

BOARD OF CITY COMMISSIONERS PROCEEDINGS

AUGUST 17, 2020 AT 6:00 P.M.

The Board of City Commissioners of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in Regular Session, Monday, August 17, 2020 at 6:00 p.m., pursuant to notice duly posted as prescribed by law at 12:34 p.m. on August 14, 2020. Mayor Bolt presided and Mr. Cooper Dunn called the meeting to order. Upon roll call, the following members were in attendance.

Ed Bolt

Mayor

Vacant

Commissioner Ward 1

Bob Weaver

Commissioner Ward 2

Travis Flood

Commissioner Ward 3

Darren Rutherford

Commissioner Ward 4-Vice Mayor

Mark Sehorn

Commissioner Ward 5

Ben Salter

Commissioner Ward 6

ABSENT: None

INVOCATION

Pastor Justin Dunn

University Baptist Church

FLAG SALUTE

AGENDA ITEM NO. 1:

Citizens Participation

(A three-minute limit per person)

(A twelve-minute limit per topic)

Ms. Erin Stevens announced upcoming events at the Heart of Oklahoma Exposition Center (Expo). She also explained how the Expo is implementing social distancing during their events.

Mr. Rob Morris thanked the Airport staff for their hard work on securing funding for the Taxiway and Runway repairs. He also expressed appreciation for the Shawnee Police Department.

AGENDA ITEM NO. 2:

Consider approval of Consent Agenda:

- a. Minutes from the August 3, 2020 regular meeting.
- b. Acknowledge the following reports and minutes:
 - License Payment Report for July 2020
 - Project Payment Report for July 2020
 - Shawnee Urban Renewal Authority Minutes from the May 12, 2020 regular meeting
- c. Acknowledge resignation of Rachael Melot from the Planning Commission.
- d. Acknowledge resignation of Bob Weaver from the Parks and Recreation Board.
- e. Authorize a right-of-way easement be given to Canadian Valley Electric Cooperative, Inc., to serve an existing City Lake Lot Lease site at the Shawnee Twin Lakes.

Commissioner Weaver asked that Agenda Item No. 2(e) be pulled for separate consideration due to a conflict of interest.

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

AYE: Rutherford, Sehorn, Salter, Weaver, Flood, Bolt
NAY: None

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Flood, to approve Consent Agenda Item No. 2 (e). Motion carried 5-0-1.

AYE: Rutherford, Flood, Bolt, Sehorn, Salter
NAY: None
ABSTAIN: Weaver

AGENDA ITEM NO. 3:

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

Animal Control Officer Spoon presented five- to six-year-old T.J., a male Belgian Malamute. Officer Spoon stated T.J. is well-behaved and has been fixed. The Animal Shelter is currently waiving adoption fees, thus T.J.'s adoption would be free. There is a deposit of \$25.00 if an animal has not been fixed.

AGENDA ITEM NO. 4:

Presentation by Rachael Melot on the Blue Zones Project Certification Community Data Report.

Ms. Rachael Melot, Ms. Kathy Laster, and Mr. Marty Lewis presented the Blue Zones Project Certification Community Data Report.

AGENDA ITEM NO. 5:

Consider an appointment of a City Commissioner to the Parks and Recreation Committee.

City Manager Chance Allison explained that Mayor Bolt was appointed to the Parks and Recreation Committee based on his title as City Commissioner. Thus, Mayor Bolt can no longer serve on the committee with his current title. A current City Commissioner will need to be appointed to the committee. Commissioner Weaver was previously serving on the Committee as a citizen; however, his resignation as a citizen from said Committee was approved on the Consent Agenda.

Mayor Bolt nominated Commissioner Weaver to serve on the Parks and Recreation Committee filling the City Commissioner seat.

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Sehorn, to appoint Commissioner Weaver to serve on the Parks and Recreation Committee filling the City Commissioner seat. Motion carried 6-0.

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

NAY: None

AGENDA ITEM NO. 6:

Consider a Resolution approving the renewal of a certain lease agreement with Motorola Credit Corporation.

Police Chief Mason Wilson provided a staff report. Chief Mason explained this was an annual payment per an agreement with Motorola from July 2013. This resolution will authorize the final payment to Motorola of \$320,821.62.

Resolution No. 6618 was introduced.

A RESOLUTION APPROVING RENEWAL OF A CERTAIN LEASE AGREEMENT WITH MOTOROLA CREDIT CORPORATION.

