

BOARD OF CITY COMMISSIONERS PROCEEDINGS

AUGUST 21, 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 21, 2017 at 6:30 p.m., pursuant to notice duly posted as prescribed by law. Mayor Finley presided and called the meeting to order. Upon roll call, the following members were in attendance.

Richard Finley
Mayor

Dub Bushong
Commissioner Ward 1

Ron Gillham
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: None

INVOCATION

Lord's Prayer

FLAG SALUTE

AGENDA ITEM NO. 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
Shawnee Beautification Committee
Joe Harbeson 1st Full Term Expires 1/1/2021
Appointment to New Committee

A motion was made by Vice Mayor Harrod, seconded by Commissioner Bushong, to approve Consent Agenda Item Nos. 1(a-d). Motion carried 7-0.

AYE: Harrod, Bushong, Gillham, Finley, Rutherford, Shaw, Salter

NAY: None

AGENDA ITEM NO. 2: Citizens Participation
(A three-minute limit per person)
(A twelve-minute limit per topic)

Holly Gordon thanked the City Manager's office for their assistance with street closures during the 3rd Friday event downtown on August 18, 2017. She announced the next 3rd Friday event will be on September 15, 2017, from 6:00 p.m. to 9:00 p.m.

Ms. Brooklyn Benjamin and Mr. Jacob Crooch with Scissortail Skydiving addressed the Commission regarding a number of concerns with the Shawnee Regional Airport and its staff. Mayor Finley directed them to meet with Airport Manager Keenan English and the City Manager Justin Erickson to discuss their issues and concerns.

AGENDA ITEM NO. 3: Presentation by City Manager to Employee of the Month, Ashley Bione, Utility Billing/Customer Service Department.

Ashley Bione was present to accept the Employee of the Month Certificate presented by City Manager Justin Erickson.

AGENDA ITEM NO. 4: Mayor's Proclamation
"Blueprints Graduate Day"
August 21, 2017

Ms. Tiffany Walker accepted the Mayor's Proclamation for "Blueprints Graduate Day" presented by Mayor Finley.

AGENDA ITEM NO. 5:

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

Resolution No. 6546 was introduced.

A RESOLUTION DESIGNATING THE CITY OF SHAWNEE CITY COMMISSION CHAMBERS AS "BERTHA ANN YOUNG CITY COMMISSION CHAMBERS".

A motion was made by Commissioner Salter, seconded by Commissioner Gillham, to approve a resolution designating the City of Shawnee Commission Chambers as the "Bertha Ann Young Commission Chambers". Motion carried 7-0.

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

Resolution No. 6546 was accepted by family members of Bertha Ann Young.

AGENDA ITEM NO. 6:

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

Resolution No. 6547 was introduced.

RESOLUTION OF SUPPORT FOR SAFE ROUTES TO SCHOOL.

City Manager Justin Erickson gave a staff report and stated that staff recommends approval of this resolution. Commissioner Shaw asked whether a list of safe routes was available. Mr. Erickson stated he does not have one at this time, but expects there will be one in the future.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Rutherford, to approve a resolution of support for safe routes to school. Motion carried 7-0.

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

AGENDA ITEM NO. 7:

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

Resolution No. 6548 was introduced.

A RESOLUTION SUPPORTING THE POTTAWATOMIE COUNTY FOOD POLICY COUNCIL.

City Manager Justin Erickson gave a presentation of Resolution No. 6548. Blue Zones staff Rachael Melot and Jason Draper were present to answer questions. Adopting the Pottawatomie County Food Policy Council resolution is the first step in discovering specific nutrition needs for Pottawatomie County. It was explained that Council will make recommendations to local entities which will be comprised of members from each governing agency in Pottawatomie County. Commissioner Shaw questioned giving policy writing authority to the Council. It was explained that the Council would only be making policy recommendations to each entity.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Shaw, to approve a resolution supporting the Pottawatomie County Food Policy Council. Motion carried 7-0.

