BOARD OF CITY COMMISSIONERS PROCEEDINGS
JUNE 20, 2016 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, June 20, 2016 at 6:30 p.m., pursuant to notice duly posted as prescribed by law. Mayor Mainord presided and called the meeting to order. Upon roll call, the following members were in attendance.

Wes Mainord
Mayor

Vacant Commissioner Ward 1	Linda Agee Commissioner Ward 2
James Harrod Commissioner Ward 3-Vice Mayor	Keith Hall Commissioner Ward 4
Lesa Shaw Commissioner Ward 5	Micheal Dykstra Commissioner Ward 6

ABSENT: None

INVOCATION — The Lord's Prayer led by Mayor Mainord

FLAG SALUTE — Led by Commissioner Shaw

AGENDA ITEM NO. 1: — Consider approval of Consent Agenda:

a. Minutes from the June 6, 2016 regular meeting.

b. Acknowledge the following reports and minutes:
   - License Payment Report for May 2016
   - Project Payment Report for May 2016
   - Shawnee Civic and Cultural Development Authority Minutes from the February 18, 2016, March 24, 2016 and April 21, 2016 meetings

c. Lake Lease Transfers:

<u>*TRANSFERS:*</u>

- Lot 3 Coffman Tract, 15403 Perry Rd.
  To: Marilyn J. Moore Living Trust/Charles Moore, Trustee and Sue Sigman
  From: Charles and Marilyn Moore

- Lot 9 Magnino Tract, 16724 Clearpond Ln
  To: Randall Hill
  From: Patricia Hill

d. Mayor's Appointments

<u>Shawnee Library Board</u>

Cherity Pennington	2^{nd} Full Term	Expires 6/30/2019

Reappointment

<u>Airport Advisory Board</u>

Barry Fogerty	1^{st} Full Term	Expires 7/1/2019

Reappointment

Kevin Huddleston	2^{nd} Full Term	Expires 7/1/2019

Reappointment

Donald Freeman	1^{st} Full Term	Expires 7/1/2019

Reappointment

John Klaser	1^{st} Full Term	Expires 7/1/2019

Replaces Clifton Barger, Jr. – Resigned after 1^{st} Full Term

James Smith	1^{st} Full Term	Expires 7/1/2019

Replaces Harmik Dersahakian – Termed Out

<u>Zoning Board of Adjustment</u>

Mark Cannon	1^{st} Full Term	Expires 7/1/2019

Replaces Joe Freeman – Termed Out

e. Budget Amendment – General Fund 001
To cover overage at yearend housekeeping (Amendment $238,500)

f. Budget Amendment – General Fund 001
To cover overage at yearend housekeeping (Amendment $167,500)

g. Acknowledge receipt of Pioneer Library System Budget for July 1, 2016 through June 30, 2017.

h. Approve renewal of the following agreements for FY 2016-2017:

1) Governmental Services contract with the Shawnee Civic and Cultural Development Authority.

2) Contract with Stuart & Clover, PLLC for City Attorney services.

Commissioner Shaw asked that Agenda Items No. 1(d) and 1(h)(2) be pulled for separate consideration.

A motion was made by Commissioner Shaw, seconded by Commissioner Dykstra, to approve the Consent Agenda Item No. 1(a-h), less items 1(d) and 1(h)(2). Motion carried 5-1.

AYE: Shaw, Dykstra, Agee, Harrod, Hall
NAY: Mainord

A motion was made by Commissioner Shaw, seconded by Commissioner Hall, to approve Agenda Item No. 1(d). Motion carried 4-2.

AYE: Hall, Agee, Harrod, Mainord
NAY: Shaw, Dykstra

Commissioner Shaw asked that the renewal of the contract with Stuart & Clover, PLLC for legal services be tabled until a new Mayor and Commission are seated in September. City Attorney Joe Vorndran explained the ramifications of tabling the item and noted that the contract can be cancelled by either party at any time.

A motion was made by Commissioner Shaw, seconded by Commissioner Dykstra, to approve Agenda Item No. 1(h)(2). Motion carried 6-0.

AYE: Shaw, Dykstra, Agee, Harrod, Mainord, Hall
NAY: None

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

There was no Citizens Participation.