A motion was made by Commissioner Weaver, seconded by Commissioner Flood, to approve a resolution approving renewal of a certain lease agreement with Motorola Credit Corporation. Motion carried 6-0.

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

NAY: None

AGENDA ITEM NO. 7:

Consider an ordinance granting to One Gas, Inc., acting by and through its Oklahoma Natural Gas Company Division, and its successors and assigns, for a period of twenty-five (25) years from approval and acceptance of this ordinance, a non-exclusive franchise and right to enter the public ways to install, operate, and maintain a distribution system within, along, across, over, and under the public ways of the City of Shawnee, Oklahoma for the transportation, distribution and/or sale of gas to consumers and the public generally in the City; defining the words and phrases therein; providing for assignment, sale, or lease of the franchise; providing that the City may enact an ordinance charging persons transporting gas through grantee's distribution system a fee on the calculated value of such transported gas; providing for use and repair of the public ways; providing for regulation of service; establishing depth of pipelines; establishing rights and duties in the movement and alteration of pipelines;

providing for indemnification of the City of Shawnee; providing for grantee's rules and regulations; providing for inspection of grantee's records; requiring grantee to pay a franchise fee; providing for conditions of the franchise; providing for construction of this ordinance upon the invalidity of any part thereof; providing for the submission of this ordinance to an election of the qualified voters of the city; providing for acceptance of this franchise by grantee and both an effective and an operative date thereof; repealing all other ordinances directly in conflict herewith; and providing for severability.

City Manager Chance Allison provided a staff report. He explained this proposed ordinance was essentially to renew the franchise agreement with Oklahoma Natural Gas (ONG). The current agreement will expire in October 2020. If this ordinance is adopted tonight, it will go to a vote of the registered electors in a special election in January 2021. There is no change in the franchise rate. ONG will reimburse the City of Shawnee for the cost of the special election.

A motion was made by Commissioner Sehorn, seconded by Commissioner Flood, to approve an ordinance granting to One Gas, Inc., acting by and through its Oklahoma Natural Gas Company Division, and its successors and assigns, for a period of twenty-five (25) years from approval and acceptance of this ordinance, a non-exclusive franchise and right to enter the public ways to install, operate, and maintain a distribution system within, along, across, over, and under the public ways of the City of Shawnee, Oklahoma for the transportation, distribution and/or sale of gas to consumers and the public generally in the City; defining the words and phrases therein; providing for assignment, sale, or lease of the franchise; providing that the City may enact an ordinance charging persons transporting gas through grantee's distribution system a fee on the calculated value of such transported gas; providing for use and repair of the public ways; providing for regulation of service; establishing depth of pipelines; establishing rights and duties in the movement and alteration of pipelines; providing for indemnification of the City of Shawnee; providing for grantee's rules and regulations; providing for inspection of grantee's records; requiring grantee to pay a franchise fee; providing for conditions of the franchise; providing for construction of this ordinance upon the invalidity of any part thereof; providing for the submission of this ordinance to

an election of the qualified voters of the city; providing for acceptance of this franchise by grantee and both an effective and an operative date thereof; repealing all other ordinances directly in conflict herewith; and providing for severability.

Ordinance No. 2697NS was introduced.

