

BOARD OF CITY COMMISSIONERS PROCEEDINGS
MARCH 1, 2021 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, Monday, March 1, 2021 at 6:00 p.m., pursuant to notice duly posted as prescribed by law at 2:14 p.m. on February 26, 2021. Mayor Bolt and Ms. Lily Dyer called the meeting to order. Upon roll call, the following members were in attendance.

Ed Bolt
Mayor

Daniel Matthews
Commissioner Ward 1

Bob Weaver
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

Rev. Dr. Tiffany A. Nagel Monroe
St. Paul's United Methodist Church

FLAG SALUTE

AGENDA ITEM NO. 1:

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

City Attorney Joe Vorndran stated that if there is a need for clarification, that is allowed under the ordinance.

Mr. Rob Morris provided a handout to the Mayor, Commissioners, and Staff. Mr. Morris requested that Consent Agenda Item No. 2(h) be pulled. He spoke regarding being denied records from Shawnee Forward. He also requested information regarding the Shawnee Forward Small Business Relief Task Force.

Mr. Mike Little stated he is the co-developer with Central Oklahoma Community Action Agency (COCAA) for the property on 2 East Main Street. He stated he is concerned about Item No. 12 and how it will impact the project and future development in Shawnee.

Mr. Little also provided an update on the project at 2 East Main Street.

Ms. Teresa Cody stated, in regards to Item No. 12, it was her opinion that public art should be considered an important step for the community and there has not been enough conversation as to what it is and how it affects the community.

Vice Mayor Rutherford asked City Attorney Joe Vorndran to clarify the difference between the Open Records Act and the Open Meetings Act. Mr. Vorndran stated they are two separate statutory provisions under state law. The Open Meetings Act governs posting of agendas, what is required in those agendas to make sure all persons in the community knows what will be discussed during the meeting, sets forth the provisions for executive sessions and things of that nature. The Open Records Act pertains to the records of a municipality.

AGENDA ITEM NO. 2:

Consider approval of Consent Agenda:

- a. Minutes from the February 1, 2021 regular meeting.
- b. Acknowledge the following minutes and reports:
 - Planning Commission Minutes from the November 4, 2020, December 2, 2020, and January 6, 2021 regular meetings
 - Traffic Commission Minutes from the November 24, 2020 regular meeting
 - License Payment Report for January 2021
 - Project Payment Report for January 2021
- c. Approve Change Order No. 4 for Shawnee Police Department Architect's Project No. 1811, 912 East Independence, Shawnee, Oklahoma 74801.
- d. Authorize staff to purchase fifteen Dodge Charger Police Pursuit Sedan's at the state bid price of \$26,135.00 per unit, for a total of \$392,025.00 from Bob Howard Chrysler Jeep Dodge.

- e. Authorize Staff to submit an easement application for a portion of Section 36, Township 11 North, Range 3 East (Area 1).
- f. Authorize Staff to submit an easement application for a portion of Section 36, Township 11 North, Range 3 East (Area 2).
- g. Authorize Staff to submit an easement application for a portion of Section 36, Township 11 North, Range 3 East (Area 3).
- h. Commission ratification and approval of Mayoral appointment of Joe Vorndran as City of Shawnee designee to the Board of Directors of Shawnee Forward through June 30, 2021.

Commissioner Matthews asked that Consent Agenda Item Nos. 2(d) and (h) be pulled for separate consideration.

A motion was made by Commissioner Matthews, seconded by Commissioner Flood, to approve the Consent Agenda Item Nos. 2 (a-h), less items 2(d) and 2(h). Motion carried 7-0.

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

Regarding Consent Agenda Item No. 2(d), Commissioner Matthews stated that he pulled this item because he believes the amount crosses the threshold of the consent agenda.

Police Chief Mason Wilson stated that production during COVID-19 has made it difficult to get police vehicles. He advised that City personnel will install the additional equipment on each vehicle, which will save the City approximately \$4,000.00 per unit.

