

BOARD OF CITY COMMISSIONERS PROCEEDINGS

MAY 3, 2021 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, May 3, 2021 at 6:00 p.m., pursuant to notice duly posted as prescribed by law at 2:33 p.m. on April 30, 2021. Mayor Bolt presided and called the meeting to order. Upon roll call, the following members were in attendance.

Ed Bolt
Mayor

Absent
Commissioner Ward 1

Absent
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: Daniel Matthews, Bob Weaver

INVOCATION

Commissioner Flood

FLAG SALUTE

AGENDA ITEM NO. 1:

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

Mr. Rob Morris spoke regarding the auditor's report, the Shawnee Arts and Culture Commission, and the upcoming Community Service Contract Review Committee meeting.

Ms. Suzanne Brown addressed the Bed and Breakfast code definitions, specifically, the difference between owner occupied or resident manager occupied.

AGENDA ITEM NO. 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 Shawnee Municipal Authority Agenda Item No. 3.
- b. Minutes from the April 19, 2021 regular meeting.
- c. Acknowledge the following minutes:
 - Traffic Commission Minutes from the January 26, 2021 regular meeting
- d. Approve renewal of the following agreements for Fiscal Year 2021-2022:
 - 1) Agreement with Pioneer Library Systems for library services, facilities, and maintenance.
 - 2) Agreement with Shawnee Twin Lakes Trap Club for use of city property known as Shawnee Twin Lakes Trap Range.
- e. Lake Lease Transfer:

TRANSFER:

Lot 1A Mosler Tract, 33001 Lake Road

From: Jake Clanin, dba Rosewood Farms, LLC

To: Greta Madson, dba Greta Madson Enterprises, LLC, dba Lakeside Wedding Venue

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

AYE: Rutherford, Flood, Bolt, Sehorn, Salter

NAY: None

AGENDA ITEM NO. 3:

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

Animal Control Officers Wendy Cole and Brandy Spoon introduced Azure, a two-year-old, female canine.

Officer Cole advised that the Animal Shelter currently has sixteen dogs, thirteen cats, and a pig. A Mother's Day adoptathon will be held this weekend; the first fourteen adoption fees will be waived.

AGENDA ITEM NO. 4:

Mayor's Proclamations:

"Better Hearing Month"
May 2021

Dr. Kurt Kalies and Dr. Calyn Russ, Hearing Health Care, Inc., accepted the Mayor's Proclamation for "Better Hearing Month" presented by Mayor Bolt.

AGENDA ITEM NO. 5:

Presentation of independent auditor's reports
for the Comprehensive Annual Financial
Report.

Finance Director Ashley Neel provided an overview of the results from the Comprehensive Annual Financial Report. She explained the City received an unmodified opinion on both the financial statements and compliance with major federal programs. This means that with the financial statements conforms with General Accepted Accounting Principles (GAAP) and they are free from material misstatements.

Ms. Neel stated there was one compliance issue. The City exceeded budgeted appropriations in the general government and culture and recreation areas. Management is implementing budgeting and transparency software to guard against exceeding appropriations in the future.

AGENDA ITEM NO. 6:

Presentation of the 2020 Performer by
Crawford and Associates.

Mr. Frank Crawford with Crawford and Associates explained what a Performer was and how the City of Shawnee currently ranked. He stated in 2020 the City of Shawnee had a 6.4 rating. He advised the rating includes three components: 1) Financial performance – 8.5 rating; 2) Financial position – 3.1 rating; and 3) Financial Capability – 7.4 rating.

AGENDA ITEM NO. 7:

Consideration to purchase a restroom
building to be installed at Glenn Collins
Park, Shawnee Twin Lakes, in the amount
of \$68,120.00.

Public Works Director Brad Schmidt gave a staff report and explained the proposed restroom building will be installed at the Glenn Collins Park at the Shawnee Twin Lakes. He advised it would replace two primitive style restrooms that currently do not have running water.

