logistics Management and Resource Support	Comprehensive incident logistics planning, management, sustainment capability Resource Support (facility space, office equipment and Supplies, contracting services, etc.)
ESF#8 – Public Health And Medical Services	Public health Medical Mental health services Mass fatality management

ESF#9 – Search and Rescue	Life-saving assistance Search and rescue operations
ESF#10 – Oil and Hazardous Materials Response (Private Partners)	Oil and hazardous materials (chemical, biological, radiological, etc.) Environmental short – long-term cleanup
ESF#11 – Agriculture and Natural Resources	Animal and plant disease and pest response Food safety and security Natural and cultural resources and historic properties protection and restoration Safety and well-being of household pets
ESF#12 – Utilities	Energy infrastructure assessment, repair, and restoration Energy industry utilities coordination
ESF#13 – Public Safety (Local Sheriff or PD)	Facility and resource security Security planning and technical resource assistance Public safety and security support Support to access, traffic, and crowd control
ESF#14 – Long-Term Community Recovery (Local VOAD)	Social and economic community impact assessment Long-term community recovery assistance Analysis and review of mitigation program implementation
ESF#15 – External Affairs (PIO & Social Media)	Emergency public information and protective action guidance Media and community relations

ESF Member Roles and Responsibilities

Each ESF Annex identifies the coordinator/liaison and the primary and support agencies pertinent to the ESF. Several ESFs incorporate multiple components, with primary agencies and secondary agencies designated for each component to ensure seamless integration of the transition between preparedness, response, and recovery activities. ESFs with multiple primary agencies designate an ESF coordinator for the purposes of pre-incident planning and coordination of primary and supporting agency efforts throughout the incident.

FY 2019 Emergency Management Grant Program

All Hazard, Whole Community Planning Group Member's List

Annex/ESF	Name	Phone	E-mail	Agency Organization
Transportation				
Communications				
Public Works & Engineering				
Firefighting				
Emergency Management				
Mass-Care, Housing & Human Services				
Logistics Management & Resource Support				
Public Health & Medical Services				
Search & Rescue				
Oil & Hazardous Materials Response				
Agriculture & Natural Resources				
Energy				
Public Safety & Security				
Long-Term Community Recovery				
External Affairs				
Higher Ed				
Tech Centers				
Secondary Schools				
Tribal Member				
Private Partners				
(Other)				

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FY 2019 Emergency Management Grant Program

State of Oklahoma Designation of Political Sub-Division Agent

Political Sub-Division Information

Name of Jurisdiction:

Physical Address:

Mailing Address (if different from above):

Employer's Identification (EIN):

FIPS #:

Duns #:

Political Sub-Division Emergency Management Director (Primary Contact)

Name:

Agency:

Physical Address:

Office #:

Cell #:

Email:

Political Sub-Division Emergency Management Deputy Director (Secondary Contact)

Name:

Agency:

Physical Address:

Office #:

Cell #:

Email:

Certification

The above Primary and Secondary contacts are hereby authorized as the political sub-division's point of contact (POC) for the purpose of reporting disaster and emergencies and the extent associated with them to Oklahoma Department Emergency Management (OEM). The above designated point of contacts are further authorized to take such action, prepare required documentation and attend meetings (i.e., applicant briefing or kick off meetings) as may be required on behalf of the jurisdiction. Until contrary notice is given to the Oklahoma Department of Emergency Management.

Governing Body:

Certifying Official:

Title:

Office #:

Cell #:

Email:

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FY 2019 Emergency Management Grant Program
Elected Officials, City Manager, Tribal Officials Signature Page

By signing below we are applying for the FY 2019 Emergency Management Program Grant and are affirming our commitment to fulfill the application requirements.

Approved By:

Name _____
County Commissioner, District 1

Name _____
Tribal Chief or Governor

Name _____
County Commissioner, District 2

Name _____
City Mayor or Manager

Name _____
County Commissioner, District 3

Name _____
Emergency Management Director

Witnessed By:

Name _____
City or County Clerk/Treasurer

Date _____

Regular Board of Commissioners

1.d.

Meeting Date: 09/04/2018

Hiring

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Confirm and approve the Interim City Manager's hiring of Bradley Schmidt as the Shawnee Municipal Authority Utility Director.