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Sehorn, to approve Consent Agenda Item No. 2(d). Motion carried 7-0.

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

Regarding Consent Agenda Item No.2(h), Commissioner Matthews stated he understands that Mr. Joe Vorndran is already designated by former Mayor Finley.

Mr. Vorndran stated that at the time Shawnee Forward was formed by the merger of the Shawnee Economic Development Foundation and the Shawnee Chamber of Commerce, Mayor Finley was serving as a regular board member of the Chamber of Commerce and acceded to the role of a board member of Shawnee Forward. At that point, prior to the first contract being initiated and pursuant to the former contract with Shawnee Economic Development Foundation contract, he assumed the role as the City designee for Shawnee Forward. When Mayor Finley's term expired on that board, Mayor Finley requested Mr. Vorndran to be the City's designee and he agreed. Procedurally, it was not followed correctly as far as a ratification before the City Commission. This current item would ratify the appointment for the remainder of the fiscal year. At the end of the fiscal year, it is Mr. Vorndran's recommendation for the Mayor to vet the issue and bring before the Commission whomever he wishes to appoint to that seat and that could be voted on for the next fiscal year.

A motion was made by Commissioner Flood, seconded by Commissioner Matthews, to approve Consent Agenda Item No. 2(h). Motion carried 7-0.

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

NAY: None

AGENDA ITEM NO. 3:

Presentation by Animal Control to present the Pet of the Week.

Animal Control Officer Spoon and Officer Cooksey introduced Macy, a very sweet four- to five-year-old female canine. Macy is up for adoption.

Officer Spoon advised that the Animal Shelter currently has thirty dogs, a cat and a pig.

AGENDA ITEM NO. 4:

Presentation and consideration to use Cares Act Funds for Shawnee Forward to administer a small business relief program.

Mr. Jeremy Davidson, Marketing and Events Director for Shawnee Forward, provided an update on the small business relief program administered by Shawnee Forward. He advised that the Pottawatomie County Commissioners have pledged \$50,000.00 if Shawnee Forward could secure an additional \$28,000.00, for a total of \$78,000.00. This would allow Shawnee Forward to award the remaining qualified applicants with funds.

A motion was made by Commissioner Weaver, seconded by Vice Mayor Rutherford, to approve the use of Cares Act Funds for Shawnee Forward to administer a small business relief program in the amount of \$28,000.00. Motion carried 7-0.

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

AGENDA ITEM NO. 5:

Acknowledgment and ratification of the Proclamation declaring an emergency within the City Limits and such additional territory as may be described herein, authorizing the actions of the City Manager pursuant to State Laws and the Municipal Code of the City of Shawnee.

Utility Director Brad Schmidt provided an update on the activities of the Public Works Department during and after the winter storm.

A motion was made by Commissioner Weaver, seconded by Commissioner Flood, to acknowledge and ratify the Proclamation declaring an emergency within the City Limits and such additional territory as may be described herein, authorizing the actions of the City Manager pursuant to State Laws and the Municipal Code of the City of Shawnee. Motion carried 7-0.

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

AGENDA ITEM NO. 6:

Consideration of an agreement with South Central Industries, Inc. for trash removal services at twenty-three (23) municipal park locations, and janitorial services at three (3) municipal park locations.

Utility Director Brad Schmidt stated that the proposed contract is a renewal of the previous contract with South Central Industries that was for April 1, 2020 through October 31, 2020 with a couple modifications. He advised that the terms of the proposed contract is March 1, 2021 through November 30, 2021. He stated it also adds janitorial services at three parks, namely Boy Scout Park, Kidspace Park and Dean Weigant Park.

A motion was made by Commissioner Weaver, seconded by Commissioner Flood, to approve an agreement with South Central Industries, Inc. for trash removal services at twenty-three (23) municipal park locations, and janitorial services at three (3) municipal park locations. Motion carried 7-0.

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

AGENDA ITEM NO. 7: Consideration of a contract with CEC Corporation for professional design services regarding the 45th Street Transportation Project.

