

AGENDA
BOARD OF CITY COMMISSIONERS
August 21, 2017 AT 6:30 P.M.
COMMISSION CHAMBERS AT CITY HALL
SHAWNEE, OKLAHOMA

CALL TO ORDER

DECLARATION OF A QUORUM

INVOCATION

FLAG SALUTE

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

1. Consider approval of Consent Agenda:
 - a. Minutes from the August 7, 2017 regular meeting.
 - b. Acknowledge resignation of Susie Clinard from the Planning Commission.
 - c. Acknowledge waiving Sections 8-431 and 8-434 of the Code of the City of Shawnee involving Garage Sale licenses and fees for the days of September 29 – October 1, 2017.
 - d. Mayor's Appointments

<u>Shawnee Beautification Committee</u>	
Joe Harbeson	1 st Full Term
<i>Appointment to New Committee</i>	
	Expires 1/1/2021
2. Citizens Participation

(A three minute limit per person)
(A twelve minute limit per topic)
3. Presentation by City Manager to Employee of the Month, Ashley Bione, Utility Billing/Customer Service Department.
4. Mayor's Proclamation:

"Blueprints Graduate Day"
August 21, 2017
5. Consideration of a resolution designating of the City of Shawnee Commission Chambers as the "Bertha Ann Young Commission Chambers".

6. Consideration of a resolution of support for safe routes to school.
7. Consideration of a resolution supporting the Pottawatomie County Food Policy Council.
8. Presentation regarding the 25th Anniversary of the International Finals Youth Rodeo by the Chairman of the Shawnee Civic and Cultural Development Authority.
9. Public hearing and consideration of an ordinance closing the right-of-way of a tract of land in the W/2 W/2 SW/4 of Section 5, Township 10 North, Range 4 East beginning at the northwest corner of Lot 10 of the Harrison Park Addition, thence west 35 feet, thence south 147.5 feet, thence east 35 feet, thence north 147.5 feet to the point of beginning. (Applicant: Greg Brown Homes, LLC)
10. Discussion and consider approval of a resolution to approve the potential amendment of the City's Tax Increment Financing District and the possible creation of a second such District, directing the preparation of an amended and restated Project Plan and the appointment of a Review Committee.
11. Consider an ordinance related to terms of mayor and city commissioners and election of vice mayor, amending Section Four and Section Six of Article III of the charter of the City of Shawnee, Oklahoma, changing the time for the beginning of terms to conform with election dates and setting the time for election of vice mayor; and setting the effective date and providing for severability.
12. Consider a resolution calling and providing for the holding of a special election in the City of Shawnee, Oklahoma, for the purpose of adopting an ordinance changing the time for the beginning of terms for the mayor and commissioners and for the time of election of the vice mayor; and providing for said election to be conducted by the Pottawatomie County Election Board, and providing for voting by absentee ballot.
13. Consider an ordinance related to the calling of an election, amending Section Seven of Article XIV of the charter of the City of Shawnee, Oklahoma, changing the method of ordering the holding of elections by resolution, which conforms with state law; and setting the effective date and providing for severability.
14. Consider a resolution calling and providing for the holding of a special election in the City of Shawnee, Oklahoma, for the purpose of amending Section Seven of Article XIV of the charter of the City of Shawnee, changing the method of ordering the holding of elections by resolution, which conforms to state law; and providing for said election to be conducted by the Pottawatomie County Election Board, and providing for voting by absentee ballot.
15. Consider an ordinance calling for a special election for the filling of the unexpired term of Ward 6.
16. Consider a resolution calling and providing for the holding of a special election in the City of Shawnee, Oklahoma, for the purpose of filling the unexpired term of Ward 6; providing for said election to be conducted by the Pottawatomie County Election Board, and providing for voting by absentee ballot.
17. Status update on Interstate 40/Bryan Street interchange.

18. Acknowledge Sales Tax Report received August 2017.
19. Administrative Reports
 - a. Edward Byrnes Memorial Grant – Police Chief Mason Wilson
20. New Business

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

Respectfully submitted

Phyllis Loftis, 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: 08/21/2017

CC Minutes 08-07-2017

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Minutes from the August 7, 2017 regular meeting.

Attachments

CC Minutes 08-07-2017

BOARD OF CITY COMMISSIONERS PROCEEDINGS
AUGUST 7, 2017 AT 6:30 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 7, 2017 at 6:30 p.m., pursuant to notice duly posted as prescribed by law. Vice Mayor Harrod presided and called the meeting to order. Upon roll call, the following members were in attendance.

Absent
Mayor

Dub Bushong
Commissioner Ward 1

Absent
Commissioner Ward 2

James Harrod
Commissioner Ward 3-Vice Mayor

Darren Rutherford
Commissioner Ward 4

Lesa Shaw
Commissioner Ward 5

Ben Salter
Commissioner Ward 6

ABSENT: Richard Finley, Ron Gillham

INVOCATION

Don Lynch, Emergency Management Director

FLAG SALUTE

AGENDA ITEM NO. 1:

Consider approval of Consent Agenda:

- a. Minutes from the July 17, 2017 regular meeting.
- b. Acknowledge the following reports and minutes:
 - License Payment Report for July 2017
 - Project Payment Report for July 2017
 - Shawnee Urban Renewal Authority Minutes from May 2, 2017 meeting and June 13, 2017 Special Call meeting
 - Planning Commission Minutes from June 12, 2017 meeting

- c. Lake Lease Renewal/Transfer:

TRANSFER:

Lot 1 Mosler Tract, 16200 Archery Range Road

From: Mehdi Azimi

To: Derrick and Jessica Carpenter

- d. Approve renewal of the Pottawatomie County Public Safety Center Jail Services Agreement for FY2017-2018.
- e. Approve Change Order for Shawnee Convention Center HVAC and Lighting Upgrade Project.
- f. Authorize staff to purchase four (4) - half (1/2) ton pickups at the state bid price of \$21,425.00 each and one (1) - one (1) ton truck at the state bid price of \$34,590.00 each.
- g. Authorize staff to apply for sub-grant of Emergency Management Performance Grant from the Oklahoma Department of Emergency Management.
- h. Mayor's Appointments

Traffic Commission

Travis Flood 1st Full Term

Expires 1/1/2020

Replaces Wayne Ardrey – Termed Out

Shawnee Housing Authority

Marion McMillan 1st Full Term

Expires 2/4/2020

Replaces Donna Houston – Termed Out

Shawnee Beautification Committee

Tom Terry 1st Full Term

Expires 1/1/2021

Appointment to New Committee

Sherry Lankford 1st Full Term

Expires 1/1/2021

Appointment to New Committee

Vice Mayor Harrod asked to pull Consent Agenda Item no. 1(e) for separate consideration.

A motion was made by Commissioner Shaw, seconded by Commissioner Bushong, to approve Consent Agenda Item Nos. 1(a-h), less item 1(e). Motion carried 5-0.

AYE: Shaw, Bushong, Harrod, Rutherford, Salter

NAY: None

Regarding Consent Agenda Item No. 1(e), Vice Mayor Harrod stated that he had concerns regarding the costs associated with this item and had contacted the City Manager and James Bryce, Director of Operations. Mr. Bryce said that he spoke with the contractor and negotiated a new cost of \$26,514.00, which is approximately \$9,000.00 less than original estimate. Staff recommends approval.

A motion was made by Commissioner Shaw, seconded by Commissioner Rutherford, to approve Consent Agenda Item No. 1(e) at the negotiated cost of \$26,514.00. Motion carried 5-0.

AYE: Shaw, Rutherford, Salter, Bushong, Harrod

NAY: None

AGENDA ITEM NO. 2:

Citizens Participation

(A three minute limit per person)

(A twelve minute limit per topic)

Karen Bays-Winslow, Shawnee Public Library, advised that there will be a Horse in the City reveal party outside the library on August 21, 2017 at 5:00 p.m. She invited everyone to attend.

Ms. Bays-Winslow also advised that she has accepted a position in Indiana. She stated that it has been an honor and privilege to work at the Shawnee Public Library. Her last day will be August 17, 2017. Peggy Cook will be in the interim Librarian.

Holly Gordon announced that the 3rd Friday Event will be on August 18, 2017 and the Blue Zones Kickoff is August 26, 2017 at Shawnee High School. She also announced that the Cops and Kids event will be on August 26, 2017.

AGENDA ITEM NOS. 13 AND 14 MOVED BEFORE AGENDA ITEM NO. 4
BY POWER OF THE CHAIR

AGENDA ITEM NO. 13:

Consider an Executive Session for discussion and possible action on litigation pending against the City of Shawnee by Wesley Treece (Workers Compensation Court Case No. 2009-05510R) as authorized by 25 O. S. §307(B)(4) on the recommendation of counsel that public discussion would impair the ability of the City Attorney to adequately defend the City.

A motion was made by Commissioner Rutherford, seconded by Commissioner Salter, to enter into Executive Session for discussion and possible action on litigation pending against the City of Shawnee by Wesley Treece (Workers Compensation Court Case No. 2009-05510R) as authorized by 25 O. S. §307(B)(4) on the recommendation of counsel that public discussion would impair the ability of the City Attorney to adequately defend the City. Motion carried 4-1.

AYE: Rutherford, Salter, Bushong, Harrod

NAY: Shaw

COMMISSION ENTERED INTO EXECUTIVE SESSION AT 6:43 P.M. WITH ALL MEMBERS PRESENT.

COMMISSION RECONVENED FROM EXECUTIVE SESSION AT 7:36 P.M. WITH ALL MEMBERS PRESENT.

AGENDA ITEM NO. 14:

Consider matters discussed in Executive Session regarding pending against the City of Shawnee by Wesley Treece (Workers Compensation Court Case No. 2009-05510R) as authorized by 25 O. S. §307(B)(4) on the recommendation of counsel that public discussion would impair the ability of the City Attorney to adequately defend the City.

A motion was made by Commissioner Rutherford, seconded by Commissioner Bushong, to settle pending litigation with Wesley Treece for up to the authorized amount, which upon the recommendation of counsel, disclosure of

which would impair the ability of counsel to adequately defend the City. Motion carried 4-0-1.

AYE: Rutherford, Bushong, Harrod, Salter

NAY: None

ABSTAIN: Shaw

A motion was made by Commissioner Rutherford, seconded by Commissioner Shaw, to authorize legal counsel to accept the penalty proposal from Midwest Employers. Motion carried 5-0.

AYE: Rutherford, Shaw, Salter, Bushong, Harrod

NAY: None

AGENDA ITEM NO. 3:

Consideration and possible action regarding an agreement with Revize Software Systems for professional services related to the complete redesign of the City's website.

City Manager Justin Erickson gave a staff report. He stated that there were ten firms that submitted proposals and the City staff interviewed three finalists on July 11, 2017. After consideration of the three final plans, staff recommends entering into an agreement with Revize Software Systems. Revize has worked with over 800 municipal clients and provides on-site meetings with staff prior to implementation. Cost for the complete website redesign is \$43,500.00. Annual maintenance fees are \$5,900.00, which brings the total five-year cost to \$67,100.00. The new website is expected to be launched on or before December 15, 2017.

A motion was made by Commissioner Shaw, seconded by Commissioner Rutherford, to approve an agreement with Revize Software Systems for professional services related to the complete redesign of the City's website. Motion carried 5-0.

AYE: Shaw, Rutherford, Salter, Bushong, Harrod

NAY: None

AGENDA ITEM NO. 4:

Consideration and possible action regarding a Memorandum of Understanding between the City of Shawnee and the State of Oklahoma, Commissioners of the Land

Office related to master planning, engineering and installation of public improvements on land located in the SE quarter of Section 31, T11N, R3E.

