

BOARD OF CITY COMMISSIONERS PROCEEDINGS

APRIL 19, 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, April 19, 2021 at 6:00 p.m., pursuant to notice duly posted as prescribed by law at 3:02 p.m. on April 16, 2021. Mayor Bolt presided and Mr. Obadiah Gragg called the meeting to order. Upon roll call, the following members were in attendance.

Ed Bolt
Mayor

Daniel Matthews
Commissioner Ward 1

Bob Weaver
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: None

INVOCATION

Father Tom Dahlman
Emmanuel Episcopal Church

FLAG SALUTE

AGENDA ITEM NO. 1:

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

Mr. Rob Morris questioned the demolition of the properties located at 113 South Philadelphia Avenue and 113½ South Philadelphia Avenue.

AGENDA ITEM NO. 2:

Consider approval of Consent Agenda:

- a. Minutes from the April 5, 2021 regular meeting.
- b. Acknowledge the following reports and minutes:

- License Payment Report for March 2021
 - Project Payment Report for March 2021
 - Planning Commission Minutes from the February 3, 2021 and March 3, 2021 regular meetings.
- c. Approval of quote from WW Livestock Systems for purchase of livestock panels for the Heart of Oklahoma Exposition Center in the amount of \$58,779.24.

City Manager Chance Allison requested that Mayor Bolt to pull Consent Agenda Item No. 2(c) for separate consideration.

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Weaver, to approve the Consent Agenda Item Nos. 2 (a-c), less item 2(c). Motion carried 7-0.

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

Regarding Consent Agenda Item No. 2(c), City Manager Chance Allison advised that he received an updated quote from WW Livestock Systems. He stated that a surplus surcharge from the steel manufacturer was added, which will increase the purchase of the livestock panels from \$58,779.24 to \$63,677.51.

A motion was made by Commissioner Weaver, seconded by Vice Mayor Rutherford, to approve Consent Agenda Item No. 2(c) with the new amount of \$63,677.51. Motion carried 7-0.

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

AGENDA ITEM NO. 3:

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

Animal Control Officer Wendy Cole introduced Constance, and nine-month-old, half Boxer and half Beagle, female canine. Constance is up for adoption.

Officer Cole advised that the Animal Shelter currently has seventeen dogs, three cats, and a pig.

AGENDA ITEM NO. 4:

Mayor's Proclamations:

"Loyalty Day"

May 1, 2021

"Purple Heart City"

Don Plumley, Sr. Vice Commander, Shawnee VFW Post 1317, accepted the Mayor's Proclamations for "Loyalty Day" and "Purple Heart City" presented by Mayor Bolt.

AGENDA ITEM NO. 5:

Introduction of Katy Fleming, General Manager of the Heart of Oklahoma Exposition Center.

City Manager Chance Allison introduced Katy Fleming, General Manager of the Heart of Oklahoma Exposition Center.

Ms. Fleming gave a brief employment history and her managing experience. She invited the Commission to call or come see her with any questions.

AGENDA ITEM NO. 6:

Consideration of an ordinance amending portion of Chapter 15, entitled "Health and Safety" located in Chapter 15, Article I, of the City of Shawnee City Code of Ordinances, by specifically enacting the "City of Shawnee COVID-19 Safety Code", to be codified as section 15-6 through 15-17 of the Code in order to provide the findings and declarations of the City Council; providing a definition of "Face Covering," requiring face coverings shall be worn in certain places or settings; providing suggested guidelines for face coverings; providing exceptions; providing an effective and expiration date and time; providing for enforcement, violations, and penalties for violations; providing a defense; and declaring an emergency.

Mayor Bolt stated he reached out to Shawnee Public Schools Superintendent Dr. April Grace, a representative for Citizen Pottawatomie Nation, and Local Emergency Response Coordinator Michael Potter with the Pottawatomie County Health Department regarding the face covering mandate.

The Commission discussed amending the current ordinance regarding the expiration date on mandated face coverings.

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Matthews, to approve an ordinance amending portion of Chapter 15, entitled "Health and Safety" located in Chapter 15, Article I, of the City of Shawnee City Code of Ordinances, by specifically enacting the "City of Shawnee COVID-19 Safety Code", to be codified as section 15-6 through 15-17 of the Code in order to provide the findings and declarations of the City Council; providing a definition of "Face Covering," requiring face coverings shall be worn in certain places or settings; providing suggested guidelines for face coverings; providing exceptions; providing an effective and expiration date and time; providing for enforcement, violations, and penalties for violations; providing a defense; and declaring an emergency; specifically amending the expiration date from June 30, 2021 at 11:59 p.m. to April 30, 2021 at 11:59 p.m.

Ordinance No. 2718NS was introduced.