City Engineer Seth Barkhimer advised that the proposed contract would provide for professional design services for the 45th Street Transportation Project.

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Sehorn, to approve a contract with CEC Corporation for professional design services regarding the 45th Street Transportation Project. Motion carried 7-0.

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

AGENDA ITEM NO. 8: Consideration of a request for on-street parking on the proposed Red Bird Road.

City Engineer Seth Barkhimer stated that Cardinal Point Development has proposed on-street parking for two commercial lots on the proposed Red Bird Road. He advised that both the Traffic Commission and Staff recommend approval with conditions.

A motion was made by Commissioner Weaver, seconded by Commissioner Matthews, to approve a request for on-street parking on the proposed Red Bird Road with the following conditions:

1. Red Bird Road shall have a speed limit not exceeding 25 MPH.
2. The 24 parking spaces shall be public parking spaces not reserved for specific businesses or residential units.
3. A Permanent Easement or public ROW shall be recorded to include the on-street parking area.
4. Cardinal Point Commercial Center Construction plans must be approved by City staff prior to construction.

Motion carried 7-0.

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

NAY: None

AGENDA ITEM NO. 9:

Consideration of requirements of public improvements for the proposed Cedar Ridge Addition.

City Engineer Seth Barkhimer stated that the Traffic Commission recommended that the developer be required to widen and improve East 39th Street to City standards in the area directly adjoining the subdivision (approximately 411 feet of the subdivision's frontage). He advised Staff supported this recommendation.

A motion was made by Commissioner Weaver, seconded by Commissioner Sehorn, to approve requirements of public improvements for the proposed Cedar Ridge Addition per the Traffic Commission's recommendation to require the developer to widen and improve East 39th Street to City standards in the area directly adjoining the subdivision (approximately 411 feet of the subdivision's frontage). Motion carried 7-0.

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

NAY: None

AGENDA ITEM NO. 10:

Case No. PL05-21 – Consideration and approval of a Preliminary Plat for Cedar Ridge Addition, a 13.49-acre tract located approximately 1,100 feet east of Harrison Avenue located on the north side of East 39th Street. Applicant: David Ray.

Planning Director Rebecca Blaine provided a staff report. She stated that Planning Commission and Staff recommend approval with conditions.

A motion was made by Commissioner Sehorn, seconded by Commissioner Weaver, to approve a Preliminary Plat for Cedar Ridge Addition, a 13.49-acre tract located approximately 1,100 feet east of Harrison Avenue located on the north side of East 39th Street, with the following conditions:

1. Signed agreement of 25' off-site drainage easement for northwest corner of proposed plat.
2. Zoning under Developer's Information shall be updated from 'A-1' to 'R-1 (Single Family Residential)'.
3. 13 of 59 lots do not meet minimum dimensional R-1 standards, all lots will need to meet minimum R-1 dimensional standards.
4. Revisions and dates need to be added.
5. Preliminary Plat Note indicates 'variances being requested'. The City has received no applications for said variances. Strike language or file application with City.
6. Lots need to be divided out into appropriate blocks, labeled, and renumbered. (Sub Reg 40.2.5)
7. Rectangles on lots should be removed.
8. Ensure lot frontages are legible and applied to each lot.
9. No more than 300' separation of fire hydrants for fire protection (Sub Reg 40.2.9)
10. Sidewalks meeting ADA minimum standards shall be noted on the plat for the 411' frontage on E. 39th Street.
11. Topography shall be removed from the Final Plat.
12. Block numbers shall be circled; lot numbers should be discernable from other dimensions and characters.
13. "Private Park" in Detention Area should be renamed "Common Area".
14. Show and calculate the drainage areas for each flume (location and size the flume accordingly).
15. Verify acreage. Two lots are displayed for the subdivision, 13.37 & 0.98 acres; however, the acreage total on the plat is 13.49 acres.

Motion carried 7-0.