City Manager Justin Erickson stated that the location is west and south of the current Shawnee Marketplace. He stated that staff and the Commissioners of the Land Office (CLO) are committed to working together on-site to develop the property which is known as Shawnee Marketplace Phase II. The Memorandum of Understanding (MOU) outlines each party's responsibilities and timelines. Mr. Erickson stated that there are no costs at this time, other than staff time. To address two undetermined time frames in the MOU, the following amendments were made:

Paragraph 4. In the event the Parties do not enter a final written Agreement within twenty four (24) months from the date hereof, this MOU shall terminate and be of no further force or effect.

Paragraph 6. If, in the opinion of either Party, the cost estimates or actual bids are too high or funds are not available, the project may be placed on hold temporarily for a period not to exceed two (2) years.

A motion was made by Commissioner Rutherford, seconded by Commissioner Bushong, to approve a Memorandum of Understanding between the City of Shawnee and the State of Oklahoma, Commissioners of the Land Office related to master planning, engineering and installation of public improvements on land located in the SE quarter of Section 31, T11N, R3E, with the amendments to paragraphs 4 and 6. Motion carried 5-0.

AYE: Rutherford, Bushong, Harrod, Shaw, Salter
NAY: None

AGENDA ITEM NO. 5:

Public hearing and consideration of an ordinance to rezone with a conditional use permit for property located at 1215 East Farrall Street to allow for a manufactured home. Case No. P08-17. Applicant: Lehomahte Wassana

A staff report was given by Justin DeBruin, Community Development Director. Mr. DeBruin stated no protests have been received and that staff recommends approval. The Planning Commission also recommended approval. Commissioner Rutherford asked about the current condition of the property and Mr. DeBruin stated that the tall grass and weeds issue would be addressed separately.

Vice Mayor Harrod declared a public hearing in session to consider an ordinance to rezone with a conditional use permit for property located at 1215 East Farrall Street to allow for a manufactured home. No one appeared in favor or against said rezoning. The public hearing was closed.

A motion was made by Commissioner Shaw, seconded by Commissioner Rutherford, to approve the ordinance to rezone with a conditional use permit for property located at 1215 East Farrall Street to allow for a manufactured home.

Ordinance No. 2611NS was introduced.

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, TO-WIT: A TRACT OF LAND DESCRIBED AS BEGINNING 644 FEET WEST OF THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER (SE/4) OF THE SOUTHWEST QUARTER (SW/4) OF SECTION TWENTY (20), TOWNSHIP TEN (10) NORTH, RANGE FOUR (4) EAST, OF THE INDIAN MERIDIAN, POTTAWATOMIE COUNTY, OKLAHOMA, THENCE WEST 165 FEET; THENCE SOUTH 660 FEET; THENCE EAST 165 FEET; THENCE NORTH 660 FEET TO POINT OF BEGINNING, ALSO DESCRIBED AS 1215 EAST FARRALL, TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF REZONING SAID PROPERTY FROM A-1; RURAL AGRICULTURAL DISTRICT TO A-1; RURAL AGRICULTURAL DISTRICT WITH CONDITIONAL USE PERMIT AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

Motion carried 5-0.

AYE: Shaw, Rutherford, Salter, Bushong, Harrod

NAY: None

Ordinance No. 2611NS was adopted by the City Commission.

AGENDA ITEM NO. 6:

Public hearing and consideration of an ordinance to rezone property located at 4010 North Kickapoo Street from R-1; Single Family Residential District to C-3; Highway Commercial District. Case No. P09-17. Applicant: Nelmon Brauning.

A staff report was given by Justin DeBruin, Community Development Director. Mr. DeBruin stated that no protests have been received and staff recommends approval. The Planning Commission also recommended approval.

Vice Mayor Harrod declared a public hearing in session to consider an ordinance to rezone property located at 4010 North Kickapoo Street from R-1; Single Family Residential District to C-3; Highway Commercial District. No one appeared in favor or against said rezoning. The public hearing was closed.

A motion was made by Commissioner Rutherford, seconded by Commissioner Bushong, to approve the ordinance to rezone property located at 4010 North Kickapoo Street from R-1; Single Family Residential District to C-3; Highway Commercial District.

Ordinance No. 2612NS was introduced.

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, TO-WIT: LOT THREE (3), IN BLOCK TWO (2), COLLEGE VIEW ADDITION, TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF REZONING SAID PROPERTY FROM R-1; SINGLE FAMILY RESIDENTIAL DISTRICT TO C-3; HIGHWAY COMMERCIAL DISTRICT AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

Motion carried 5-0.

AYE: Rutherford, Bushong, Harrod, Shaw, Salter

NAY: None

Ordinance No. 2612NS was adopted by the City Commission.

AGENDA ITEM NO. 7:

Consideration of a Final Plat for Avedis Park located at 1500 East Independence Street. Case No. S04-17. Applicant: ADG, PC

A staff report was given by Justin DeBruin, Community Development Director. Mr. DeBruin stated that staff recommends approval with conditions.

A motion was made by Commissioner Shaw, seconded by Commissioner Salter, to approve a Final Plat for Avedis Park located at 1500 East Independence Street, with the following conditions:

1. Sixty (60%) percent of the structural façade shall be of masonry material.
2. Site landscaping of ten (10%) percent shall be required.
3. Perimeter sidewalks, as proposed.
4. Proper site storm water detention.
5. Required fencing or dense landscaping where adjacent to residential properties.
6. All other applicable City standards apply.

Motion carried 5-0.

AYE: Shaw, Salter, Bushong, Harrod, Rutherford

NAY: None

AGENDA ITEM NO. 8:

Discussion and possible action to direct staff regarding potential election items including, but not limited to, a charter change regarding election processes to clarify terms of office and Ward 6 Commissioner election for remainder of term.

City Manager Justin Erickson stated any items the Commission intends to present to a vote at a special election in November will need to be determined in the next two City Commission meetings as the deadline for notification to the Election Board is mid-September. He also noted that an election held in November would also require that the Ward 6 commission seat held by Ben Salter, who is serving out the unexpired term of Micheal Dykstra, be on the ballot. Commission discussion regarding potential ballot items centered on a charter change to clarify the terms of office for City Commissioners. The proposed change would allow for successful commission candidates to take their seats at the next regular meeting following their respective elections instead of the first meeting in September, pending no run-off election is required.

Commissioner Shaw asked that voters decide the issue of ward voting versus at-large voting for City Commissioners. Currently, all commission seats are voted on at-large and Commissioner Shaw is a proponent of changing that to voting by ward. Commissioner Bushong stated that he was reluctant to restrict the vote to ward residency only. He stated that the precincts are not set up for that type of voting. Commissioner Shaw asked if the local newspaper would prepare a readers poll to gauge whether citizens would be in favor of such a change. A motion was made by Commissioner Shaw to attach the ward question to the November ballot. Motion failed for lack of a second.

There was also discussion concerning the possibility of waiting until the June, 2018 election cycle to address any of the above issues.

Staff advised they will continue to research the issue and, if directed, will have an action item on the August 21, 2018 agenda calling for a November election.

No action taken.

AGENDA ITEM NO. 9:

Discussion, consideration and possible action on an ordinance amending Ordinance No. 2520NS, which shall reinstate Chapter 12, Section 13, of the Shawnee City Code entitled “Municipal Courts – Failure to Appear Before the Court.”

City Attorney Joe Vorndran stated that the “failure to appear before the Court” was inadvertently removed from Ordinance No. 2520NS.

A motion was made by Commissioner Shaw, seconded by Commissioner Bushong, to approve an ordinance amending Ordinance No. 2520NS, which shall reinstate Chapter 12, Section 13, of the Shawnee City Code entitled “Municipal Courts – Failure to Appear Before the Court.”

Ordinance No. 2613NS was introduced.

AN ORDINANCE AMENDING ORDINANCE NO 2520NS, DATED OCTOBER 21, 2013, TO INCLUDE SECTION 56, WHICH SHALL RE-INSTATE CHAPTER 12, SECTION 13 OF THE SHAWNEE CITY CODE CHAPTER ENTITLED “MUNICIPAL COURTS - FAILURE TO APPEAR BEFORE THE COURT”; PROVIDING FOR SEVERABILITY, CODIFICATION, AND REPEALER; AND DECLARING AN EMERGENCY.

Motion carried 5-0.

AYE: Shaw, Bushong, Harrod, Rutherford, Salter

NAY: None

A motion was made by Commissioner Shaw, seconded by Commissioner Salter, to approve emergency clause relating to Ordinance No. 2613NS. Motion carried 5-0.

AYE: Shaw, Salter, Bushong, Harrod, Rutherford

NAY: None

AGENDA ITEM NO. 10:

City Manager Report

City Manager Justin Erickson gave updates on the following:

- a. Wayfinding Signage – It is near completion. Installation of signs should begin later this month.
- b. Fire Station No. 2 – The construction project is moving along.
- c. Board openings – The City has openings on many boards and is asking that anyone interested in serving on a board complete an application.
- d. Park Planning – There will be future public meetings regarding park planning. Staff has added two more parks to the master plan – Optimist Park and Wiegant Park.

AGENDA ITEM NO. 11:

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

There was no New Business.

AGENDA ITEM NO. 12:

Commissioners Comments

Regarding the advisory board appointments, Commissioner Rutherford asked if there could be a broader scope on board requirements, such as residency. City Manager Justin Erickson advised that is possible as long as it does not conflict with state law.

Commissioner Shaw stated that Fire Station No. 2 is down to the bare bones and Dominoes Plaza is moving along very well.

Commissioner Shaw stated that she has had concerns regarding board structure and specifically mentioned the Contract Review Committee since they conduct the business of the City.

Commissioner Shaw stated she was aware of a meeting held between Oklahoma Department of Transportation (ODOT) officials, Sac & Fox Tribe officials and the City of Shawnee officials regarding the proposed Bryan Street/Interstate 40 interchange. She stated she is unhappy that she was not

included in the meeting and expects to be invited the next time a meeting is held regarding this item.

Vice Mayor Harrod explained to Commissioner Shaw that he had not gone to the meeting with the Sac and Fox but it was his understanding that the meeting was not arranged by the City but by the Oklahoma Department of Transportation.

Vice Mayor Harrod discussed the recent tornado in Tulsa. Don Lynch, Emergency Management Director, discussed the lack of warning for that tornado incident. He noted that there are many instances when storms form so quickly that advanced warning cannot be given, as was the case in Tulsa.

Vice Mayor Harrod stated that he has heard good reports for the Firelake Balloon Festival but was not able to attend.

AGENDA ITEM NO. 15:

Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (8:47 p.m.)

JAMES HARROD, VICE MAYOR

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

Regular Board of Commissioners

1.b.

Meeting Date: 08/21/2017

Clinard Resignation

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Acknowledge resignation of Susie Clinard from the Planning Commission.

Attachments

Clinard Resignation

From: Susie Clinard [mailto:sclinard99@gmail.com]
Sent: Monday, August 14, 2017 2:51 PM
To: Cheyenne Pettigrew
Subject: Re: Resignation letter for Planning Commission

I had planned to send a letter of resignation next week. Currently, I'm out of state. Since an email will do for now:

I officially resign my position as planning commissioner for the City of Shawnee effective August 15th.

It has been a pleasure to serve on the commission and to work with the capable staff of the planning department during my tenure. Thank you to Mayor Finley and the City Commissioners for my appointment.
Susie Clinard

On Mon, Aug 14, 2017 at 11:02 AM Cheyenne Pettigrew <Cheyenne.Pettigrew@shawneeok.org> wrote:

Good Morning Susie,

I spoke with the city clerk this morning and they are requesting a resignation letter from you so they can put it on the agenda Wednesday. Lisa said an email would work just fine. If you have any questions, please let me know!