Attachments

Hiring Memo



Office of the City Manager

To: Honorable Mayor and Members of the City Commission

From: Eric Benson, Interim City Manager

Date: August 26, 2018

RE: Department Head Appointment: SMA Director

Brad Schmidt has been functioning as the Acting Director of SMA since May 28, 2017. Brad has worked for the City of Shawnee since September 19, 2005. His initial role at SMA was Maintenance 1 progressing into a management role in 2013. Since Mr. Schmidt has taken over as the Interim Director there has been measurable improvement in morale, productivity and efficiency. His assignment as SMA Director is a normal progression from his previous role as interim. This was the previous City Manager's intent. His official appointment is to begin August 27, 2018.

I believe Mr. Schmidt will serve the City well in this position.

Regular Board of Commissioners

1.e.

Meeting Date: 09/04/2018

Library Budget

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Acknowledge receipt of Pioneer Library Systems Revised Budget for July 1, 2018 through June 30, 2019.

Attachments

Library Budget

**PIONEER LIBRARY SYSTEM
REVISED BUDGET
JULY 1, 2018 - JUNE 30, 2019**

REVENUES

Ad Valorem Taxes			
Cleveland County	\$13,229,780		
McClain County	1,957,826		
Pottawatomie County	2,378,858		
Total Ad Valorem Taxes		\$17,566,464	
Oklahoma Department of Libraries			
State Aid	\$143,468		
Total State Aid		\$143,468	
Other Revenue	\$454,396		
		\$454,396	
Subtotal All Revenue			\$18,164,328
Release of Fund Balance			
Use of Assigned Fund Balance			\$620,440
Use of Unassigned Fund Balance			\$670,334
Fund Balance			
Fund Balance Carryover			
Assigned Fund Balance			\$568,556
Committed Fund Balance			\$116,187
Unassigned Fund Balance			\$6,986,092
Total Fund Balance			\$7,670,835
TOTAL REVENUE			\$27,125,937

EXPENDITURES

Personnel Services	\$11,804,452		
Books and Other Materials	3,250,000		
General & Administrative	1,140,750		
Technology	2,653,900		
System Services	606,000		
(Development, Literacy, Programming, Strategy and Innovation)			
(Marketing and Communication, Outreach, Continuing Education)			
Subtotal All Expenditures		\$19,455,102	
Fund Balance			
Fund Balance Carryover - Prior Year			
Assigned Fund Balance			\$568,556
Committed Fund Balance			\$116,187
Unassigned Fund Balance			\$6,986,092
Total Fund Balance			\$7,670,835
TOTAL GENERAL FUND EXP & FUND BALANCE			\$27,125,937


Jon Myers, Chair


Lisa Wells, Secretary

8/28/2018

INCOME	Revised Budget November 2017/2018	Actual Received For 2017/2018	Revised Budget August 2018/2019	Change From 2017/18	% Change From 2017/18 Budget
Cleveland Co.	\$12,941,191	\$13,121,180	\$13,229,780	\$288,589	2.23%
McClain Co.	\$1,817,249	\$1,846,228	\$1,957,826	\$140,577	7.74%
Pott Co.	\$2,264,659	\$2,295,800	\$2,378,858	\$114,199	5.04%
Total Ad Valorem	\$17,023,099	\$17,263,208	\$17,566,464	\$543,365	3.19%
State Revenue					
State Aid	\$132,431	\$143,468	\$143,468	\$11,037	8.33%
Miscellaneous					
Fines	\$163,000	\$141,908	\$110,000	(\$53,000)	-32.52%
Reprographics	\$44,000	\$54,294	\$92,000	\$48,000	109.09%
Public Printers	\$45,000	\$42,637	\$5,000	(\$40,000)	-88.89%
Promotional Sales	\$0	\$34	\$0	\$0	
Headphone Sales	\$650	\$339	\$400	(\$250)	-38.46%
Lost Book Reimburs	\$9,000	\$7,995	\$8,000	(\$1,000)	-11.11%
Non Resident Fees	\$1,100	\$1,180	\$1,100	\$0	0.00%
Fax Income	\$19,200	\$19,352	\$19,200	\$0	0.00%
Interest Income	\$18,000	\$148,752	\$65,000	\$47,000	261.11%
Lease Income	\$60,336	\$61,004	\$60,336	\$0	0.00%
Loan Proceeds	\$61,250	\$61,250	\$59,375	(\$1,875)	-3.06%
Miscellaneous	\$3,300	\$9,119	\$3,300	\$0	0.00%
Contractual Services	\$31,000	\$31,000	\$30,685	(\$315)	-1.02%
Total Miscellaneous	\$455,836	\$578,863	\$454,396	(\$1,440)	-0.32%
Subtotal All Revenue	\$17,611,366	\$17,985,538	\$18,164,328	\$552,962	3.14%
Release of Fund Balance Reserved for Encumbrances					
Use of Assigned Fund Balance	\$446,684		\$620,440	\$173,756	38.90%
Use of Unassigned Fund Balance	\$0		\$670,334	\$670,334	
Fund Balance					
Assigned Fund Balance	\$692,312		\$568,556	(\$123,756)	
Committed Fund Balance	\$226,262		\$116,187	(\$110,075)	-48.65%
Unassigned Fund Balance	\$6,394,627		\$6,986,092	\$591,465	9.25%
Total Fund Balance	\$7,313,201		\$7,670,835	\$357,634	4.89%
TOTAL REVENUE	\$25,371,251		\$27,125,937	\$1,754,686	6.92%

