

## BOARD OF CITY COMMISSIONERS PROCEEDINGS

MARCH 20, 2023 AT 6:00 PM

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, 16 West 9th Street, Shawnee, Oklahoma on, Monday, March 20, 2023 at 6:00 PM, pursuant to notice duly posted as prescribed by law at 6:18 p.m. on Thursday, March 16, 2023. Mayor Bolt presided and called the meeting to order. Upon roll call, the following members were in attendance.

Ed Bolt  
Mayor

Daniel Matthews  
Commissioner Ward 1

Cami Engles  
Commissioner Ward 2

Travis Flood  
Commissioner Ward 3

Darren Rutherford  
Commissioner Ward 4 - Vice Mayor

Mark Sehorn  
Commissioner Ward 5

Lauren Richter  
Commissioner Ward 6

ABSENT: None

CALL TO ORDER

DECLARATION OF A QUORUM

INVOCATION

FLAG SALUTE

1. Citizens Participation (A three-minute limit per person)  
(A twelve-minute limit per topic)

Mr. Rob Morris and Mr. Rick Young spoke during Citizens Participation.

2. Consider approval of Consent Agenda:

- a. Acknowledge staff will proceed in the instant meeting with the opening and consideration of bids as set forth in Item No. 21.

b. Minutes from the February 21, 2023 regular meeting.

c. Acknowledge the following minutes and reports:

- Planning Commission Minutes from the February 1, 2023 regular meeting.
- Shawnee Senior Citizen Advisory Board Minutes from the February 14, 2023 regular meeting.
- License Payment Report for February 2023
- Project Payment Report for February 2023

d. Lake Lease Transfer:

- Eckel Tract Lot 11, 15109 Eckel Rd  
From: Simco Investments, LTD  
To: MJ Cannon, LLC
- Coffman Tract Lot 6, 15305 Perry Rd  
From: Brian and Shelly Cornish  
To: Joshua Koch

e. Approve Change Order No. 1 for Woodland Veterans Park Project.

- f. Approve Change Order No. 1 for KidSpace Park Project.
- g. Approve renewal of an Agreement for Beautification Services for the City of Shawnee with South Central Industries, Inc. for trash removal and janitorial services.
- h. Approve an agreement between the City of Shawnee and the Oklahoma Tax Commission for the administration of sales and use tax ordinances.

Commissioner Richter asked for clarification regarding Consent Agenda Item No. 2(g). She asked if the janitorial services for Woodland Veterans Park would be added to the Agreement once the project is complete. City Manager Andrea Weckmueller-Behringer advised that the proposed contract is for the current season and that Woodland Veterans Park would most likely be added once completed or for the next season.

A motion was made by Commissioner Matthews, seconded by Vice Mayor Rutherford, to approve Consent Agenda Item Nos. 2(a-h). Motion Carried 7-0-0.

AYE: Matthews, Rutherford, Engles, Flood, Richter, Sehorn, Bolt

NAY: None

ABSTAIN: None

### 3. Mayor's Proclamation(s):

"American Red Cross Month"

March 2023

"National Public Safety Telecommunications Week"

April 9-15, 2023

Executive Director for South Central and Southeast Oklahoma of the American Red Cross Loida Haffener Salmond accepted the Mayor's Proclamation for "Red Cross Month" from Mayor Bolt.

9-1-1 Communications Manager Christina Brown accepted the Mayor's Proclamation for "National Public Safety Telecommunications Week" from Mayor Bolt.

4. Declaration that an emergency exists pursuant to 61 O.S. § 130 and authorization for an emergency repair of the wastewater main on Chicago Street, between Broadway Avenue and Bell Avenue, in an amount not to exceed \$72,400.00.

Public Works Director Brad Schmidt advised that Staff has discovered a collapsed wastewater main on Chicago Street between Broadway Avenue and Bell Avenue. He advised that due to the severity, location, potential of property damage, and dangerous sanitary sewer overflow possibilities, Staff is requesting to declare an emergency and complete repairs as soon as possible. He advised that Staff received two (2) bids. One from Jordan Contractors in the amount of Seventy-Two Thousand Four Hundred Dollars (\$72,400.00) and the other from Krapff-Reynolds Construction Company in the amount of Ninety-One Thousand Six Hundred Thirty-Five Dollars (\$91,635.00). Staff is requesting to award the bid to Jordan Contractors in the amount of \$72,400.00.