Thank you,

Cheyenne Pettigrew

Planning Secretary

City of Shawnee

222 N. Broadway

(405) 878-1616

Regular Board of Commissioners

1.c.

Meeting Date: 08/21/2017

Free Garage Sale Licenses

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Acknowledge waiving Sections 8-431 and 8-434 of the Code of the City of Shawnee involving Garage Sale licenses and fees for the days of September 29 – October 1, 2017.

Attachments

No file(s) attached.

Regular Board of Commissioners

1.d.

Meeting Date: 08/21/2017

Mayors Appts

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Mayor's Appointments

Shawnee Beautification Committee

Joe Harbeson 1st Full Term

Expires 1/1/2021

Appointment to New Committee

Attachments

Harbeson App

What will make you a good board member and what skills or knowledge do you have that would be relevant to this board/committee/commission?

member of Master Gardeners

What civic or volunteer activities (if any) are you currently involved in?

member of the Shawnee Beautification Committee
Volunteer to work downtown with Master Gardeners

List education, including degree(s) earned:

B.S. in Pharmacy

Have you ever served on a City-appointed board/committee/commission before? If so, which ones and for how long did you serve?

yes, Shawnee Beautification Committee for 2 years

Have you ever been charged and/or convicted of a felony? NO

If so, please explain the circumstances and the current status of the charge(s) and/or conviction(s):

Have you ever declared personal or business bankruptcy? NO

If so, please explain:

Please include up to three personal or professional references:

Name	Relationship	Telephone Number
Tom Terry	Master Gardener	273-7882

PLEASE READ CAREFULLY:

Appointment by the Commission is for one term and individuals may not serve more than two consecutive full terms. Appointment to a second term remains at the discretion of the City Commission.

My signature affirms that all information contained herein is true to the best of my knowledge, and that I understand that any misstatement of fact or misrepresentation of credentials may result in disqualification from further consideration.

Signature Joe Halesan

Date 8-8-17

Regular Board of Commissioners

3.

Meeting Date: 08/21/2017

EOM

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Presentation by City Manager to Employee of the Month, Ashley Bione, Utility Billing/Customer Service Department.

Attachments

No file(s) attached.

Regular Board of Commissioners

4.

Meeting Date: 08/21/2017

Mayors Proclamation

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Mayor's Proclamation:

"Blueprints Graduate Day"
August 21, 2017

Attachments

Graduate Day Proc



Proclamation

“Blueprints Graduate Day”

Whereas, poverty can and does affect entire families in any community; and

Whereas, the organization known as Blueprints focuses on giving back in order to build a better community for everyone through educational events that provide basic necessities to families while educating them on local resources available in the community; and

Whereas, the graduates of Blueprints: Drafting Success, dedicate themselves to this program by offering hope in the place of hopelessness, resources to those who are struggling, and recognition for a job well done; and

Whereas, individuals and organizations consistently and unselfishly donate their time, resources, skills and talents to ensure that the barriers that have existed in the past are no longer present, giving each person in our thriving community the opportunity to have a future worth living for; and

Whereas, the purpose of Blueprints Graduate Day is to inspire others to come together in order to build a better community for everyone; and

Now, Therefore, Be It Resolved, that this Commission hereby honors all graduates of the Blueprints: Drafting Success Program for their hard work, community involvement, and personal achievements. May the years to come be filled with continued success and achievement for all of the Blueprints graduates.

In the City of Shawnee, Oklahoma
Dated this 21st day of August, 2017

Richard Finley, Mayor

Phyllis Loftis, CMC, City Clerk

Regular Board of Commissioners

5.

Meeting Date: 08/21/2017

Bertha Ann Young Reso

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Consideration of a resolution designating of the City of Shawnee Commission Chambers as the "Bertha Ann Young Commission Chambers".

Attachments

Young Reso

City of Shawnee



Resolution No 6546:

A RESOLUTION DESIGNATING THE CITY OF SHAWNEE CITY COMMISSION CHAMBERS AS “BERTHA ANN YOUNG CITY COMMISSION CHAMBERS”

WHEREAS, Bertha Ann Young commenced her employment with the City of Shawnee on August 9, 1948 and has served the City and its inhabitants starting with Entry Level Clerk and progressing through the years as Assistant Cashier, Deputy City Clerk, Acting City Clerk, and finally in December 1970, she was appointed by the Mayor and Board of City Commissioners to become the City Treasurer on January 1, 1971; and

WHEREAS, Bertha Ann Young dedicated herself for the betterment of this community and demonstrated a genuine love for Shawnee by serving its inhabitants in an unselfish and loyal manner; and elected to retire on August 31, 1999; and

WHEREAS, Bertha Ann Young served on the Oklahoma Municipal Retirement Board of Trustees from 1978 to 2017 and assisted with making important decisions for the many employees of municipalities in the State of Oklahoma; and

WHEREAS, Bertha Ann Young served, at different times, as president of the Oklahoma Municipal Treasurers Association, the Governmental Finance Officers Association of Oklahoma, and the Oklahoma Municipal Clerks, Treasurers, and Finance Officials; and

WHEREAS, it is both fitting and proper for this governing body to officially name the City Commission Chambers in her honor for her distinguished service to the City and its inhabitants; and

WHEREAS, the Mayor and City Commissioners of the City of Shawnee wish to thank Bertha Ann Young and honor her for her service to the City of Shawnee and to the Community:

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COMMISSIONERS OF THE CITY OF SHAWNEE THAT:

1. The Mayor and City Commissioners, on behalf of the citizens of the City of Shawnee, express gratitude to Bertha Ann Young for her dedicated service to the City of Shawnee.
2. The City Commission Chambers of the City of Shawnee shall hereafter be called the **“Bertha Ann Young City Commission Chambers”**.

PASSED AND APPROVED this 21st day of August, 2017.

RICHARD FINLEY, MAYOR

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

Regular Board of Commissioners

6.

Meeting Date: 08/21/2017

Safe Routes Reso

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Consideration of a resolution of support for safe routes to school.

Attachments

Safe Routes Reso

RESOLUTION NO. _____

RESOLUTION OF SUPPORT FOR SAFE ROUTES TO SCHOOL

WHEREAS, the City of Shawnee supports policies and programs that focus on health and wellness and healthier community environments; and

WHEREAS, the health and safety of children is of highest concern to the citizens of the City of Shawnee; and

WHEREAS, walking and biking can help enhance the health and overall physical activity of children, improve air quality and the environment, and reduce traffic congestion and speed in and around school zones; and

WHEREAS, Safe Routes to School is a national and international movement to create safe, convenient, and fun opportunities for children to walk and bike to school; and

WHEREAS, Safe Routes to School efforts help remove barriers to walking and biking to school through improvement of infrastructure and facilities and the creation of education, encouragement, engineering, enforcement, and evaluation programs; and

WHEREAS, having safer routes to and from schools can decrease pedestrian and bicycling related injuries, not just for students, but for the entire community; and

WHEREAS, it is fitting that the City of Shawnee recognize the importance of making walking and biking to school a safe activity.

NOW THEREFORE, BE IT RESOLVED, that the City of Shawnee will support the Safe Routes to School initiative in order to gain the benefits mentioned above and strengthen the quality of life for Shawnee students, families, and neighborhoods.

PASSED AND APPROVED this 21st day of August, 2017.

Richard Finley, Mayor

(SEAL)

Attest:

Phyllis Loftis, CMC, City Clerk

Regular Board of Commissioners

7.

Meeting Date: 08/21/2017

Food Policy Council Reso

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Consideration of a resolution supporting the Pottawatomie County Food Policy Council.

Attachments

Food Policy Council Reso

RESOLUTION NO. _____

**A RESOLUTION SUPPORTING THE POTTAWATOMIE COUNTY FOOD POLICY
COUNCIL**

WHEREAS, the availability of nutritious food for all citizens is essential to the health and well-being of our community; and

WHEREAS, local government has a proper role to play in enhancing access to an adequate and nutritious food supply; and

WHEREAS, food policy councils established in other communities have provided government officials and stakeholders with a forum to encourage the establishment of small businesses; to encourage the affordable, nutritious and safe food available locally; to encourage schools, grocery stores, restaurants, retailers and locally-based businesses to commit to the use of local and healthy food to support growth of the local economy; to encourage the efficient use of land, and preservation and conservation of agriculture; to encourage reduction in food transportation, and to promote educational resources for local population.

THEREFORE, BE IT RESOLVED, the City Commission, with the proposed partnership of elected and appointed officials and stakeholders within Pottawatomie County, do hereby support the Pottawatomie County Food Policy Council and designate them as Shawnee's Food Advisory Council.

SECTION 1: Council Purpose

- A. Increasing access to affordable, nutritious and safe food for all Pottawatomie County Residents;
- B. Enhancing economic development and strengthening of the local food systems in the County;
- C. Bringing stakeholders together and providing mechanisms for seeking stakeholder advise and expertise;
- D. Effecting the health and well-being of all county residents;
- E. Exploring means for business development focused on increasing well-being;
- F. Coordinating and collaborating with existing programs with Pottawatomie County, and other state, tribal and local food policy organizations regionally;
- G. Bringing attention of the County-wide programs through advertising and collaboration;
- H. Identification and recommendations to the City government on policy initiatives to support the goals and objectives of the local Food Policy Council; and
- I. Research, write and recommend local procurement policy to local government, policy makers, producers, etc.

SECTION 2: Members

- A. Members shall be appointed to a 3-year term
- B. Term limits will be staggered
- C. Members can serve up to two consecutive terms
- D. Membership will meet monthly February – November
- E. Membership will include (15-20 people):
 - a. Up to one member appointed from each city and tribal government within the county;
 - b. One member appointed by the County Commission;
 - c. One member each from both the restaurant community and the grocery community
 - d. One member appointed by the Hospital;
 - e. Up to three members of the agriculture community with staggered terms;
 - f. Two members appointed from the Superintendent of Shawnee Public Schools with staggered terms;
 - g. Up to one member each from both the Food Distribution community and Faith Based Organizations;
 - h. One member each from public health and hunger relief;
 - i. One member appointed by the Shawnee Economic Development Foundation; and
 - j. Up to two members at large from the county.

SECTION 3: Review

The Pottawatomie County Food Policy Council will develop a work plan and establish their review process. The Pottawatomie County Food Policy Council will present their report(s) and findings to the Shawnee City Commission periodically as needed, no less than annually through June 2020.

SECTION 4: Funding & Support

The Pottawatomie County Food Policy Council may seek funding for its activities from various partners. The Shawnee City Commission may assist in administrative support to the Pottawatomie County Food Policy Council upon request and review.

PASSED AND APPROVED this 21st day of August, 2017.

Attest:

(SEAL)

RICHARD FINLEY, MAYOR

PHYLLIS LOFTIS, CMC, CITY CLERK

Regular Board of Commissioners

8.

Meeting Date: 08/21/2017

IFYR Presentation

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Presentation regarding the 25th Anniversary of the International Finals Youth Rodeo by the Chairman of the Shawnee Civic and Cultural Development Authority.

Attachments

No file(s) attached.

Regular Board of Commissioners

9.