AYE: Harrod, Shaw, Salter, Bushong, Gillham, Finley, Rutherford

NAY: None

AGENDA ITEM NO. 8:

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

Shawnee Civic and Cultural Development Authority Chairman Randy Gilbert, Trustee Rachael Melot, Trustee Carl Packwood, and Heart of Oklahoma Exposition Center Assistant Director Chris Dunlap presented the City of Shawnee with a commemorative plaque and panoramic photograph of the rodeo arena area. Mr. Gilbert thanked the City for their twenty-five years of support of the rodeo. Mr. Gilbert announced that the rodeo had over nine-hundred contestants from more than thirty-four states. He further acknowledged the unbelievable job performed by the Exposition Center staff and five-hundred volunteers. Mr. Gilbert noted that there have been fourteen volunteers that have contributed to all twenty-five years of the rodeo.

AGENDA ITEM NO. 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)

Community Development Director Justin DeBruin gave a staff report and identified the location of the right-of-way closure on 35th street, south of Van's Pig Stand. Mr. DeBruin stated that the City has no public lines in the right-of-way are, and that staff has no objections to the closure. Utility franchises within the subject area have been notified of the closure. Mr. DeBruin noted that he had inquiries from franchise holders regarding their easement and he advised them that the right-of-way is not being vacated and all perpetual easements will remain in effect. Commissioner Shaw asked if there would be any budgetary impact to the City and staff advised there would not be.

Mayor Finley declared a public hearing in session to consider 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. Mr. Carl Packwood appeared in favor of the right-of-way closure, stating that this closure is an investment opportunity and can encourage people to move to Shawnee. No one appeared against the right-of-way closure. The public hearing was closed.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Rutherford, to approve 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.

Ordinance No. 2614NS was introduced.

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.

Motion carried 6-0-1.

AYE: Harrod, Rutherford, Salter, Bushong, Gillham, Finley

NAY: None

ABSTAIN: Shaw

Ordinance No. 2614NS was adopted by the City Commission.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Rutherford, to approve emergency clause relating to Ordinance No. 2614NS. Motion carried 6-0-1.

AYE: Harrod, Rutherford, Salter, Bushong, Gillham, Finley

NAY: None

ABSTAIN: Shaw

AGENDA ITEM NO. 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.

Resolution No. 6549 was introduced.

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.

City Manager Justin Erickson explained this resolution allows moving forward on review committee appointments and amends and restates the project plan. All amendments to the Tax Increment Financing (TIF) project should be concluded by the December 4, 2017 City Commission meeting. The final consideration will be done in November or December of 2017. Commissioner Shaw asked if a benefit/cost analysis had been done to show how this project would benefit the City. Mr. Erickson explained that approximately \$700,000.00 has previously been generated by the current TIF District and the costs associated with the amended and restated district are estimated to be between \$30,000.00 and \$40,000.00. The Review Committee will look at the size and scope of the TIF District when making their recommendations.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Gillham, to approve 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. Motion carried 7-0.

AYE: Harrod, Gillham, Finley, Rutherford, Shaw, Salter, Bushong

NAY: None

AGENDA ITEM NO. 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.

A motion was made by Commissioner Rutherford, seconded by Vice Mayor Harrod, to defer this item to the March 5, 2018 City Commission meeting. Motion approved 7-0.

AYE: Rutherford, Harrod, Finley, Shaw, Salter, Bushong, Gillham

NAY: None

AGENDA ITEM NO. 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.

A motion was made by Commissioner Shaw, seconded by Commissioner Bushong, to defer this item to the March 5, 2018 City Commission meeting. Motion approved 7-0.

AYE: Shaw, Bushong, Gillham, Harrod, Finley, Rutherford, Salter

NAY: None

AGENDA ITEM NO. 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.

A motion was made by Commissioner Shaw, seconded by Vice Mayor Harrod, to defer this item to the March 5, 2018 City Commission meeting. Motion approved 7-0.

AYE: Shaw, Harrod, Finley, Rutherford, Salter, Bushong, Gillham

NAY: None

AGENDA ITEM NO. 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.

A motion was made by Commissioner Shaw, seconded by Commissioner Gillham, to defer this item to the March 5, 2018 City Commission meeting. Motion approved 7-0.

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

AGENDA ITEM NO. 15:

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

No action was taken.

AGENDA ITEM NO. 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.

No action was taken.

AGENDA ITEM NO. 17:

Status update of Interstate 40/Bryan Street Interchange.

