

BOARD OF CITY COMMISSIONERS PROCEEDINGS

APRIL 2, 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 2, 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 March 19, 2018 regular meeting.
- b. Mayor's Appointments

Contract Review Committee

Ken McDowell 1st Full Term Expires 01/01/2021
Appointment to New Committee

Ray Belford 1st Full Term Expires 01/01/2021
Appointment to New Committee

Ms. Gordon announced that this week is National Public Health Week. She stated that the Pottawatomie Alliance Toward Community Health (PATCH) is hosting, in partnership with Community Renewal, the Community Renewal Block Party on April 6, 2018 from 5:30 p.m. to 7:30 p.m. at Celebration of Life Park. She invited everyone attend.

Ms. Kate Joyce announced that the Fourth Annual Senior Stroll, which is in conjunction with Health Week, will be held on Wednesday, April 4, 2018 at 5:00 p.m. beginning at the Shawnee Senior Center. She stated that it is open to everyone.

AGENDA ITEM NO. 3:

Mayor's Proclamations:

"National Public Safety
Telecommunications Week"
April 8-14, 2018

The Mayor's Proclamation for "National Public Safety Telecommunication Week" was presented by Mayor Finley.

"Fair Housing Month"
April 2018

The Mayor's Proclamation for "Fair Housing Month" was presented by Mayor Finley.

AGENDA ITEM NO. 4:

Presentation of Annual Report by Visit
Shawnee, Inc. (VSI).

Mr. Ken Stafford, Visit Shawnee Inc. (VSI) Chairman, introduced the President/CEO of VSI, Ms. Danielle Mason-Rains.

Ms. Mason-Rains stated that VSI was founded as a 501(c)(6) non-profit organization with a primary purpose of promoting travel and tourism to the City of Shawnee. VSI provides support in the form of event funding, tour arrangements, assistant with hotel rooms and rates, and providing welcome bags. VSI's goal is to highlight Shawnee as the perfect city to host an event or meeting.

Ms. Mason-Rains reported the following occurred in 2017:

- VSI provided over \$109,000.00 in event funding support to 40 events;

- VSI launched a new website complete with new content, photographs, blog, interactive chat option and a book direct link that makes it simple for visitors to book their hotel rooms online;
- VSI was recognized by Frontier Country Marketing Association as “Best Travel and Tourism Website.”
- VSI also partnered with the City of Shawnee to host a photo contest to collect new photos of Shawnee and the surrounding areas.

She also reported that VSI launched a hospitality training program for frontline employees who directly interact with visitors in 2018.

Other major goals for 2018 include:

- Developing a set analysis for determining direct and indirect economic impact that events and meetings have on Shawnee;
- Developing a long-term vision for the VSI organization;
- Making a concentrated effort to recruit new events to Shawnee; and
- Increasing Shawnee’s presence in local and national media.

AGENDA ITEM NO. 5:

Consider and take action with respect to an ordinance of the City of Shawnee, Oklahoma, relating to the imposition of a city excise tax (sales tax) of one half of one percent (0.5%) (in addition to any and all other excise taxes now in force) to be levied upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma sales tax code; providing for the use of the proceeds of said excise tax; providing for the effective date and termination date of said excise tax; providing for no repeal of tax; providing for subsisting state permits; providing for payment of tax; providing that the tax is in addition to taxes currently levied; incorporating certain provisions of prior city ordinances; providing for amendments to this ordinance; providing that the provisions of this ordinance are cumulative and in

addition to any and all taxing provisions of other city ordinances; providing for severability of provisions; and containing other provisions related thereto.

City Manager Justin Erickson stated that Agenda Item Nos. 5 and 6 are related and gave a staff report regarding both. On March 5, 2018, the City Commission directed staff to prepare the necessary documents to call for an election for the temporary establishment of a ten (10) year one-half of one percent (0.5%) sales tax to fund capital projects. If passed, the additional sales tax would be split with one eighth of one percent (0.125%) expended for police, fire, and emergency management projects, one eighth of one percent (0.125%) expended for street and road projects, and one quarter of one percent (0.25%) expended for public parks and facilities projects. If passed, the sales tax shall be levied beginning on October 1, 2018, and shall cease on September 30, 2028.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Rutherford, to approve an ordinance of the City of Shawnee, Oklahoma, relating to the imposition of a city excise tax (sales tax) of one half of one percent (0.5%) (in addition to any and all other excise taxes now in force) to be levied upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma sales tax code; providing for the use of the proceeds of said excise tax; providing for the effective date and termination date of said excise tax; providing for no repeal of tax; providing for subsisting state permits; providing for payment of tax; providing that the tax is in addition to taxes currently levied; incorporating certain provisions of prior city ordinances; providing for amendments to this ordinance; providing that the provisions of this ordinance are cumulative and in addition to any and all taxing provisions of other city ordinances; providing for severability of provisions; and containing other provisions related thereto.

Ordinance No. 2633NS was introduced.

AN ORDINANCE OF THE CITY OF SHAWNEE, OKLAHOMA, RELATING TO THE IMPOSITION OF A CITY EXCISE TAX (SALES TAX) OF ONE HALF OF ONE PERCENT (0.5%) (IN ADDITION TO ANY AND ALL OTHER EXCISE TAXES NOW IN FORCE) TO BE LEVIED UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TAXABLE UNDER THE OKLAHOMA SALES TAX CODE; PROVIDING FOR THE USE OF THE PROCEEDS OF SAID EXCISE TAX; PROVIDING FOR THE EFFECTIVE DATE AND TERMINATION DATE OF SAID EXCISE TAX; PROVIDING FOR NO REPEAL OF TAX; PROVIDING FOR SUBSISTING STATE PERMITS; PROVIDING FOR PAYMENT OF TAX; PROVIDING THAT THE TAX IS IN ADDITION TO TAXES CURRENTLY LEVIED; INCORPORATING CERTAIN PROVISIONS OF PRIOR CITY ORDINANCES; PROVIDING FOR AMENDMENTS TO THIS ORDINANCE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE ARE CUMULATIVE AND IN ADDITION TO ANY

AND ALL TAXING PROVISIONS OF OTHER CITY ORDINANCES; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

Motion carried 7-0.

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

NAY: None

Ordinance No. 2633NS was adopted by the City Commission.

AGENDA ITEM NO. 6:

Consider and take action with respect to an ordinance authorizing the calling and holding of a special election in the City of Shawnee, state of Oklahoma (the "City"), on the 26th day of June, 2018, for the purpose of submitting to the registered qualified electors of said city the question of approval or rejection of ordinance No. 2633NS of the city relating to a one half of one percent (0.5%) excise tax (sales tax), in addition to all present city, county and state excise taxes, with the proceeds of said tax to be used to fund capital expenditures for the use and benefit of the city, or debt service in connection with capital expenditures, as more specifically set out in ordinance No. 2633NS of said city; declaring an emergency; and containing other provisions related thereto.

City Manager Justin Erickson stated this item is a companion action to Agenda Item No. 5. This item calls for said election and provides ballot language.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Gillham, to approve an ordinance authorizing the calling and holding of a special election in the City of Shawnee, state of Oklahoma (the "City"), on the 26th day of June, 2018, for the purpose of submitting to the registered qualified electors of said city the question of approval or rejection of ordinance No. 2633NS of the city relating to a one half of one percent (0.5%) excise tax (sales tax), in addition to all present city, county and state excise taxes, with the proceeds of said tax to be used

to fund capital expenditures for the use and benefit of the city, or debt service in connection with capital expenditures, as more specifically set out in ordinance No. 2633NS of said city; declaring an emergency; and containing other provisions related thereto.

Ordinance No. 2634NS was introduced.

AN ORDINANCE AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN THE CITY OF SHAWNEE, STATE OF OKLAHOMA (THE "CITY"), ON THE 26TH DAY OF JUNE, 2018, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED QUALIFIED ELECTORS OF SAID CITY THE QUESTION OF APPROVAL OR REJECTION OF ORDINANCE NO. 2633NS OF THE CITY RELATING TO A ONE HALF OF ONE PERCENT (0.5%) EXCISE TAX (SALES TAX), IN ADDITION TO ALL PRESENT CITY, COUNTY AND STATE EXCISE TAXES, WITH THE PROCEEDS OF SAID TAX TO BE USED TO FUND CAPITAL EXPENDITURES FOR THE USE AND BENEFIT OF THE CITY, OR DEBT SERVICE IN CONNECTION WITH CAPITAL EXPENDITURES, AS MORE SPECIFICALLY SET OUT IN ORDINANCE NO. 2633NS OF SAID CITY; DECLARING AN EMERGENCY; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

Motion carried 7-0.

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

Ordinance No. 2634NS was adopted by the City Commission.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Bushong, to approve emergency clause relating to Ordinance No. 2634NS. Motion carried 6-0-1.

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

AGENDA ITEM NO. 7: Discussion and consideration of a capital improvement project list.

City Manager Justin Erickson stated that Staff recommends that the City Commission adopt a Capital Improvement Project List. He stated that it is not binding but signifies the intent to the public what the proposition does and how the money would be spent.

A motion was made by Commissioner Shaw, seconded by Vice Mayor Harrod, to approve and incorporate the list that has been attached to the April 2, 2018 Agenda, which includes the Capital Improvement Project List that can be funded with temporary sales tax. Motion carried 7-0.

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

AGENDA ITEM NO. 8:

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 Code of the City of Shawnee; 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; and providing for the re-adoption of the City Fee Schedule in whole. *(Part of recodification completed in 2017; does not raise current rates.)*

City Manager Justin Erickson explained the resolution does not raise any water rates but clarifies content when the recodification occurred in 2017 and includes the fees in the City's Fee Schedule.

Resolution No. 6560 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; AND PROVIDING FOR THE RE-ADOPTION OF THE CITY FEE SCHEDULE IN WHOLE.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Bushong, 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 Code of the City of Shawnee; 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; and providing for the re-adoption of the City Fee Schedule in whole.. Motion carried 7-0.

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

AGENDA ITEM NO. 9:

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. 10:

Commissioners Comments

Vice Mayor Harrod reminded everyone about the Shawnee Kiwanis Club Pancake Feed on Wednesday, April 4, 2018. It will be held at the Heart of Oklahoma Exposition Center from 7:00 a.m. to 7:00 p.m.

Commissioner Rutherford thanked Visit Shawnee, Inc. for their work in the community and their involvement in the photo contest.

Commissioner Shaw said she appreciates the progression on Fire Station No. 2. She appreciates the continued enthusiasm and efforts of the downtown business and the Shawnee Senior Center.

Commissioner Shaw inquired about the new website redesign; staff advised the new website would launch Tuesday, April 3, 2018.

Regarding the Comprehensive Plan, Commissioner Shaw asked the Mayor about the status of the steering committee and if a City Commissioner volunteered to be a part of that. Staff advised that the consultants were in town during the same time that the Blue Zones national team was in Shawnee. The consultants will be back in June 2018.

RECESS CITY COMMISSION MEETING BY THE POWER OF THE CHAIR
TO CONVENE SHAWNEE AIRPORT AUTHORITY AND SHAWNEE
MUNICIPAL AUTHORITY (6:44 P.M.)

RECONVENE CITY COMMISSION MEETING BY THE POWER OF THE
CHAIR (6:47 P.M.)

AGENDA ITEM NO. 11:

Consideration and possible action to enter
into Executive Session for the purpose of
discussing City of Shawnee v. Modern Oil
Co., Pottawatomie County District Court
No. CV 2011-70, as authorized by 25 O.S.
§307 (B)(4).

A motion was made by Vice Mayor Harrod, seconded by Commissioner
Gillham, to enter into Executive Session for the purpose of discussing City of
Shawnee v. Modern Oil Co., Pottawatomie County District Court No. CV 2011-70,
as authorized by 25 O.S. §307 (B)(4). Motion carried 7-0.

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

AGENDA ITEM NO. 12:

Consideration and possible action to enter
into Executive Session for confidential
communications with legal counsel
regarding a pending claim, upon the advice
of legal counsel that public disclosure would
seriously impair the ability of the City to
process the claim in the public interest as
authorized by 25 O.S. §307(B)(4).

A motion was made by Commissioner Gillham, seconded by Commissioner
Rutherford, to enter into Executive Session for confidential communications with
legal counsel regarding a pending claim, upon the advice of legal counsel that
public disclosure would seriously impair the ability of the City to process the claim
in the public interest as authorized by 25 O.S. §307(B)(4). Motion carried 7-0.

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

COMMISSION ENTERED INTO EXECUTIVE SESSION AT 6:49 P.M. WITH ALL MEMBERS PRESENT.

COMMISSION RECONVENED FROM EXECUTIVE SESSION AT 7:21 P.M. WITH SIX MEMBERS PRESENT; COMMISSIONER GILLHAM DID NOT RETURN FROM EXECUTIVE SESSION.

AGENDA ITEM NO. 13:

Consider matters discussed in Executive Session regarding litigation in the case of City of Shawnee v. Modern Oil Co., Pottawatomie County District Court No. CV 2011-70, as authorized by 25 O.S. §307 (B)(4).

A motion was made by Commissioner Shaw, seconded by Commissioner Bushong, to authorize the City Attorney to execute the Agreed Journal Entry settling Pottawatomie County District Court Case No. CV-2011-70, per its terms. Motion carried 6-0.

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

AGENDA ITEM NO. 14:

Consider matters discussed in Executive Session regarding confidential communications between the City and the City Attorney concerning a pending claim which the City, with the advice of the City Attorney, has determined that disclosure would seriously impair the ability to the City to process the claim in the public interest as authorized by 25 O.S. Section 307(B)(4).

There was no action taken.

AGENDA ITEM NO. 15:

Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (7:22 p.m.)



ATTEST:

Lisa Lasyone

LISA LASYONE, CMC
DEPUTY CITY CLERK

Richard Finley

RICHARD FINLEY, MAYOR