EXPENSES	Revised Budget November 2017/2018	Actual Spent For 2017/2018	Revised Budget August 2018/2019	Change from 2017/18	% Change From 2017/18 Budget	% of 2018/19 Budget
Personnel Services						
Salaries	\$8,709,306	\$8,111,189	\$9,091,456	\$382,150	4.39%	46.73%
Social security/medicare	\$666,262	\$605,614	\$695,496	\$29,234	4.39%	3.57%
Recruitment	\$4,000	\$1,921	\$4,000	\$0	0.00%	0.02%
Retirement Benefits	\$795,000	\$763,589	\$795,000	\$0	0.00%	4.09%
Health Insurance	\$1,304,025	\$1,155,782	\$1,085,000	(\$219,025)	-16.80%	5.58%
Group Term Life Insurance	\$31,930	\$27,454	\$30,000	(\$1,930)	-6.04%	0.15%
Disability Insurance	\$29,870	\$32,217	\$33,000	\$3,130	10.48%	0.17%
Employee Assistance Programs	\$11,500	\$10,825	\$11,500	\$0	0.00%	0.06%
Workers Compensation	\$37,500	\$35,452	\$40,000	\$2,500	6.67%	0.21%
Contract Labor	\$7,000	\$4,296	\$7,000	\$0	0.00%	0.04%
Unemployment Insurance	\$7,000	\$258	\$7,000	\$0	0.00%	0.04%
Scholarship	\$7,000	\$2,000	\$5,000	(\$2,000)	-28.57%	0.03%
Total Personnel Services	\$11,610,393	\$10,750,599	\$11,804,452	\$194,059	1.67%	60.68%
Materials	\$2,350,000	\$2,366,541	\$2,350,000	\$0	0.00%	12.08%
Materials Norman East	\$420,440	\$415,432	\$0	(\$420,440)	-100.00%	0.00%
Materials Norman Central	\$0	\$0	\$900,000	\$900,000		4.63%
Administrative Services						
Professional Services	\$75,000	\$83,684	\$250,000	\$175,000	233.33%	1.29%
Attorney Fees	\$60,000	\$18,624	\$50,000	(\$10,000)	-16.67%	0.26%
Equipment	\$60,000	\$49,787	\$90,000	\$30,000	50.00%	0.46%
Equipment Repair & Maint.	\$2,000	\$173	\$2,000	\$0	0.00%	0.01%
Insurance	\$100,000	\$100,670	\$115,000	\$15,000	15.00%	0.59%
Membership	\$13,500	\$12,373	\$13,500	\$0	0.00%	0.07%
Postage	\$45,000	\$20,930	\$25,000	(\$20,000)	-44.44%	0.13%
Supplies	\$75,000	\$65,239	\$75,000	\$0	0.00%	0.39%
Telephone	\$63,000	\$61,750	\$65,000	\$2,000	3.17%	0.33%
Travel	\$33,000	\$33,492	\$35,000	\$2,000	6.06%	0.18%
Vehicles	\$85,000	\$24,076	\$60,000	(\$25,000)	-29.41%	0.31%
Audit	\$29,000	\$27,750	\$29,250	\$250	0.86%	0.15%
Interest Expense	\$0	\$0		\$0		0.00%
Miscellaneous Expense	\$7,500	\$13,638	\$10,000	\$2,500	33.33%	0.05%

