

BOARD OF CITY COMMISSIONERS PROCEEDINGS
MARCH 21, 2022 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, 16 West 9th Street, Shawnee, Oklahoma on, Monday, March 21, 2022 at 6:00 p.m., pursuant to notice duly posted as prescribed by law at 4:45 p.m. on March 17, 2022. Mayor Bolt presided and Miss Elaina Rao called the meeting to order. Upon roll call, the following members were in attendance.

Ed Bolt
Mayor

Daniel Matthews
Commissioner Ward 1

Cami Engles
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

Commissioner Flood

FLAG SALUTE

AGENDA ITEM NO. 1:

Presentation of Certificate of Recognition of Shawnee High School Swim Team's State Championship win.

Mayor Bolt presented Coach Valarie Colburn and the Shawnee High School Swim Team with Certificates of Recognition.

AGENDA ITEM NO. 2:

Presentation of Certificate of Recognition of 2022 "If I Were Mayor" Essay 2nd Place Winner.

Mayor Bolt presented Miss Elaina Rao with a Certificate of Recognition.

AGENDA ITEM NO. 3:

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

Mr. Gary Dowdy spoke regarding sidewalks.

Mr. Rob Morris spoke regarding Citizens Participation and the mediation between the City of Shawnee, Pottawatomie County, and the Shawnee Civic and Cultural Development Authority.

Mr. Todd Tramel spoke regarding Agenda Item No. 8.

Ms. Jo Davis spoke regarding bed and breakfasts at the Shawnee Twin Lakes.

AGENDA ITEM NO. 4:

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 Agenda Item No. 12.
- b. Minutes from the March 7, 2022 regular meeting.
- c. Acknowledge the following minutes and reports:
 - Planning Commission Minutes from the February 2, 2022 regular meeting
 - License Payment Report for February 2022
 - Project Payment Report for February 2022
- d. Acceptance of an electric utility easement from OG&E (Oklahoma Gas and Electric Company) to the City of Shawnee/Shawnee Urban Renewal Authority.
- e. Mayor's Appointments:

Community Service Contract Review Committee

Monty Porter 1st Partial Term Expires: January 1, 2024
Replaces Erica Bass – Resigned

A motion was made by Commissioner Matthews, seconded by Commissioner Sehorn, to approve Consent Agenda Item Nos. 4(a-e). Motion carried 7-0.

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

AGENDA ITEM NO. 5: Presentation by Animal Control to present the Pet of the Week.

There was no Pet of the Week.

AGENDA ITEM NOS. 16 AND 17 WERE MOVED BEFORE AGENDA ITEM NO. 6 BY THE POWER OF THE CHAIR.

AGENDA ITEM NO. 16: Discussion, consideration, and possible action to enter into executive session for discussion related to the employment of Lowrey Robert Holland 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 Matthews, seconded by Vice Mayor Rutherford, to enter into executive session for discussion related to the employment of Lowrey Robert Holland 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 7-0.

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

COMMISSIONERS ENTERED INTO EXECUTIVE SESSION AT 6:17 P.M. WITH ALL MEMBERS PRESENT.

COMMISSIONERS RECONVENED FROM EXECUTIVE SESSION AT 6:35 P.M. WITH ALL MEMBERS PRESENT.

AGENDA ITEM NO. 17:

Consider matters discussed in executive session for discussion related to the employment of Lowrey Robert Holland 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 Commissioner Engles, to approve staff's recommendation related to the employment of Lowrey Robert Holland. Motion carried 7-0.

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

NAY: None

AGENDA ITEM NO. 6:

Consideration of an amended contract with Meshek and Associates, LLC for the Right-of-Way Acquisition for the MacArthur Street Sidewalk Project.

City Engineer Seth Barkhimer provided a staff report and advised that Staff recommends approval of this item.

A motion was made by Commissioner Matthews, seconded by Vice Mayor Rutherford, to approve an amended contract with Meshek and Associates, LLC for the Right-of-Way Acquisition for the MacArthur Street Sidewalk Project. Motion carried 7-0.

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

NAY: None

AGENDA ITEM NO. 7:

Public hearing and consideration of an ordinance to rezone property located at 16712 Magnino Road from A-1 (Rural Agricultural District) to A-1 (Rural Agricultural District) with a Conditional Use Permit (CUP) for a guest cottage. Case No. CUP01-22, Applicant: Lora Davis and James Hunter.

Community Development Director Rian Harkins explained the applicants are requesting to remodel an existing structure that is currently a workshop into a guest cottage. He stated Staff and the Planning Commission recommend approval of the Conditional Use Permit.

Mayor Bolt declared a public hearing in session to consider an ordinance rezoning property located at 16712 Magnino Road from A-1 (Rural Agricultural District) to A-1 (Rural Agricultural District) with a Conditional Use Permit (CUP). No one appeared in favor or against said rezoning. The public hearing was closed.

A motion was made by Commissioner Flood, seconded by Commissioner Engles, to approve the ordinance rezoning property located at 16712 Magnino Road from A-1 (Rural Agricultural District) to A-1 (Rural Agricultural District) with a Conditional Use Permit (CUP).

Ordinance No. 2749NS 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 FIVE (5), JOHNSTON TRACT (LAKE LOT LEASE); FROM ZONING CLASSIFICATION A-1 (RURAL AGRICULTURAL DISTRICT) TO A-1 (RURAL AGRICULTURAL DISTRICT) WITH A CONDITIONAL USE PERMIT (CUP) AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

Motion carried 7-0.

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

Ordinance No. 2749NS was adopted by the City Commission.

AGENDA ITEM NO. 8:

Public hearing and consideration of an ordinance to rezone property located at 603 West Independence Street from C-3 (Highway Commercial District) to C-3 (Highway Commercial District) with a Conditional Use Permit (CUP) for a crematorium. Case No. CUP02-22, Applicant: Todd Tramel, AE Funeral Services, LLC.

Community Development Director Rian Harkins provided a staff report. He advised Staff and the Planning Commission recommend approval of the Conditional Use Permit.

Mayor Bolt declared a public hearing in session to consider an ordinance rezoning property located at 603 West Independence Street from C-3 (Highway Commercial District) to C-3 (Highway Commercial District) with a Conditional Use Permit (CUP). No one appeared in favor or against said rezoning. The public hearing was closed.

A motion was made by Commissioner Engles, seconded by Vice Mayor Rutherford, to approve the ordinance rezoning property located at 603 West Independence Street from C-3 (Highway Commercial District) to C-3 (Highway Commercial District) with a Conditional Use Permit (CUP).

Ordinance No. 2750NS 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 TWO (2), BLOCK ONE (1), SHAWNEE INDUSTRIAL PARK ADDITION; FROM ZONING CLASSIFICATION C-3 (HIGHWAY COMMERCIAL DISTRICT) TO C-3 (HIGHWAY COMMERCIAL DISTRICT) WITH A CONDITIONAL USE PERMIT (CUP) AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

Motion carried 6-0-1.

AYE: Engles, Rutherford, Salter, Matthews, Flood, Bolt

NAY: None

ABSTAIN: Sehorn

Ordinance No. 2750NS was adopted by the City Commission.

AGENDA ITEM NO. 9:

Public hearing and consideration of an ordinance to rezone property located near East 45th Street and Sydney Drive from R-1 (Single Family Residential District) to R-3 (Multifamily Residential District). Case No. RZ04-22, Applicant: Brenda Wyatt.

Community Development Director Rian Harkins explained the applicant is looking into a series of duplexes and triplexes. He stated Staff and the Planning Commission recommend approval of the rezoning.

Mayor Bolt declared a public hearing in session to consider an ordinance rezoning property located near East 45th Street and Sydney Drive from R-1 (Single Family Residential District) to R-3 (Multifamily Residential District). Mr. Mike Mitscher appeared in favor of said rezoning. Ms. Liz Konecki, Mr. Alan Rogers, Ms. Mary Virden appeared against said rezoning. The public hearing was closed.

Discussion was held among the Commission.

A motion was made by Commissioner Matthews, seconded by Commissioner Sehorn, to deny rezoning property located near East 45th Street and Sydney Drive from R-1 (Single Family Residential District) to R-3 (Multifamily Residential District). Motion carried 7-0.

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

NAY: None

AGENDA ITEM NO. 10:

Consideration of an ordinance of the City of Shawnee, Oklahoma amending portions of Chapter 16 (Lakes), Article II (Twin Lakes) of the Shawnee Municipal Code; providing for severability, codification, and repealer; and declaring an emergency. *(Deferred from the March 7, 2022 City Commission meeting.)*

City Attorney Joe Vorndran provided a staff report.

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Sehorn, to approve an ordinance creating, amending, and repealing portions of Chapter 16 (Lakes), Article II (Twin Lakes) of the Shawnee Municipal Code; providing for severability, codification, and repealer; with specific amendment by interlineation to Section 16-229(c) adding after water skiing: wake boarding, surfing, knee boarding, and other forms of towables are prohibited on the waters of Twin Lakes No. 2.

Ordinance No. 2751NS was introduced.

AN ORDINANCE OF THE CITY OF SHAWNEE, OKLAHOMA CREATING, AMENDING, AND REPEALING PORTIONS OF CHAPTER 16 (LAKES), ARTICLE II (TWIN LAKES) OF THE SHAWNEE MUNICIPAL CODE; PROVIDING FOR SEVERABILITY, CODIFICATION, AND REPEALER; AND DECLARING AN EMERGENCY.

Motion carried 7-0.

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

Ordinance No. 2751NS was adopted by the City Commission.

A motion was made by Commissioner Matthews, seconded by Vice Mayor Rutherford, to approve the emergency clause relating to Ordinance No. 2751NS. Motion carried 7-0.

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

AGENDA ITEM NO. 11: Consideration of a budget amendment for Fund 106 Hotel/Motel Surcharge Fund to appropriate fund balance for payment on Pottawatomie County Historical Society Agreement – Third Year Annual Fee.