Meeting Date: 08/21/2017

Harrison ROW Closure

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Public hearing and consideration of an ordinance closing the right-of-way of a tract of land in the W/2 W/2 SW/4 of Section 5, Township 10 North, Range 4 East beginning at the northwest corner of Lot 10 of the Harrison Park Addition, thence west 35 feet, thence south 147.5 feet, thence east 35 feet, thence north 147.5 feet to the point of beginning. (Applicant: Greg Brown Homes, LLC)

Attachments

Harrison ROW Closure Staff Rpt

Harrison ROW Closure Ord



Date: August 14, 2017

To: City of Shawnee Commissioners

From: Justin DeBruin, Community Development Director

RE: Closing of dedicated right-of-way on Harrison Avenue south of 35th Street

Mr. John Shepherd is the owner of property located at 901 E. 35th Street, also known as Lot 10 of the Harrison Park Addition (Exhibit 3). Mr. Shephard is requesting that the City close to the public use a 35' portion of right-of-way (ROW) directly adjacent to his property to the west (Exhibit 2). The intent of closure is to allow additional parking for Mr. Shepherd's recently approved development project.

The Harrison Avenue ROW is quite unique in this location. Aside from the traditional street ROW is an additional 50' easement adjoining to the east and abutting Mr. Shepherd's property. In addition to the City's interest, the Oklahoma Department of Transportation (ODOT) has rights on this easement pre-dating the Harrison Park Addition Plat (1983). Regardless of City approval for ROW closure, Mr. Shepherd must resolve any interest with ODOT prior to gaining approval for off-site construction.

In accordance with state statute, Staff has provided thirty (30) day notice to all affected franchise holders of the requested closure. Staff has received responses from OG&E and Vyve with concerns that closing the ROW would cause a conflict, as they have equipment in the easement. Staff provided a response to both parties referencing state statute 11 O.S. 42-110(D), "closing a road (or easement) does not affect the right of franchise or others determined by the governing body to have a special right or privilege in the public road from maintaining, repairing, reconstructing, operating or removing services therein." Therefore, holders of easements obtained by private contracts, like utilities, public service companies, or transmission companies do not lose any easement rights.

Staff has reviewed the site and finds that no public utilities exist in the subject ROW and therefore has no objection to closing of this public way.

Exhibits:

1. Letter of Request – John Shepherd
2. Site Map
3. Harrison Park Addition Final Plat
4. Letter of Concern - Vyve

Greg Brown Homes, LLC
2510 E. Independence, Suite 400
Shawnee, OK 74804

Office: 405-273-1671
Fax: 405-273-5189
www.gregbrownhomes.com

June 29, 2017

City of Shawnee
ATTN: Justin DeBruin
222 N Broadway Ave
Shawnee, OK 74801

Mr. Debruin:

Pursuant to our correspondence regarding the development of Lot 10 of Harrison Park Addition, please be advised that Greg Brown Homes, LLC respectfully requests that the City of Shawnee close any right of way interest in and to those lands described as follows, to wit:

A tract of land in the W/2 W/2 SW/4 of Section 5, Township 10 North, Range 4 East beginning at the northwest corner of Lot 10 of the Harrison Park Addition, thence west 35 feet, thence south 147.5 feet, thence east 35 feet, thence north 147.5 feet to the point of beginning.

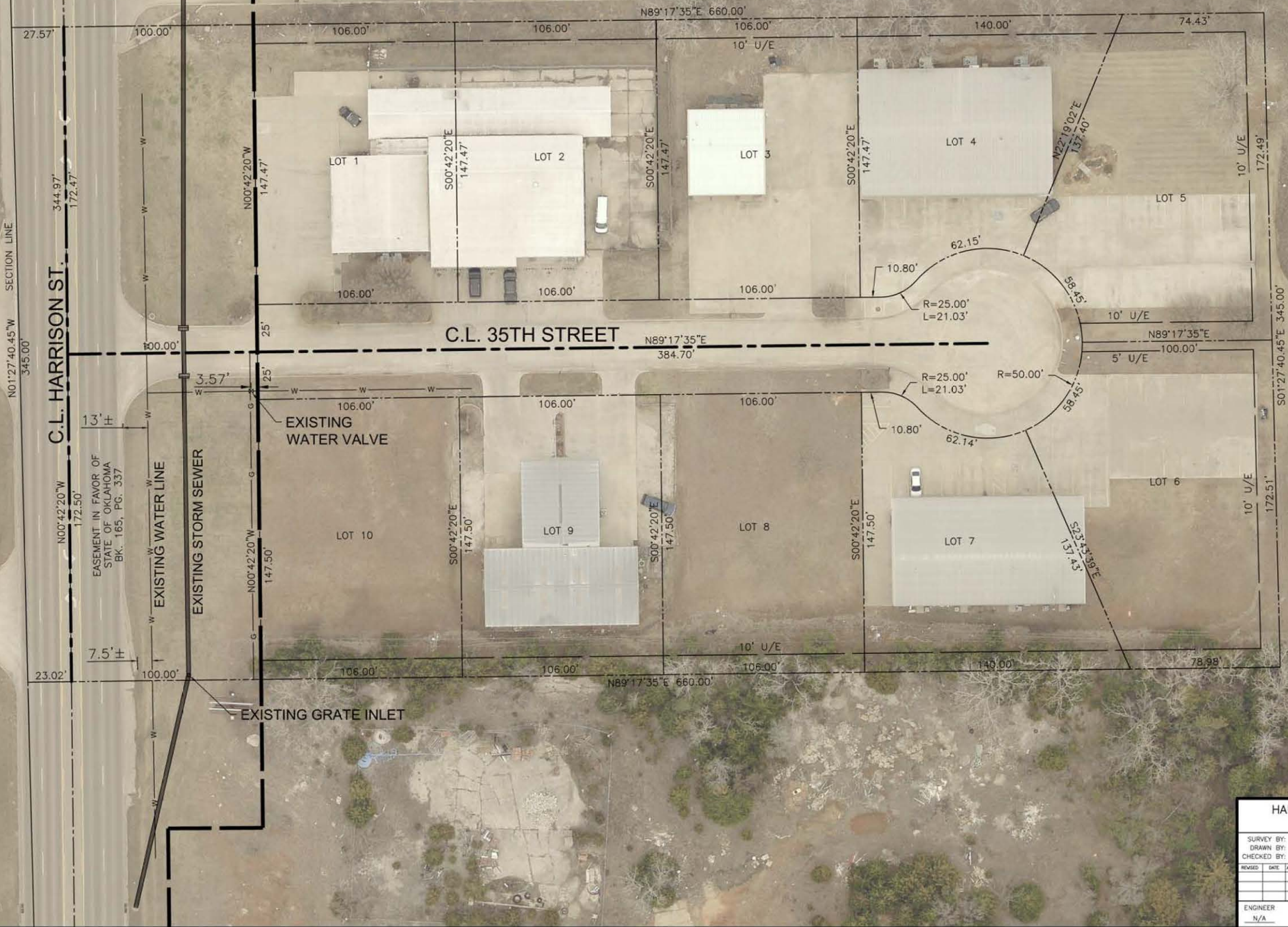
Please feel free to contact me at your convenience if I can be of assistance. Your attention to this matter is greatly appreciated.

Respectfully,



Greg Brown
Greg Brown Homes, LLC

N:\Engineering\Projects\Misc Requests\Harrison Park\Harrison Park Exhibit.dwg



HARRISON ST. RIGHT-OF-WAY EXHIBIT HARRISON PARK ADDITION			
SURVEY BY: N/A		CITY OF SHAWNEE	
DRAWN BY: PDL		222 BROADWAY	
CHECKED BY: N/A		SHAWNEE, OKLAHOMA	
REVISION	DATE	AS-BUILT	DATE
ENGINEER	DATE	SCALE	PROJECT NO.
N/A	06/27/2017	1" = 60'	N/A
ENGINEERING DEPARTMENT			SHEET NO.
			01

HARRISON PARK ADDITION

BEING A SUBDIVISION OF A PART OF THE SOUTHWEST 1/4
OF SECTION 5, TOWNSHIP 10 NORTH, RANGE 4 EAST
OF THE INDIAN MERIDIAN, SHAWNEE, OKLAHOMA

OWNER'S CERTIFICATE AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That, Double "T" Development, Inc., an Oklahoma Corporation, hereby certifies that it is the owner of and the only person or corporation, who has any right, title or interest in and to the land shown on the said annexed plat of Harrison Park Addition to the City of Shawnee, Oklahoma. That it has caused the same to be surveyed and platted into lots, blocks, streets and easements as shown on said annexed plat, which said annexed plat represents a correct survey of all property included therein under the name of Harrison Park Addition. Further certify that it is the owner of and the only person, firm or corporation who has any right, title or interest in the land included in the above mentioned plat and it hereby dedicates all the easements as shown on said annexed plat to the use of the public for public drainage and utility easements, for its successors and assigns forever and has caused the same to be released from all encumbrances so that the title is clear, except as shown in the bonded abstractor's certificate.

In witness whereof the undersigned, has caused this instrument to be executed this 15th day of July, 1983.

Double "T" Development, Inc.
Larry J. Lutz
President
ATTEST:
Linda Lockman
Secretary

STATE OF OKLAHOMA, COUNTY OF POTTAWATOMIE: SS
On this 15th day of July, A.D. 1983, before me, the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared Larry J. Lutz, known to me to be the identical person who signed the name of the maker thereof to the within and foregoing instrument as President, and acknowledged to me that he executed the same as his free and voluntary act and deed, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth. Given under my hand and seal the day and year last above written.
My commission expires April 1, 1985
Notary Public

BONDED ABSTRACTOR'S CERTIFICATE

The undersigned, a duly qualified and lawfully bonded abstractor of titles in and for Pottawatomie County and State of Oklahoma hereby certifies that the records of said county show that the title to the land shown on the annexed plat of Harrison Park Addition to the City of Shawnee, Oklahoma, is vested in Double "T" Development, Inc., an Oklahoma Corporation, and that on the 15th day of July, 1983, there are no actions pending or judgments of any nature in any court or on file with the clerk of any court in said county against said land or the owner(s) thereof, that the taxes are paid for the year or prior years, that there are no outstanding tax certificates against said land and no tax deeds are issued to any person, that there are no liens or mortgages, mortgages and mineral conveyances of record.
In witness whereof, said bonded abstractor has caused this instrument to be executed this 15th day of July, 1983.

ATTEST:
Sumner Title & Trust Company
Karl E. Stickleby
Vice President

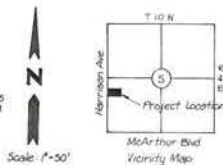
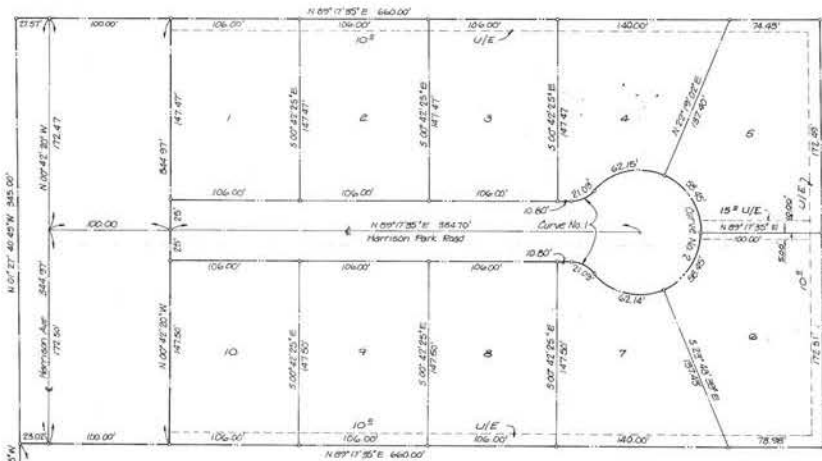
STATE OF OKLAHOMA, COUNTY OF POTTAWATOMIE: SS
On this 15th day of July, A.D. 1983, before me, the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared Karl E. Stickleby, known to me to be the identical person who signed the name of the maker thereof to the within and foregoing instrument as Vice President, and acknowledged to me that he executed the same as his free and voluntary act and deed, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth. Given under my hand and seal the day and year last above written.
My commission expires April 1, 1985
Notary Public

COUNTY TREASURER'S CERTIFICATE

I, James C. Curran, do hereby certify that I am duly qualified and acting as Pottawatomie County Treasurer, Oklahoma, that the tax records of said county show the year 1982 and prior years are paid on said land shown on the Harrison Park Addition to the City of Shawnee, Oklahoma, that the required taxes have been deposited in the office of the County Treasurer guaranteeing taxes.