A motion was made by Commissioner Engles, seconded by Commissioner Sehorn, to approve a declaration that an emergency exists pursuant to 61 O.S. § 130 and authorization for an emergency repair of the wastewater main on Chicago Street, between Broadway Avenue and Bell Avenue, in an amount not to exceed Seventy-Two Thousand Four Hundred Dollars (\$72,400.00). Motion Carried 7-0-0.

AYE: Engles, Sehorn, Flood, Matthews, Richter, Rutherford, Bolt

NAY: None

ABSTAIN: None

5. Consideration of an ordinance of the City of Shawnee, Oklahoma amending the Charter of the City of Shawnee, Oklahoma, Article III, Section 2, Article XIV, Section 3, and Article XIV, Section 5 to provide for ward specific voting; amending the Charter of the City of Shawnee, Oklahoma, Article XV, Section 2, regarding the competitive bidding requirements comporting to state law; amending the Charter of the City of Shawnee, Oklahoma, Article III, Section 4, and Article III, Section 6 to establish the timing for the swearing-in of the Mayor and Commissioners; repealing the Charter of the City of Shawnee, Oklahoma, Article V, Section 8 to remove residency and citizenship qualification requirements for City employees; amending the Charter of the City of Shawnee, Oklahoma, Article XVI, Section 1, to clarify the rules regarding conflict of interest policy for Commissioners and City employees or officers to comport with state law; repealing the Charter of the City of Shawnee, Oklahoma, Article IX, Section 1 which pertains to Shawnee Twin

Lakes regulations which already exist within City ordinances and resolutions; amending the Charter of the City of Shawnee, Oklahoma, Article XII, Section 6(B) clarifying the Cemetery Perpetual Care Fund shall follow all applicable state law; and also providing for severability, codification, and repealer.

City Manager Andrea Weckmueller-Behringer provided a Staff report. She advised that a municipal Charter is the City's foundational document. She briefly discussed each proposed proposition.

A motion was made by Commissioner Matthews, seconded by Commissioner Flood, to approve an ordinance of the City of Shawnee, Oklahoma amending the Charter of the City of Shawnee, Oklahoma, Article III, Section 2, Article XIV, Section 3, and Article XIV, Section 5 to provide for ward specific voting; amending the Charter of the City of Shawnee, Oklahoma, Article XV, Section 2, regarding the competitive bidding requirements comporting to state law; amending the Charter of the City of Shawnee, Oklahoma, Article III, Section 4, and Article III, Section 6 to establish the timing for the swearing-in of the Mayor and Commissioners; repealing the Charter of the City of Shawnee, Oklahoma, Article V, Section 8 to remove residency and citizenship qualification requirements for City employees; amending the Charter of the City of Shawnee, Oklahoma, Article XVI, Section 1, to clarify the rules regarding conflict of interest policy for Commissioners and City employees or officers to comport with state law; repealing the Charter of the City of Shawnee, Oklahoma, Article IX, Section 1 which pertains to Shawnee Twin Lakes regulations which already exist within City ordinances and resolutions; amending the Charter of the City of Shawnee, Oklahoma, Article XII, Section 6(B) clarifying the Cemetery Perpetual Care Fund shall follow all applicable state law; and also providing for severability, codification, and repealer.

Ordinance No. 2781NS was introduced.

AN ORDINANCE OF THE CITY OF SHAWNEE, OKLAHOMA AMENDING THE CHARTER OF THE CITY OF SHAWNEE, OKLAHOMA, ARTICLE III, SECTION 2, ARTICLE XIV, SECTION 3, AND ARTICLE XIV, SECTION 5 TO PROVIDE FOR WARD SPECIFIC VOTING; AMENDING THE CHARTER OF THE CITY OF SHAWNEE, OKLAHOMA ARTICLE XV, SECTION 2, REGARDING THE COMPETITIVE BIDDING REQUIREMENTS COMPORTING TO STATE LAW; AMENDING THE CHARTER OF THE CITY OF SHAWNEE, OKLAHOMA, ARTICLE III, SECTION 4, AND ARTICLE III SECTION 6 TO ESTABLISH THE TIMING FOR THE

