

BOARD OF CITY COMMISSIONERS PROCEEDINGS

MARCH 5, 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, March 5, 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

Absent

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: Dub Bushong

INVOCATION

Don Lynch,
Emergency Management Director

FLAG SALUTE

AGENDA ITEM NO. 1:

Consider approval of Consent Agenda:

- a. Minutes for February 20, 2018 regular meeting.
- b. Acknowledge the following minutes:
 - Traffic Commission Minutes from October 24, 2017 meeting.
- c. Authorize staff to enter into a contract with U.S. Digital Designs for installation of a Fire Station Alerting System at Fire Station No. 2 and the Dispatch Center at City Hall.
- d. Mayor's Appointments

Shawnee Beautification Committee

Sue Nelson 1st Full Term

Expires 01/01/2022

Appointment to New Committee

e. Traffic Commission Recommendations

- 1) Consideration of request by Tina Hanna to install stop signs for East and West bound traffic at the intersection of Ninth Street and Louisa Avenue.

BOARD RECOMMENDATION: Board recommends approval of request.

STAFF RECOMMENDATION: Staff recommends approval of request.

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

A motion was made by Commissioner Gillham, seconded by Commissioner Salter, to approve Consent Agenda Item Nos. 1(a-e), less item No. 1(c). Motion carried 5-1.

AYE: Gillham, Salter, Harrod, Finley, Rutherford

NAY: Shaw

Regarding Consent Agenda Item No. 1(c), Commissioner Rutherford asked to know the benefits and details of the Fire Station Alerting System (FSAS). Fire Chief Dru Tischer said it is an electronic notification system that includes lighting, speakers, and improvements to alerting equipment that is already in place. Currently, the City of Shawnee Dispatch Center does not have the ability to dispatch individual stations. The FSAS will provide the capability for Fire Station No. 2 to be dispatched individually to emergency incidents. This system will also provide a text-to-speech capability that will begin the dispatch process when the dispatcher starts typing into the CAD system.

A motion was made by Commissioner Shaw, seconded by Commissioner Rutherford, to approve Consent Agenda Item No. 1(c). Motion carried 6-0.

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

NAY: None

AGENDA ITEM NO. 2:

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

Holly Gordon announced that Paul's Place Steakhouse has become a Blue Zones approved restaurant.

Kate Joyce with the Shawnee Senior Citizens Center announced that beginning at 9:00 a.m. on Thursday, March 22, 2018, a Disabled American Veterans (DAV) Mobile Service Office will be at their location to educate and assist Veterans with their claims.

Ms. Joyce also announced that during Health Week there will be a Senior Stroll on April 4, 2018 at 5:00 p.m. It is a one mile walk. It will begin and end at the Municipal Auditorium.

AGENDA ITEM NO. 3:

Mayor's Proclamations:

"Arbor Day"
March 15, 2018

James Bryce accepted the Mayor's Proclamation for "Arbor Day" presented by Mayor Finley.

AGENDA ITEM NO. 4:

Discussion and possible action regarding the Contract Review Committee.

City Manager Justin Erickson gave background information on the Contract Review Committee. Mr. Erickson stated that more direction is needed from the City Commission to either: disband the Contract Review Committee, allowing staff to proceed with contracts and proposals to be presented to the City Commission; or direct staff to formalize the Contract Review Committee with a formal resolution or ordinance to be considered by the City Commission.

After discussion was held among the Commissioners, a motion was made by Commissioner Shaw, seconded by Vice Mayor Harrod, to direct staff to formalize the Contract Review Committee through the creation of a formal resolution or ordinance to be considered by the City Commission at a future date. Motion carried 5-1.

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

AGENDA ITEM NO. 5:

Discussion and consideration of Consulting Agreement with INSURICA to provide insurance consulting and employee benefit services to the City of Shawnee.

City Manager Justin Erickson provided a staff report. He stated Insurica has provided the City of Shawnee with insurance consulting and employee benefit services for approximately ten years. The contract will be for one year and will be reviewed annually by the City Commission.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Shaw, to approve an agreement with Insurica for employee benefit consulting services to the City of Shawnee in the amount of \$30,000.00. Motion carried 6-0.

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

NAY: None

AGENDA ITEM NO. 6:

Discussion relating to the calling of an election to amend Section Two of Article III of the City Charter regarding electing City Commissioners at-large.

Discussion was had among the board regarding electing City Commissioners at-large versus ward only voting. Mayor Finley directed staff to gather information about how other municipalities elect commissioners.

AGENDA ITEM NO. 7:

Consider an ordinance related to terms of mayor and city commissioners and election of vice mayor, amending Section Four and Section Six of Article III of the Charter of the City of Shawnee, Oklahoma, changing the time for the beginning terms for mayor and city commissioners to conform with election dates and setting the time for election of vice mayor; and setting the effective date and providing for severability. *(Deferred form the August 21, 2017 City Commission meeting.)*

City Manager Justin Erickson provided a staff report for both Agenda Item Nos. 7 and 8. He stated the items are essentially the same item, one is an ordinance and one is a resolution. He stated that embedded in these changes are just clarifications of when the Mayor and Commissioners would take office.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Gillham, to approve an ordinance related to terms of mayor and city commissioners and election of vice mayor, amending Section Four and Section Six of Article III of the Charter of the City of Shawnee, Oklahoma, changing the time for the beginning terms for mayor and city commissioners to conform with election dates and setting the time for election of vice mayor; and setting the effective date and providing for severability.

Ordinance No. 2626NS was introduced.

AN ORDINANCE RELATED TO TERMS OF MAYOR AND CITY COMMISSIONERS AND ELECTION OF THE VICE MAYOR, AMENDING SECTION FOUR AND SECTION SIX OF ARTICLE III OF THE CHARTER OF THE CITY OF SHAWNEE, OKLAHOMA, CHANGING THE TIME FOR THE BEGINNING OF TERMS FOR THE MAYOR AND CITY COMMISSIONERS TO CONFORM WITH ELECTION DATES AND SETTING THE TIME FOR ELECTION OF VICE MAYOR; AND SETTING THE EFFECTIVE DATE AND PROVIDING FOR SEVERABILITY.

Motion carried 5-0-1.

AYE: Harrod, Gillham, Finley, Rutherford, Salter

NAY: None

ABSTAIN: Shaw

Commissioner Shaw stated that there was language in the proposed ordinance in Agenda Item No. 7 calling for the Vice Mayor to be elected verses appointed.

A motion was made by Commissioner Shaw, seconded by Commissioner Rutherford, to revisit Agenda Item No. 7. Motion carried 6-0.

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

NAY: None

A motion was made by Commissioner Shaw to defer Agenda Item No. 7 to the March 19, 2018 City Commission meeting. Motion fails due to lack of a second.

A new motion was made regarding Agenda Item No. 7 by Vice Mayor Harrod, seconded by Commissioner Rutherford, to replace the word "election"

with the word “appointment” in all instances in reference to the position of Vice Mayor.

Ordinance No. 2626NS was introduced.

AN ORDINANCE RELATED TO TERMS OF MAYOR AND CITY COMMISSIONERS AND APPOINTMENT OF THE VICE MAYOR, AMENDING SECTION FOUR AND SECTION SIX OF ARTICLE III OF THE CHARTER OF THE CITY OF SHAWNEE, OKLAHOMA, CHANGING THE TIME FOR THE BEGINNING OF TERMS FOR THE MAYOR AND CITY COMMISSIONERS TO CONFORM WITH ELECTION DATES AND SETTING THE TIME FOR APPOINTMENT OF VICE MAYOR; AND SETTING THE EFFECTIVE DATE AND PROVIDING FOR SEVERABILITY.

Motion carried 5-0-1.

AYE: Harrod, Rutherford, Salter, Gillham, Harrod

Nay: None

ABSTAIN: Shaw

Ordinance No. 2626NS was adopted by the City Commission.

AGENDA ITEM NO. 8:

Consider a resolution calling for, and providing for the holding of a general election in the City of Shawnee, Oklahoma, for the purpose of adopting an ordinance amending Section Four and Section Six of Article III of the charter of the City of Shawnee, Oklahoma, changing the time for the beginning of terms for the mayor and city commissioners to conform with election dates and setting the time for election of the vice mayor; and providing for said election to be conducted by the Pottawatomie County Election Board, and providing for voting by absentee ballot. *(Deferred from the August 21, 2017 City Commission meeting.)*

City Manager Justin Erickson stated that Item No. 8 is the companion piece to Item No. 7.

A motion was made by Commissioner Rutherford, seconded by Vice Mayor Harrod, to approve with an amendment by interlineation to replace all instances of "election" to "appointment" in reference to the position of Vice Mayor within the resolution calling for, and providing for the holding of a general election in the City of Shawnee, Oklahoma, for the purpose of adopting an ordinance amending Section Four and Section Six of Article III of the charter of the City of Shawnee, Oklahoma, changing the time for the beginning of terms for the mayor and city commissioners to conform with election dates and setting the time for election of the vice mayor; and providing for said election to be conducted by the Pottawatomie County Election Board, and providing for voting by absentee ballot.

Resolution No. 6556 was introduced.

A RESOLUTION CALLING FOR, AND PROVIDING FOR, THE HOLDING OF A GENERAL ELECTION IN THE CITY OF SHAWNEE, OKLAHOMA, FOR THE PURPOSE OF ADOPTING AN ORDINANCE AMENDING SECTION FOUR AND SECTION SIX OF ARTICLE III OF THE CHARTER OF THE CITY OF SHAWNEE, OKLAHOMA, CHANGING THE TIME FOR THE BEGINNING OF TERMS FOR THE OFFICE FOR THE MAYOR AND THE CITY COMMISSIONERS, AND ALSO PROVIDING FOR THE DATES OF APPOINTMENT OF THE VICE MAYOR; PROVIDING FOR SAID ELECTION TO BE CONDUCTED BY THE POTTAWATOMIE COUNTY ELECTION BOARD, AND PROVIDING FOR VOTING BY ABSENTEE BALLOT.

Motion carried 5-0-1.

AYE: Rutherford, Harrod, Finley, Salter, Gillham

NAY: None

ABSTAIN: Shaw

AGENDA ITEM NO. 9:

Consider an ordinance related to the calling of an election, amending Section Seven of Article XIV of the charter of the City of Shawnee, Oklahoma, changing the method of ordering the holding of elections by resolution, which conforms with state law; and setting the effective date and providing for severability. *(Deferred from the August 21, 2017 City Commission meeting.)*

City Manager Justin Erickson gave a staff report on Agenda Items Nos. 9 and 10. He stated that the City Charter requires the City Commission to pass ordinances for elections and that state law requires resolutions be passed and delivered to the County Election Board. If the Commission passes Agenda Items

No. 9 and 10 and the voters pass it in the June election, it would allow the City to default to state law and to what the County Election Board mandates, which is to call for an election by resolution.

A motion was made by Vice Mayor Harrod, seconded by Mayor Finley, to approve an ordinance related to the calling of an election, amending Section Seven of Article XIV of the charter of the City of Shawnee, Oklahoma, changing the method of ordering the holding of elections by resolution, which conforms with state law; and setting the effective date and providing for severability.

Ordinance No. 2627NS was introduced.

AN ORDINANCE RELATED TO THE CALLING OF AN ELECTION, AMENDING SECTION SEVEN OF ARTICLE XIV OF THE CHARTER OF THE CITY OF SHAWNEE, OKLAHOMA, CHANGING THE METHOD OF ORDERING THE HOLDING OF ELECTIONS BY RESOLUTION, WHICH CONFORMS WITH STATE LAW; AND SETTING THE EFFECTIVE DATE AND PROVIDING FOR SEVERABILITY.

Motion carried 5-0-1.

AYE: Harrod, Finley, Rutherford, Salter, Gillham

NAY: None

ABSTAIN: Shaw

Ordinance No. 2627NS was adopted by the City Commission.

AGENDA ITEM NO. 10:

Consider a resolution calling for, and providing for the holding of a general election in the City of Shawnee, Oklahoma, for the purpose of adopting an ordinance amending Section Seven of Article XIV of the charter of the City of Shawnee, Oklahoma, changing the method of ordering the holding of elections by resolution, which conforms to state law; and providing for said election to be conducted by the Pottawatomie County Election Board, and providing for voting by absentee ballot. *(Deferred from the August 21, 2017 City Commission meeting.)*

A motion was made by Vice Mayor Harrod, seconded by Commissioner Gillham, to approve a resolution calling for, and providing for the holding of a general election in the City of Shawnee, Oklahoma, for the purpose of adopting an ordinance amending Section Seven of Article XIV of the charter of the City of Shawnee, Oklahoma, changing the method of ordering the holding of elections by resolution, which conforms to state law; and providing for said election to be conducted by the Pottawatomie County Election Board, and providing for voting by absentee ballot.

Resolution No. 6557 was introduced.

A RESOLUTION CALLING AND PROVIDING FOR THE HOLDING OF A GENERAL ELECTION IN THE CITY OF SHAWNEE, OKLAHOMA, FOR THE PURPOSE OF ADOPTING AN ORDINANCE AMENDING SECTION SEVEN OF ARTICLE XIV OF THE CHARTER OF THE CITY OF SHAWNEE, OKLAHOMA, CHANGING THE METHOD OF ORDERING THE HOLDING OF ELECTIONS BY RESOLUTION, WHICH CONFORMS WITH STATE LAW; PROVIDING FOR SAID ELECTION TO BE CONDUCTED BY THE POTTAWATOMIE COUNTY ELECTION BOARD, AND PROVIDING FOR VOTING BY ABSENTEE BALLOT.

Motion carried 5-1.

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

AGENDA ITEM NO. 11:

Consider an ordinance calling for a general and runoff election for Ward 1, Ward 5, and Ward 6.

City Manager Justin Erickson stated that those three wards are up for election in June.

A motion was made by Commissioner Rutherford, seconded by Commissioner Gillham, to approve an ordinance calling for a general and runoff election for Ward 1, Ward 5, and Ward 6.

Ordinance No. 2628NS was introduced.