Reprographics	\$75,000	\$75,801	\$125,000	\$50,000	66.67%	0.64%
Sales Tax	\$7,400	\$7,899	\$8,500	\$1,100	14.86%	0.04%
Data Processing	\$79,000	\$98,692	\$68,000	(\$11,000)	-13.92%	0.35%
Fine Collection Service	\$25,000	\$23,628	\$20,000	(\$5,000)	-20.00%	0.10%
Revaluation	\$92,000	\$89,908	\$92,000	\$0	0.00%	0.47%
Board Development	\$10,000	\$776	\$7,500	(\$2,500)	-25.00%	0.04%
Total G&A	\$936,400	\$808,890	\$1,140,750	\$204,350	21.82%	5.86%
Technology	\$1,357,000	\$1,317,754	\$1,400,000	\$43,000	3.17%	7.20%
Technology Norman East	\$552,400	\$177,389	\$0	(\$552,400)	-100.00%	0.00%
Technology Norman Central	\$0	\$0	\$1,253,900	\$1,253,900		6.45%
System Services						
Continuing Education	\$176,717	\$170,663	\$177,000	\$283	0.16%	0.91%
Development	\$27,000	\$25,584	\$25,000	(\$2,000)	-7.41%	0.13%
Events/Hospitality	\$5,000	\$1,068	\$5,000	\$0	0.00%	0.03%
Strategy and Innovation	\$150,000	\$54,472	\$0	(\$150,000)	-100.00%	0.00%
Marketing and Communication	\$195,700	\$198,466	\$160,000	(\$35,700)	-18.24%	0.82%
Programming	\$35,000	\$21,688	\$35,000	\$0	0.00%	0.18%
Literacy	\$12,000	\$6,855	\$12,000	\$0	0.00%	0.06%
System Facilities	\$155,000	\$166,307	\$167,000	\$12,000	7.74%	0.86%
System Outreach	\$25,000	\$10,720	\$25,000	\$0	0.00%	0.13%
Total System Services	\$781,417	\$655,822	\$606,000	(\$175,417)	-22.45%	3.11%
Subtotal GF Expenditures	\$18,008,050	\$16,492,426	\$19,455,102	\$1,447,052	8.04%	100.00%
Fund Balance						
Fund Balance Assigned Current Year	\$50,000		\$0	(\$50,000)	-100.00%	
Fund Balance Carryover Prior						
Assigned Fund Balance	\$692,312		\$568,556	(\$123,756)	-17.88%	
Committed Fund Balance	\$226,262		\$116,187	(\$110,075)	-48.65%	
Unassigned Fund Balance	\$6,394,627		\$6,986,092	\$591,465	9.25%	
Total Fund Balance	\$7,363,201		\$7,670,835	\$307,634	4.18%	
Total General Fund Expend. and Fund Balance	\$25,371,251		\$27,125,937	\$1,754,686	6.92%	

Regular Board of Commissioners

2.

Meeting Date: 09/04/2018

POW

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

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

Attachments

No file(s) attached.

Regular Board of Commissioners

4.

Meeting Date: 09/04/2018

Municipal Judge

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Discussion, consideration, and possible action to determine the selection process for Municipal Judge.

Attachments

No file(s) attached.

Regular Board of Commissioners

5.

Meeting Date: 09/04/2018

Alcoholic Beverage Law

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Discussion, consideration, and possible approval of an ordinance to repeal and amend existing ordinances relating to the purchase, sale, consumption, and transportation of alcoholic beverages.

Attachments

Ordinance Amending Alcoholic Beverage

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE REPEAL AND AMENDMENT OF ORDINANCES RELATING TO THE PURCHASE, SALE, CONSUMPTION, AND/OR TRANSPORT OF ALCOHOLIC BEVERAGES AND NONINTOXICATING LIQUOR OR BEVERAGE IN THE SHAWNEE, OKLAHOMA CITY CODE; PROVIDING FOR REPEALER, AMENDMENT, PROVIDING AN EFFECTIVE DATE, AND PROVIDING FOR SEVERABILITY

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA, THE FOLLOWING SHALL BE ADOPTED AND INCORPORATED INTO THE CITY AS FOLLOWS:

Pursuant to 37A OK Stat §37A-1-102 (2017), City Commissioners of the City of Shawnee have considered the feasibility of repealing and/or amending any ordinance in the City Code which governs the purchase, sale, consumption, and/or transport of nonintoxicating liquor or beverage on City Property and finds, determines, and declares that the following policies and procedures are rationally related to the legitimate governmental purpose of regulating the health, safety, and welfare of the residents of the City of Shawnee.