Assistant Finance Director Jacob Bussell provided a staff report.

A motion was made by Commissioner Sehorn, seconded by Vice Mayor Rutherford, to approve a budget amendment for Fund 106 Hotel/Motel Surcharge Fund. Motion carried 7-0.

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

AGENDA ITEM NO. 12: Consider Bids:

a. Kids Space Park Improvements Project (Open)

<u>BIDDER</u>	<u>AMOUNT</u>
Rudy Construction Co. Oklahoma City, Oklahoma	\$4,019,314.00
Additional Alternate No. 1a	\$5,000.00
Additional Alternate No. 1b	\$23,340.00
Additional Alternate No. 2	\$20,000.00
Additional Alternate No. 3	\$21,000.00
Additional Alternate No. 4	\$16,500.00

Bruce Johnson Construction	\$3,387,382.10
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Additional Alternate No. 1a	\$4,500.00
Additional Alternate No. 1b	\$32,503.00
Additional Alternate No. 2	\$19,000.00
Additional Alternate No. 3	\$20,000.00
Additional Alternate No. 4	\$4,500.00

Wynn Construction Co. Inc. Oklahoma City, Oklahoma	\$4,506,306.00
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Additional Alternate No. 1a	\$6,000.00
Additional Alternate No. 1b	\$25,674.00
Additional Alternate No. 2	\$31,000.00
Additional Alternate No. 3	\$30,000.00
Additional Alternate No. 4	\$24,000.00

Shiloh Enterprise Inc. Edmond, Oklahoma	\$3,615,395.00
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Additional Alternate No. 1a	\$3,200.00
Additional Alternate No. 1b	\$23,500.00
Additional Alternate No. 2	\$29,000.00
Additional Alternate No. 3	\$29,000.00
Additional Alternate No. 4	\$19,000.00

Lambert Construction Stillwater, Oklahoma	\$3,552,795.00
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Additional Alternate No. 1a	\$3,177.00
Additional Alternate No. 1b	\$23,643.00
Additional Alternate No. 2	\$27,909.00
Additional Alternate No. 3	\$26,938.00
Additional Alternate No. 4	\$11,825.00

Downey Construction, LLC Oklahoma City, Oklahoma	\$4,199,401.00
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Additional Alternate No. 1a	\$500.00
Additional Alternate No. 1b	\$24,507.00
Additional Alternate No. 2	\$20,000.00
Additional Alternate No. 3	\$22,000.00
Additional Alternate No. 4	\$20,400.00

Public Works Director Brad Schmidt read six (6) bids into the record. Mr. Schmidt requested the bid award be deferred to a future meeting.

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

AYE: Flood, Rutherford, Sehorn, Slater, Matthews, Engles, Bolt

NAY: None

AGENDA ITEM NO. 13: Acknowledge monthly Sales Tax and Budget Reports.

Assistant Finance Director Jacob Bussell reported sales tax is up \$2,553,466.00, or 15.60%, over the projected budget year-to-date. He stated that use tax collections are up approximately \$538,683.00, or 28.95%, over the projected budget year-to-date.

AGENDA ITEM NO. 14: 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. 15: Commissioners Comments

The Commission thanked City Attorney Joe Vorndran for his work on the lake regulations.

Commissioner Sehorn thanked Assistant Finance Director Jacob Bussell for the Staff report he provided.

Vice Mayor Rutherford explained why the Commission moved agenda items and entered into executive session early.

Commissioner Flood spoke regarding the Kids Space Park Improvement Project, the Shawnee High School Swim Team, and the "If I Were Mayor" essay winner.

Commission Engles spoke regarding the Shawnee High School Swim Team, "If I Were Mayor" Essay Winner, Citizen Participation participants, advisory board volunteers, the Lake Advisory Committee, and the Potawatomi Fire Basketball Team.

Commissioner Engles expressed her excitement to see movement toward quality-of-life improvement.

Commissioner Matthews spoke regarding the Shawnee High School Swim Team, "If I Were Mayor" Essay Winner, the Lake Advisory Committee, and the Potawatomi Fire Basketball Team.

Commissioner Matthews addressed Mr. Dowdy and Mr. Morris' concerns from Citizens Participation.

Mayor Bolt spoke regarding the lake regulations and the Potawatomi Fire Basketball Team.

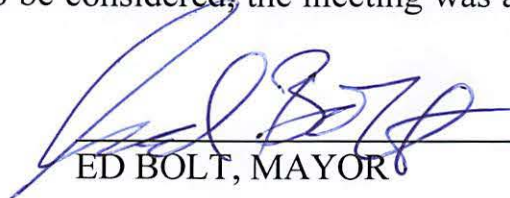
Mayor Bolt thanked Mr. Dowdy for his comments during Citizens Participation.

AGENDA ITEM NO. 18:

Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (7:39 p.m.)




ED BOLT, MAYOR

ATTEST:


LISA LASYONE, CMC, CITY CLERK