

BOARD OF CITY COMMISSIONERS PROCEEDINGS

APRIL 16, 2018 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 in the Commission Chambers at City Hall, 9th and Broadway, Shawnee, Oklahoma, Monday, April 16, 2018 at 6:00 p.m., pursuant to notice duly posted as prescribed by law. Mayor Finley presided and called the meeting to order. Upon roll call, the following members were in attendance.

Richard Finley
Mayor

Dub Bushong
Commissioner Ward 1

Ron Gillham
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: None

INVOCATION

Don Lynch,
Emergency Management Director

FLAG SALUTE

AGENDA ITEM NO. 1:

Consider approval of Consent Agenda:

- a. Minutes from the April 2, 2018 regular meeting.
- b. Acknowledge the following reports and minutes:
 - License Payment Report for March 2018
 - Project Payment Report for March 2018
 - Planning Commission Minutes from March 7, 2018 meeting
- c. Budget Amendment – Fund 001
To amend the budget for Highway Safety Grant for FY 2017-2018.

d. Lake Lease Transfers:

TRANSFERS:

Lot 8 Magnino A Tract, 17230 Magnino Road

From: Jerry and Vicki Spivey

To: Terry Farris

- e. Acknowledge the Notice of Charter Election pursuant to Resolution No. 6556.
- f. Acknowledge the Notice of Charter Election pursuant to Resolution No. 6557.
- g. Approve Collective Bargaining Agreement with International Association of Fire Fighters (IAFF) Local No. 206.
- h. Authorize staff to purchase six (6) Motorola portable transceiver radios utilizing the State contract.

Commissioner Shaw asked that Consent Agenda Item No. 1(a) be pulled for separate consideration.

A motion was made by Commissioner Shaw, seconded by Commissioner Rutherford, to approve Consent Agenda Item Nos. 1(a-h), less item 1(a). Motion carried 7-0.

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

NAY: None

Regarding Consent Agenda Item No. 1(a), Commissioner Shaw requested a wording change to Agenda Item No. 5 on the April 2, 2018 City Commission meeting minutes.

A motion was made by Commissioner Shaw, seconded by Commissioner Rutherford, to approve Agenda Item No. 1(a) with the language change from "...beginning on October 1, 2018, and shall cease *after* September 30, 2028" to "...beginning on October 1, 2018, and shall cease *on* September 30, 2028." Motion carried 7-0.

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

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:

Introduction of Shawnee 2018
student/teacher delegation for exchange trip
to Nikaho, Japan.

ADULT DELEGATES

Michael Canady, 2018 Chairman
Connie Walker, Teacher, Horace Mann
Yoko Loftis, Translator

STUDENT DELEGATES

Luke Dyer, Grove
Audrey Gaines, Grove
Hope Hanna, North Rock Creek
Phoenix Hindman, Shawnee Middle School
Allison Holter, Grove
Mia Jennings, Shawnee Middle School
Emma Monge, Grove
Daniel Phillips, Shawnee Middle School
Dynasty Poire, Shawnee Middle School
Allie Ratcliff, Shawnee Middle School
DezaRae Simmons, Shawnee Middle School
Olivia Stevenson, Shawnee Middle School

Sister Cities Chairman Michael Canady introduced each of the adult and student delegates.

AGENDA ITEM NO. 4:

Mayor's Proclamations:

"Family Promise Day"
April 24, 2018

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

“Loyalty Day”
May 1, 2018

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: Presentation by City Manager to Employee of the Month, Sandra Herron, Utility Billing Department.

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

AGENDA ITEM NO. 6: Public hearing and consideration of an ordinance to rezone property located at 4900 North Harrison Avenue from C-3; Highway Commercial to PUD; Planned Unit Development. Case No. P05-18, Applicant: TLP Associates, Inc. *(Deferred by the Planning Commission to the April 4, 2018 meeting. Deferred from the March 19, 2018 City Commission meeting.)*

A motion was made by Vice Mayor Harrod, seconded by Commissioner Bushong, to defer this item to the May 7, 2018 City Commission meeting. Motion carried 7-0.

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

AGENDA ITEM NO. 7: Consideration of approval of a Preliminary Plat for Shawnee Retail Center located at 4900 North Harrison Avenue. Case No. S03-18, Applicant: TLP Associates, Inc. *(Deferred by the Planning Commission to the May 2, 2018 meeting.)*

A motion was made by Commissioner Bushong, seconded by Vice Mayor Harrod, to defer this item to the May 7, 2018 City Commission meeting. Motion carried 7-0.

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

AGENDA ITEM NO. 8:

Public hearing and consideration of an ordinance to rezone property located at 2327 North Harrison Avenue from CP; Planned Shopping Center District to C-3; Highway Commercial District. Case No. P07-18, Applicant: Americo Real Estate Company. *(Deferred from the March 19, 2018 City Commission meeting.)*

City Manager Justin Erickson provided a staff report and explained this item was deferred from the March 19, 2018 City Commission meeting. A secondary agreement has been drafted between the City of Shawnee and Americo Real Estate Company, which would allow Americo to self-select these conditions.

City Attorney Joe Vorndran stated that the following conditions have been proposed and will be formalized in an agreement:

1. **Fencing/Vegetative Barrier.** U-Haul shall construct and maintain, at its own expense a fence or vegetative barrier, built of workman-like quality, and within the regulations of the existing City zoning code, and of workman-like quality, along the entire eastern border of the subject property, subject to existing easements, and rights-of-way of record, and constructed for the purposes of noise and nuisance abatement; said fence shall be no taller than six feet (6 ft.) in height.
2. **No Equipment on East Side.** U-Haul shall operate its business services in a manner in which no truck, van, car, storage facility, cargo unit, mobile office, garage, propane storage tank and/or facility, or any other equipment, shall be parked, or affixed on the east side of the main building within the subject property; Moreover, any such propane storage tank and/or facility, temporary or permanent shall be placed on the west side of the main building.
3. **No Docking or Commercial Accessibility on the East Side of Building.** U-Haul shall permanently secure and disable any large overhead doors, and/or docking bays, located on the east side of the main building; U-Haul shall utilize any normal-sized, existing, doorways, as usable fire exits.
4. **Informational Literature to Customers.** That U-Haul, at their own cost and upkeep, shall prepare a leaflet, or other form of informational media, that informs and instructs its customers to refrain from using North Rice Road or North Gilpin Street for egress and ingress to Harrison Street.

Mayor Finley declared a public hearing in session to consider an ordinance rezoning property from CP; Planned Shopping Center District to C-3; Highway Commercial District for property located at 2327 North Harrison Avenue.

No one appeared in favor of said rezoning. Amy Isbell, Mike Johnson, Cheryl Thomas, and Loree Hopkins appeared and spoke against said rezoning. The public hearing was closed.

Scott Brackin, Marketing Company President for U-Haul Company of Oklahoma, was present to answer questions from the Commissioners and provided details on the proposed facility.

A motion was made by Commissioner Gillham, seconded by Vice Mayor Harrod, to approve with four conditions regarding: (1) Fencing/vegetative barrier requirements, (2) No equipment on the east side of the building, (3) No docking or commercial accessibility on the east side of the building, and (4) Informational literature to customers regarding egress and ingress.

Ordinance No. 2635NS 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: LOT SEVEN (7), BLOCK TWELVE (12), NORTHRIDGE ADDITION, 4TH SECTION, BEING A SUBDIVISION OF A PART OF THE NORTH HALF (N/2) OF SECTION EIGHT (8), TOWNSHIP TEN (10) NORTH, RANGE FOUR (4) EAST OF THE INDIAN MERIDIAN, POTTAWATOMIE COUNTY, OKLAHOMA, CONTAINING 5.964 ACRES, MORE OR LESS REZONING SAID PROPERTY FROM ZONING CLASSIFICATION CP; PLANNED SHOPPING CENTER DISTRICT TO C-3; HIGHWAY COMMERCIAL DISTRICT AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

Motion carried 5-1-1.

AYE: Gillham, Harrod, Finley, Rutherford, Salter

NAY: Shaw

ABSTAIN: Bushong

Ordinance No. 2635NS was adopted by the City Commisison.

AGENDA ITEM NO. 9:

Consideration of a Preliminary Plat for Maple Development, LLC located on Shawnee Mall Drive, East of the BNSF Railroad Tracks. Case No. S04-18, Applicant: Sid and Javal, Inc. *(Deferred by the Planning Commission to the May 2, 2018 meeting.)*

A motion was made by Vice Mayor Harrod, seconded by Commissioner Bushong, to defer this item to the May 7, 2018 City Commission meeting. Motion carried 7-0.

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

AGENDA ITEM NO. 10: Consideration of a Final Plat for Shawnee Trail Office Park located on the Southeast corner of East 45th Street and Hyatt Road. Case No. S06-18, Applicant: Bonray Real Estate, LLC.

A staff report was given by Justin Erickson, City Manager. Mr. Erickson stated that staff recommends approval with conditions.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Rutherford, to approve a Final Plat for Shawnee Trail Office Park located on the Southeast corner of East 45th Street and Hyatt Road, with the following conditions:

1. Final construction documents must be approved by the City Engineer prior to construction.
2. Final engineered drainage plan must be approved by the City Engineer proper to construction.
3. Lot 5 shall be designated as a "Common Area," rather than "Lot 5," prior to final plat recording.
4. Building setback lines shall be indicated on the final plat prior to recording.
5. The Owner's Certificate of Dedication shall be the properly affixed in conformance with the City of Shawnee Subdivision Regulation.
6. A "limits of no access" shall be shown along the property line adjacent to Hyatt Road prior to recording of the final plat.
7. The Professional Surveyor's Certificate shall be shown on the final plat prior to recording.
8. All other applicable City standards apply.

Motion carried 7-0.

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

AGENDA ITEM NO. 11: Acknowledge Sales Tax Report received April 2018.

City Manager Justin Erickson reported that February sales tax collected was \$1,420,532.00, which is down 3.33% from 2017. For the year, the City is up 0.16%, which is below budget projections.

AGENDA ITEM NO. 12:

City Manager Report

City Manager Justin Erickson gave updates on the following:

- a. Website Redesign – The new website was launched two-weeks ago. Feedback has been positive.
- b. Redbud Festival – It will be downtown this weekend on April 20 and 21, 2018, with a meal provided Friday evening.
- c. Traffic Signal – The traffic signal on the northwest corner of I-40 and Harrison Avenue was damaged due to an accident. It was removed and a temporary traffic signal/pole has been installed to assist traffic until the permanent traffic signal/pole can be replaced.

AGENDA ITEM NO. 13:

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. 14:

Commissioners Comments

Commissioner Gillham announced that Sine Nomine will be singing at University Baptist Church on Sunday, April 22, 2018 at 3:00 p.m. and Monday, April 23, 2018 at 7:30 p.m.

Commissioner Bushong announced that he has made the decision to not file for reelection to Ward I office. He stated it was an honor to serve on the board and he sees great things coming forward.

Commissioner Shaw announced that she has also made the decision to not file for reelection to Ward V office.

Commissioner Shaw stated that she would like to encourage our teachers to do the best that they can for our students and that they are deeply appreciated.

Commissioner Salter announced that he did file for Ward VI office. Commissioner Salter also said he went through the I-40 and Harrison Avenue intersection today and noted the temporary traffic light did improve traffic congestion.

Mayor Finley stated he had received a number of requests for taller flag poles. He requested Staff to draft an ordinance for the board to consider at a future meeting allowing the City to waive the height restrictions for residents who would like to fly the United States flag.

AGENDA ITEM NO. 15: Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (6:54 p.m.)



Lisa Laszoni
LISA LASYONE, CMC
DEPUTY CITY CLERK

Richard Finley
RICHARD FINLEY, MAYOR