

BOARD OF CITY COMMISSIONERS PROCEEDINGS
FEBRUARY 22, 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, Tuesday, February 22, 2022 at 6:00 p.m., pursuant to notice duly posted as prescribed by law at 6:20 p.m. on February 17, 2022. Mayor Bolt presided and 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

Absent
Commissioner Ward 3

Darren Rutherford
Commissioner Ward 4-Vice Mayor

Absent
Commissioner Ward 5

Ben Salter
Commissioner Ward 6

ABSENT: Travis Flood, Mark Sehorn

INVOCATION

Commissioner Matthews

FLAG SALUTE

AGENDA ITEM NO. 1:

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

Mr. Rob Morris spoke regarding the Heart of Oklahoma Exposition Center, Shawnee Aligned, and Agenda Item No. 17.

Ms. Debbie Dean, Oklahoma Team River Runner Chapter Coordinator, spoke regarding kayaking with the Team River Runner organization.

Mr. Rick Young thanked the Commissioners and Staff for their service. He expressed encouragement for the Shawnee Community.

Ms. Ellen Harwell with National Action Alliance for Suicide Prevention discussed mental health and challenges of the youth in the community. She addressed suicide prevention and protective factors that will make the community safe and better for the youth.

AGENDA ITEM NO. 2:

Consider approval of Consent Agenda:

- a. Minutes from the February 7, 2022 regular meeting.
- b. Acknowledge the following reports and minutes:
 - License Payment Report for January 2022
 - Project Payment Report for January 2022
 - Planning Commission Minutes from the January 5, 2022 regular meeting
- c. Acknowledge the resignation of Kevin Huddleston from the Shawnee Community Beautification Committee.
- d. Mayor's Appointments:

Central Oklahoma Economic Development District Board (COEDD)
Assistant City Manager Jacob Foos, Primary
City Manager Andrea Weckmueller-Behringer, Alternate

A motion was made by Commissioner Matthews, seconded by Vice Mayor Rutherford, to approve Consent Agenda Item Nos. 2(a-d). Motion carried 5-0.

AYE: Matthews, Rutherford, Salter, Engles, Bolt

NAY: None

AGENDA ITEM NO. 3:

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

Animal Control Officer Wendy Cole introduced Cannoli, a one-and-a-half-year-old canine. Cannoli is up for adoption.

Officer Cole advised that the Animal Shelter currently has seventeen dogs and two cats.

AGENDA ITEM NO. 4:

Presentation by Shawnee Forward, Inc. regarding Public Transportation and AARP Survey.

CEO/President Rachael Melot and Economic Development Lead Walter Baker with Shawnee Forward Inc. gave a presentation regarding the Public Transportation Survey. Ms. Melot stated that AARP is partnering to conduct a transportation survey to assess the personal mobility needs and transportation preferences of Pottawatomie County residents. Mr. Baker spoke regarding the Economic Development Research. Ms. Melot encouraged the community to take the survey and introduced volunteers.

AGENDA ITEM NO. 5:

Consideration of a Second Addendum to the Continued Cooperation Agreement entered into by and between the Citizen Potawatomi Nation and the City of Shawnee, Oklahoma, to exercise the Secondary Extension of Time Frame as authorized in Section 2 of the Addendum to the Continued Cooperation Agreement.

City Manager Andrea Weckmueller-Behringer explained the Continued Cooperation Agreement between the Citizen Potawatomi Nation (CPN) and the City of Shawnee was adopted by the City Commission on September 20, 2021. She stated the first Addendum to the Continued Cooperation Agreement was approved on December 6, 2021. Ms. Weckmueller-Behringer stated the intergovernmental discussions have been on going and Staff requests approval for a Second Addendum.

A motion was made by Commissioner Engles, seconded by Commissioner Matthews, to approve a Second Addendum to the Continued Cooperation Agreement entered into by and between the Citizen Potawatomi Nation and the City of Shawnee, Oklahoma, to exercise the Secondary Extension of Time Frame as authorized in Section 2 of the Addendum to the Continued Cooperation Agreement. Motion carried 5-0.

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

AGENDA ITEM NO. 6:

Consideration of an Addendum to the Contract for Solid Waste Collection, Recycling and Disposal Services.

City Attorney Joe Vorndran explained Central Disposal, LLC is in the process of a change of ownership and certain contractual rights and privileges have been or will be triggered. He stated Section VII of the current contract is inapplicable to the matter and Section VIII gives the City the opportunity to re-bid or continue with the contract as it currently stands. Mr. Vorndran advised that Central Disposal and Superior Waste Industries, LLC have drafted a proposed solution by adding an addendum to the contract.

Mr. Vorndran answered questions from the Commission.

Mr. Todd Adcock, Mr. Mike Adcock and Mr. Billy Dietrich answered questions from the Commission.

A motion was made by Commissioner Matthews, seconded by Vice Mayor Rutherford, to approve an Addendum to the Contract for Solid Waste Collection, Recycling and Disposal Services. Motion carried 5-0.