SECTION 1. REPEALER. Article II: NONINTOXICATING BEVERAGES Sections 4-42 through 4-49 of Chapter 4: ALCOHOLIC BEVERAGES of the City Code shall be repealed in its entirety.

SECTION 2. AMENDMENT. Section 4-1: DEFINITIONS of Chapter 4: ALCOHOLIC BEVERAGES of the City Code shall be amended as follows:

Alcoholic beverage means alcohol, spirits, beer and wine, as those terms are defined in this section, and also includes every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by human beings.

SECTION 3. AMENDMENT. Section 4-4: STATE LICENSE of Chapter 4: ALCOHOLIC BEVERAGES of the City Code shall be amended as follows:

No person shall sell intoxicating beverages or engage in any activity or perform any transaction or act whatsoever relating to intoxicating beverages for which a state license is required, without first having in his possession a current and valid state license therefor.

SECTION 4. AMENDMENT. Section 4-4: CITY LICENSE; OCCUPATION TAX LEVIED of Chapter 4: ALCOHOLIC BEVERAGES of the City Code shall be amended as follows:

(a) No retailer, mixed beverage, beer and wine-caterer or special event licensee; bottle club; manufacturer; wholesaler; or class B wholesaler whose principal place of business is in the city shall do business in the city until the occupation tax levied by this article has been paid in full to the city clerk and a receipt or license has been issued therefor by the city clerk. The amount of occupation tax for each type of license is provided in the city fee schedule.

SECTION 5. AMENDMENT. Section 4-5: OCCUPATION TAX SCHEDULES; EXPIRATION DATE OF LICENSES of Chapter 4: ALCOHOLIC BEVERAGES of the City Code shall be amended as follows:

- (a) There is levied an annual occupation tax for the privilege of operating as a retailer; mixed beverage, beer and wine, caterer or special event licensee; bottle club; manufacturer; wholesaler; or class B wholesaler, whose principal place of business is located in the city in an amount as described in the city fee schedule.
- (b) The license fee for those service organizations which are exempt under section 501(c)(19) of the Internal Revenue Code for mixed beverage or bottle club licenses shall be in an amount as described in the city fee schedule per year.
- (c) All licenses, except as otherwise provided, shall be valid for one year from the date of issuance unless revoked or surrendered, provided that a special event license shall be valid for a period not to exceed ten consecutive days from the first day the license is valid, the date to be specified on the license.
- (d) If the county authorizes the sale of alcoholic beverages by the individual drink for on-premises consumption, the holder of a license, issued by the state alcoholic beverage laws enforcement commission, for a bottle club, may exchange the bottle club license for a mixed beverage license and operate the licensed premises as a mixed beverage establishment subject to the Oklahoma Alcoholic Beverage Control Act. There shall be no additional fee for such exchange, and the mixed beverage license issued shall expire one year from the date of issuance of the original bottle club license.

SECTION 6. AMENDMENT. Section 4-7: POSSESSION BY MINORS of Chapter 4: ALCOHOLIC BEVERAGES of the City Code shall be amended as follows:

- (a) It shall be unlawful for any person under the age of 21 years to be in the possession of any intoxicating beverage while such person is upon any public street, road or highway or in any public building or place.
- (b) Any person violating this section shall be deemed guilty of a misdemeanor and, upon conviction thereof in the municipal court, shall be punished by a fine. If the person is 18 or above, he may also be punished by imprisonment. The applicable fine and period of imprisonment are as provided in the city fine schedule.