AN ORDINANCE GRANTING TO ONE GAS, INC., ACTING BY AND THROUGH ITS OKLAHOMA NATURAL GAS COMPANY DIVISION, AND ITS SUCCESSORS AND ASSIGNS, FOR A PERIOD OF TWENTY-FIVE (25) YEARS FROM APPROVAL AND ACCEPTANCE OF THIS ORDINANCE, A NON-EXCLUSIVE FRANCHISE AND RIGHT TO ENTER THE PUBLIC WAYS TO INSTALL, OPERATE AND MAINTAIN A DISTRIBUTION SYSTEM WITHIN, ALONG, ACROSS, OVER AND UNDER THE PUBLIC WAYS OF THE CITY OF SHAWNEE, OKLAHOMA FOR THE TRANSPORTATION, DISTRIBUTION AND/OR SALE OF GAS TO CONSUMERS AND THE PUBLIC GENERALLY IN THE CITY; DEFINING THE WORDS AND PHRASES THEREIN; PROVIDING FOR ASSIGNMENT, SALE OR LEASE OF THE FRANCHISE; PROVIDING THAT THE CITY MAY ENACT AN ORDINANCE CHARGING PERSONS TRANSPORTING GAS THROUGH GRANTEE'S DISTRIBUTION SYSTEM A FEE ON THE CALCULATED VALUE OF SUCH TRANSPORTED GAS; PROVIDING FOR USE AND REPAIR OF THE PUBLIC WAYS; PROVIDING FOR REGULATION OF SERVICE; ESTABLISHING DEPTH OF PIPELINES; ESTABLISHING RIGHTS AND DUTIES IN THE MOVEMENT AND ALTERATION OF PIPELINES; PROVIDING FOR INDEMNIFICATION OF THE CITY OF SHAWNEE; PROVIDING FOR GRANTEE'S RULES AND REGULATIONS; PROVIDING FOR INSPECTION OF GRANTEE'S RECORDS; REQUIRING GRANTEE TO PAY A FRANCHISE FEE; PROVIDING FOR CONDITIONS OF THE FRANCHISE; PROVIDING FOR CONSTRUCTION OF THIS ORDINANCE UPON THE INVALIDITY OF ANY PART THEREOF; PROVIDING FOR THE SUBMISSION OF THIS ORDINANCE TO AN ELECTION OF THE QUALIFIED VOTERS OF THE CITY; PROVIDING FOR ACCEPTANCE OF THIS FRANCHISE BY GRANTEE AND BOTH AN EFFECTIVE AND AN OPERATIVE DATE THEREOF; REPEALING ALL OTHER ORDINANCES DIRECTLY IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

Motion carried 6-0.

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

NAY: None

Ordinance No. 2697NS was adopted by the City Commission.

AGENDA ITEM NO. 8:

Consider a resolution calling and providing for the holding of a special election in the City of Shawnee, Oklahoma, for the purpose of granting to One Gas, Inc., acting by and through its Oklahoma Natural Gas Company Division, and its successors and assigns, for a period of twenty-five (25) years from the expiration of the existing franchise grant a

non-exclusive franchise; providing for said election to be conducted by the Pottawatomie County Election Board, and providing for absentee ballot and defining the electorate.

City Manager Chance Allison provided a staff report. He explained this resolution will call for a special election regarding Ordinance No. 2697NS that was passed previously. If the Ordinance does not pass, Oklahoma Natural Gas (ONG) has a franchise tax that would default payment to the City of Shawnee to two percent (2%); currently ONG pays four and one quarter percent (4.25%).

Resolution No. 6619 was introduced.

A RESOLUTION CALLING AND PROVIDING FOR THE HOLDING OF A SPECIAL ELECTION IN THE CITY OF SHAWNEE, OKLAHOMA FOR THE PURPOSE OF GRANTING TO ONE GAS, INC., ACTING BY AND THROUGH ITS OKLAHOMA NATURAL GAS COMPANY DIVISION, AND ITS SUCCESSORS AND ASSIGNS, FOR A PERIOD OF TWENTY-FIVE (25) YEARS FROM EXPIRATION OF THE EXISTING FRANCHISE GRANT A NON-EXCLUSIVE FRANCHISE; PROVIDING FOR SAID ELECTION TO BE CONDUCTED BY THE POTTAWATOMIE COUNTY ELECTION BOARD; AND PROVIDING FOR ABSENTEE BALLOT AND DEFINING THE ELECTORATE.

A motion was made by Commissioner Weaver, seconded by Vice Mayor Rutherford, to approve a resolution calling and providing for the holding of a special election in the City of Shawnee, Oklahoma, for the purpose of granting to One Gas, Inc., acting by and through its Oklahoma Natural Gas Company Division, and its successors and assigns, for a period of twenty-five (25) years from the expiration of the existing franchise grant a non-exclusive franchise; providing for said election to be conducted by the Pottawatomie County Election Board, and providing for absentee ballot and defining the electorate. Motion carried 6-0.

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

NAY: None

AGENDA ITEM NO. 9:

Public hearing and consideration of an ordinance to rezone property located at 1120 North Louisa Avenue, containing 0.40-acres, R-1 (Single-Family Residential District) to R-1 (Single-Family Residential

District) with a Conditional Use Permit (CUP) for an Accessory Dwelling Unit (ADU). Case No. P11-20, Applicant: Brent and Amanda Newsom.