I, said County Treasurer has caused this instrument to be executed this 15th day of July, 1983.

James C. Curran



Curve Data				
Curve	Radius	Delta	Tangent	Length
1	25.00'	48° 0' 25"	11.16'	21.08'
2	50.00'	268° 49' 30"	-	24.19'

CERTIFICATE OF CITY CLERK

I, Clara Hurst, City Clerk of the City of Shawnee, Oklahoma, hereby certify that I have examined the records of said City and find that all deferred payments on unimproved installations upon special assessments have been paid in full and that there are no special assessment procedures now pending against the land shown on the annexed plat of Harrison Park Addition to the City of Shawnee, Oklahoma.

Signed by the City Clerk on this 20 day of June, 1983.

Clara Hurst
City Clerk

CITY PLANNING COMMISSION APPROVAL

I, R. J. Wissinger, of the City Planning Commission of the City of Shawnee, Oklahoma, hereby certify that the said Planning Commission duly approved the final record plat of Harrison Park Addition to the City of Shawnee, Oklahoma at a meeting on the 20 day of June, 1983.

Signature R. J. Wissinger

ACCEPTANCE OF DEDICATION BY CITY COMMISSIONERS

BE IT HEREBY RESOLVED BY the Commissioners of the City of Shawnee, Oklahoma, that the plat of Harrison Park Addition to the City of Shawnee, Oklahoma, is hereby approved and the dedications shown hereon are hereby approved and accepted.

ADOPTED by the Commissioners of the City of Shawnee, Oklahoma, this 20 day of June, 1983.

ADOPTED by the Mayor of the City of Shawnee, Oklahoma, this 20 day of June, 1983.

ATTEST:
Clara Hurst
City Clerk
James C. Curran
Notary Public

SURVEYOR'S CERTIFICATE

I, Charles W. Johnson, do hereby certify that I am by profession a land surveyor and that I have surveyed the plat of Harrison Park Addition to the City of Shawnee, Oklahoma, consisting of one sheet, correctly represents a survey made under my supervision on the 15th day of July, 1983, and that all monuments shown hereon actually exist and their positions are correctly shown.

432 Charles W. Johnson
Reg. No.

STATE OF OKLAHOMA, COUNTY OF OKLAHOMA: SS
On this 15th day of July, A.D. 1983, before me, the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared Charles W. Johnson, known to me to be the identical person who executed the above instrument, and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth. Given under my hand and seal the day and year last above written.
My commission expires April 1, 1985
Notary Public

ENGINEER'S CERTIFICATE

I, Karl E. Stickleby, do hereby certify that this original tracing meets the permanency requirements of Title 11 O.S. 1971, Section 578 as amended by Senate Bill 377.

Karl E. Stickleby
Registered Professional Engineer No. 12839

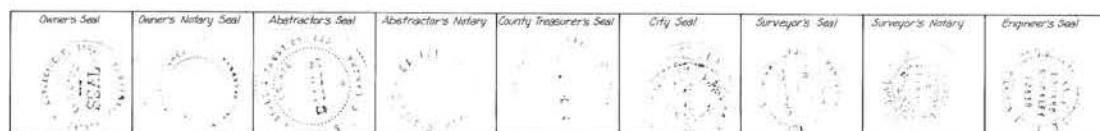


EXHIBIT
76

HARRISON PARK ADDITION



EXHIBIT
1

July 24, 2017

Justin DeBruin, AICP
Community Development Director
222 N. Broadway
Shawnee, OK 74801

Re: Closing of ROW at 35th St. and Harrison, Shawnee, OK

On behalf of Vyve Broadband A, LLC, formerly BCI Allegiance, LLC and assignee of Allegiance Communications, LLC, please consider this notice that we have conflict with this closing. Vyve has equipment in this easement and will need to remain.

Please contact me if any questions or concerns.

Thank you,

A handwritten signature in blue ink that reads "Amanda Yancey". The signature is written in a cursive, flowing style.

Amanda Yancey
Legal, Govt. & Regulatory Affairs Asst.
Vyve Broadband
Direct: (405) 395-1126

ORDINANCE NO. _____NS

AN ORDINANCE CLOSING THE RIGHT-OF-WAY OF A TRACT OF LAND IN THE WEST HALF (W/2) WEST HALF (W/2) SOUTHWEST QUARTER (SW/4) OF SECTION 5, TOWNSHIP 10 NORTH, RANGE 4 EAST BEGINNING AT THE NORTHWEST CORNER OF LOT 10 OF THE HARRISON PARK ADDITION, THENCE WEST 35 FEET, THENCE SOUTH 147.5 FEET, THENCE EAST 35 FEET, THENCE NORTH 147.5 FEET TO THE POINT OF BEGINNING, TO THE CITY OF SHAWNEE, OKLAHOMA; ACCORDING TO THE RECORDED PLAT THEREOF; SPECIFICALLY DESCRIBING SAID STREET, RESERVING THE RIGHT TO REOPEN SAID STREET; RESERVING UTILITIES; AND DECLARING AN EMERGENCY.

WHEREAS, the City received a written request dated June 29, 2017 requesting closure of part of the right-of-way located at A tract of land in the west half (W/2) west half (W/2) southwest quarter (SW/4) of Section 5, Township 10 North, Range 4 East beginning at the northwest corner of Lot 10 of the Harrison Park Addition, thence west 35 feet, thence south 147.5 feet, thence east 35 feet, thence north 147.5 feet to the point of beginning, to the City of Shawnee, Pottawatomie County, Oklahoma;

WHEREAS, the City provided public notice as required by Oklahoma Statute.

WHEREAS, the Shawnee City Commission held a public hearing on August 21, 2017 to take testimony and consider the proposed right-of-way closure.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA:

SECTION 1. That it is deemed necessary and expedient to close the street right-of-way hereinafter described to public use.

SECTION 2. That the street right-of-way described as follows:

A tract of land in the west half (W/2) west half (W/2) southwest quarter (SW/4) of Section 5, Township 10 North, Range 4 East beginning at the northwest corner of Lot 10 of the Harrison Park Addition, thence west 35 feet, thence south 147.5 feet, thence east 35 feet, thence north 147.5 feet to the point of beginning, to the City of Shawnee, Pottawatomie County, Oklahoma

be and the same are hereby closed.

SECTION 3. That the City of Shawnee, Oklahoma, shall retain the absolute right to reopen said street right-of-way without expense to the City.

SECTION 4. That the closure of said street right-of-way shall not affect the right to maintain, repair, reconstruct, operate or remove utility, public service corporation, transmission company or the City of Shawnee facilities or service thereon, including water lines and sewer, nor shall such closing affect the private ways existing by operation of law, unless released in writing executed by the owners thereof.

SECTION 5. That for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this ordinance shall be in full force and effect immediately from and after its passage and approval.

PASSED AND APPROVED this _____ day of _____, 2017.

ATTEST:

(SEAL)

RICHARD FINLEY, MAYOR

PHYLLIS LOFTIS, CMC, CITY CLERK

Emergency separately approved this _____ day of _____, 2017.

RICHARD FINLEY, MAYOR

ATTEST:

(SEAL)

PHYLLIS LOFTIS, CMC, CITY CLERK

Approved as to form and legality this _____ day of _____, 2017.

JOSEPH M. VORNDRAN
CITY ATTORNEY

Regular Board of Commissioners

10.

Meeting Date: 08/21/2017

TIF

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Discussion and consider approval of a resolution to approve the potential amendment of the City's Tax Increment Financing District and the possible creation of a second such District, directing the preparation of an amended and restated Project Plan and the appointment of a Review Committee.

Attachments

TIF Reso

RESOLUTION NO. _____

A RESOLUTION DECLARING THE INTENT TO CONSIDER APPROVAL OF AN AMENDMENT TO AND RESTATEMENT OF THE SHAWNEE DOWNTOWN REVITALIZATION PROJECT PLAN, INCLUDING AMENDING INCREMENT DISTRICT NUMBER ONE AND CREATING AN ADDITIONAL TAX INCREMENT DISTRICT UNDER THE LOCAL DEVELOPMENT ACT; DIRECTING PREPARATION OF AN AMENDED AND RESTATED PROJECT PLAN; APPOINTING A REVIEW COMMITTEE; DIRECTING THE REVIEW COMMITTEE TO MAKE FINDINGS AS TO ELIGIBILITY AND FINANCIAL IMPACT, IF ANY, ON TAXING JURISDICTIONS AND BUSINESS ACTIVITIES WITHIN THE DISTRICT; AND DIRECTING THE REVIEW COMMITTEE TO MAKE A RECOMMENDATION WITH RESPECT TO THE PROPOSED AMENDED AND RESTATED PROJECT PLAN

WHEREAS, the Local Development Act, 62 O. S. §§ 850, *et seq.* (“Act”), was adopted by the Oklahoma Legislature to implement Section 6C of Article X of the Oklahoma Constitution, which empowers the governing bodies of cities, towns, and counties to approve project plans and establish increment districts for the development and redevelopment of eligible areas; and

WHEREAS, pursuant to the Local Development Act, on August 4, 2003, the Shawnee City Commission adopted Ordinance No. 2098NS, which approved the Shawnee Downtown Revitalization Project Plan (“Project Plan”) and established Increment District Number One, City of Shawnee (“Increment District No. 1”); and

WHEREAS, the City of Shawnee (“City”) envisions the continued and expanded revitalization of its downtown area as a new destination area for the City, consisting of redevelopment and infill development with commercial, residential, and office components, and improved streetscapes and pedestrian accessibility (“Project”); and

WHEREAS, in order to promote and stimulate economic development, it is necessary and desirable to establish a legal framework and funding mechanism to provide public assistance to the Project; and

WHEREAS, for the health, safety, and public welfare of the residents of the City, it is appropriate and desirable to consider and adopt an amendment to and restatement of the project plan and increment districts for the Project pursuant to the Act; and

WHEREAS, by amending Increment District No. 1 and the potential to create an additional increment district, the City will provide continued and expanded support toward the development and revitalization of the downtown area, which depends upon the utilization of tax increment financing to help finance the public costs of the development; and

WHEREAS, pursuant to the Act, the Shawnee City Commission may amend the Project Plan and establish additional increment districts upon consideration of the recommendation of a review committee (“Review Committee”); and

WHEREAS, the Review Committee is to review and make a recommendation concerning proposed increment districts, project plan amendments, and the Project, to consider and make findings and recommendations with respect to the conditions establishing the eligibility of the proposed increment districts, and to consider and determine whether the proposed amended and restated Project Plan and Project will have a financial impact on any affected taxing jurisdiction and business activities within a proposed district and to report its findings and make its recommendations to the City Commission; and

WHEREAS, the Act provides that the membership of the Review Committee shall consist of the following: a representative of the governing body who shall serve as chairperson; a representative of the planning commission having jurisdiction over the proposed increment district; a representative designated by each taxing jurisdiction within the proposed district whose taxes might be impacted by the plan; and three members representing the public at large as selected by the other committee members from a list of seven names submitted by the chairperson of the Review Committee; and

WHEREAS, the taxing jurisdictions within the proposed district whose taxes might be impacted by the amendment of Increment District No. 1 and the establishment of an additional increment district within the City are (1) Pottawatomie County; (2) Pioneer Library System; (3) Pottawatomie County Health Department; (4) Gordon Cooper Technology Center; and (5) Shawnee Public Schools; and

WHEREAS, at least one of the Review Committee members representing the public at large shall be a representative of the business community; and

WHEREAS, consistent with the Act, the membership of the Review Committee shall consist of the following: one representative of the Shawnee City Commission, who shall serve as chairperson of the Review Committee; one representative of the Shawnee Planning Commission to be designated by that body; one representative of Pottawatomie County to be designated by that body; one representative of the Pioneer Library System to be designated by that body; one representative of the Pottawatomie County Health Department to be designated by that body; one representative of the Gordon Cooper Technology Center to be designated by that body; one representative of the Shawnee Public Schools to be designated by that body; and three members representing the public at large, at least one of whom is a representative of the business community in the City, selected by the other Review Committee members from a list of seven names submitted by the chairperson of the Review Committee.