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

NAY: None

AGENDA ITEM NO. 11:

Consideration and approval of an amendment to the Future Land Use Map of the 2040 Comprehensive Plan to reallocate 15 acres of low-density residential to high-density residential.

Planning Director Rebecca Blaine advised that the proposed 15 acres is on the southeast corner of West 45th Street and West Leo Street. She stated that the proposed 15 acres reallocated to high-density residential would replace the 13.49 acres of high-density residential that was changed to low-density residential on East 39th Street in 2020.

Discussion was had between the Commission and City Staff. The discussion included moving the location to the north side of West 45th Street and West Leo Street and notification of landowners. The Commission requested that Staff to gather and bring back to a future meeting information regarding the FEMA flood plain, the flight path for airport and a legal description for the property on the north side of West 45th Street and West Leo Street. Staff was also requested to contact the Commissioners of Land Office to discuss with them the potential amendment to the Land Use Map.

A motion was made by Commissioner Matthews, seconded by Commissioner Flood, to defer the item to a future meeting. Motion carried 7-0.

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

NAY: None

AGENDA ITEM NO. 12:

Consideration of an ordinance relating to arts in public places, amending Chapter 22 of the Shawnee Municipal Code by creating a new Article IX of Chapter 22, providing for the art in public places; providing for repeal; providing for severability; providing for codification; and providing for emergency clause.

Planning Director Rebecca Blaine stated that one objection of Shawnee's 2040 Comprehensive Plan was the necessity for public art in the community. She briefly described the proposed ordinance, including the role of the proposed Arts and Culture Commission. Discussion was held between the Commission and Staff regarding the proposed ordinance.

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Matthews, to approve an ordinance relating to arts in public places, amending Chapter 22 of the Shawnee Municipal Code by creating a new Article IX of Chapter 22, providing for the art in public places; providing for repeal; providing for severability; providing for codification. Motion carried 5-1-1.

Ordinance No. 2714NS was introduced.

AN ORDINANCE RELATING TO ARTS IN PUBLIC PLACES, AMENDING CHAPTER 22 OF THE SHAWNEE MUNICIPAL CODE BY CREATING A NEW ARTICLE IX OF CHAPTER 22, PROVIDING FOR THE ART IN PUBLIC PLACES; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR EMERGENCY CLAUSE.

Motion carried 5-1-1.

AYE: Rutherford, Matthews, Flood, Bolt, Sehorn

NAY: Salter

ABSTAIN: Weaver

Ordinance No. 2714NS was adopted by the City Commission.

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Sehorn, to approve the emergency clause relating to Ordinance No. 2714NS. Motion carried 5-1-1.

AYE: Rutherford, Sehorn, Matthews, Flood, Bolt

NAY: Salter

ABSTAIN: Weaver

AGENDA ITEM NO. 13:

Consideration of an ordinance of the City of Shawnee, Oklahoma amending Article IV [Sewers], of Chapter 26 [Utilities] of the Shawnee Municipal Code to regulate the use of fats, oil, and grease interceptors and water, oil, sand, or grit separators; and also providing for severability, codification, and repealer; and declaring an emergency.

City Engineer Seth Barkhimer provided a staff report. He stated that the proposed ordinance is intended to better define the requirements. Discussion was held between the Commission and Staff regarding the proposed ordinance.

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Sehorn, to approve an ordinance amending Article IV [Sewers], of Chapter 26 [Utilities] of the Shawnee Municipal Code to regulate the use of fats, oil, and grease interceptors and water, oil, sand, or grit separators; and also providing for severability, codification, and repealer; and modifying the minimum cleaning frequency for all other non-food service generators in Section 3A from "once per year" to "shall be determined utilizing the 25% rule," and adding "FSE's will utilize the 25% rule to determine if more frequent cleaning intervals may be necessary....". Motion carried 7-0.

Ordinance No. 2715NS was introduced.

AN ORDINANCE OF THE CITY OF SHAWNEE, OKLAHOMA AMENDING ARTICLE IV [SEWERS], OF CHAPTER 26 [UTILITIES] OF THE SHAWNEE MUNICIPAL CODE TO REGULATE THE USE OF FATS, OIL, AND GREASE INTERCEPTORS AND WATER, OIL, SAND, OR GRIT SEPARATORS; AND ALSO PROVIDING FOR SEVERABILITY, CODIFICATION, AND REPEALER; AND DECLARING AN EMERGENCY.

Motion carried 7-0.

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

NAY: None

Ordinance No. 2715NS was adopted by the City Commission.

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Sehorn, to approve the emergency clause relating to Ordinance No. 2715NS. Motion carried 7-0.

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

NAY: None

AGENDA ITEM NO. 14:

Consideration of an ordinance amending portion of Chapter 25 – Taxation of the Shawnee City Code of Ordinances, by amending Chapter 25 defining permanent resident, providing for exemption, and clarifying timing of payment; providing for repeal; providing for severability; providing for codification; and providing an effective date.

Finance Director Ashley Neel stated that the proposed ordinance amends the definition of a permanent resident and provides clarification of due dates.

A motion was made by Commissioner Weaver, seconded by Vice Mayor Rutherford, to approve an ordinance amending portion of Chapter 25 – Taxation of the Shawnee City Code of Ordinances, by amending Chapter 25 defining permanent resident, providing for exemption, and clarifying timing of payment; providing for repeal; providing for severability; providing for codification; and providing an effective date. Motion carried 7-0.

Ordinance No. 2716NS was introduced.

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 25 – TAXATION OF THE SHAWNEE CITY CODE OF ORDINANCES, BY AMENDING CHAPTER 25 DEFINING PERMANENT RESIDENT, PROVIDING FOR EXEMPTION, AND CLARIFYING TIMING OF PAYMENT; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Motion carried 7-0.

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

Ordinance No. 2716NS was adopted by the City Commission.

AGENDA ITEM NO. 15:

Consideration of the following budget amendments:

- a. General Fund 001 – To adjust the City Manager and Fire Department budgets to account for changing needs.
- b. Hotel/Motel Surcharge Fund 106 – Providing for remodeling costs.
- c. Capital Improvement Fund 301 – To adjust budget for building maintenance and police technology needs.

Finance Director Ashley Neel gave a staff report regarding the proposed budget amendments.

A motion was made by Commissioner Flood, seconded by Commissioner Matthews, to approve the budget amendments listed in Agenda Item Nos. 15 (a-c). Motion carried 7-0.

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

AGENDA ITEM NO. 16:

Acknowledge monthly Sales Tax and Budget Reports.

Finance Director Ashely Neel reported sales tax is up \$2,046,161.00, or 14.78%, over the projected budget year-to-date. She stated that use tax collections are up approximately \$39,947.00, or 2.39%, over the projected budget year-to-date.

AGENDA ITEM NO. 17:

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. 18:

Commissioners Comments

The Mayor and Commissioners commended the City Staff who worked diligently to repair waterline breaks and clear the roadways during the recent winter storm.

Commissioner Matthews advised if anyone had damage during the winter storms, to report it at www.damage.ok.gov.

Commissioner Matthews stated that he attended a tribal forum on Friday hosted by Shawnee Forward and sponsored by Citizen Potawatomi Nation. He apologized to the local tribal communities for comments made to tribal nation leaders by former representatives of the City of Shawnee nearly a decade ago. Commissioner Matthews stated that comment was wrong and has no place in our dialogue and must be rejected and repudiated. He stated that a strong partnership between city, county and tribal nations presents a unique opportunity for us to partner and improve the quality of life in our region with increased opportunities for our citizens.

Commissioner Weaver acknowledged the passing of Henry "Hank" Land, former Shawnee Police Chief.

Mayor Bolt and Commissioner Flood thanked Commissioner Matthews for his statement and apology to the local tribal communities.

AGENDA ITEM NO. 19:

Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (9:32 p.m.)



ATTEST:


ED BOLT, MAYOR


LISA LASYONE, CMC, CITY CLERK