AN ORDINANCE CALLING AND PROVIDING FOR THE HOLDING OF A GENERAL AND RUNOFF ELECTION IN THE CITY OF SHAWNEE, OKLAHOMA, FOR THE PURPOSE OF NOMINATING AND ELECTING CANDIDATES FOR THE OFFICES OF CITY COMMISSIONER OF THE FIRST WARD, CITY COMMISSIONER OF THE FIFTH WARD AND CITY COMMISSIONER OF THE SIXTH WARD; ESTABLISHING A FILING PERIOD AND QUALIFICATIONS FOR SUCH OFFICES; DESIGNATING THE MANNER OF ELECTING THE VARIOUS CITY OFFICES NAMED HEREIN; PROVIDING FOR SAID ELECTIONS TO BE

CONDUCTED BY THE POTTAWATOMIE COUNTY ELECTION BOARD; PROVIDING FOR VOTING BY ABSENTEE BALLOT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY. AN ORDINANCE RELATED TO THE CALLING OF AN ELECTION, AMENDING SECTION SEVEN OF ARTICLE XIV OF THE CHARTER OF THE CITY OF SHAWNEE, OKLAHOMA, CHANGING THE METHOD OF ORDERING THE HOLDING OF ELECTIONS BY RESOLUTION, WHICH CONFORMS WITH STATE LAW; AND SETTING THE EFFECTIVE DATE AND PROVIDING FOR SEVERABILITY.

Motion carried 5-1.

AYE: Rutherford, Gillham, Harrod, Finley, Salter

NAY: Shaw

Ordinance No. 2628NS was adopted by the City Commission.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Gillham, to approve emergency clause relating to Ordinance No. 2628NS. Motion carried 5-1.

AYE: Harrod, Gillham, Finley, Rutherford, Salter

NAY: Shaw

AGENDA ITEM NO. 12:

Consider a resolution calling for a general and runoff election for Ward 1, Ward 5, and Ward 6.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Salter, to approve a resolution calling for a general and runoff election for Ward 1, Ward 5, and Ward 6 with correction of "BEARD" to "BOARD" in the resolution title.

Resolution No. 6558 was introduced.

A RESOLUTION CALLING AND PROVIDING FOR THE HOLDING OF NONPARTISAN GENERAL AND GENERAL RUNOFF ELECTIONS IN THE CITY OF SHAWNEE, OKLAHOMA, FOR THE PURPOSE OF NOMINATING AND ELECTING CANDIDATES FOR THE OFFICES OF CITY COMMISSIONER OF THE FIRST WARD, CITY COMMISSIONER OF THE FIFTH WARD, AND CITY COMMISSIONER OF THE SIXTH WARD; ESTABLISHING A FILING PERIOD AND QUALIFICATIONS FOR SUCH OFFICES; DESIGNATING THE MANNER OF ELECTING THE VARIOUS CITY OFFICES NAMED HEREIN; PROVIDING FOR SAID ELECTIONS TO BE CONDUCTED BY THE POTTAWATOMIE COUNTY ELECTION BOARD; PROVIDING FOR VOTING BY ABSENTEE BALLOT.

Motion carried 5-1.

AYE: Harrod, Salter, Gillham, Finley, Rutherford

NAY: Shaw

AGENDA ITEM NO. 13:

Discussion and possible action to direct staff to prepare an ordinance and resolution relating to the calling of an election for the purpose of a one-half (1/2) cent sales tax for June 26, 2018 general election.

A motion was made by Mayor Finley, seconded by Vice Mayor Harrod, to direct staff to prepare an ordinance and resolution relating to the calling of an election for the purpose of a one-half (1/2) cent sales tax for June 26, 2018 general election. Motion carried 5-0-1.

AYE: Finley, Harrod, Rutherford, Salter, Gillham

NAY: None

ABSTAIN: Shaw

AGENDA ITEM NO. 14:

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. 15:

Commissioners Comments

Vice Mayor Harrod said that he was happy that a potential bill in the Oklahoma State Senate that would not allow school boards and municipalities to call special elections did not get out of committee.

Commissioner Rutherford spoke of the Citizen Academy put on by the Shawnee Police Department. He advised the dates and topics to be discussed are: local government structure on March 15th; parks and recreation and non-profits on March 17th; economical development and technology on March 22nd; and police, fire and React on March 24th. He encouraged citizens to participate.

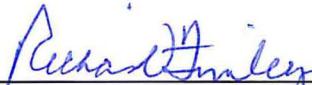
Commissioner Shaw wanted to reiterate that our teachers are struggling. She asked citizens to encourage your legislatures to support actions that would improve the health and well-being for our teachers.

AGENDA ITEM NO. 16:

Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (7:05 p.m.)





RICHARD FINLEY, MAYOR



LISA LASYONE, CMC
DEPUTY CITY CLERK