WHEREAS, the Review Committee shall review and make a recommendation concerning a proposed amendment to and restatement of the Project Plan, including amending Increment District No. 1 and a potential additional increment district, consider and make findings and recommendations with respect to the conditions establishing the eligibility of the proposed

increment districts, and to consider and determine whether the proposed Project and amended and restated Project Plan will have a financial impact on any taxing jurisdiction and business activities within the proposed increment districts and to report its findings and make its recommendations to the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA:

THAT the Shawnee City Commission intends to consider approval of an amendment to and restatement of the Project Plan, including potential amendments to Increment District No. 1 and the creation of additional tax increment district, to facilitate the financing of eligible project costs, and hereby directs the preparation of said amendment to and restatement of the Project Plan to be submitted for consideration in accordance with the Act.

BE IT FURTHER RESOLVED, that a Review Committee is hereby appointed whose membership shall consist of the following: one representative of the Shawnee City Commission, who shall serve as chairperson of the Review Committee; one representative of the Shawnee Planning Commission to be designated by that body; one representative of Pottawatomie County to be designated by that body; one representative of the Pioneer Library System to be designated by that body; one representative of the Pottawatomie County Health Department to be designated by that body; one representative of the Gordon Cooper Technology Center to be designated by that body; one representative of the Shawnee Public Schools to be designated by that body; and three members representing the public at large, at least one of whom is a representative of the business community in the City, selected by the other Review Committee members from a list of seven names submitted by the chairperson of the Review Committee.

BE IT FURTHER RESOLVED, that Mayor Richard Finley shall serve as the Shawnee City Commission's representative and chairperson of the Review Committee.

BE IT FURTHER RESOLVED, that the City Manager is hereby directed to request of each of the following entities a designated representative to serve on the Review Committee:

- (1) Shawnee Planning Commission;
- (2) Pottawatomie County;
- (3) Pioneer Library System;
- (4) Pottawatomie County Health Department;
- (5) Gordon Cooper Technology Center; and
- (6) Shawnee Public Schools.

BE IT FURTHER RESOLVED, that the chairperson of the Review Committee shall submit a list of seven names, at least one of whom is a representative of the business community in the City, to represent the public at large on the Review Committee.

BE IT FURTHER RESOLVED, that the other Review Committee members shall select three people from the list submitted by the chairperson who shall represent the public at large on

the Review Committee, and that at least one of the three people selected to represent the public at large shall be a representative of the business community in the City.

BE IT FURTHER RESOLVED, that the Review Committee shall consider and make its findings and recommendations to the Shawnee City Commission with respect to the conditions establishing the continued eligibility of Increment District No. 1 and the eligibility of any proposed additional increment district, and the appropriateness of approval of the proposed amendments to and restatements of the Project Plan and Project.

BE IT FURTHER RESOLVED, that the Review Committee shall consider and determine whether the proposed amendments to and restatements of the Project Plan and Project will have a financial impact on any taxing jurisdiction and business activities within Increment District No. 1 and any proposed additional increment district, and shall report its findings to the Shawnee City Commission.

BE IT FURTHER RESOLVED, that the Shawnee Planning Commission shall review the proposed amendments to and restatement of the Project Plan and shall make its recommendation regarding the amendments to and restatement of the Project Plan to the Shawnee City Commission.

Passed and approved this _____ day of _____, AD., 2017.

City of Shawnee, Oklahoma
A Municipal Corporation

RICHARD FINLEY, MAYOR

ATTEST:

(SEAL)

PHYLLIS LOFTIS, CMC, CITY CLERK

Regular Board of Commissioners

11.

Meeting Date: 08/21/2017

Terms Ord

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Consider an ordinance related to terms of mayor and city commissioners and election of vice mayor, amending Section Four and Section Six of Article III of the charter of the City of Shawnee, Oklahoma, changing the time for the beginning of terms to conform with election dates and setting the time for election of vice mayor; and setting the effective date and providing for severability.

Attachments

Terms Ord

ORDINANCE NO. _____NS

AN ORDINANCE RELATED TO TERMS OF MAYOR AND CITY COMMISSIONERS AND ELECTION OF THE VICE-MAYOR, AMENDING SECTION FOUR AND SECTION SIX OF ARTICLE III OF THE CHARTER OF THE CITY OF SHAWNEE, OKLAHOMA, CHANGING THE TIME FOR THE BEGINNING OF TERMS TO CONFORM WITH ELECTION DATES AND SETTING TIME FOR ELECTION OF VICE MAYOR; AND SETTING THE EFFECTIVE DATE AND PROVIDING FOR SEVERABILITY.

BE IT ENACTED BY THE BOARD OF COMMISSIOENRS OF THE CITY OF SHAWNEE, OKLAHOMA:

Section 1. AMENDATORY. That Section Four of Article III of the Charter of the City of Shawnee, Oklahoma, is hereby amended to read as follows:

Section 4. Terms of office of mayor and commissioners.

The mayor shall serve for four (4) years or until their successor is elected and qualified. The other commissioners shall serve for four (4) years or until their successors are elected and qualified. The terms of office of mayor and commissioners shall begin on the first Monday in the month following the general election, or runoff election as applicable. The terms of office of those commissioners or the mayor elected to fill vacancies at a special election, as provided in Article VIII hereof, shall begin with the next meeting of the board of commissioners following the official results of the special election.

Section 2. AMENDATORY. That Section Six of Article III of the Charter of the City of Shawnee, Oklahoma, is hereby amended to read as follows:

Section 6. Vice-mayor.

The council shall appoint one (1) of its members vice-mayor for a term of one (1) year on the first Monday in the month following the general election or after the runoff election if applicable that particular year, or on the first Commission meeting in July in years without an election. The vice-mayor shall act as mayor during the absence of the mayor. If the office of mayor becomes vacant, then the vice-mayor shall serve as mayor until the next general or special municipal election, and until a new mayor is elected and qualified. Provided, where the office of mayor becomes vacant and the vice-mayor serves as mayor until the next general or special municipal election, the commissioner's seat held by the vice-mayor shall not be deemed vacant. The vice-mayor shall have no authority to make appointments or remove officers appointed by the mayor, except where a vacancy exists in the office of mayor and the vice-mayor is serving as mayor until the election of a successor.

Section 3. EFFECTIVE DATE. This ordinance shall become and be effective on and after a majority of the votes cast in the election on the charter amendment, as certified by the secretary of the county election board, are in favor of adopting the proposed amendments to the charter, the charter shall be so amended, certified and authenticated by the mayor, and submitted to the Governor for approval. Upon approval, the charter as amended shall become the organic law of the municipality and supersede any existing charter and all ordinances in conflict with it. This ordinance shall remain in effect and not be repealed unless repealed by a majority of the registered voters of the City of Shawnee, Oklahoma, voting to repeal the same in the manner required by law.

Section 4. SEVERABILITY. The provisions above are hereby declared to be severable and if any section, paragraph, sentence or clause of this ordinance is for any reason held invalid or inoperative by any Court of competent jurisdiction, such decision shall not affect any other section, paragraph, sentence or clause hereof.

PASSED AND APPROVED this _____ day of _____, 2017.

RICHARD FINLEY, MAYOR

ATTEST:

(SEAL)

PHYLLIS LOFTIS, CMC, CITY CLERK

Approved as to form and legality this _____ day of _____, 2017.

JOSEPH M. VORNDRAN
CITY ATTORNEY

Regular Board of Commissioners

12.

Meeting Date: 08/21/2017

Terms Reso

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Consider a resolution calling and providing for the holding of a special election in the City of Shawnee, Oklahoma, for the purpose of adopting an ordinance changing the time for the beginning of terms for the mayor and commissioners and for the time of election of the vice mayor; and providing for said election to be conducted by the Pottawatomie County Election Board, and providing for voting by absentee ballot.

Attachments

Terms Reso

RESOLUTION NO. _____

A RESOLUTION CALLING FOR, AND PROVIDING FOR, THE HOLDING OF A SPECIAL ELECTION IN THE CITY OF SHAWNEE, OKLAHOMA, FOR THE PURPOSE OF ADOPTING AN ORDINANCE CHANGING THE TIME FOR THE SWEARING-IN AND START-DATE FOR THE TERMS OF OFFICE FOR THE MAYOR AND THE CITY COMMISSIONERS, AND ALSO PROVIDING FOR THE DATES OF ELECTION OF THE VICE MAYOR; PROVIDING FOR SAID ELECTION TO BE CONDUCTED BY THE POTTAWATOMIE COUNTY ELECTION BOARD, AND PROVIDING FOR VOTING BY ABSENTEE BALLOT.

WHEREAS, in 2013 the people of the City of Shawnee enacted certain amendments to the City's Charter in order to conform with changes to Oklahoma election law; and

WHEREAS, as a result of those changes, the terms of the Mayor and Commissioners do not begin until the first Monday in the month following their election; and

WHEREAS, as further result of the changes, the Vice-Mayor is elected annually on the first Monday in the month following the Election of the Mayor and Commissioners; or on the first Monday in the month following a Runoff Election; or on the first Commission meeting in July in those years without an election; and

WHEREAS, these results were unintended and interfere with the orderly conduct of City business; and

WHEREAS, the Mayor and City Commission of the City of Shawnee have determined that the Charter should be amended to correct these unintended results; and

WHEREAS, the ordinance making the corrections cannot become law without an election being set and a favorable vote by more than one-half of the voters taking part in said election.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA:

Section 1. Call for Election.

That the general question be set for election on the 14th day of November, 2017, to allow the electorate of the City of Shawnee, Oklahoma to vote whether or not to adopt the proposed amendments to the Charter of the City of Shawnee, pursuant to 26 O.S. Section 1-102; 26 O.S. Section 1-103 and 26 O.S. Section 5-110.

Section 2. Purpose of Election.

The special questions to be voted on in said election is to determine whether the City of Shawnee will adopt an Ordinance amending the Charter to set the term of office for Mayor and Commissioners to begin on the first Monday in the month following their election or runoff

election and to elect the vice-mayor annually on the first Monday in the month following the general election or after the runoff election, if applicable, that particular year, or on the first Commission meeting in July in years without an election.