SECTION 7. AMENDMENT. Section 4-9: POSTING OF SIGNS BY BUSINESSES of Chapter 4: ALCOHOLIC BEVERAGES of the City Code shall be amended as follows:

- (a) Every person who sells alcoholic beverages at retail shall post conspicuously and keep so posted at the place of business a sign stating the following:
"IT'S THE LAW. WE DO NOT SELL ALCOHOLIC BEVERAGES TO PERSONS UNDER 21 YEARS OF AGE."
- (b) Any person who owns, operates or manages a place of business which sells beer, or alcohol, as defined in section 4-1, for off-premises consumption shall conspicuously post at the place of display of such beer or alcohol and at the place of sale (cash register) a sign described as follows: The word "WARNING:" centered and in capital letters at least three

inches in height will be at the top of the notice, with the following language in capital letters of at least three-fourths inch in height:

"PURCHASING ALCOHOL OR BEER AND SUPPLYING IT TO A PERSON UNDER 21 YEARS OF AGE IS A FELONY UNDER THE LAWS OF THE STATE OF OKLAHOMA, PUNISHABLE BY A FINE OF NOT LESS THAN \$2,500.00 NOR MORE THAN \$5,000.00, OR IMPRISONMENT FOR UP TO FIVE YEARS, OR BOTH SUCH FINE AND IMPRISONMENT."

(d) Failure to post a sign as required in subsection (c) of this section shall be an offense punishable by a fine in an amount as described in the city fee schedule.

SECTION 8. AMENDMENT. Appendix "A": CITY FEE SCHEDULE to the City Code shall be amended as follows:

Alcoholic Beverages	Occupation tax schedules/liquor license: Brewer's license	\$1,250.00
Alcoholic Beverages	Occupation tax schedules/liquor license: Oklahoma brewer's license	\$125.00
Alcoholic Beverages	Occupation tax schedules/liquor license: Distiller's license	\$3,125.00
Alcoholic Beverages	Occupation tax schedules/liquor license: Winemaker's license	\$625.00
Alcoholic Beverages	Occupation tax schedules/liquor license: State winemaker's license	\$75.00
Alcoholic Beverages	Occupation tax schedules/liquor license: Rectifier's license	\$3,125.00
Alcoholic Beverages	Occupation tax schedules/liquor license: Wholesaler's license	\$3,500.00
Alcoholic Beverages	Occupation tax schedules/liquor license: Interim wine and spirits wholesaler's license	\$3,000.00
Alcoholic Beverages	Occupation tax schedules/liquor license: Class B wholesaler's license	\$625.00
Alcoholic Beverages	Occupation tax schedules/liquor license: Interim beer distributor's license	\$750.00

Alcoholic Beverages	Occupation tax schedules/liquor license: Package store's license	\$905.00
Alcoholic Beverages	Occupation tax schedules/liquor license: Interim retail wine license	\$1,000.00
Alcoholic Beverages	Occupation tax schedules/liquor license: Interim retail beer license	\$500.00
Alcoholic Beverages	Occupation tax schedules/liquor license: Mixed beverage license – initial and renewal	\$1,005.00 And \$905.00
Alcoholic Beverages	Occupation tax schedules/liquor license: Caterer's license –if caterer is holder of a mixed beverage license issued by the City	\$1,250.00
Alcoholic Beverages	Occupation tax schedules/liquor license: Caterer's license – initial and renewal	\$1,005.00 And \$905.00
Alcoholic Beverages	Occupation tax schedules/liquor license: Special event license, annual/quarterly	\$55.00
Alcoholic Beverages	Occupation tax schedules/liquor license: Beer and wine license – initial and renewal	\$500.00 And \$450.00
Alcoholic Beverages	Occupation tax schedules/liquor license: License fee for section 501(c)(19) exempt service organizations	\$500.00
Alcoholic Beverages	Occupation tax schedules/liquor license: Annual public event license	\$1,005.00
Alcoholic Beverages	Occupation tax schedules/liquor license: One-time public event license	\$255.00

SECTION 9. AMENDMENT OF ARTICLE I OF CHAPTER 4. The following language is hereby adopted, incorporated, and otherwise made a part of Article I: IN GENERAL of Chapter 4: ALCOHOLIC BEVERAGES of the City Code of the City of Shawnee:

Sec. 4-12. Hours of Sale. It shall be unlawful for any place licensed to sell alcoholic beverages to sell alcoholic beverages between the hours of 2:00 a.m. and 7:00 a.m.

