**BOARD OF CITY COMMISSIONERS PROCEEDINGS**
AUGUST 3, 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 3, 2020 at 6:00 p.m., pursuant to notice duly posted as prescribed by law at 11:08 a.m. on July 31, 2020. Mayor Bolt presided and Miss Karlee Fuller called the meeting to order. Upon roll call, the following members were in attendance.

Ed Bolt
Mayor

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| Vacant<br>Commissioner Ward 1 | Bob Weaver<br>Commissioner Ward 2 |
| Absent<br>Commissioner Ward 3 | Darren Rutherford<br>Commissioner Ward 4-Vice Mayor |
| Mark Sehorn<br>Commissioner Ward 5 | Ben Salter<br>Commissioner Ward 6 |

ABSENT: Travis Flood

INVOCATION — Pastor Tiffany Nagel Monroe, St. Paul's United Methodist Church

FLAG SALUTE

AGENDA ITEM NO. 1: Citizens Participation
(A three-minute limit per person)
(A twelve-minute limit per topic)

Ms. Devra Waterman expressed her concerns with the recently passed mask mandate. She asked that it be repealed.

Ms. Julie Akerman provided a handout to the Mayor, Commissioners, and Staff. She spoke regarding no wake and no ski buoys being removed on the west end of Shawnee Twin Lake No. 1. Ms. Akerman expressed her concern for the removal of the buoys several weeks ago. She requested that they be replaced.

Ms. Diane Rudebock provided a handout to the Mayor, Commissioners, and Staff. She expressed her concerns with safety concerns and soil erosion at Shawnee Lake No. 1. She stated she was in favor of replacing the removed buoys.

Mr. Henry Davis spoke regarding the removed buoys. He said they cannot swim at his site due to the buoys being removed. He also addressed boat permit requirements at the Shawnee Twin Lakes.

AGENDA ITEM NO. 2: Consider approval of Consent Agenda:

a. Minutes from the July 20, 2020 regular meeting and July 23, 2020 Special Call meeting.

b. Acknowledge the following minutes:

- Senior Citizens of Shawnee Board Minutes from the March 10, 2020 regular meeting

c. Authorize staff to execute an equipment services agreement with Motorola Solutions.

d. Lake Lease Transfers:

*TRANSFERS:*
Lot 6 Sect Tract, 33804 Post Office Neck
From: James and Vicky Bundy
To: Ruth 2012 Revocable Trust

Lot 5 Magnino Tract, 17104 Magnino Road
From: Kenny and Michelle Childers
To: Dana Browning

A motion was made by Commissioner Weaver, seconded by Vice Mayor Rutherford, to approve Consent Agenda Item Nos. 2(a-d). Motion carried 5-0.

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

AGENDA ITEM NO. 3: Presentation by Animal Control to present the Pet of the Week.

Animal Control Officer Spoon presented Toby an approximately two to three-year-old canine. Toby is available for adoption. His adoption fee is five-dollars ($5.00).

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| AGENDA ITEM NO. 4: | Mayor's Proclamation:<br>"National Health Center Week"<br>August 9-15, 2020 |

Ms. Tiffany Walker accepted the Mayor's Proclamation for "National Health Center Week" presented by Mayor Bolt.

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| AGENDA ITEM NO. 5: | Presentation of the 2019 Performeter by Crawford and Associates. |

City Manager Chance Allison introduced Mr. Frank Crawford. Mr. Crawford explained what a Performeter was and how the City of Shawnee currently ranked. He stated in 2019 the City of Shawnee had a 7.1 rating. He advised this rating includes three components: 1) Financial performance – 9.6 rating; 2) Financial position – 3.9 rating; and 3) Financial capability – 7.5 rating.

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| AGENDA ITEM NO. 6: | Discussion and consideration of a resolution updating the City Fee Schedule by: (1) setting the water rates for residential and commercial use, both inside and outside the city limits, pursuant to Subsections (a) and (b), Section 26-26, Article II, Chapter 26 of the City Code; and (2) setting the sanitary sewer rates for residential and commercial use, both inside and outside the City Limits, pursuant to Sub-Sections (b) and (c), Section 26-27, Article II, Chapter 26 of the Code of the City of Shawnee. |

Finance Director Ashley Neel provided a staff report. She explained each year the Consumer Price Index (CPI) is reviewed by staff and the City may water and sewer rates based on the CPI. The percentage as of December 31, 2019 was 2.21%. This increase will take effect October 1, 2020.