Section 3. Propositions

Proposition I

SHALL THE CITY OF SHAWNEE, STATE OF OKLAHOMA, APPROVE SECTION 1 OF ORDINANCE NO. _____NS AMENDING SECTION FOUR, ARTICLE III OF THE CHARTER OF THE CITY OF SHAWNEE, OKLAHOMA, TO PROVIDE THAT THE MAYOR AND COMMISSIONERS OF THE CITY SHALL TAKE OFFICE ON THE FIRST MONDAY IN THE MONTH FOLLOWING THEIR ELECTION, OR RUNOFF ELECTION AS APPLICABLE?

☐	For the above proposition
☐	Against the above proposition

Proposition II

SHALL THE CITY OF SHAWNEE, STATE OF OKLAHOMA, APPROVE SECTION 2 OF ORDINANCE NO. _____NS AMENDING SECTION SIX, ARTICLE III OF THE CHARTER OF THE CITY OF SHAWNEE, OKLAHOMA, TO PROVIDE THAT THE VICE MAYOR SHALL BE ELECTED ANNUALLY ON ONE OF THE FOLLOWING APPROPRIATE DATES:

- (A) ON THE FIRST MONDAY IN THE MONTH FOLLOWING THE GENERAL ELECTION OF THE MAYOR AND COMMISSIONERS; OR
- (B) ON THE FIRST MONDAY IN THE MONTH FOLLOWING A RUNOFF ELECTION, IF APPLICABLE THAT PARTICULAR YEAR; OR
- (C) ON THE FIRST COMMISSION MEETING IN JULY IN YEARS WITHOUT AN ELECTION?

☐	For the above proposition
☐	Against the above proposition

Section 4. Conduct of Election.

The County Election Board shall prepare all ballots and conduct the election provided for herein in the manner set forth in accordance with the Charter of the City of Shawnee and the laws of the State of Oklahoma. The polls of said election shall be open at 7:00 o'clock a.m., and shall remain open continuously until and be closed at 7:00 o'clock p.m. on the designated day.

Section 5. Absentee ballots.

Registered, qualified electors may vote in said election by absentee ballot. Absentee ballots shall be obtained from the Secretary of the County Election Board and shall be requested, cast and returned in the manner described by the election laws of the State of Oklahoma relating to voting by absentee ballot.

PASSED AND APPROVED this ____ day of _____, 2017.

RICHARD FINLEY, MAYOR

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

Regular Board of Commissioners

13.

Meeting Date: 08/21/2017

Election Method Ord

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Consider an ordinance related to the calling of an election, amending Section Seven of Article XIV of the charter of the City of Shawnee, Oklahoma, changing the method of ordering the holding of elections by resolution, which conforms with state law; and setting the effective date and providing for severability.

Attachments

Election Method Ord

ORDINANCE NO. _____NS

AN ORDINANCE RELATED TO THE CALLING OF AN ELECTION, AMENDING SECTION SEVEN OF ARTICLE XIV OF THE CHARTER OF THE CITY OF SHAWNEE, OKLAHOMA, CHANGING THE METHOD OF ORDERING THE HOLDING OF ELECTIONS BY RESOLUTION, WHICH CONFORMS WITH STATE LAW; AND SETTING THE EFFECTIVE DATE AND PROVIDING FOR SEVERABILITY.

BE IT ENACTED BY THE BOARD OF COMMISSIOENRS OF THE CITY OF SHAWNEE, OKLAHOMA:

Section 1. AMENDATORY. That Section Seven of Article XIV of the Charter of the City of Shawnee, Oklahoma, is hereby amended to read as follows:

Section 7. Conduct of election period.

The Board of Commissioners of the City of Shawnee shall, by resolution, order the holding of all elections, except as otherwise provided in the Charter. All municipal elections in the City of Shawnee shall be conducted by the County Election Board of Pottawatomie County. The election shall be held at the same place and in the same manner as provided for conduct of state and county elections. Polling places shall be open from 7:00 a.m. to 7:00 p.m. The precinct election board shall be the same as for state and county elections, provided substitutions, if necessary, may be made by the Pottawatomie County Election Board. Except as otherwise provided by this chapter (Charter), the laws governing state and county runoff and general elections shall be applicable to municipal elections in the City of Shawnee.

Section 2. EFFECTIVE DATE. This ordinance shall become and be effective on and after a majority of the votes cast in the election on the charter amendments, as certified by the secretary of the county election board, are in favor of adopting the proposed amendments to the charter, the charter shall be so amended, certified and authenticated by the mayor, and submitted to the Governor for approval. The Governor shall approve the charter amendments if they are not in conflict with the Constitution and laws of Oklahoma. Upon approval, the charter as amended shall become the organic law of the municipality and supersede any existing charter and all ordinances in conflict with it. This ordinance shall remain in effect and not be repealed unless repealed by a majority of the registered voters of the City of Shawnee, Oklahoma, voting to repeal the same in the manner required by law.

Section 3. SEVERABILITY. The provisions above are hereby declared to be severable and if any section, paragraph, sentence or clause of this ordinance is for any reason held invalid or inoperative by any Court of competent jurisdiction, such decision shall not affect any other section, paragraph, sentence or clause hereof.

PASSED AND APPROVED this _____ day of _____, 2017.

RICHARD FINLEY, MAYOR

ATTEST:

(SEAL)

PHYLLIS LOFTIS, CMC, CITY CLERK

Approved as to form and legality this _____ day of _____, 2017.

JOSEPH M. VORNDRAN
CITY ATTORNEY

Regular Board of Commissioners**14.**

Meeting Date: 08/21/2017

Election Method Reso

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information**Title of Item for Agenda**

Consider a resolution calling and providing for the holding of a special election in the City of Shawnee, Oklahoma, for the purpose of amending Section Seven of Article XIV of the charter of the City of Shawnee, changing the method of ordering the holding of elections by resolution, which conforms to state law; and providing for said election to be conducted by the Pottawatomie County Election Board, and providing for voting by absentee ballot.

Attachments**Method Reso**

RESOLUTION NO. _____

A RESOLUTION CALLING AND PROVIDING FOR THE HOLDING OF A SPECIAL ELECTION IN THE CITY OF SHAWNEE, OKLAHOMA, FOR THE PURPOSE OF ADOPTING AN ORDINANCE CHANGING THE METHOD OF ORDERING THE HOLDING OF ELECTIONS BY RESOLUTION, WHICH CONFORMS WITH STATE LAW; PROVIDING FOR SAID ELECTION TO BE CONDUCTED BY THE POTTAWATOMIE COUNTY ELECTION BOARD, AND PROVIDING FOR VOTING BY ABSENTEE BALLOT.

WHEREAS, in 1999 the people of the City of Shawnee enacted certain amendments to the *City's* Charter in order to conform with changes to Oklahoma election law; and

WHEREAS, as a result of those changes the conduct of election period requires an ordinance be adopted by the Commission rather than a resolution, which is what the Pottawatomie County Election Board requires; and

WHEREAS, a further result of the changes is that the Commission must adopt and approve by an ordinance and a resolution to hold an election; and

WHEREAS, these results were unintended and interfere with the orderly conduct of City business; and

WHEREAS, the Mayor and City Commission of the City of Shawnee have determined that the Charter should be amended to correct these unintended results; and

WHEREAS, the ordinance making the corrections cannot become law without an election being set and a favorable vote by more than one-half of the voters taking part in said election.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA:

Section 1. Call for Election.

That the general question be set for election on the 14th day of November, 2017, to allow the electorate of the City of Shawnee, Oklahoma to vote whether or not to adopt the proposed amendments to the Charter of the City of Shawnee, pursuant to 26 O.S. Section 1-102; 26 O.S. Section 1-103 and 26 O.S. Section 5-110.

Section 2. Purpose of Election.

The special question to be voted on in said election is to determine whether the City of Shawnee will adopt an Ordinance amending the Charter to change the method of calling for elections by resolution, which conforms to state law.

Section 3. Proposition.

Proposition I

SHALL THE CITY OF SHAWNEE, STATE OF OKLAHOMA, APPROVE SECTION 1 OF ORDINANCE NO. _____NS AMENDING SECTION SEVEN, ARTICLE XIV OF THE CHARTER OF THE CITY OF SHAWNEE, OKLAHOMA, TO CHANGE THE METHOD OF ORDERING THE HOLDING OF ELECTIONS BY RESOLUTION, WHICH CONFORMS WITH STATE LAW?

☐
☐

For the above proposition

Against the above proposition

Section 4. Conduct of Election.

The County Election Board shall prepare all ballots and conduct the election provided for herein in the manner set forth in accordance with the Charter of the City of Shawnee and the laws of the State of Oklahoma. The polls of said election shall be open at 7:00 o'clock a.m., and shall remain open continuously until and be closed at 7:00 o'clock p.m. on the designated day.

Section 5. Absentee ballots.

Registered, qualified electors may vote in said election by absentee ballot. Absentee ballots shall be obtained from the Secretary of the County Election Board and shall be requested, cast and returned in the manner described by the election laws of the State of Oklahoma relating to voting by absentee ballot.

PASSED AND APPROVED this _____ day of _____, 2017.

RICHARD FINLEY, MAYOR

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

Regular Board of Commissioners

15.

Meeting Date: 08/21/2017

Ward 6 Ord

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Consider an ordinance calling for a special election for the filling of the unexpired term of Ward 6.

Attachments

Ward 6 Ord

ORDINANCE NO. ____NS

AN ORDINANCE CALLING AND PROVIDING FOR THE HOLDING OF NONPARTISAN SPECIAL ELECTION IN THE CITY OF SHAWNEE, OKLAHOMA, FOR THE PURPOSE OF NOMINATING AND ELECTING CANDIDATES FOR THE UNEXPIRED TERM OF THE OFFICE OF CITY COMMISSIONER OF THE SIX WARD; ESTABLISHING A FILING PERIOD AND QUALIFICATIONS FOR SUCH OFFICE; DESIGNATING THE MANNER OF ELECTING THE CITY OFFICE NAMED HEREIN; PROVIDING FOR SAID ELECTION TO BE CONDUCTED BY THE POTTAWATOMIE COUNTY ELECTION BOARD; PROVIDING FOR VOTING BY ABSENTEE BALLOT; AND PROVIDING FOR SEVERABILITY.

BE IT ENACTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA:

SECTION 1. By virtue of the provisions of the City Charter of the City of Shawnee, Oklahoma, nonpartisan special election is hereby authorized and called to be held in the City of Shawnee, Oklahoma. The special election shall be held on the 14th day of November, 2017, the same being the second Tuesday in November, for the purpose of submitting to the registered, qualified voters of the City of Shawnee, the names of all persons who have properly filed or been filed as candidates in the special election for the unexpired term of the Commissioner of the Six Ward. Provided, that except as otherwise in the City Charter specifically provided, the election laws of the state of Oklahoma applicable to municipal elections are adopted and put into effect hereby and the results of the elections shall be canvassed, published and declared as provided by law.

SECTION 2. The filing period for the election authorized herein shall be during normal business hours on the 2nd, 3rd and 4th day of October, 2017. Any qualified elector may become a candidate for the office named herein by filing with the Secretary of the Pottawatomie County Election Board, during the filing period, a written declaration of candidacy as provided in the Charter of the City of Shawnee, provided that any qualified elector can be a candidate for only one (1) office. Any qualified elector so filing for Commissioner may withdraw from the election by filing written notice with the Secretary of the County Election Board no later than 5:00 o'clock p.m. on October 6, 2017. Provided, that no person shall be qualified to become a candidate for any office herein unless such person shall have attained the age of twenty-five (25) years and shall have been, for at least six (6) months prior to filing a declaration of candidacy, a qualified elector as provided by the Charter of the City of Shawnee and the laws of the State of Oklahoma and a resident within the ward for which such person files for office. All declarations of candidacy, petitions and election ballots shall be nonpartisan in form and shall have no party designation of any kind and no sign, mark, symbol or device of a partisan character.