SWEARING-IN OF THE MAYOR AND COMMISSIONERS; REPEALING THE CHARTER OF THE CITY OF SHAWNEE, OKLAHOMA, ARTICLE V, SECTION 8 TO REMOVE RESIDENCY AND CITIZENSHIP QUALIFICATION REQUIREMENTS FOR CITY EMPLOYEES; AMENDING THE CHARTER OF THE CITY OF SHAWNEE, OKLAHOMA, ARTICLE XVI, SECTION 1, TO CLARIFY THE RULES REGARDING CONFLICT OF INTEREST POLICY FOR COMMISSIONERS AND CITY EMPLOYEES OR OFFICERS TO COMPORT WITH STATE LAW; REPEALING THE CHARTER OF THE CITY OF SHAWNEE, OKLAHOMA, ARTICLE IX, SECTION 1 WHICH PERTAINS TO SHAWNEE TWIN LAKES REGULATIONS WHICH ALREADY EXIST WITHIN CITY ORDINANCES AND RESOLUTIONS; AMENDING THE CHARTER OF THE CITY OF SHAWNEE, OKLAHOMA, ARTICLE XII, SECTION 6(B) CLARIFYING THE CEMETERY PERPETUAL CARE FUND SHALL FOLLOW ALL APPLICABLE STATE LAW; AND ALSO PROVIDING FOR SEVERABILITY, CODIFICATION, AND REPEALER.

Motion Carried 7-0-0.

AYE: Matthews, Flood, Engles, Richter, Rutherford, Sehorn, Bolt

NAY: None

ABSTAIN: None

6. Consider and take action with respect to a resolution authorizing the calling and holding of a special election in the City of Shawnee, State of Oklahoma (the "City"), on the 13th day of June, 2023, for the purpose of submitting to the registered qualified electors of said City the questions of approval or rejection of an ordinance of the City relating to City charter amendments, as more specifically set out in an ordinance of said City; and containing other provisions related thereto.

City Manager Andrea Weckmueller-Behringer advised that each proposition will have its own yes or no question. She also advised that any proposition that is approved by the vote of the people would then go to the Governor for gubernatorial approval. Once gubernatorial approval was received, the Charter would be amended and the approved propositions would go into effect.

A motion was made by Commissioner Flood, seconded by Vice Mayor Rutherford, to approve a resolution authorizing the calling and holding of a special election in the City of Shawnee, State of Oklahoma (the "City"), on the 13th day of June, 2023, for the purpose of submitting to the registered qualified electors of



said City the questions of approval or rejection of an ordinance of the City relating to City charter amendments, as more specifically set out in an ordinance of said City; and containing other provisions related thereto.

Resolution No. 6691 was introduced.

A RESOLUTION AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN THE CITY OF SHAWNEE, OKLAHOMA ON TUESDAY THE 13TH DAY OF JUNE, 2023, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED QUALIFIED VOTERS OF SAID CITY THE QUESTION OF WHETHER ORDINANCE NO. 2781NS, WHICH AMENDS ARTICLE III, SECTION 2 AND ARTICLE XIV, SECTIONS 3 AND 5 OF THE CHARTER OF THE CITY OF SHAWNEE BY LIMITING THE ELECTORATE FOR COMMISSIONERS TO THE QUALIFIED VOTERS RESIDING IN EACH COMMISSIONER'S SPECIFIC WARD; WHICH AMENDS ARTICLE XV, SECTION 2 OF THE CHARTER OF THE CITY OF SHAWNEE BY STATING THE CITY OF SHAWNEE SHALL FOLLOW ALL APPLICABLE STATE LAWS REGARDING COMPETITIVE BIDDING REQUIREMENTS; WHICH AMENDS ARTICLE III, SECTIONS 4 AND 6 OF THE CHARTER OF THE CITY OF SHAWNEE TO STATE WHEN THE TERM SHALL BEGIN FOR NEWLY ELECTED MAYOR AND COMMISSIONERS; WHICH AMENDS ARTICLE V, SECTION 8 OF THE CHARTER OF THE CITY OF SHAWNEE WHICH RELATES TO RESIDENCY AND QUALIFICATIONS REQUIREMENTS OF CITY EMPLOYEES; WHICH REPEALS AND REPLACES ARTICLE XVI, SECTION 1 OF THE CHARTER OF THE CITY OF SHAWNEE RELATED TO CONFLICT OF INTEREST POLICIES FOR COMMISSIONERS, CITY EMPLOYEES AND CITY OFFICERS; WHICH REPEALS ARTICLE IX, SECTION 1 OF THE CHARTER OF THE CITY OF SHAWNEE TO REMOVE PROVISIONS REGULATING RECREATIONAL USE OF THE SHAWNEE TWIN LAKES; WHICH REPEALS AND REPLACES ARTICLE XII, SECTION 6(b) OF THE CHARTER OF THE CITY OF SHAWNEE TO FOLLOW STATE LAW REGARDING THE CEMETERY PERPETUAL CARE FUND; AND PROVIDING FOR SAID ELECTION TO BE CONDUCTED BY THE POTTAWATOMIE COUNTY ELECTION BOARD; PROVIDING THAT POLLS SHALL BE OPEN CONTINUOUSLY FROM 7:00 A.M. TO 7:00 P.M.; PROVIDING FOR SEVERABILITY.