SECTION 10. SEVERABILITY. If any one or more of the sections, sentences, clauses or parts of this ordinance, ordinance or section shall for any reason be held invalid by a court of competent jurisdiction, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance. It is hereby declared to be the intention of the City Commissioners of the City of Shawnee that this section of the ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 11. CODIFICATION. This Ordinance shall be codified in the Shawnee Municipal Code, and the codifier is authorized to set out the ordinance as appropriate.

SECTION 12. REPEALER. All sections, subsections, clauses, and sentences of existing law in conflict with this ordinance, are repealed.

SECTION 13. EFFECTIVE DATE. The effective date of this Ordinance shall be October 1, 2018.

PASSED AND APPROVED this _____ day of _____, 2018.

RICHARD FINLEY, MAYOR

(SEAL)

ATTEST:

LISA LASYONE, CMC, CITY CLERK

Approved as to form and legality this _____ day of _____, 2018.

JOSEPH VORNDRAN, CITY ATTORNEY

Regular Board of Commissioners

6.

Meeting Date: 09/04/2018

Medical Marijuana

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Discussion, consideration, and possible approval of an ordinance to amend Chapter 8 of the City Code to add article regarding medical marijuana.

Attachments

Medical Marijuana

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 8 (BUSINESSES, PERMITS AND LICENSES), BY ADDING ARTICLE VIII. – MEDICAL MARIJUANA TO THE CODE OF ORDINANCES OF THE CITY OF SHAWNEE, MAKING FINDINGS OF FACT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, a proposal has been presented to the City Council of the City of Shawnee, Oklahoma to amend Chapter 8 of the Code of Ordinances of the City of Shawnee, Oklahoma, and,

WHEREAS, the City Council has determined that such modification and amendment is necessary and in the best interest of the health and safety of the citizens of the City of Shawnee,

THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SHAWNEE, OKLAHOMA:

Section 1. Amendment.

Chapter 8 is amended by adding Section 8-514 through 8- 517 to read as follows:

“Section 8-514, Definitions

1. “Retail Marijuana Dispensary” means a building, room, or other area that is open to the public, upon the licensed retailer premises in which cannabis goods are sold or displayed.
2. “Marijuana Processor” is defined as any method used to prepare marijuana or its byproducts for commercial sale, including but not limited to: drying, cleaning, curing, packaging, and extraction of active ingredients to create marijuana related products and concentrates.
3. “Commercial Marijuana Grower” is the planting, growing, harvesting, and storage of one or more marijuana plants or any part thereof in any location.
4. “Commercial Marijuana Research Facility” is a facility that conducts potency and contaminants testing and research for Medical Marijuana business licensees.

Section 8-515, Medical Marijuana Establishments

1. All Commercial Marijuana Growers, Commercial Marijuana Processors, Commercial Marijuana Transporters, Retail Marijuana Dispensaries, Licensed Packagers, Wholesale Facilities, and Research Facilities are required to obtain a permit from the City Clerk or their designee. These establishments are defined as any medical marijuana establishment licensed by the State of Oklahoma.
2. The City Council will establish by resolution a fee to obtain the Permit for each of the above described entities. The fee shall be used to offset municipal expenses covering costs related to licensing, inspection, administration and enforcement of the above described entities.

3. Only Commercial Marijuana Processors, Commercial Marijuana Growers limited to indoor growing only, Commercial Marijuana Research Facilities, Retail Marijuana Dispensaries shall be located in areas zoned C-3 and C-4.
4. Only Commercial Marijuana Processors, Commercial Marijuana Growers, Commercial Marijuana Research Facilities, Licensed Packagers, and Wholesale Facilities shall be located in areas zoned I-2 and I-3.
5. Commercial Marijuana Growers shall be prohibited from being located in areas zoned A-1. Only Marijuana Growing Facilities for Personal Medical Use shall be located in areas zoned A-1.
6. Only Commercial Marijuana Dispensaries shall be located in areas zoned CP.
7. A Permit will not be granted to any applicants where the proposed location would be located within 1,000 feet of any of the following uses:
 - a. private or public preschool, elementary, middle, high school, secondary, vocational or trade school, college or university;
 - b. any juvenile or adult halfway house, correctional facility or substance abuse rehabilitation or treatment center;
 - c. any commercial daycare facilities;
 - d. another licensed establishment, unless such establishment is owned and operated by the same entity and is located on adjacent or contiguous lots.
8. For the distance requirements outlined in this ordinance, the distances described shall be computed by direct measurement in a straight line from the nearest property line of the parcel of land on which the use described in paragraph 4 is located to the nearest property line of the building or unit in which the proposed retail marijuana establishment would be located.
9. Buildings or transportation vehicles where marijuana is stored or dispensed must be equipped with ventilation/air filtration systems so that no odors are detectable off premises.
10. Any violations of this section will result in the revocation of the permit, and a fine of \$200.00 per day while the violation exists.
11. Nothing in this Ordinance be construed to: 1) allow persons to engage in conduct that endangers or causes a public nuisance; 2) allow the use of marijuana for non-medical purposes; or 3) allow any activity that is otherwise illegal and not permitted by state law.