AGENDA ITEM NO. 3: Presentation by City Manager to Employee of the Month, Kacie Bachhofer, City Clerk Department.

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

AGENDA ITEM NO. 4: Consideration and possible action to cancel the July 5, 2016 City Commission meeting.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Shaw, to approve the cancellation of the July 5, 2016 City Commission meeting. Motion carried 6-0.

AYE: Harrod, Shaw, Dykstra, Agee, Mainord, Hall
NAY: None

AGENDA ITEM NO. 5: Discussion, consideration and possible action to approve an ordinance repealing and amending Article 8 of the Shawnee Municipal Code regarding Pawnbroker dealings.

City Manager Justin Erickson gave a brief background on a recent litigation concerning Ordinance No. 2569NS. Mr. Erickson also stated that staff recommends approval.

A motion was made by Commissioner Shaw, seconded by Commissioner Agee, to approve the ordinance repealing and amending Article 8 of the Shawnee Municipal Code regarding Pawnbroker dealings.

Ordinance No. 2582NS was introduced.

AN ORDINANCE REPEALING AND AMENDING PORTIONS OF ORDINANCE NO. 2569NS OF THE SHAWNEE MUNICIPAL CODE "PAWNBROKER" DEALING WITH LICENSURE; PROVIDING FOR A REGISTER; SETTING HOURS OF OPERATION; REQUIRING REPORTING;

SETTING OUT REQUIREMENTS FOR ACCEPTANCE OF VARIOUS COMMUNICATIONS DEVICES; SETTING A PENALTY; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND DECLARING AN EMERGENCY.

Motion carried 6-0.

AYE: Shaw, Agee, Harrod, Mainord, Hall, Dykstra
NAY: None

A motion was made by Commissioner Hall, seconded by Commissioner Shaw, to approve emergency clause relating to Ordinance No. 2582NS. Motion carried 6-0.

AYE: Hall, Shaw, Dykstra, Agee, Harrod, Mainord
NAY: None

Ordinance No. 2582NS was adopted by the City Commission.

AGENDA ITEM NO. 6: Discussion regarding occupancy surcharged (hotel/motel tax).

City Manager Justin Erickson provided a staff report regarding the occupancy surcharge. Mr. Erickson compared the city's current rate with that of other municipalities in the region. He said that any revenue resulting from a hotel/motel tax increase would be used for tourism related projects. It was noted that the Heart of Oklahoma Exposition Center is the city's largest attraction and has many repair needs.

Commissioner Hall suggested getting more input from local hotel/motel owners as well as other retail businesses before the question is brought to the voters.

Mayor Mainord shared his concerns with the current state of the Heart of Oklahoma Exposition Center and noted that the City of Seminole is in the process of building an Exposition Center of their own.

Commissioner Shaw stated she agreed with Commissioner Hall regarding getting more input from businesses, noting that it is important to look at what kind of impact the proposed increase would have on them.

AGENDA ITEM NO. 7: Consider a resolution of support indicating favorable consideration for a tax credit award to Shawnee Affordable Housing Partners LP for the following project:

twenty-four (24) housing development in a historic downtown building located at 101 East Main Street and the south of the southwest corner of 9th Street and Philadelphia Avenue.

Resolution No. 6516 was introduced.

A RESOLUTION SUPPORTING THE CONSTRUCTION OF A TWENTY-FOUR (24) UNIT HOUSING DEVELOPMENT BY SHAWNEE AFFORDABLE HOUSING PARTNERS LP LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, OKLAHOMA; AND SUPPORTING FAVORABLE CONSIDERATION BE GIVEN FOR TAX CREDIT AWARD FOR THIS DEVELOPMENT.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Dykstra, to approve a resolution of support indicating favorable consideration for a tax credit award to Shawnee Affordable Housing Partners LP for the following project: twenty-four (24) housing development in a historic downtown building located at 101 East Main Street and the south of the southwest corner of 9th Street and Philadelphia Avenue. Motion carried 6-0.

AYE: Harrod, Dykstra, Agee, Mainord, Hall, Shaw
NAY: None

AGENDA ITEM NO. 8: Consider a resolution for a Capital Assets Policy.