Motion Carried 7-0-0.

AYE: Flood, Rutherford, Engles, Matthews, Richter, Sehorn, Bolt

NAY: None

ABSTAIN: None

7. 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 Subsections (b) and (c), Section 26-27, Article II, Chapter 26 of the Code of the City of Shawnee; and amend residential deposit rates in Section 26-132(a), Article III, Division 2, Subdivision II of Chapter 26 of the City Code.

City Clerk Lisa Lasyone advised that by resolution the City may conduct an annual review of its water and sewer rates and consider adjustments per the Consumer Price Index (CPI). She advised that Staff reviewed the CPI rates for water and sewer maintenance, as well as ancillary costs that included motor fuel, new trucks, motor vehicles, parts and equipment and vehicle maintenance and repair. She advised that Staff is requesting approval of a 6.5% CPI increase for water and sewer rates, which is the overall CPI for all categories.

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Sehorn, 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 Subsections (b) and (c), Section 26-27, Article II, Chapter 26 of the Code of the City of Shawnee; and amend residential deposit rates in Section 26-132(a), Article III, Division 2, Subdivision II of Chapter 26 of the City Code.

Resolution No. 6692 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.

Motion Carried 6-1-0.

AYE: Rutherford, Sehorn, Engles, Flood, Matthews, Bolt

NAY: Richter

ABSTAIN: None

8. 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.

City Clerk Lisa Lasyone advised that per the Contract with Central Disposal for sanitation services, Central Disposal may request a increase in fees per the Consumer Price Index (CPI) not to exceed 3.5%. She advised that Staff recommends approval of a 3.5% increase for sanitation rates effective July 1, 2023.

A motion was made by Commissioner Matthews, seconded by Commissioner Engles, 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.

Resolution No. 6693 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.

Motion Carried 6-1-0.

AYE: Matthews, Engles, Flood, Rutherford, Sehorn, Bolt

NAY: Richter

ABSTAIN: None

9. Public hearing and consideration of an ordinance to detach the following

described property from the City of Shawnee located within Pottawatomie County, State of Oklahoma, to-wit: Tract A beginning at the southwest corner (SW/C of the NE/4) of said Section 20; Thence N89°38'02"E a distance of 991.85 feet; Thence N00°55'45"W a distance of 660.00 feet; Thence N89°38'00"E a distance of 1650.41 feet; Thence N00°44'54"W a distance of 100.00 feet; Thence S89°38'00"W a distance of 1366.00 feet; Thence N00°44'54"W a distance of 558.83 feet; Thence S89°41 '47"W a distance of 1271.74 feet; Thence S00°38'31"E a distance of 1320.19 feet to the Point of Beginning; and Tract B beginning at the southeast corner (SE/C) of said NE/4; Thence N00°44'54"W a distance of 760.00 feet to the Point of Beginning; Thence S89°38'00"W a distance of 1366.00 feet; Thence N00°44'54"W a distance of 558.83 feet; Thence N89°41 '47"E a distance of 619.02 feet; Thence S00°44'54"E a distance of 508.15 feet; Thence N89°38'00"E a distance of 696.98 feet; Thence N00°44'54"W a distance of 180.00 feet; Thence N89°38'00"E a distance of 50.00 feet; Thence S00°44'54"E a distance of 230.00 feet to the Point of Beginning and Tract C Beginning at the Southeast Comer (SE/C) of said NE/4; Thence N00°44'54"W a distance of 990.00 feet to the Point of Beginning; Thence S89°38'00"W a distance of 50.00 feet; Thence S00°44'54"E a distance of 180.00 feet; Thence S89°38'00"W a distance of 696.98 feet; Thence N00°44'54"W a distance of 508.15 feet; Thence N89°41 '47"E a distance of 746.99 feet; Thence S00°44'54"E a distance of 327.33 feet to the Point of Beginning. Applicant: George Martin Knox, Cerina Stiles, Louis H. Cox and Emily J. Cox

City Attorney Joe Vorndran provided a Staff report. He explained that the proposed detachment involves three tracts of property. Staff recommendation is to not vote for an ordinance at this time and to defer the item to the next City Commission meeting.