AYE: Matthews, Rutherford, Salter, Engles, Bolt

NAY: None

AGENDA ITEM NO. 7:

Consideration of an amendment to Resolution No. 6651 correcting the legal description of surplus property located at 504 South Kickapoo Avenue.

City Engineer Seth Barkhimer explained this item is an amendment to correct the scrivener's error in the legal description of Resolution No. 6651.

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Engles, to approve an amendment to Resolution No. 6651 correcting the legal description of surplus property located at 504 South Kickapoo Avenue.

Resolution No. 6651 was introduced.

A RESOLUTION DECLARING CERTAIN REAL PROPERTY LOCATED AT 504 SOUTH KICKAPOO AVENUE, ALSO KNOWN AS A STRIP, PIECE OR PARCEL OF LAND LYING IN LOTS 3 AND 4, BLOCK 3, INGLEWOOD ADDITION TO THE CITY OF SHAWNEE, IN SECTION 24, T10N, R3E IN POTTAWATOMIE COUNTY, OKLAHOMA SAID PARCEL OF LAND BEING DESCRIBED AS FOLLOWS: ALL OF LOTS 3 AND 4, CONTAINING 7,000 SQUARE FEET, 0.16 ACRES, MORE OR LESS, SURPLUS AND NO LONGER NEEDED FOR CITY PURPOSES; DESCRIBING SAID PROPERTY; AND

AUTHORIZING STAFF TO ADVERTISE FOR SEALED BIDS FOR THE SALE OF SAID PROPERTY.

Motion carried 5-0.

AYE: Rutherford, Engles Bolt, Salter, Matthews

NAY: None

AGENDA ITEM NO. 8: Acknowledgement of the Lake Advisory Committee recommendations.

City Attorney Joe Vorndran gave a staff report.

A motion was made by Commissioner Engles, seconded by Commissioner Matthews, to acknowledge the Lake Advisory Committee recommendations. Motion carried 5-0.

AYE: Engles, Matthews, Bolt, Rutherford, Salter

NAY: None

AGENDA ITEM NO. 9: Discussion of the Lake Advisory Committee's recommendation regarding potential employment position(s) at the Shawnee Twin Lakes.

City Manager Andrea Weckmueller-Behringer explained that Agenda Item No. 8 was an acknowledgement and not an approval of the Lake Advisory Committee recommendations. She addressed the options for the recommendations to expand City personnel at the Twin Lakes. Ms. Weckmueller-Behringer advised that it is Staff's recommendation to continue the discussion of the options.

Discussion was held between the Commission and Staff.

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.

City Attorney Joe Vorndran explained the ordinance being considered is to focus on watercraft regulations. He answered questions from the Commission.

A motion was made by Commissioner Engles, seconded by Vice Mayor Rutherford, to defer this item to the March 7, 2022 City Commission meeting. Motion carried 5-0.

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

AGENDA ITEM NO. 11: Public hearing and consideration of an ordinance to rezone property located west of 190 West Shawnee Mall Drive from CP (Planned Shopping Center District) to C-3 (Highway Commercial District). Case No. RZ02-22, Applicant: Muhammad Khan, PE, SMC Consulting.

Community Development Director Rian Harkins provided a staff report. He explained this property is adjacent to The Garage restaurant and the request is in conformance with the comprehensive plan. Staff and Planning Commission recommend approval.

A motion was made by Commissioner Matthews, seconded by Commissioner Engles, to approve an ordinance to rezone property located west of 190 West Shawnee Mall Drive from CP (Planned Shopping Center District) to C-3 (Highway Commercial District).

Ordinance No. 2741NS 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: A TRACT OF LAND THAT IS PART OF LOT TWO (2), BLOCK "A" OF THE RECORDED PLAT OF SHAWNEE MALL SUBDIVISION (DOC. NO. 1989-00012230) IN THE NORTHWEST QUARTER (NW/4) OF SECTION THIRTY- ONE (31), TOWNSHIP ELEVEN (11) NORTH, RANGE FOUR (4) EAST OF THE INDIAN MERIDIAN, POTTAWATOMIE COUNTY, STATE OF OKLAHOMA, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 1, BLOCK 1 OF "THE GARAGE AT SHAWNEE MALL" (DOC. NO. 201500015219) THENCE NORTH 89°58'57" WEST A DISTANCE OF 119.37 FEET; THENCE NORTH 00°00'57" EAST A DISTANCE OF 159.25 FEET; THENCE SOUTH 89°58'57" EAST A DISTANCE OF 119.37 FEET; THENCE SOUTH 00°00'57" WEST A DISTANCE OF 159.25 FEET TO THE POINT OF BEGINNING; 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 5-0.

AYE: Matthews, Engles, Bolt, Rutherford, Salter

NAY: None

It was recognized that the public hearing was not opened prior the motion and vote of the Commission, therefore, Mayor Bolt declared a public hearing in session to consider an ordinance rezoning to rezone property located west of 190 West Shawnee Mall Drive from CP (Planned Shopping Center District) to C-3 (Highway Commercial District). Mr. Rob Morris appeared in favor of said rezoning. No one appeared against said rezoning. The public hearing was closed.

