

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.)



Phyllis Loftis
PHYLLIS LOFTIS, CMC, CITY CLERK

James Harrod
JAMES HARROD, VICE MAYOR