Mayor Bold declared a public hearing in session to consider an ordinance to detach the following described property from the City of Shawnee located within Pottawatomie County, State of Oklahoma, to-wit: Tract A beginning at the southwest corner (SW/C of the NE/4) of said Section 20; Thence N89°38'02"E a distance of 991.85 feet; Thence N00°55'45"W a distance of 660.00 feet; Thence N89°38'00"E a distance of 1650.41 feet; Thence N00°44'54"W a distance of 100.00 feet; Thence S89°38'00"W a distance of 1366.00 feet; Thence N00°44'54"W a distance of 558.83 feet; Thence S89°41 '47"W a distance of 1271.74 feet; Thence S00°38'31"E a distance of 1320.19 feet to the Point of Beginning; and Tract B beginning at the southeast corner (SE/C) of said NE/4; Thence N00°44'54"W a distance of 760.00 feet to the Point of Beginning; Thence

S89°38'00"W a distance of 1366.00 feet; Thence N00°44'54"W a distance of 558.83 feet; Thence N89°41 '47"E a distance of 619.02 feet; Thence S00°44'54"E a distance of 508.15 feet; Thence N89°38'00"E a distance of 696.98 feet; Thence N00°44'54"W a distance of 180.00 feet; Thence N89°38'00"E a distance of 50.00 feet; Thence S00°44'54"E a distance of 230.00 feet to the Point of Beginning and Tract C Beginning at the Southeast Comer (SE/C) of said NE/4; Thence N00°44'54"W a distance of 990.00 feet to the Point of Beginning; Thence S89°38'00"W a distance of 50.00 feet; Thence S00°44'54"E a distance of 180.00 feet; Thence S89°38'00"W a distance of 696.98 feet; Thence N00°44'54"W a distance of 508.15 feet; Thence N89°41 '47"E a distance of 746.99 feet; Thence S00°44'54"E a distance of 327.33 feet to the Point of Beginning. Mr. Craig Brackeen, Ms. Cerina Stiles, Mr. Rick Stiles, Mr. George Knox, and Mr. Evan Stiles spoke in favor of said detachment. No one spoke against said detachment. The public hearing was closed.

Discussion was held between the Mayor, Commissioners, and Staff.

A motion was made by Mayor Bolt, seconded by Vice Mayor Rutherford, to defer the item to the April 17, 2023 City Commission meeting. Motion Carried 6-1-0.

AYE: Bolt, Rutherford, Engles, Flood, Matthews, Sehorn

NAY: Richter

ABSTAIN: None

RECESS CITY COMMISSION MEETING BY POWER OF THE CHAIR AT 7:59 P.M.

RECONVENE CITY COMMISSION MEETING BY POWER OF THE CHAIR AT 8:12 P.M.

10. Public hearing and consideration of an ordinance to rezone property located at 1320 North Harrison Avenue from C-1 (Neighborhood Commercial District) to C-3 (Automotive Commercial District). Case No. RZ04-23, Applicant: Nathan Ferguson.

Community Development Director Rian Harkins explained that there was a publication error due to a typographical error in the legal description. He advised that Staff recommended to not hold a public hearing at this time and remand the item back to the Planning Commission to start the process over again.

A motion was made by Commissioner Matthews, seconded by Commissioner Engles, to remand the item back to the Planning Commission.

AYE: Matthews, Engles, Flood, Richter, Rutherford, Sehorn, Bolt

NAY: None

ABSTAIN: None

11. Public hearing and consideration of an ordinance to rezone property located at 731 North Kickapoo Avenue from R-3 (Multifamily Residential District) to C-1 (Neighborhood Commercial District). Case No. RZ03-23, Applicant: Hayden Stanfield.

Community Development Director Rian Harkins gave a Staff report. He advised that the Planning Commission and Staff recommended approval.

Mayor Bolt declared a public hearing in session in order to consider an ordinance to rezone property located at 731 North Kickapoo Avenue from R-3 (Multifamily Residential District) to C-1 (Neighborhood Commercial District).

Mr. Hayden Stanfield and Ms. Wilma Schilling appeared in favor of said rezoning. No one appeared against said rezoning. The public hearing was closed.

A motion was made by Commissioner Sehorn, seconded by Vice Mayor Rutherford, to approve an ordinance to rezone property located at 731 North Kickapoo Avenue from R-3 (Multifamily Residential District) to C-1 (Neighborhood Commercial District).