SECTION 3. If on the date of closing of filing for candidacy for any office herein, only one (1) candidate has filed for any particular office or offices, said candidate or candidates shall be chosen to their respective offices and no election shall be held. Provided further, that if on the date of closing of filing for the offices herein, only two (2) candidates have filed for any office, said candidates shall be placed on the ballot at the special election and no special runoff election shall be held. Provided further, that if on the date of closing of filing for the office herein, more than two (2) candidates have filed for any office, their names shall be placed on the ballot at the special election. If at the special election provided for herein no candidate receives fifty percent (50%) majority of the votes cast, there will be no runoff election held and the candidate receiving the majority of the votes will be declared the winner of the election and shall be issued a certificate of election. In the event of a tie vote in any election provided for herein, the successful candidate shall be determined by the flip of a coin. If one (1) of the two (2) candidates nominated for an office dies or removes from the city or from his ward, the remaining candidate is elected ipso facto and shall be issued a certificate of election.

SECTION 4. The County Election Board shall prepare all ballots and conduct the election provided for herein in the manner set forth in, and in accordance with, the Charter of the City of Shawnee and the laws of the State of Oklahoma. The names of the candidates for the office provided herein shall be submitted to the registered, qualified electors of the City of Shawnee and the office shall be voted on at large. The precinct boundary lines for the purpose of holding said elections shall be those as designated by the County Election Board of Pottawatomie County, Oklahoma, as changed by city ordinance and shall include all the area within the city limits of the City of Shawnee, and where there shall be a conflict between the area designated by the Election Board and said ordinances, the area as designated by ordinance shall prevail. The polls of said elections shall be opened at seven o'clock

a.m., and shall remain open continuously until and be closed at seven o'clock p.m. on the designated day.

SECTION 5. Registered, qualified electors may vote in said election by absentee ballot. Absentee ballots shall be obtained from the Secretary of the County Election Board and shall be requested, cast, and returned in the manner prescribed by the special election laws of the state of Oklahoma relating to voting by absentee ballot.

SECTION 6. The provisions of this ordinance are severable and, if any sentence, provision, or other part of this Ordinance shall be held invalid, the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this ordinance.

SECTION 7. By reason of the provisions of law requiring the holding of a special election and by reason of the requirements of law providing for the publication of an ordinance calling and authorizing the holding of municipal elections, an emergency is hereby declared to exist, by reason whereof this ordinance shall become effective and be in full force and effect immediately from and after its passage and approval.

PASSED AND APPROVED this _____ day of _____, 2017.

RICHARD FINLEY, MAYOR

ATTEST:

(SEAL)

PHYLLIS LOFTIS, CMC, CITY CLERK

Approved as to form and legality this _____ day of _____, 2017.

JOSEPH M. VORNDRAN
CITY ATTORNEY

Regular Board of Commissioners

16.

Meeting Date: 08/21/2017

Ward 6 Reso

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Consider a resolution calling and providing for the holding of a special election in the City of Shawnee, Oklahoma, for the purpose of filling the unexpired term of Ward 6; providing for said election to be conducted by the Pottawatomie County Election Board, and providing for voting by absentee ballot.

Attachments

Ward 6 Reso

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SHAWNEE, OKLAHOMA CALLING AND PROVIDING FOR THE HOLDING OF NONPARTISAN SPECIAL ELECTION IN THE CITY OF SHAWNEE, OKLAHOMA, FOR THE PURPOSE OF NOMINATING AND ELECTING CANDIDATES FOR THE UNEXPIRED TERM OF THE OFFICE OF CITY COMMISSIONER OF THE SIX WARD; ESTABLISHING A FILING PERIOD AND QUALIFICATIONS FOR SUCH OFFICE; DESIGNATING THE MANNER OF ELECTING THE CITY OFFICE NAMED HEREIN; PROVIDING FOR SAID ELECTION TO BE CONDUCTED BY THE POTTAWATOMIE COUNTY ELECTION BOARD; AND PROVIDING FOR VOTING BY ABSENTEE BALLOT.

WHEREAS, by virtue of the provisions of the City Charter of the City of Shawnee, Oklahoma, nonpartisan special election is hereby authorized and called to be held in the City of Shawnee, Oklahoma.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Commission of Shawnee, Oklahoma:

- A. A special election shall be held on the 14th day of November, 2017, the same being the second Tuesday in November, for the purpose of submitting to the registered, qualified voters of the City of Shawnee, the names of all persons who have properly filed or been filed as candidates in the special election for the unexpired term of the Commissioner of the Six Ward. Provided, that except as otherwise in the City Charter specifically provided, the election laws of the State of Oklahoma applicable to municipal elections are adopted and put into effect hereby and the results of the election shall be canvassed, published and declared as provided by law.
- B. The filing period for the elections authorized herein shall be during normal business hours on the 2nd, 3rd and 4th day of October, 2017. Any qualified elector may become a candidate for the office named herein by filing with the Secretary of the Pottawatomie County Election Board, during the filing period, a written declaration of candidacy as provided in the Charter of the City of Shawnee, provided that any qualified elector can be a candidate for only one (1) office. Any qualified elector so filing for Commissioner may withdraw from the election by filing written notice with the Secretary of the County Election Board no later than 5:00 o'clock p.m. on October 6, 2017. Provided, that no person shall be qualified to become a candidate for any office herein unless such person shall have attained the age of twenty-five (25) years and shall have been, for at least six (6) months prior to filing a declaration of candidacy, a qualified elector as provided by the Charter of the City of Shawnee and the laws of the State of Oklahoma and a resident within the ward for which such person files for office. All declarations of candidacy, petitions and election ballots shall be nonpartisan in form and shall have no party designation of any kind and no sign, mark, symbol or device of a partisan character.
- C. If on the date of closing of filing for candidacy for any office herein, only one (1) candidate has filed for any particular office or offices, said candidate or candidates shall be chosen

to their respective offices and no election shall be held. Provided further, that if on the date of closing of filing for the offices herein, only two (2) candidates have filed for any office, said candidates shall be placed on the ballot at the special election and no special runoff election shall be held. Provided further, that if on the date of closing of filing for the office herein, more than two (2) candidates have filed for any office, their names shall be placed on the ballot at the special election. If at the special election provided for herein no candidate receives fifty percent (50%) majority of the votes cast, there will be no runoff election held and the candidate receiving the majority of the votes will be declared the winner of the election and shall be issued a certificate of election. In the event of a tie vote in any election provided for herein, the successful candidate shall be determined by the flip of a coin. If one (1) of the two (2) candidates nominated for an office dies or removes from the city or from his ward, the remaining candidate is elected ipso facto and shall be issued a certificate of election.

- D. The County Election Board shall prepare all ballots and conduct the election provided for herein in the manner set forth in, and in accordance with, the Charter of the City of Shawnee and the laws of the State of Oklahoma. The names of the candidates for the office provided herein shall be submitted to the registered, qualified electors of the City of Shawnee and each office shall be voted on at large. The precinct boundary lines for the purpose of holding said election shall be those as designated by the County Election Board of Pottawatomie County, Oklahoma, as changed by city ordinance and shall include all the area within the city limits of the City of Shawnee, and where there shall be a conflict between the area designated by the Election Board and said ordinances, the area as designated by ordinance shall prevail. The polls of said elections shall be opened at seven o'clock a.m., and shall remain open continuously until and be closed at seven o'clock p.m. on the designated day.
- E. Registered, qualified electors may vote in said election by absentee ballot. Absentee ballots shall be obtained from the Secretary of the County Election Board and shall be requested, cast, and returned in the manner prescribed by the special election laws of the State of Oklahoma relating to voting by absentee ballot.
- F. The provisions of this ordinance are severable and, if any sentence, provision, or other part of this Ordinance shall be held invalid, the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this ordinance.

PASSED AND APPROVED this _____ day of _____, 2017.

ATTEST:

RICHARD FINLEY, MAYOR

(SEAL)

PHYLLIS LOFTIS, CMC, CITY CLERK

Regular Board of Commissioners

17.

Meeting Date: 08/21/2017

Bryan Interchange Update

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Status update on Interstate 40/Bryan Street interchange.

Attachments

No file(s) attached.

Regular Board of Commissioners

18.

Meeting Date: 08/21/2017

Sales Tax 08-2017

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Acknowledge Sales Tax Report received August 2017.

Attachments

Sales Tax 08-2017



Date: August 16, 2017
TO: Mayor and Commissioners
From: Cynthia S. Arnold, Finance Director
Subject: August sales tax and use tax collections

Sales Tax Collections:

August deposit for sales tax was \$1,559,594 which will be divided among the following funds:

General	\$ 1,039,729
Capital Improvements	\$ 201,448
Street Fund	\$ 227,440
Economic Development	\$ 25,993
Police Sales Tax Fund	\$ 32,492
Fire Sales Tax Fund	\$ 32,492

Compared to Aug 2016 we were up \$29,348 or 1.26%. We have had a great start this year and we have made budget but we all know that sales tax can be up one month and down the next.

We need to remember to Shop Shawnee as much as possible to keep the sales tax steady.

Use tax deposit in August was \$205,512 up \$80,604 from last year.

Comparison of **Sales Tax:**

	September 2014	September 2015	September 2016	Increase (Decrease)	
	through	through	through	Over Prior Year	
Month	August 2015	August 2016	August 2017	Amount	Percentage
Sept	1,426,359	1,494,203	1,490,836	(3,367)	(0.23%)
Oct	1,428,921	1,545,245	1,496,732	(48,513)	(3.14%)
Nov	1,374,143	1,426,192	1,468,286	42,095	2.95%
Dec	1,441,774	1,506,784	1,405,365	(101,420)	(6.73%)
Jan	1,499,067	1,546,951	1,558,709	11,758	0.76%
Feb	1,580,604	1,605,202	1,676,413	71,211	4.44%
March	1,292,781	1,316,044	1,370,990	54,946	4.18%
April	1,426,451	1,552,529	1,469,441	(83,088)	(5.35%)
May	1,466,536	1,493,399	1,573,986	80,587	5.40%
June	1,438,144	1,437,412	1,556,869	119,457	8.31%
July	1,442,218	1,475,520	1,537,860	62,340	4.22%
August	1,588,410	1,530,246	1,559,594	29,348	1.92%
Total	15,816,996	16,399,481	16,605,487	206,006	1.26%
.					
		Prior Year	Current Year	Increase (Decrease)	
Period		Actual	Actual	Over Prior Year	
Fiscal Year to Date		3,005,766	3,097,454	91,688	3.05%

July Payment breakdown- Aug breakdown is not available at this time

		June 2017	June 2016
Top sales tax codes:			
Retail Trades	44-45	\$937,574	\$925,739
Accommodation and Food Service	72	\$268,428	\$259,174
Wholesale Trades	42	\$97,748	\$83,025
Utilities	22	\$92,516	\$65,952
Information	51	\$54,139	\$57,570
Manufacturing	31-33	\$31,426	\$30,725
Real Estate Rental & Leasing	53	\$30,080	\$13,521
Other Services	81	\$14,486	\$12,738
Unclassified	UNC	\$2,287	\$15,504
Arts & Entertainment	71	\$4,400	\$3,398
Professional	54	\$2,688	\$5,855
Misc		\$2,088	\$2,319
Total		\$1,537,860	\$1,475,520

Regular Board of Commissioners

19.a.

Meeting Date: 08/21/2017

Admin Rpt PD

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Edward Byrnes Memorial Grant – Police Chief Mason Wilson

Attachments

No file(s) attached.