Resolution No. 6616 was introduced.

A RESOLUTION UPDATING THE CITY FEE SCHEDULE BY: (1) SETTING THE WATER RATES FOR RESIDENTIAL AND COMMERCIAL USE, BOTH INSIDE AND OUTSIDE THE CITY LIMITS, PURSUANT TO SUBSECTIONS (a) AND (b), SECTION 26-26, ARTICLE II, CHAPTER 26 OF THE CITY CODE; AND (2) SETTING THE SANITARY SEWER RATES FOR RESIDENTIAL AND COMMERCIAL USE, BOTH INSIDE AND OUTSIDE THE CITY LIMITS, PURSUANT TO SUB-SECTIONS (b) AND (c), SECTION 26-27, ARTICLE II, CHAPTER 26 OF THE CODE OF THE CITY OF SHAWNEE.

A motion was made by Commissioner Sehorn, seconded by Commissioner Weaver, to approve a resolution updating the City Fee Schedule by: (1) setting the water rates for residential and commercial use, both inside and outside the city limits, pursuant to Subsections (a) and (b), Section 26-26, Article II, Chapter 26 of the City Code; and (2) setting the sanitary sewer rates for residential and commercial use, both inside and outside the City Limits, pursuant to Sub-Sections (b) and (c), Section 26-27, Article II, Chapter 26 of the Code of the City of Shawnee. Motion carried 5-0.

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

AGENDA ITEM NO. 7: Discussion and consideration of a resolution updating the City Fee Schedule by setting the monthly rates and fees for solid waste services pursuant to Subsections (a), Section 23-38, Article II, Chapter 23 of the City Code; and providing for the re-adoption of the City Fee Schedule in whole.

Finance Director Ashley Neel provided a staff report. She explained the City Commission approved a contract with Central Disposal in June 2020. A Memorandum of Understanding (MOU) was approved shortly thereafter to delay a price increase due to the global COVID-19 pandemic delaying the rate increase until October 1, 2020. This fee increase will also take effect on October 1, 2020.

Resolution No. 6617 was introduced.

A RESOLUTION UPDATING THE CITY FEE SCHEDULE BY SETTING THE MONTHLY RATES AND FEES FOR SOLID WASTE SERVICES PURSUANT TO SUBSECTIONS (a), SECTION 23-38, ARTICLE II, CHAPTER 23 OF THE CITY CODE; AND PROVIDING FOR THE RE-ADOPTION OF THE CITY FEE SCHEDULE IN WHOLE.

A motion was made by Commissioner Sehorn, seconded by Commissioner Weaver, to approve a resolution updating the City Fee Schedule by setting the monthly rates and fees for solid waste services pursuant to Subsections (a), Section 23-38, Article II, Chapter 23 of the City Code; and providing for the re-adoption of the City Fee Schedule in whole. Motion carried 5-0.

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

AGENDA ITEM NO. 8: Discussion and consideration of an ordinance amending portions of Chapter 28 – Wells, Oil, and Gas of the Shawnee City Code of Ordinances, by amending Chapter 28 to ensure that all provisions are in compliance with relevant State Law and Administrative Agency Regulations; providing for repeal; providing for severability; providing for codification; and providing for emergency clause.

Finance Director Ashley Neel provided a staff report. She explained no fees are changing with approval of this ordinance. This item is a housekeeping item to coincide with State Law.

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Sehorn, to approve an ordinance amending portions of Chapter 28 – Wells, Oil, and Gas of the Shawnee City Code of Ordinances, by amending Chapter 28 to ensure that all provisions are in compliance with relevant State Law and Administrative Agency Regulations; providing for repeal; providing for severability; providing for codification; and providing for emergency clause.

Ordinance No. 2696NS was introduced.

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 28 – WELLS, OIL AND GAS OF THE SHAWNEE CITY CODE OF ORDINANCES, BY AMENDING CHAPTER 28 TO ENSURE THAT ALL PROVISIONS ARE IN COMPLIANCE WITH RELEVANT STATE LAW AND ADMINISTRATIVE AGENCY REGULATIONS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR EMERGENCY CLAUSE.

Motion carried 5-0.

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

A motion was made by Commissioner Weaver, seconded by Vice Mayor Rutherford, to approve the emergency clause relating to Ordinance No. 2696NS. Motion carried 5-0.