Ordinance No. 2782NS 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 THIRTYFIVE (35) AND THIRTY-SIX (36), BLOCK THREE (3), ESTES ORCHARD ADDITION, TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF. LESS AND EXCEPT A TRACT OF LAND BEGINNING AT THE NORTHEAST CORNER OF LOT 36; THENCE SOUTH 20 FEET; THENCE WEST 15 FEET; THENCE NORTH 20 FEET; THENCE EAST 15 FEET TO THE POINT OF BEGINNING. FROM ZONING CLASSIFICATION R-3 (MULTIFAMILY RESIDENTIAL DISTRICT) TO C-1 (NEIGHBORHOOD COMMERCIAL DISTRICT), AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

Motion Carried 7-0-0.

AYE: Sehorn, Rutherford, Engles, Flood, Matthews, Richter, Bolt

NAY: None

ABSTAIN: None

12. Public hearing and consideration of an ordinance to rezone property located at 602 North Harrison Avenue from C-1 (Neighborhood Commercial District) to C-3 (Automotive Commercial District). Case No. RZ05-23, Applicant: Joel Villalobos.

Community Development Director Rian Harkins gave a Staff report. He advised that the Planning Commission and Staff recommended approval.

Mayor Bolt declared a public hearing in session in order to consider an ordinance to rezone property located at 602 North Harrison Avenue from C-1 (Neighborhood Commercial District) to C-3 (Automotive Commercial District). No one appeared in favor or against said rezoning. The public hearing was closed.

A motion was made by Commissioner Flood, seconded by Commissioner Engles, to approve an ordinance to rezone property located at 602 North Harrison Avenue from C-1 (Neighborhood Commercial District) to C-3 (Automotive Commercial District).

Ordinance No. 2783NS 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: THE EAST 65 FEET OF THE SOUTH HALF OF BLOCK THIRTEEN (13), AND THE SOUTH HALF OF BLOCK TWENTY (20), ALL IN RICHARD AND MARY'S ADDITION TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, LESS AND EXCEPT A TRACT 15 FEET BY 20 FEET IN THE NORTHWEST CORNER OF SAID TRACT DESCRIBED AS BEGINNING AT A POINT 45 FEET WEST OF THE NORTHEAST CORNER OF THE S/2 OF BLOCK 13; THENCE WEST 20 FEET; THENCE SOUTH 15 FEET; THENCE EAST 20 FEET; THENCE NORTH 15 FEET TO THE POINT OF BEGINNING. FROM ZONING CLASSIFICATION C-1 (NEIGHBORHOOD COMMERCIAL DISTRICT) TO C-3 (HIGHWAY COMMERCIAL DISTRICT), AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

Motion Carried 7-0-0.

AYE: Flood, Engles, Matthews, Richter, Rutherford, Sehorn, Bolt

NAY: None

ABSTAIN: None

13. Consideration of a Final Plat for Heritage Plains, Phase 1, on approximately 24.9 acres, located north of Westech Road on the west side of North Kickapoo Avenue. Case No. FPL02-23, Applicant: John Woods.

Community Development Director Rian Harkins gave a Staff report. He advised that the Planning Commission and Staff recommended approval.

A motion was made by Commissioner Matthews, seconded by Commissioner Flood, to approve a Final Plat for Heritage Plains, Phase 1, on approximately 24.9 acres, located north of Westech Road on the west side of North Kickapoo Avenue. Motion Carried 7-0-0.

AYE: Matthews, Flood, Engles, Richter, Rutherford, Sehorn, Bolt

NAY: None

ABSTAIN: None

14. Consideration of a Task Order in accordance with the agreement between the City of Shawnee and Cowan Group Engineering, LLC for Water System Improvements in Thompson Heights Addition.

Director of Engineering Seth Barkhimer provided a Staff report. He advised that this item includes the removal and replacement of existing water mains within Thompson Heights Addition. He stated that the project scope included the survey, preliminary and final design, bidding and limited construction administration. The amount of the Task Order is One Hundred Fifty-Five Thousand Four Hundred Dollars (\$155,400.00).

A motion was made by Commissioner Sehorn, seconded by Commissioner Matthews, to approve a Task Order in accordance with the agreement between the City of Shawnee and Cowan Group Engineering, LLC for Water System Improvements in Thompson Heights Addition. Motion Carried 7-0-0.

AYE: Sehorn, Matthews, Engles, Flood, Richter, Rutherford, Bolt

NAY: None

ABSTAIN: None

15. Consideration of a Task Order in accordance with the agreement between the



City of Shawnee and Cowan Group Engineering, LLC for Sewer System Improvements.

