

BOARD OF CITY COMMISSIONERS PROCEEDINGS

APRIL 17, 2017 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, April 17, 2017 at 6:30 p.m., pursuant to notice duly posted as prescribed by law. Vice Mayor Harrod presided and called the meeting to order. Upon roll call, the following members were in attendance.

Richard Finley

Mayor

Dub Bushong

Commissioner Ward 1

Absent

Commissioner Ward 2

James Harrod

Commissioner Ward 3-Vice Mayor

Darren Rutherford

Commissioner Ward 4

Lesa Shaw

Commissioner Ward 5

Ben Salter

Commissioner Ward 6

ABSENT: Ron Gillham

INVOCATION

Emergency Management Director Don Lynch

FLAG SALUTE

AGENDA ITEM NO. 1:

Consider approval of Consent Agenda:

- a. Minutes from the April 3, 2017 regular meeting.
- b. Acknowledge the following reports and minutes:
 - License Payment Report for March 2017
 - Project Payment Report for March 2017
 - Planning Commission Minutes from February 1, 2017 meeting
- c. Authorizing City Manager to sign contract with Crawford and Associates for accounting and consulting services.

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

AGENDA ITEM NO. 4:

Mayor' Proclamations:
"Family Promise Day"
April 24, 2017

Family Promise Interim Executive Director David Henry accepted the Mayor's Proclamation for "Family Promise Day" presented by Mayor Finley.

"Loyalty Day"
May 1, 2017

Veterans of Foreign Wars Post 1317 Commander Don Plumley accepted the Mayor's Proclamation for "Loyalty Day" presented by Mayor Finley.

AGENDA ITEM NO. 5:

Consideration of a Memorandum of Understanding between the City of Shawnee and Shawnee Public Schools pertaining to recreational use of school sites, City permitting and fees, and the demolition of former school buildings.

City Manager Justin Erickson addressed the collaborative effort between the City of Shawnee and Shawnee Public Schools, noting the many years of partnership between the two entities. He further outlined the stipulations listed in the Memorandum of Understanding, and specifically mentioned the potential demolition of Washington School. Mr. Erickson also stated that most school areas are open to the public when not being used by the school.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Shaw, to accept the Memorandum of Understanding between the City of Shawnee and Shawnee Public Schools pertaining to recreational use of school sites, City permitting and fees, and the demolition of former school buildings. Motion carried 6-0.

AYE: Harrod, Shaw, Salter, Bushong, Finley, Rutherford
NAY: None

AGENDA ITEM NO. 6:

Discussion, consideration and possible action to approve emergency repair to traffic signal controls at the intersection of Highway 18 and Garrett's Lake Road in the amount of \$49,500 to Signal-Tech.

City Manager Justin Erickson explained that the traffic signal control cabinet and the video detection system at the intersection of Highway 18 and Garrett's Lake Road would need to be repaired. Mr. Erickson said staff had temporarily fixed the traffic controls but the equipment needs to be repaired before it becomes completely inoperable.

A motion was made by Commissioner Shaw, seconded by Commissioner Rutherford, to ratify the action of the City Manager for the emergency repair of traffic signal controls at the intersection of Highway 18 and Garrett's Lake Road in the amount of \$49,500.00 to Signal-Tech. Motion carried 6-0.

AYE: Shaw, Rutherford, Salter, Bushong, Harrod, Finley

NAY: None

AGENDA ITEM NO. 7:

Public hearing and consideration of an ordinance to rezone property located at 1012, 1016 and 1018 North Kickapoo Street from R-1; Single Family Residential District to C-3; Highway Commercial District. Case No. P01-17. Applicant: Nelmon Brauning

Community Development Director Justin DeBruin addressed the Commission regarding this item. He stated the location of the property is the southwest corner of Kirk and Kickapoo streets. He noted that the Planning Commission recommended approval of this request and that no opposition has been received. He explained the intended use for the property will be a storage and warehouse facility. Staff recommends approval of this rezoning request.

Mayor Finley declared a public hearing in session to consider an ordinance rezoning property located at 1012, 1016 and 1018 North Kickapoo Street from R-1; Single Family Residential District to C-3; Highway Commercial District. No one appeared in favor or against said rezoning. The public hearing was closed.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Rutherford, to approve the ordinance to rezone property located at 1012, 1016 and 1018 North Kickapoo Street from R-1; Single Family Residential District to C-3; Highway Commercial District.

Ordinance No. 2602NS 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 NINETY-ONE (91), NINETY-TWO (92) AND NINETY-THREE (3), IN BLOCK SEVEN (7), JEFFERSON TERRACE ADDITION, TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF REZONING SAID PROPERTY FROM R-1; SINGLE FAMILY RESIDENTIAL DISTRICT TO C-3; HIGHWAY COMMERCIAL DISTRICT AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

Motion carried 6-0.

AYE: Harrod, Rutherford, Shaw, Salter, Bushong, Finley

NAY: None

Ordinance No. 2602NS was adopted by the City Commission.

AGENDA ITEM NO. 8: Public hearing and consideration of an ordinance to rezone property located at 10 and 20 East Farrall Street and 524 South Bell Street from R-2; Combined Residential District to I-3; Heavy Industrial District. Case No. P02-17. Applicant: Joe Ford

Community Development Director Justin DeBruin stated this rezoning is for Shawnee Milling Company. The rezoning of this property to I-3 will help facilitate truck traffic to and from the Mill. Mr. DeBruin also stated that no opposition to this request has been received and that the Planning Commission recommended approval of the rezoning request.

Mayor Finley declared a public hearing in session to consider an ordinance to rezone property located at 10 and 20 East Farrall Street and 524 South Bell Street from R-2; Combined Residential District to I-3; Heavy Industrial District. President of Shawnee Milling Company, Mr. Joe Ford, came to speak in favor of the rezoning. Mr. Ford explained that this rezoning will keep truck traffic contained to their property. No one appeared against said rezoning. The public hearing was closed.

A motion was made by Commissioner Rutherford, seconded by Commissioner Salter, to approve the ordinance to rezone property located at 10 and 20 East Farrall Street and 524 South Bell Street from R-2; Combined Residential District to I-3; Heavy Industrial District.

Ordinance No. 2603NS 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: EAST TEN (10) FEET OF LOT TEN (10) AND ALL OF LOTS ELEVEN (11) THRU SEVENTEEN (17) IN BLOCK ONE HUNDRED TWENTY- ONE (121), AMENDED PLAT OF THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF REZONING SAID PROPERTY FROM R-2; COMBINED RESIDENTIAL DISTRICT TO I-3; HEAVY INDUSTRIAL DISTRICT AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

Motion carried 6-0.

AYE: Rutherford, Salter, Bushong, Harrod, Finley, Shaw

NAY: None

Ordinance No. 2603NS was adopted by the City Commission.

AGENDA ITEM NO. 9:

Public hearing and consideration of an ordinance to rezone property located at 525 South Kickapoo Street from R-2; Combined Residential District to C-3; Highway Commercial District. Case No. P03-17. Applicant: Don Waller

Community Development Director Justin DeBruin stated that the intended purpose for this rezoning is for an ice and water vending machine. He explained that the project will have to meet all site beautification requirements. No opposition to this request has been received. The Planning Commission recommends approval of this rezoning.

Mayor Finley declared a public hearing in session to consider an ordinance to rezone property located at 525 South Kickapoo Street from R-2; Combined Residential District to C-3; Highway Commercial District. No one appeared in favor or against said rezoning. The public hearing was closed.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Bushong, to approve the ordinance to rezone property located at 525 South Kickapoo Street from R-2; Combined Residential District to C-3; Highway Commercial District.

Ordinance No. 2604NS 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 FIVE (5) AND SIX (6), BLOCK ONE HUNDRED TWENTY-SIX (126), AMENDED PLAT, TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF

REZONING SAID PROPERTY FROM R-2; COMBINED RESIDENTIAL DISTRICT TO C-3; HIGHWAY COMMERCIAL DISTRICT AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

Motion carried 6-0.

AYE: Harrod, Bushong, Finley, Rutherford, Shaw, Salter
NAY: None

Ordinance No. 2604NS was adopted by the City Commission.

AGENDA ITEM NO. 10: Acknowledge Sales Tax Report received April 2017.