A motion was made by Commissioner Sehorn, seconded by Commissioner Flood, to approve the purchase of a restroom building to be installed at Glenn Collins Park, Shawnee Twin Lakes, in the amount of \$68,120.00. Motion carried 5-0.

AYE: Sehorn, Flood, Bolt, Rutherford, Salter

NAY: None

AGENDA ITEM NO. 8:

Consideration of a resolution of the Mayor and City Commission of the City of Shawnee, Oklahoma supporting the efforts of local businesses and the citizens of Shawnee to continue to follow medical guidance with regard to face coverings.

City Manager Chance Allison explained the proposed resolution is supporting the efforts of local businesses and the citizens of Shawnee who wish to continue to wear face coverings.

Resolution No. 6628 was introduced.

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SHAWNEE, OKLAHOMA SUPPORTING THE EFFORTS OF LOCAL BUSINESSES AND THE CITIZENS OF SHAWNEE TO CONTINUE TO FOLLOW MEDICAL GUIDANCE WITH REGARD TO FACE COVERINGS.

A motion was made by Commissioner Flood, seconded by Commissioner Sehorn, to approve a resolution of the Mayor and City Commission of the City of Shawnee, Oklahoma supporting the efforts of local businesses and the citizens of Shawnee to continue to follow medical guidance with regard to face coverings. Motion carried 5-0.

AYE: Flood, Sehorn, Salter, Bolt, Rutherford

NAY: None

AGENDA ITEM NO. 9:

Consideration of a resolution authorizing Mayor Ed Bolt to cast a ballot for the 2021 Oklahoma Municipal Assurance Group (OMAG) Election of Two Trustees.

City Manager Chance Allison explained this resolution is allowing the Mayor to cast a ballot on behalf of the City of Shawnee for the 2021 Oklahoma Municipal Assurance Group (OMAG) Election of Two Trustees.

Resolution No. 6629 was introduced.

A RESOLUTION AUTHORIZING AND DIRECTING ED BOLT, MAYOR AN AUTHORIZED AGENT OF THE CITY OF SHAWNEE, OKLAHOMA, TO CAST VOTES FOR TRUSTEES OF THE OKLAHOMA MUNICIPAL ASSURANCE GROUP TO FILL EXPIRING TERMS OF TRUSTEES.

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Sehorn, to approve a resolution authorizing Mayor Ed Bolt to cast a ballot for the 2021 Oklahoma Municipal Assurance Group (OMAG) Election of Two Trustees. Motion carried 5-0.

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

AGENDA ITEM NO. 10:

Consideration of a resolution approving a project agreement with the Oklahoma Department of Transportation regarding the construction of an Industrial Access Project. Project No. SAP-263D(070); J/P No. 34086(04).

City Engineer Seth Barkhimer explained this resolution is to approve a project agreement with the Oklahoma Department of Transportation (ODOT) regarding the construction of an Industrial Access Project. The proposed project begins at Kickapoo Spur on North Leo Avenue and extends northerly, approximately 2,000 feet to Independence Street, then west on Independence Street for approximately 1,500 feet, and the remaining section of North Leo Avenue between Independence Street and State Highway 270/177. The City will initially pay all cost; however, ODOT will reimburse \$275,000.00 of the City's expenses. Pottawatomie County has agreed to reimburse the City \$25,000.00 for a total reimbursement of \$300,000.00. The current construction estimate is \$332,492.89.

Resolution No. 6630 was introduced.

A RESOLUTION APPROVING A PROJECT AGREEMENT WITH THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF AN INDUSTRIAL ACCESS PROJECT.

A motion was made by Commissioner Flood, seconded by Commissioner Sehorn, to approve a resolution approving a project agreement with the Oklahoma Department of Transportation regarding the construction of an Industrial Access Project. Motion carried 5-0.