Director of Engineering Seth Barkhimer provided a Staff report. He advised that this item includes pipe bursting and replacement of existing sewer mains. He stated that the project scope included the survey, preliminary and final design, bidding and limited construction administration. The amount of the Task Order is Forty-Three Thousand Dollars (\$43,000.00).

A motion was made by Commissioner Matthews, seconded by Commissioner Engles, to approve a Task Order in accordance with the agreement between the City of Shawnee and Cowan Group Engineering, LLC for Sewer System Improvements. Motion Carried 7-0-0.

AYE: Matthews, Engles, Flood, Richter, Rutherford, Sehorn, Bolt

NAY: None

ABSTAIN: None

16. Consideration of a Task Order in accordance with the agreement between the City of Shawnee and Freese and Nichols, Inc. for Water System Improvements along Alice Street, Fay Street, Edwards Street & Pesotum Street.

Director of Engineering Seth Barkhimer provided a Staff report. He advised that this item includes the removal and replacement of existing water mains along Alice Street, Fay Street, Edwards Street, and Pesotum Street. He stated that the project scope included the survey, preliminary and final design, bidding and limited construction administration. The amount of the Task Order is One Hundred Ninety-Three Thousand Dollars (\$193,000.00).

A motion was made by Commissioner Sehorn, seconded by Vice Mayor Rutherford, to approve a Task Order in accordance with the agreement between the City of Shawnee and Freese and Nichols, Inc. for Water System Improvements along Alice Street, Fay Street, Edwards Street & Pesotum Street. Motion Carried 7-0-0.

AYE: Sehorn, Rutherford, Engles, Flood, Matthews, Richter, Bolt

NAY: None

ABSTAIN: None

17. Consideration of a Sales Tax Rebate Agreement between the City of Shawnee and Brady's Properties.

City Manager Andrea Weckmueller-Behringer advised that Brady Properties

has purchased property south of Shawnee Marketplace Phase 1. She advised that the proposed incentive would be to defray the costs incurred for on- and off-site infrastructure and public utilities.

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Matthews, to approve a Sales Tax Rebate Agreement between the City of Shawnee and Brady's Properties. Motion Carried 7-0-0.

AYE: Rutherford, Matthews, Engles, Flood, Richter, Sehorn, Bolt

NAY: None

ABSTAIN: None

18. Consideration of a resolution adopting the High-Hazard Potential Dam Amendment to the Pottawatomie County Hazard Mitigation plan for the City of Shawnee.

Director of Engineering Seth Barkhimer advised that in September 2022, the City applied for and was later selected for a High-Hazard Potential Dam (HHPD) Grant. As a requirement of the grant, City Staff initiated the development of a supplemental section to the Pottawatomie County Hazard Mitigation Plan Update 2022-2027.

A motion was made by Commissioner Engles, seconded by Commissioner Sehorn, to approve a resolution adopting the High-Hazard Potential Dam Amendment to the Pottawatomie County Hazard Mitigation plan for the City of Shawnee.

Resolution No. 6694 was introduced.

A RESOLUTION ADOPTING THE CITY OF SHAWNEE HIGH-HAZARD POTENTIAL DAM AMENDMENT AS AN AMENDMENT TO THE POTTAWATOMIE COUNTY HAZARD MITIGATION PLAN UPDATE.

Motion Carried 7-0-0.

AYE: Engles, Sehorn, Flood, Matthews, Richter, Rutherford, Bolt

NAY: None

ABSTAIN: None

19. Consideration of a resolution renewing Ordinance Number 1396NS the "Nine-One-One Emergency Number Ordinance" for the period of April 6, 2023 to April 5, 2026.

Finance Director Lindsey McNabb-Fox advised that Ordinance No. 1396NS was approved on May 18, 1987 and established the emergency 9-1-1 service for the City of Shawnee. The ordinance requires renewal every three years.

A motion was made by Commissioner Engles, seconded by Commissioner Flood, to approve a resolution renewing Ordinance Number 1396NS the "Nine-One-One Emergency Number Ordinance" for the period of April 6, 2023 to April 5, 2026.

Resolution No. 6695 was introduced.

A RESOLUTION RENEWING ORDINANCE NUMBER 1396NS THE "NINE-ONE-ONE EMERGENCY NUMBER ORDINANCE" FOR THE PERIOD OF APRIL 6, 2023 TO APRIL 5, 2026.

Motion Carried 7-0-0.