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

AGENDA ITEM NO. 9: Consideration of a budget amendment for Fund 001 General Fund – The City of Shawnee received a Department of Justice Grant to cover certain COVID-19 supplies needed by the Police Department.

Finance Director Ashley Neel provided a staff report. She explained the City of Shawnee Police Department received a Grant form the Department of Justice for COVID-19 related supplies.

A motion was made by Commissioner Sehorn, seconded by Vice Mayor Rutherford, to approve a budget amendment for Fund 001 General Fund – The City of Shawnee received a Department of Justice Grant to cover certain COVID-19 supplies needed by the Police Department. Motion carried 5-0.

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

AGENDA ITEM NO. 10: 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. 11: Commissioners Comments

Commissioner Sehorn commented on the City of Shawnee improving its position regarding the Performeter. He expressed his appreciation to Staff.

Mayor Bolt echoed Commissioner Sehorn's comments. He stated the lake situation will be looked into.

RECESS CITY COMMISSION MEETING BY THE POWER OF THE CHAIR TO CONVENE SHAWNEE AIRPORT AUTHORITY AND SHAWNEE MUNICIPAL AUTHORITY (6:52 P.M.)

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

AGENDA ITEM NO. 12: Consider an executive session to discuss annual evaluations of the City Manager and City Treasurer 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 Weaver, to enter into executive session to discuss annual evaluations of the City Manager and City Treasurer 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 5-0.

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

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

COMMISSIONERS RECONVENED FROM EXECUTIVE SESSION AT 7:15 P.M. WITH ALL MEMBERS PRESENT

AGENDA ITEM NO. 13: Consider matters discussed in executive session regarding discussions of annual evaluations of City Manager and City Treasurer 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 delegate the City Treasurer evaluation to the City Manager; and authorize the Mayor to prepare and circulate a City Manager evaluation form and consolidate data for a performance review at the next City Commission meeting on August 17, 2020. Motion carried 5-0.

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

AGENDA ITEM NO. 14: Conduct interviews of City Commissioner Ward 1 applicants:

a. Rex Hennen – Mr. Hennen was present and answered questions posed by the Commissioners.

b. Randy Kamm – Mr. Kamm was present and answered questions posed by the Commissioners.

c. Tony Kenyon – Mr. Kenyon was present and answered questions posed by the Commissioners.

d. Mandi MacDonald – Ms. MacDonald was present and answered questions posed by the Commissioners.

e. Daniel Matthews – Mr. Matthews was present and answered questions posed by the Commissioners.

f. Robert Morris – Mr. Morris was present and answered questions posed by the Commissioners.

g. Chris Odneal – Mr. Odneal was not present.

h. Steve Palmer – Mr. Palmer was present and answered questions posed by the Commissioners.

i. Lindie VanAntwerp – Ms. Lindie VanAntwerp announced that she was withdrawing her application from consideration.

AGENDA ITEM NO. 15: 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 reminder of term, expiring 2022.

A motion was made by Commissioner Weaver, seconded by Commissioner Salter, to appoint Mr. Rex Hennen to the Ward 1 position for the remainder of the seat's current term in 2022.

There was discussion among the board. Commissioner Weaver stated every applicant was qualified and brought something to the table. Commissioner Sehorn expressed concerns with selecting an applicant tonight without getting an opportunity to reflect on the applicants. Vice Mayor Rutherford asked the City Attorney what the options were to fill the vacant Ward 1 position. City Attorney Joe Vorndran explained that the Ordinance does not specifically express the manner of which a vacant seat can be filled. Mr. Vorndran said there are basically three options – 1) Appoint an applicant to the remainder of the vacant term, which is set to expire in 2022, 2) Appoint an applicant to hold the Ward 1 seat until the next available special election, or 3) Leave the seat vacant until the next available special election.

Motion failed 2-3.

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

A motion was made by Commissioner Sehorn, seconded by Vice Mayor Rutherford, to defer the appointment of the Ward 1 position to the next City Commission meeting on August 17, 2020. Motion carried 3-2.

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

AGENDA ITEM NO. 16: Swearing in of Ward 1 Commissioner. *(This item only occurs if a Commissioner for Ward 6 is appointed during Agenda Item No. 15.)*

No action was taken.

AGENDA ITEM NO. 17: Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (8:41 p.m.)

ED BOLT, MAYOR

ATTEST:

THE CITY OF SHAWNEE
SEAL
OKLAHOMA

Lisa Lasyone

LISA LASYONE, CMC, CITY CLERK