Planning Director Rebecca Blaine provided a staff report. She advised Staff and the Planning Commission recommend approval of this item.

Mayor Bolt declared a public hearing in session to consider an ordinance rezoning property from R-1 (Single-Family Residential District) to R-1 (Single-Family Residential District) with a Conditional Use Permit (CUP) for an Accessory Dwelling Unit (ADU) located at 112 North Louisa Avenue. No one appeared in favor or against said rezoning. The public hearing was closed.

A motion was made by Commissioner Weaver, seconded by Commissioner Flood, to approve an ordinance to rezone property located at 1120 North Louisa Avenue, containing 0.40-acres, R-1 (Single-Family Residential District) to R-1 (Single-Family Residential District) with a Conditional Use Permit (CUP) for an Accessory Dwelling Unit (ADU).

Ordinance No. 2698NS 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: LOTS FOURTEEN (14), FIFTEEN (15), SIXTEEN (16), SEVENTEEN (17) AND EIGHTEEN (18), BLOCK ONE (1), PLAINVIEW ADDITION TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF FROM ZONING CLASSIFICATION R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT) WITH A CONDITIONAL USE PERMIT (CUP) FOR AN ACCESSORY DWELLING UNIT (ADU) AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

Motion carried 6-0.

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

NAY: None

Ordinance No. 2698NS was adopted by the City Commission.

AGENDA ITEM NO. 10:

Public hearing and consideration of an ordinance to rezone property located on the north side of East 39th Street approximately 840' east of Harrison Avenue, containing 13.37-acres, from A-1 (Rural Agricultural

District) to a Planned Unit Development (PUD) for the purpose of a residential subdivision. Case No. P12-20, Applicant: Cedar Ridge Investments.

Planning Director Rebecca Blaine provided a staff report. She explained the surrounding zoning codes. Mrs. Blaine also explained how the Comprehensive Plan plans for the area to be zoned. She stated she received letters in opposition and in favor of said rezoning and advised they were attached to the Staff report. Mrs. Blaine also answered questions from the Commission.

The Commissioners discussed the rezoning noting the high volume of opposed residents in the area, the support of a potential rezoning to R-1 (Single-Family Residential District),

Mayor Bolt declared a public hearing in session to consider an ordinance rezoning property from A-1 (Rural Agricultural District) to a Planned Unit Development (PUD) for the purpose of a residential subdivision located on the north side of East 39th Street approximately 840' east of Harrison Avenue. Mr. David Tomlinson, property owner, and Mr. Steve Landes, project engineer, appeared in favor of said rezoning. They explained they originally sought an R-1 rezoning for the area. Mr. Bruce Bushong, Mr. Larry Epple and Mr. Rob Morris spoke against the proposed rezoning. The public hearing was closed.

A motion was made by Commissioner Sehorn, seconded by Commissioner Weaver, to accept the Planning Commission's recommendation of denial to rezone the property located on the north side of East 39th Street approximately 840' east of Harrison Avenue, containing 13.37-acres, from A-1 (Rural Agricultural District) to a Planned Unit Development (PUD) for the purpose of a residential subdivision. Motion carried 6-0.

AYE: Sehorn, Weaver, Flood, Bolt, Rutherford, Salter
NAY: None

AGENDA ITEM NO. 11:

Public hearing and consideration of an ordinance to rezone property located at 1018 West Benedict Street, containing 0.19-acres, from C-1 (Neighborhood Commercial District) to C-3 (Highway Commercial District). Case No. P13-20, Applicant: Ken Stafford. *(Deferred by the Planning Commission to the September 2, 2020 meeting.)*

Planning Director Rebecca Blaine advised that the applicant requested a deferment to the September 2, 2020 Planning Commission meeting.

A motion was made by Commissioner Flood, seconded by Commissioner Sehorn, to defer this item to the September 8, 2020 City Commission meeting. Motion carried 6-0.

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

NAY: None

AGENDA ITEM NO. 12: Acknowledge monthly Sales Tax and Budget Report.

Finance Director Ashely Neel passed out the Budget Report attachment. Ms. Neel reported sales tax is up \$869,410.00, or 26.56%, over the projected budget year-to-date. She stated that use tax collections are up approximately \$18,712.00, or 4.61%, over the projected budget year-to-date.

AGENDA ITEM NO. 13: New Business (Any matter not known or which could not have been reasonably foreseen prior to the posting of the agenda.)