AYE: Engles, Flood, Matthews, Richter, Rutherford, Sehorn, Bolt

NAY: None

ABSTAIN: None

20. Consideration of a resolution setting the 9-1-1 Emergency Tax Rate.

Finance Director Lindsey McNabb-Fox advised that Ordinance No. 1396NS was approved on May 18, 1987 and established the emergency 9-1-1 service for the City of Shawnee. She advised that said ordinance set the emergency telephone service tax at three percent (3%) to be utilized for the operation of the emergency telephone service. Section 6(C) of the ordinance states that the City Commission is to review and establish the rate annually, not to exceed the original rate. Staff recommends that the rate remain at three percent (3%).

A motion was made by Commissioner Matthews, seconded by Commissioner Engles, to approve a resolution setting the 9-1-1 Emergency Tax Rate.

Resolution No. 6696 was introduced.

A RESOLUTION SETTING THE NINE-ONE-ONE EMERGENCY TAX RATE.

Motion Carried 7-0-0.

AYE: Matthews, Engles, Flood, Richter, Rutherford, Sehorn, Bolt

NAY: None

ABSTAIN: None

21. Consider Bid(s):

a. Highland Street Sidewalk Improvements (Open)

| <u>BIDDER</u>                                           | <u>AMOUNT</u>  |
|---------------------------------------------------------|----------------|
| SAC Services Inc.<br>Oklahoma City, Oklahoma            | \$1,438,144.40 |
| Downey Contracting LLC<br>Oklahoma City, Oklahoma       | \$1,523,087.00 |
| EMC Services<br>Oklahoma City, Oklahoma                 | \$1,108,070.00 |
| C-P Integrated Services Inc.<br>Oklahoma City, Oklahoma | \$1,198,939.00 |
| Rudy Construction Co.<br>Oklahoma City, Oklahoma        | \$1,426,875.00 |

Director of Engineering Seth Barkhimer read five (5) bids into the record. Mr. Barkhimer requested that the bid award be deferred in order for Staff to review each bid.

A motion was made by Commissioner Sehorn, seconded by Commissioner Matthews, to defer the item to a future City Commission meeting. Motion Carried 7-0-0.

AYE: Sehorn, Matthews, Engles, Flood, Richter, Rutherford, Bolt

NAY: None

ABSTAIN: None

22. Acknowledge Monthly Sales Tax Report.

Finance Director Lindsey McNabb-Fox reported sales tax is up Two Million Three Hundred Seventy-Two Thousand Eight Hundred Twenty Dollars (\$2,372,820.00) or Thirteen Point Four Percent (13.4%), over the projected budget year-to-date. She stated that use tax collections are up Forty-Three Thousand Nine Hundred Eighty-Seven Dollars (\$43,987.00) above the projected budget year-to-date.

### 23. Administrative Report(s):

- a. 2023 Homeless Point-in-Time Count - Rian Harkins, Community Development Director

Community Development Director Rian Harkins provided an administration report and presentation regarding the 2023 Homeless Point-in-Time Count. The presentation included, but not limited to:

- Point-in-Time (PIT) Count
- 2023 Shawnee PIT Count
- Shawnee Homeless Population
- Homeless Program City Resources
- Oklahoma Continuums of Care (CoC)
- Shawnee Continuum of Care

- b. Progress Update on the Unified Development Code - Rian Harkins, Community Development Director

Community Development Director Rian Harkins introduced Ms. Dawn Warrick with Freese and Nichols. Ms. Warrick provided an update and presentation regarding the Unified Development Code (UDC). The presentation included, but not limited to:

- Project Process Overview
- Code Update Foundation
- Diagnostic Report
- UDC Outline
- Subdivision Regulations Review
- Next Steps

### 24. 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.

### 25. Commissioners Comments

Commissioner Richter commented on the upcoming June election. She also thanked everyone that came and spoke.

Commissioner Sehorn commented regarding the Unified Development Code, the sales tax report and Phase 2 of the Shawnee Marketplace development.

Commissioner Flood commented about new businesses, sidewalks and improvements and the proposed Charter change propositions.

Commissioner Engles commented on the proposed Charter changes, the Unified Development Code update, and the sales tax report. She invited everyone to the next public meeting for the Lake Master Plan, which is scheduled for March 28, 2023 at Gordon Cooper Technology Center from 5:30 p.m. to 7:30 p.m.

Commissioner Matthews commented on the proposed Charter changes and the sales tax report.

Mayor Bolt commented on the proposed Charter changes and sales tax report.

## 26. Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (9:19 p.m.)



Lisa Laszoni  
LISA LASYONE, CMC  
CITY CLERK

Ed Bolt  
ED BOLT  
MAYOR