A motion was made by Commissioner Matthews, seconded by Commissioner Engles, to approve an ordinance to rezone property located west of 190 West Shawnee Mall Drive from CP (Planned Shopping Center District) to C-3 (Highway Commercial District). Motion carried 5-0.

AYE: Matthews, Engles, Bolt, Rutherford, Salter

NAY: None

Ordinance No. 2741NS was adopted by the City Commission

AGENDA ITEM NO. 12:

Consideration of Preliminary Plat for Striker Equities at Shawnee Mall subdivision located west of 190 West Shawnee Mall Drive. Case No. PPL01-22, Applicant: Muhammad Khan, PE, SMC Consulting.

Community Development Director Rian Harkins provided a Staff report. Staff and Planning Commission recommend approval.

A motion was made by Commissioner Matthews, seconded by Vice Mayor Rutherford, to approve a Preliminary Plat for Striker Equities at Shawnee Mall subdivision located west of 190 West Shawnee Mall Drive. Motion carried 5-0.

AYE: Matthews, Rutherford, Salter, Engles, Bolt

NAY: None

AGENDA ITEM NO. 13:

Consideration of a Final Plat for Striker Equities at Shawnee Mall subdivision located west of 190 West Shawnee Mall Drive. Case No. FPL01-22, Applicant: Muhammad Khan, PE, SMC Consulting.

Community Development Director Rian Harkins provided a staff report. Staff and Planning Commission recommend approval.

A motion was made by Commissioner Engles, seconded by Vice Mayor Rutherford, to approve Final Plat for Striker Equities at Shawnee Mall subdivision located west of 190 West Shawnee Mall Drive. Motion carried 5-0.

AYE: Engles, Rutherford, Salter, Matthews, Bolt

NAY: None

AGENDA ITEM NO. 14:

Acknowledge monthly Sales Tax and Budget Reports.

Assistant Finance Director Jacob Bussell reported sales tax is up \$2,423,887.00, or 16.47%, over the projected budget year-to-date. He stated that use tax collections are up approximately \$477,616.00, or 28.34%, over the projected budget year-to-date.

AGENDA ITEM NO. 15:

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. 16:

Commissioners Comments

Commissioner Salter advised everyone to be careful with the anticipated inclement winter weather.

Commissioner Engles expressed her appreciation for the public comments. She noted this Thursday, February 24, 2021 South Central Industries, Inc. will be acknowledging female business owners.

Commissioner Matthews addressed Mr. Rob Morris' concerns from Citizen Participation. He expressed his appreciation for Ms. Debbie Dean and Ms. Ellen Harwell and their information provided in Citizen Participation.

Commissioner Matthews thanked City Staff for being proactive in treating the roads for the anticipated inclement weather.

Mayor Bolt commented on the winter weather forecast and advised everyone to be careful. He commented on the mediation between the City of Shawnee, Pottawatomie County, and the Shawnee Civic and Cultural Development Authority.

Mayor Bolt expressed his appreciation for Ms. Debbie Dean during Citizen Participation.

RECESS CITY COMMISSION MEETING BY THE POWER OF THE CHAIR
TO CONVENE SHAWNEE AIRPORT AUTHORITY AND SHAWNEE
MUNICIPAL AUTHORITY (7:52 P.M.)

RECONVENE CITY COMMISSION MEETING BY THE POWER OF THE
CHAIR (7:54 P.M.)

AGENDA ITEM NO. 17:

Discussion, consideration, and possible action to enter into executive session for discussion of the current opioid litigation in accordance with 25 O.S. § 307(B)(4) to discuss confidential communications between a public body and its attorney concerning Pottawatomie County Case No. CJ-2019-04, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct litigation, or proceeding in the public interest.

A motion was made by Commissioner Matthews, seconded by Commissioner Engles, to enter into executive session for discussion of the current opioid litigation in accordance with 25 O.S. § 307(B)(4) to discuss confidential communications between a public body and its attorney concerning Pottawatomie County Case No. CJ-2019-04, with the advice of its attorney, determines that

disclosure will seriously impair the ability of the public body to process the claim or conduct litigation, or proceeding in the public interest. Motion carried 5-0.

AYE: Matthews, Engles, Bolt, Rutherford, Salter

NAY: None

COMMISSIONERS ENTERED INTO EXECUTIVE SESSION AT 7:55 P.M.
WITH ALL MEMBERS PRESENT.

COMMISSIONERS RECONVENED FROM EXECUTIVE SESSION AT 8:24
P.M. WITH ALL MEMBERS PRESENT.

AGENDA ITEM NO. 18:

Consider matters discussed in executive session for discussion of the current opioid litigation in accordance with 25 O.S. § 307(B)(4) to discuss confidential communications between a public body and its attorney concerning Pottawatomie County Case No. CJ-2019-04, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct litigation, or proceeding in the public interest.

No action was taken.

AGENDA ITEM NO. 19:

Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (8:24 p.m.)



ATTEST:

Lisa Laszorne
LISA LASYONE, CMC, CITY CLERK

Ed Bolt
ED BOLT, MAYOR