Mayor Finley stated he has been asked by constituents to provide an update on the Interstate 40/Bryan Street Interchange. He began by sharing background information on the project noting that the discussion began during former Mayor Chuck Mills' term in office. Engagement with Oklahoma Department of Transportation (ODOT) indicated positive feasibility for the project and an open meeting was held at Grove School for citizen feedback. Mayor Finley noted that subsequently in 2010, the Sac & Fox Nation's Historic Preservation Office issued a

letter of objection to the project based upon the adverse effect on tribal ceremonial rites. In 2016, the City approached Sac & Fox Chief Rhodes to request her reconsideration to the objection. Additional meetings have occurred between the Nation, the City and ODOT concerning withdrawing the 2010 letter of objection, which would allow ODOT to begin feasibility engineering of the project. At the last meeting with the Sac & Fox Nation, meeting attendees were told that the reconsideration item would be placed on the agenda of their Business Committee at the next regularly scheduled meeting. Mayor Finley noted that the item was tabled at that meeting. While noting that all parties have approached these meetings cordially and respectfully, he cautioned that the inaction of the Nation may result in this project being removed from ODOT's plan. Mayor Finley further noted the positive economic development impact the City of Shawnee, Pottawatomie County and the Sac & Fox Nation could realize should the project go forward.

Mr. Dan Overland, District 3 Transportation Commissioner for the Oklahoma Department of Transportation, spoke and confirmed that funds earmarked for this project cannot be used at an alternate location.

Commissioner Shaw stated that the meeting with the Sac & Fox Nation had not been endorsed by the Commission and she was unhappy that she was excluded from the meeting. She further stated that she feels the Mayor is putting pressure on the tribe to change their minds on a decision that has already been made. Commissioner Shaw said the Sac & Fox Nation's Business Committee has made a decision to stand by its objection but may revisit the item in the future.

AGENDA ITEM NO. 18:

Acknowledge Sales Tax Report received August 2017.

Finance Director Cindy Arnold reported that August sales tax collected this month was \$1,559,594.00, which is up 1.26% or \$29,348.00 from August of 2016. She noted the sales tax received from Amazon.com is approximately \$25,000.00 to \$30,000.00.

AGENDA ITEM NO. 19:

Administrative Reports

a. Edward Byrnes Memorial Grant – Police Chief Mason Wilson

Police Chief Mason Wilson updated the Commission on the Edward Byrnes Memorial Grant. He noted that the City of Shawnee's share would be \$10,500.00 and Pottawatomie County Sheriff's Department would receive \$10,479.00. Chief

Mason announced that the Cops and Kids Event would be held Saturday, August 26th from 1:00 p.m. to 4:00 p.m.

AGENDA ITEM NO. 20:

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. 21:

Commissioners Comments

Commissioner Bushong shared that former Commissioner and Mayor of Shawnee, Jerry Ozeretny, had recently passed away.

Commissioner Gillham stated it was good to be back at a Commission meeting.

Vice Mayor Harrod noted his commitment to the Interstate 40/Bryan Street Interchange project.

Commissioner Rutherford reminded citizens of the upcoming Blue Zones Event and the Cops and Kids Event, both taking place on Saturday August 26th.

Commissioner Rutherford said the Interstate 40/Bryan Street Interchange is vital to the City of Shawnee.

Commissioner Shaw asked if there would be new signage for the Bertha Ann Young Commission Chambers. City Manager Erickson answered affirmatively.

Commissioner Shaw congratulated Don Lynch on his recent Lifetime Achievement Award from the Oklahoma Emergency Management Association.

Commissioner Shaw stated that she is not "at war" with the Mayor. She expressed the importance of allowing the Sac and Fox Nation to come to their own decision regarding the Interstate 40/Bryan Street Interchange and to decide whether it would be in their best interest. Commissioner Shaw asked that she be included in future meeting with the Sac and Fox Nation because as a Native American she feels she can better understand the dynamics of tribal decisions.

Commissioner Salter said he was happy to have the Commission Chambers named after Bertha Ann Young, stating the renaming was a fitting honor to her.

Mayor Finley stated that because he is not familiar with tribal matters, Commissioner Rutherford, who is a member of the Citizen Potawatomi Nation, was invited to the meeting regarding the Interstate 40/Bryan Street Interchange.

AGENDA ITEM NO. 22:

Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (7:41 p.m.)



ATTEST:

Phyllis Loftis
PHYLLIS LOFTIS, CMC, CITY CLERK

Richard Finley
RICHARD FINLEY, MAYOR