AYE: Flood, Sehorn, Salter, Bolt, Rutherford

NAY: None

AGENDA ITEM NO. 11:

Consideration of a request for additional stop signs at the intersection of Kennedy Street and Norwesco Road.

City Engineer Seth Barkhimer explained Norwesco has requested additional stop signs on Kennedy Street. He advised there is currently one stop sign on Norwesco Road at the Kennedy Street intersection; however, traffic on Kennedy Street is not stop controlled. With the growth of Norwesco and Dexter's Axle, traffic in this area has recently elevated. Staff and the Traffic Commission recommend approval of this request.

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Sehorn, to approve a request for additional stop signs at the intersection of Kennedy Street and Norwesco Road. Motion carried 5-0.

AYE: Rutherford, Sehorn, Salter, Flood, Bolt

NAY: None

AGENDA ITEM NO. 12:

Consideration of a Final Plat for Cardinal Point Addition – Phase I, a 12.08-acre tract, located approximately 1,150 feet east of North Union Avenue located on the north side of East 45th Street. Case No. P07-21, Applicant: Cardinal Point Development, LLC. *(Deferred from the April 19, 2021 City Commission meeting.)*

Planning Director Rebecca Blaine gave a staff report. She explained this is a resubmittal of the Final Plat. She advised it does meet all criteria of the Subdivision regulations. Staff does recommend approval of this submittal.

A motion was made by Commissioner Sehorn, seconded by Vice Mayor Rutherford, to approve a Final Plat for Cardinal Point Addition – Phase I, a 12.08-acre tract, located approximately 1,150 feet east of North Union Avenue located on the north side of East 45th Street. Motion carried 5-0.

AYE: Sehorn, Rutherford, Salter, Flood, Bolt

NAY: None

AGENDA ITEM NO. 13:

An ordinance amending portions of Chapter 22, Division 2, Section 22-744 – Term of Office - of the Shawnee City Code of Ordinances, by amending Chapter 22 defining the term of office; providing for repeal; providing for severability; providing for codification; and providing for emergency clause.

City Clerk Lisa Lasyone explained this amendment clears up the Term of Office language.

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Flood, to approve an ordinance amending portions of Chapter 22, Division 2, Section 22-744 – Term of Office - of the Shawnee City Code of Ordinances, by amending Chapter 22 defining the term of office; providing for repeal; providing for severability; providing for codification.

Ordinance No. 2719NS was introduced.

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 22, DIVISION 2, SECTION 22-744 – TERM OF OFFICE - OF THE SHAWNEE CITY CODE OF ORDINANCES, BY AMENDING CHAPTER 22 DEFINING THE TERM OF OFFICE; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR EMERGENCY CLAUSE.

Motion carried 5-0.

AYE: Rutherford, Flood, Bolt, Sehorn, Salter

NAY: None

Ordinance No. 2719NS was adopted by the City Commission

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Flood, to approve the emergency clause relating to Ordinance No. 2719NS. Motion carried 5-0.

AYE: Rutherford, Flood, Bolt, Sehorn, Salter

NAY: None

AGENDA ITEM NO. 14:

Consideration of Mayor's Appointments:

Shawnee Arts & Culture Commission

Carmen Wolf 1st Full Term Expires: May 1, 2023
Appointment to new board – Organizational Member

Katie Goodson 1st Full Term Expires: May 1, 2024
Appointment to new board – Professional Member

John Grider 1st Full Term Expires: May 1, 2024
Appointment to new board – Professional Member

Lucas Simmons 1st Full Term Expires: May 1, 2024
Appointment to new board – Professional Member

LeAnne Henry Wright 1st Full Term Expires: May 1, 2024
Appointment to new board – Professional Member

Robbie Kienzle 1st Full Term Expires: May 1, 2023
Appointment to new board – At large Member

Tera Leigh 1st Full Term Expires: May 1, 2023
Appointment to new board – At large Member

A motion was made by Commissioner Sehorn, seconded by Vice Mayor Rutherford, to approve the Mayor's Appointments to the Arts and Culture Commission. Motion carried 5-0.