There was no New Business.

AGENDA ITEM NO. 14: Commissioners Comments

Commissioner Flood said he appreciated the effort of the Planning Department but appreciates the ability to be flexible in the Comprehensive Plan.

Commissioner Rutherford expressed his appreciation for all the participation on this agenda.

Commissioner Sehorn stated his enthusiasm with the financial report.

Mayor Bolt expressed his appreciation with the attendance at tonight's meeting.

RECESS CITY COMMISSION MEETING BY THE POWER OF THE CHAIR
TO CONVENE SHAWNEE AIRPORT AUTHORITY AND SHAWNEE
MUNICIPAL AUTHORITY (7:52 P.M.)

RECONVENE CITY COMMISSION MEETING BY THE POWER OF THE
CHAIR (7:54 P.M.)

AGENDA ITEM NO. 15:

Consider an executive session to discuss
annual evaluation of the City Manager to 25
O.S. §307(B)(1) "Discussing the
employment, hiring, appointment, demotion,
disciplining or resignation of any individual
salaried public officer or employee."

A motion was made by Commissioner Weaver, seconded by Commissioner
Flood, to enter into executive session to discuss annual evaluation of the City
Manager pursuant to 25 O.S. §307(B)(1) "Discussing the employment, hiring,
appointment, demotion, disciplining or resignation of any individual salaried
public officer or employee." Motion carried 6-0.

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

NAY: None

COMMISSIONERS ENTERED INTO EXECUTIVE SESSION AT 7:55 P.M.
WITH ALL MEMBERS PRESENT.

COMMISSIONERS RECONVENED FROM EXECUTIVE SESSION AT 8:54
P.M. WITH ALL MEMBERS PRESENT

AGENDA ITEM NO. 16:

Consider matters discussed in executive
session regarding discussions of annual
evaluation of City Manager pursuant to 25
O.S. §307(B)(1) "Discussing the
employment, hiring, appointment, demotion,
disciplining or resignation of any individual
salaried public officer or employee."

A motion was made by Vice Mayor Rutherford, seconded by Commissioner
Sehorn, to give the City Manager a pay increase of two-and one-half percent
(2.50%) effective at the one-year anniversary date. Motion carried 5-1.

AYE: Rutherford, Flood, Bolt, Sehorn, Salter

NAY: Weaver

AGENDA ITEM NO. 17:

Discussion, consideration and possible action to appoint a City Commissioner to the Ward 1 position to fill the open position left by the appointment of Ed Bolt as Mayor, to complete the remainder of term, expiring 2022. *(Deferred from August 3, 2020 City Commission meeting.)*

A motion was made by Commissioner Weaver to appoint Rex Hennen to fill the vacant Ward 1 City Commissioner position to complete the remainder of the term, expiring 2022. Motion failed for a lack of a second.

A motion was made by Commissioner Flood, seconded by Vice Mayor Rutherford, to appoint Daniel Matthews to fill the vacant Ward 1 City Commissioner position to continue the remainder of the term, expiring 2022. Motion carried 6-0.

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

NAY: None

AGENDA ITEM NO. 18:

Swearing in of Ward 1 Commissioner. *(This item only occurs if a Commissioner for Ward 6 is appointed during Agenda Item No. 17.)*

City Clerk Lisa Lasyone swore in Daniel Matthews as Ward 1 Commissioner.

AGENDA ITEM NO. 19:

Consider a resolution calling and providing for the holding of a special election in the City of Shawnee, Oklahoma, for the purpose of nominating and electing candidates for the office of City Commissioner of the First Ward; establishing a filing period and qualifications for such office; designating the manner of electing the office named herein; providing for said election to be conducted by the Pottawatomie County

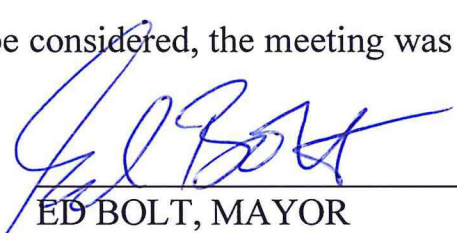
Election Board; providing for voting by absentee ballot.

No action was taken.

AGENDA ITEM NO. 20:

Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (9:00 p.m.)


ED BOLT, MAYOR

ATTEST:


LISA LASYONE, CMC, CITY CLERK