Section 8-516 Inspection.

1. All permits outlined in this ordinance will be subject to inspection by an authorized city employee or agent prior to issuance.
2. The inspection prior to a permit decision will occur at a time scheduled and approved by both the applicant and City.
3. The applicant will be required to be present during the inspection.

Section 8-517 Marijuana Growing Facilities for Personal Medical Use; Security.

1. All owners of Marijuana Growing Facilities for Personal Medical Use are required to obtain a permit from the City Clerk.
2. The City Council will establish by resolution a fee to obtain the Marijuana Growing Facilities for Personal Medical Use Permit. The fee shall be used to offset

municipal expenses covering costs related to licensing, inspection, administration and enforcement of Marijuana Growing Facilities for Personal Medical Use.

3. All Marijuana Growing Facilities for Personal Medical Use shall be subject to security provisions as stated herein prior to the granting of a permit. Failing to comply with security provisions as stated herein will result in revocation of the permit.

4. Any access or entry point to residential facilities used for marijuana cultivation for personal medical use must be secured by lock and key or equivalent, at all times except when the residential facility is actively being supervised in person by the permit holder.

5. Growing marijuana for personal medical use shall be limited to the interior of a single private residence.

6. Growing marijuana shall not be visible from the public right of way.

7. The growing area, including any lighting, plumbing or electrical components used, shall comply with applicable building and fire codes. The growing area must be properly ventilated so as not to create humidity, mold or other related problems. Lighting shall not exceed 1000 watts per light. The use of gas products (CO₂, butane, etc.) or CO₂ and ozone generators in the growing area is prohibited.

8. Growing marijuana shall not be conducted in a manner that constitutes a public nuisance. A public nuisance may be deemed to exist if growing marijuana produces light, glare, heat, noise, odor or vibration that is detrimental to public health, safety or welfare or interferes with the reasonable enjoyment of life and property.

9. The primary use of the residential property in which marijuana is grown shall remain at all times a residence, with legal and functioning cooking, eating, sleeping and sanitation/bathing facilities with proper ingress and egress. No room shall be used for growing marijuana where such cultivation will impair or prevent the primary uses of cooking, eating, sleeping or sanitation/bathing.

10. Growing Marijuana for personal use without first obtaining a license from the State of Oklahoma and a permit from the City Clerk is punishable by a fine of \$200.00 per day while the violation exists.

Section 8-518 Smell or Noxious Odor.

The smell or noxious odor emitted from smoking or consumption of marijuana by a person possessing a valid state issued medical marijuana license shall be treated as a public nuisance.

Section 2. Severability.

If any one or more of the sections, sentences, clauses or part of this ordinance, chapter or section shall for any reason be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance. It is hereby declared to be the intention of the City Council of the City of Shawnee that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 3. Emergency Clause.

It being immediately necessary for the preservation of public health, peace, and safety, an emergency is hereby declared to exist, by reason whereof this Ordinance shall take effect and be in full force from and after its passage and approval.

PASSED AND APPROVED this _____ day of _____, 2018.

RICHARD FINLEY, MAYOR

(SEAL)

ATTEST:

LISA LASYONE, CMC, CITY CLERK

Emergency separately approved this _____ day of _____, 2018.

ATTEST:

RICHARD FINLEY, MAYOR

(SEAL)

LISA LASYONE, CMC, CITY CLERK

Approved as to form and legality this _____ day of _____, 2018.

JOSEPH VORNDRAN, CITY ATTORNEY

Regular Board of Commissioners

7.a.

Meeting Date: 09/04/2018

Admin Rpt

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Fire Station No. 2 Renovation Project – Fire Chief Dru Tischer

Attachments

No file(s) attached.