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 15, ENTITLED "HEALTH AND SAFETY" LOCATED IN CHAPTER 15, ARTICLE I, OF THE SHAWNEE CITY CODE OF ORDINANCES, BY SPECIFICALLY ENACTING THE "CITY OF SHAWNEE COVID-19 SAFETY CODE," TO BE CODIFIED AS SECTION 15-6 THROUGH 15-17 OF THE CODE IN ORDER TO PROVIDE THE FINDINGS AND DECLARATIONS OF THE CITY COUNCIL; PROVIDING A DEFINITION OF "FACE COVERING;" REQUIRING FACE COVERINGS SHALL BE WORN IN CERTAIN PLACES OR SETTINGS; PROVIDING SUGGESTED GUIDELINES FOR FACE COVERINGS; PROVIDING EXCEPTIONS; PROVIDING AN EFFECTIVE AND EXPIRATION DATE AND TIME; PROVIDING FOR ENFORCEMENT, VIOLATIONS, AND PENALTIES FOR VIOLATIONS; PROVIDING A DEFENSE; AND DECLARING AN EMERGENCY.

Motion carried 5-2.

AYE: Rutherford, Matthews, Flood, Bolt, Sehorn

NAY: Salter, Weaver

Ordinance No. 2718NS was adopted by the City Commission.

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Sehorn, to approve the emergency clause relating to Ordinance No. 2718NS. Motion carried 5-2.

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

AGENDA ITEM NO. 7:

Consideration of a resolution declaring certain items surplus property; describing said items; and authorizing the donation or sale of said items at the City of Shawnee's discretion.

Police Chief Mason Wilson explained the proposed resolution is a housekeeping item. He stated the old vehicles have been used for parts and are no longer needed for City purposes.

Resolution No. 6627 was introduced.

A RESOLUTION DECLARING CERTAIN CITY OF SHAWNEE POLICE DEPARTMENT VEHICLES SURPLUS PROPERTY AND NO LONGER NEEDED FOR CITY PURPOSES; DESCRIBING SAID ITEMS; AND AUTHORIZING THE DONATION OR SALE OF SAID ITEMS AT THE CITY OF SHAWNEE'S DISCRETION.

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Flood, to approve a resolution declaring certain items surplus property; describing said items; and authorizing the donation or sale of said items at the City of Shawnee's discretion. Motion carried 7-0.

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

AGENDA ITEM NO. 8:

Discussion, consideration, and possible action of an Appeal of an Administrative Order regarding the demolition of the residential structure located at 420 West Forrest Street.

City Attorney Joe Vorndran addressed Agenda Item Nos. 8 and 9. He explained that there has been discussion with counsel for the appellant and an agreement regarding the disposition of the properties has been met. Mr. Vorndran and Staff recommend that the items be deferred to the May 17, 2021 City Commission meeting.

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Matthews, to defer this item to the May 17, 2021 City Commission meeting. Motion carried 6-0-1.

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

NAY: None

ABSTAIN: Flood

AGENDA ITEM NO. 9:

Discussion, consideration, and possible action of an Appeal of an Administrative Order regarding the demolition of the residential structure located at 422 West Forrest Street.

A motion was made by Commissioner Matthews, seconded by Vice Mayor Rutherford, to defer this item to the May 17, 2021 City Commission meeting. Motion carried 6-0-1.

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

NAY: None

ABSTAIN: Flood

AGENDA ITEM NO. 10:

Consideration of a Final Plat for Shawnee Retail Development, a 4.26-acre tract, located approximately 250 feet northwest of the intersection of Shawnee Mall Drive and North Harrison Avenue. Case No. PL06-21, Applicant: STP Solutions, Inc. on behalf of Shiv Properties, LLC.

Planning Director Rebecca Blaine explained the applicant has met all subdivision regulations. The Planning Commission and Staff recommend approval.

A motion was made by Commissioner Matthews, seconded by Commissioner Sehorn, to approve a Final Plat for Shawnee Retail Development, a 4.26-acre tract, located approximately 250 feet northwest of the intersection of Shawnee Mall Drive and North Harrison Avenue. Motion carried 7-0.

AYE: Matthews, Sehorn, Salter, Weaver, Flood, Bolt, Rutherford

NAY: None

AGENDA ITEM NO. 11:

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. PL07-21, Applicant: Cardinal Point Development, LLC.

Planning Director Rebecca Blaine explained the Planning Department has not received the amended Final Plat. She stated it is Staff's recommendation to defer this item to a future meeting.

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Flood, to defer this item to a future City Commission meeting. Motion carried 7-0.

AYE: Rutherford, Flood, Bolt, Sehorn, Salter, Matthews, Weaver

NAY: None

AGENDA ITEM NO. 12:

Consideration of a Preliminary Plat for Rolling Hills Addition – Section 2, a 2.39-acre tract, located on the northeast corner of East Main Street and North Bryan Avenue. Case No. PL08-21, Applicant: Absentee Shawnee Housing Authority.

Planning Director Rebecca Blaine explained this is the second phase of the residential subdivision to add a few additional lots. The Planning Commission and Staff recommend approval.

A motion was made by Commissioner Flood, seconded by Vice Mayor Rutherford, to approve a Preliminary Plat for Rolling Hills Addition – Section 2, a 2.39-acre tract, located on the northeast corner of East Main Street and North Bryan Avenue. Motion carried 7-0.

AYE: Flood, Rutherford, Sehorn, Salter, Matthews, Weaver, Bolt

NAY: None

AGENDA ITEM NO. 13:

Consideration of the following budget amendments:

- a. Fund 001 General Fund – To adjust budget for estimated sales tax collections and other revenue sources; and to adjust budget for changes which have occurred since January 2021 and anticipated needs for the rest of the fiscal year.
- b. Fund 102 E-911 Fund – To adjust revenue for estimated collections and align expenditures with expected use.
- c. Fund 104 Economic Development Fund – To adjust for estimated sales tax collections.
- d. Fund 105 Spay/Neuter Fund – To cover increased spay and neuter costs.
- e. Fund 106 Hotel/Motel Surcharge Fund – To adjust for personnel changes and related expenditures.
- f. Fund 107 Police Sales Tax Fund – To adjust for sales tax estimate increase and related transfer.
- g. Fund 108 Fire Sales Tax Fund – To adjust for sales tax estimate increase and related transfer.
- h. Fund 190 CDBG Grant Fund – To adjust for personnel changes and related expenditures.
- i. Fund 198 ODOC NSP Program Fund – Fund cleanup.
- j. Fund 199 Home Rehab Program Income Fund – Fund cleanup.
- k. Fund 301 Capital Improvement Fund – To adjust revenue for sales tax and grant revenue; and to adjust expenditures for park needs, wildland gear, and building maintenance.
- l. Fund 302 Street Improvement Fund – To adjust costs for expected charges including, Kickapoo expansion, the lease of the street sweeper, and bank charges.

- m. Fund 303 2018 Capital Improvement Fund – To adjust for current projects including the Police Station, park projects, and the Santa Fe Depot.
- n. Fund 350 Aquatic Center Fund – To adjust for expected changes including workers' compensation allocation and personnel services among others.
- o. Fund 701 Library Fund – To adjust for janitorial services and changes in expected personnel and utility costs.
- p. Fund 706 Gifts and Contributions Fund – To adjust for use of donations by the Shawnee Senior Citizens Center.

Finance Director Ashley Neel explained she has increased sales tax projection to 97% from prior year. She stated the proposed budget amendments are to adjust for changes for the year and anticipated needs for the remainder of the fiscal year.

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Sehorn, to approve the budget amendments listed in Agenda Item Nos. 13 (a-p). Motion carried 7-0.

AYE: Rutherford, Sehorn, Salter, Matthews, Weaver, Flood, Bolt

NAY: None

AGENDA ITEM NO. 14: Acknowledge monthly Sales Tax and Budget Reports.

Finance Director Ashley Neel reported sales tax is up \$2,514,363, or 14.76%, over the projected budget year-to-date. She stated that use tax collections are down approximately \$26,103.00, or 1.25%, under the projected budget year-to-date.

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

The Commissioners welcomed General Manager of the Heart of the Oklahoma Exposition Center Katy Fleming and thanked Finance Director Ashley Neel for a good sales tax report.

Commissioner Matthews thanked the Commission for the conversation tonight. He stated that he would like to encourage the community to continue wearing face masks and getting vaccines.

Commissioner Weaver expressed his opinion that the Commission made a poor decision tonight regarding the expiration of the face covering mandate.

Commissioner Weaver stated that he would like a written answer to Mr. Rob Morris' question regarding the properties located at 113 South Philadelphia Avenue and 113½ South Philadelphia Avenue.

Commissioner Flood thanked the Commission for their time and effort and the ability agree and disagree but still work together.

Commissioner Flood stated that he would like more explanation regarding the property located at 113 South Philadelphia Avenue.

Commissioner Flood explained he felt it was prudent to abstain from Agenda Item Nos. 8 and 9 since there is a possibility the properties could be donated to his employer, Community Renewal.

Vice Mayor Rutherford expressed his appreciation to the Commission for the ability to discuss civilly.

Commissioner Sehorn echoed Commissioner Flood's comment regarding the ability to agree and disagree but still work together.

Mayor Bolt stated that there are a lot of good things going on in town.

AGENDA ITEM NO. 17:

Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (7:19 p.m.)



ED BOLT, MAYOR

ATTEST:

Lisa Laszoni
LISA LASYONE, CMC, CITY CLERK