Finance Director Cynthia Arnold gave a presentation and reported that March sales tax collected this month was \$1,469,441.00, which is down 5.35% or \$83,088.00 from April of 2016.

AGENDA ITEM NO. 11: City Manager Report

City Manager Justin Erickson gave updates on the following city issues:

- a. Regarding strategic planning, several meetings are being planned for the near future for community engagement opportunities.
- b. The annual free garage sale weekend will be Friday, April 21st through Sunday, April 23rd.
- c. Construction on the Avedis/City Sidewalk Project is scheduled to begin around the first of May.
- d. The signal light at the intersection of Main Street and Minnesota Avenue will be replaced with four-way stop signs.
- e. The Shawnee Public Library will be closed Tuesday, April 25th through Thursday, April 27th for work on the HVAC units.
- f. Corporal Michael Myers was awarded the VFW Officer of the Year.

Commissioner Shaw asked that the fines and fees related to the Action Center and Code Enforcement violations be posted on the City's website so

violators can be motivated to clean up their property. City Manager Justin Erickson stated he would address this issue. He noted that the new fee schedule will go into effect on July 1, 2017.

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

Vice Mayor Harrod thanked Commissioner Shaw for the work she did on the Strategic Planning Committee.

Commissioner Shaw announced that April 22nd is Earth Day and wanted to remind everyone to do their part to protect the environment. She also noted Tax Day is April 18th.

Commissioner Shaw said she discovered that the City of Guthrie has a “no-kill” animal shelter. She wanted to encourage City Staff to go one step further with the Shawnee Animal Control Center and make it a no-kill shelter as well.

Mayor Finley also thanked Commissioner Shaw for everything she did regarding strategic planning.

RECESS CITY COMMISSION MEETING BY THE POWER OF THE CHAIR
TO CONVENE SHAWNEE AIRPORT AUTHORITY AND SHAWNEE
MUNICIPAL AUTHORITY (7:20 p.m.)

RECONVENE CITY COMMISSION MEETING BY THE POWER OF THE
CHAIR (7:39 p.m.)

AGENDA ITEM NO. 14:

Consider an Executive Session for discussion and possible action on litigation pending against the City of Shawnee by Kathy Anderson (Workers Compensation Court Case No. 2014-04526H) as authorized by 25 O. S. §307(B)(4) on the recommendation of counsel that public

discussion would impair the ability of the City Attorney to adequately defend the City.

A motion was made by Commissioner Rutherford, seconded by Vice Mayor Harrod, to enter into Executive Session for discussion and possible action on litigation pending against the City of Shawnee by Kathy Anderson (Workers Compensation Court Case No. 2014-04526H) as authorized by 25 O. S. §307(B)(4) on the recommendation of counsel that public discussion would impair the ability of the City Attorney to adequately defend the City. Motion was carried 5-0-1.

AYE: Rutherford, Harrod, Finley, Salter, Bushong

NAY: None

ABSTAIN: Shaw

COMMISSIONERS ENTERED INTO EXECUTIVE SESSION AT 7:40 WITH ALL MEMBERS PRESENT.

COMMISSIONERS RECONVENED FROM EXECUTIVE SESSION AT 8:17 P.M. WITH ALL MEMBERS PRESENT.

AGENDA ITEM NO. 15:

Consider matters discussed in Executive Session regarding pending against the City of Shawnee by Kathy Anderson (Workers Compensation Court Case No. 2014-04526H) as authorized by 25 O. S. §307(B)(4) on the recommendation of counsel that public discussion would impair the ability of the City Attorney to adequately defend the City.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Shaw, to authorize Hornbeek, Vitali, and Braun to settle pending litigation with Kathy Anderson for up to the authorized amount, which upon the recommendation of counsel, that disclosure of which would impair the ability of counsel to adequately defend the City. Motion carried 6-0.

AYE: Harrod, Shaw, Salter, Bushong, Finley, Rutherford

NAY: None

AGENDA ITEM NO. 16:

Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (8:18 p.m.)



Phyllis Loftis

PHYLLIS LOFTIS, CMC, CITY CLERK

Richard Finley

RICHARD FINLEY, MAYOR