AYE: Sehorn, Rutherford, Salter, Flood, Bolt

NAY: None

AGENDA ITEM NO. 15:

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. 16:

Commissioners Comments

Commissioner Flood stated he was thankful for the outcome of the audit. He expressed his continued excitement for the Shawnee Arts and Culture Commission. He is looking forward to seeing how they will help businesses.

Vice Mayor Rutherford commented on the Glenn Collins Park restrooms, and the audit results.

Commissioner Sehorn echoed Vice Mayor Rutherford's comments on the restrooms at Glenn Collins Park. He also thanked Finance Director Ashley Neel for her work on the budget.

Mayor Bolt also commented on the audit presentations. He stated the City of Shawnee is fortunate to have such qualified applicants for the Shawnee Arts and Culture Commission.

Mayor Bolt commented on the new Shawnee SSM Health St. Anthony Hospital building on North Harrison Street. He noted it is a great addition to the community.

RECESS CITY COMMISSION MEETING BY THE POWER OF THE CHAIR TO CONVENE SHAWNEE AIRPORT AUTHORITY AND SHAWNEE MUNICIPAL AUTHORITY (7:05 P.M.)

RECONVENE CITY COMMISSION MEETING BY THE POWER OF THE CHAIR (7:11 P.M.)

AGENDA ITEM NO. 17:

Discussion, consideration, and possible action to enter into executive session for discussion related to the employment of Municipal Judge in accordance with 25 O.S. § 307(B)(1) "Discussing the employment, hiring, appointment, promotion, demotion, disciplining, or

resignation of any individual salaried public officer or employee.”

A motion was made by Commissioner Sehorn, seconded by Vice Mayor Rutherford, to enter into executive session for discussion related to the employment of Municipal Judge in accordance with 25 O.S. § 307(B)(1) “Discussing the employment, hiring, appointment, promotion, demotion, disciplining, or resignation of any individual salaried public officer or employee.” Motion carried 5-0.

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

COMMISSIONERS ENTERED INTO EXECUTIVE SESSION AT 7:12 P.M.
WITH ALL MEMBERS PRESENT.

COMMISSIONERS RECONVENED FROM EXECUTIVE SESSION AT 7:40
P.M. WITH ALL MEMBERS PRESENT

AGENDA ITEM NO. 18:

Consider matters discussed in executive session related to the employment of Municipal Judge in accordance with 25 O.S. § 307(B)(1) “Discussing the employment, hiring, appointment, promotion, demotion, disciplining, or resignation of any individual salaried public officer or employee.”

A motion was made by Commissioner Flood, seconded by Vice Mayor Rutherford, to terminate the current contract with the Municipal Judge. Motion carried 5-0.

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

AGENDA ITEM NO. 19:

Consideration of a proposal with Atwood Law Firm for Municipal Judge services.

City Manager Chance Allison explained Municipal Judge Atwood has proposed a fee structure as opposed to a contract for employment. The proposal is

to compensate Judge Atwood at the rate of \$200.00 an hour for Municipal Judge services.

City Attorney Joe Vorndran clarified the action taken in the previous item to terminate the Municipal Judge's contract and this item are in concert with a tax opinion received from a tax attorney regarding municipal judge's compensation. He advised this action has no effect on the two-year appointment of Judge Atwood, only altering how he is compensated to conform with said opinion.

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Flood, to accept the proposal with Atwood Law Firm for Municipal Judge services. Motion carried 5-0.

AYE: Rutherford, Flood, Bolt, Sehorn, Salter

NAY: None

AGENDA ITEM NO. 20:

Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (7:43 p.m.)



ATTEST:

Lisa Laszone
LISA LASYONE, CMC, CITY CLERK

Ed Bolt
ED BOLT, MAYOR