Resolution No. 6517 was introduced.

A RESOLUTION OF THE CITY OF SHAWNEE, OKLAHOMA, ADOPTING A CITY COMMISSION POLICY RELATING TO CAPITAL ASSETS OF THE CITY OF SHAWNEE, OKLAHOMA

Finance Director Cynthia Arnold gave a staff report explaining the recommendation to increase the threshold of the Capital Asset Policy from $2,500.00 to $5,000.00. Ms. Arnold also stated that staff recommends approval.

A motion was made by Commissioner Hall, seconded by Vice Mayor Harrod, to approve a resolution for Capital Assets Policy. Motion carried 6-0.

AYE: Hall, Harrod, Mainord, Shaw, Dykstra, Agee
NAY: None

AGENDA ITEM NO. 9: Consider a resolution to surplus certain City of Shawnee vehicles and donate to the City of McLoud.

Resolution No. 6518 was introduced.

A RESOLUTION DECLARING CERTAIN ITEMS OF PERSONAL PROPERTY SURPLUS AND NO LONGER NEEDED FOR CITY PURPOSES; DESCRIBING SAID ITEMS; AND AUTHORIZING THE DONATION OF SAID ITEMS TO THE CITY OF MCLOUD.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Shaw, to approve a resolution to surplus certain City of Shawnee vehicles and donate to the City of McLoud. Motion carried 6-0.

AYE: Harrod, Shaw, Dykstra, Agee, Mainord, Hall
NAY: None

AGENDA ITEM NO. 10: Acknowledge Sales Tax Report received June 2016.

Finance Director Cynthia Arnold reported that June sales tax collected this month was $1,437,412.00 which is down $732.00 from June of 2015.

AGENDA ITEM NO. 11: Consider Bids:

a. FY15-16 Rehab Asphalt Streets Project, Contract No. COS-PW-15-05 (Award)

City Engineer John Krywicki announced that two (2) bids were received and after review and consideration it was staff's recommendation to award the bid to Haskell-Lemon Construction Co. of Oklahoma City, Oklahoma in the total amount of $588,144.00.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Hall, to accept staff's recommendation and award the bid to Haskell-Lemon Construction Co. in the total amount of $588,144.00. Motion carried 6-0.

AYE: Harrod, Hall, Shaw, Dykstra, Agee, Mainord
NAY: None

b. Sale of Lot 5 and Lot 6, Yaghnee Addition (Award)

City Manager Justin Erickson announced that one (1) bid was received and after review and consideration it was staff's recommendation to award the bid to Darren Marical in the total amount of $305,000.00. Mr. Erickson stated that funds would be used to pay off the remaining balance of $144,446.91. The remaining funds, approximately $190,000.00, would be available for tourism-related activities which would require Commission approval prior to any expenditures.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Agee, to accept staff's recommendation and award the bid to Darren Marical in the total amount of $305,000.00. Motion carried 6-0.

AYE: Harrod, Agee, Mainord, Hall, Shaw, Dykstra
NAY: None

AGENDA ITEM NO. 12: 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. 13: Commissioners Comments

Commissioner Agee announced that the City of Shawnee won the first place award from Frontier Country regarding their recent event, Redbud City - Night on the Bricks that was sponsored by Shawnee Visitors Inc.

She also encouraged everyone to attend the Fourth of July Veterans Parade.

Commissioner Hall had a question regarding the Kickapoo Street construction signs on Independence Street. City Engineer John Krywicki stated that the signs could not be removed until the final striping was done and the project totally completed.

Vice Mayor Harrod said he attended the Juneteenth Celebration and there were quite a few people there.

Vice Mayor Harrod asked what would be required to the change franchise tax to a franchise fee.

He also commented on the good progress being made on the Main Street Streetscape project.

Commissioner Dykstra said he and his family recently enjoyed a visit to Boy Scout Park.

Commissioner Shaw asked about the status of the Airport Trail lights. Staff advised that the project is back on schedule after resolving a situation with OG&E (Oklahoma Gas & Electric) and FAA (Federal Aviation Administration).

<u>AGENDA ITEM NO. 14:</u> Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (7:26 p.m.)

WES MAINORD, MAYOR

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK