BOARD OF CITY COMMISSIONERS PROCEEDINGS
FEBRUARY 16, 2016 AT 6:30 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, Tuesday, February 16, 2016 at 6:30 p.m., pursuant to notice duly posted as prescribed by law. Mayor Mainord presided and called the meeting to order. Upon roll call, the following members were in attendance.

Wes Mainord
Mayor

Vacant Commissioner Ward 1	Linda Agee Commissioner Ward 2
James Harrod Commissioner Ward 3-Vice Mayor	Keith Hall Commissioner Ward 4
Lesa Shaw Commissioner Ward 5	Micheal Dykstra Commissioner Ward 6

ABSENT: None

INVOCATION — The Lord's Prayer led by Mayor Mainord

FLAG SALUTE — Led by Mayor Mainord

AGENDA ITEM NO. 1: — 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. 11.

b. Minutes from the February 1, 2016 regular meeting.

c. Acknowledge the following reports and minutes:
   - License Payment Report for January 2016
   - Project Payment Report for January 2016
   - Planning Commission Minutes from January 6, 2016 meeting

d. Approve lease with Raymond Utter for North Airport Property land and facilities. *(Deferred from January 19, 2016 meeting.)*

e. Approve Collective Bargaining Agreement with International Association of Fire Fighters (IAFF).

f. Acknowledge Oklahoma Municipal Retirement Fund normal Retirement for Mary Ann Karns.

g. Acknowledge Workers Compensation Settlement – Fred Couch

h. Approve renewal of existing contract with changes and approved by the Commission for FY 2015-2016:

(1) Contract with the City of McLoud for dispatch services.

i. Lake Lease Renewals/Transfers:

RENEWALS:
Lot 13 Johnston Tract, 16624 Stevens Rd.
Lessees: Teresa Burton and Warren Mesner

TRANSFERS:
Lot 10 Magnino A Tract, 17236 Magnino Rd.
From: Alene Topping
To: Derek and Karla Baptiste

Commissioner Shaw asked that Agenda Item Nos. 1(c), 1(d), 1(e), 1(f), and 1(h) be pulled for separate consideration.

A motion was made by Commissioner Dykstra, seconded by Vice Mayor Harrod, to approve the Consent Agenda Item Nos. 1 (a-i), less items 1(c), 1(d), 1(e), 1(f), and 1(h). Motion carried 5-1.

AYE: Dykstra, Harrod, Hall, Shaw, Agee
NAY: Mainord

Regarding Agenda Item No. 1(c), Commissioner Shaw questioned when the licensing fee schedule would be reviewed and how it compared to other like size cities. Commissioner Shaw also asked about the amounts for each permit regarding the Project Payment report. In referring to the Planning Commission Minutes, Commissioner Shaw stated that the record needed to reflect the actual concerns asked by citizens during the meeting. She also requested that legal counsel be present at each Planning Commission meeting.

Regarding Agenda Item No. 1(d), Commissioner Shaw asked if Mr. Raymond Utter had previously leased the land and facilities and the nature of Shawnee Economic Development Foundation's (SEDF) involvement. City Manager Justin Erickson explained that Mr. Utter had leased the property in the past and the City of Shawnee was now the lessor of the property, rather than SEDF.

Regarding Agenda Item No. 1(e), Commissioner Shaw inquired about the number of staff affected by the addition of another wage step as detailed in IAFF Collective Bargaining Agreement. She also inquired whether this was consistent with other city employees, and where the funds would be derived from. Finance Director Cindy Arnold responded that approximately 20-25 employees would be affected, that it was a negotiated settlement and that any increase would come from budgeted funds.

Regarding Agenda Item No. 1(f), Commissioner Shaw asked what was meant by the term "normal" retirement. Human Resources Director Tammy Johnson explained that the term refers to the retiree being fully vested.

Regarding Agenda Item No. 1(h), Commissioner Shaw questioned if dispatch services had previously been provided to the City of McLoud and how the contracted amount was selected. City Manager Justin Erickson and Finance Director Cindy Arnold informed Commissioner Shaw that dispatch services had previously been provided and the contract amount was based upon the call volume for McLoud.

A motion was made by Commissioner Hall, seconded by Vice Mayor Harrod, to approve Consent Agenda Item Nos. 1(c), 1(d), 1(e), 1(f), and 1(h). Motion carried 6-0.

AYE: Hall, Harrod, Mainord, Shaw, Dykstra, Agee
NAY: None

AGENDA ITEM NO. 2: Citizens Participation
(A three minute limit per person)
(A twelve minute limit per topic)

Ms. Amber Green with Friends of Shawnee Animals (FOSA) spoke regarding the Shawnee Animal Shelter, stating that FOSA is continuing to support the City with the upcoming changes and upgrades. Ms. Green clarified a question asked during the February 1, 2016 City Commission meeting in regard to sick or injured animals at the Animal Shelter. She also noted that since May 2015, FOSA has helped save nearly 1,000 animals at the Animal Shelter.

Ms. Edwina Butler, Governor of Shawnee Absentee Tribe, expressed concern regarding Agenda Item No. 6, which is a cooperative agreement between the City and the Shawnee Absentee Tribe of Oklahoma. Governor Butler stated that approval of this Item will allow the Tribe and the City of Shawnee to work together in a meaningful way.

AGENDA ITEM NO. 3: Presentation of Fiscal Year 2014-2015 Audit.

Ann Cole of Arledge and Associates presented the 2014-2015 Fiscal Year Audit opinion. Ms. Cole stated that the auditors' findings were for an unmodified (clean) opinion.

Ms. Cole answered questions from Commissioners after her presentation regarding the different audit catagories.

AGENDA ITEM NO. 4: Authorize staff to enter into an agreement with Fritz Baily Architects of Tulsa, Oklahoma to provide design, engineering and biddable construction documents for the repair and renovation of Fire Station #2 located at 1401 N. Bryan. *(Deferred from February 1, 2016 meeting.)*

City Manager Justin Erickson explained the scope of services and fees for Phase One of the project. Phase One of the project would include a single site visit and visual inspection, meeting with fire department representatives, evaluation of existing structure and a detailed cost estimate of the improvements. The cost for Phase One is $8,900.00 and can be completed in 30 days or less.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Hall, to authorize staff to enter into an agreement with Fritz Baily Architects for Phase One of services for $8,900.00. Motion carried 6-0.

AYE: Harrod, Hall, Shaw, Dykstra, Agee, Mainord
NAY: None

AGENDA ITEM NO. 5: Discussion, consideration and possible action to approve a Budget Amendment for design, engineering and biddable construction documents for the repair and renovation of Fire Station #2 located at 1401 N. Bryan. Transfer from General Fund to Capital Fund. *(Deferred from February 1, 2016 meeting.)*

City Manager Justin Erickson stated that funds were available in the current budget for Phase One of the project. He recommended tabling this item until actual construction costs have been identified.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Shaw, to table this item until a future need arises. Motion carried 6-0.

AYE: Harrod, Shaw, Dykstra, Agee, Mainord, Hall
NAY: None

<u>AGENDA ITEM NO. 6:</u> Discussion, consideration and possible action to approve a Cooperation Agreement with the Absentee Shawnee Tribe of Oklahoma.

A motion was made by Commissioner Hall, seconded by Vice Mayor Harrod, to approve a Cooperation Agreement with the Absentee Shawnee Tribe of Oklahoma. Motion carried 6-0.

AYE: Hall, Harrod, Mainord, Shaw, Dykstra, Agee
NAY: None

<u>AGENDA ITEM NO. 7:</u> Consideration of approval of a Final Plat for Shawnee Auto Mall located on Shawnee Mall Drive, east of Union. Case No. S14-15 Applicant: Huitt-Zollars, Inc. *(Deferred from January 19, 2015 City Commission Meeting.)*

A staff report was given by Justin DeBruin, Community Development Director. He stated that staff recommends approval with conditions.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Agee, to approve the Final Plat for Shawnee Auto Mall located on Shawnee Mall Drive, east of Union, with the five (5) following conditions:

1. Final construction documents must be approved by the City Engineer prior to construction.
2. The final engineered drainage plan must be approved by the City Engineer prior to construction.
3. Landscape Plans shall be submitted concurrent with the building permit.
4. A six (6') foot sidewalk required along the I-40 service road frontage and four (4') sidewalk required along the interior collector road, Auto Mall Drive.
5. All other applicable City standards apply.

Motion carried 6-0.

AYE: Harrod, Agee, Mainord, Hall, Shaw, Dykstra
NAY: None

AGENDA ITEM NO. 8: A public hearing and consideration of an ordinance to rezone property located at 1500 East Independence Street from R-1; Single Family Residential District to R-2; Combined Residential District. Case No. P15-15 Applicant: The Landrun Group, LLC *(Deferred from January 19, 2016 meeting.)*

No action was taken. The applicant has withdrawn the request.

AGENDA ITEM NO. 9: Discussion and possible action on termination of contract with JTS, Inc. for antenna work at north radio tower site.

Emergency Management Director Don Lynch explained that JTS, Inc. had defaulted on the contract by not completing the project in the time allotted. JTS, Inc. has agreed to forfeit the bid bond of $1,796.75, which will cover the cost of rebidding the project.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Hall, to approve the termination of contract with JTS, Inc. for antenna work at north radio tower site and authorize staff to re-bid the project. Motion carried 5-1.

AYE: Harrod, Hall, Dykstra, Agee, Mainord
NAY: Shaw

<u>AGENDA ITEM NO. 10:</u>	Discuss and consider setting one or more special call meetings with regard to a workshop to discuss city projects, goals, long term needs, budget, and funding options.

There was discussion among the Commission to decide on a date for a mini-retreat in late March. The date of March 25, 2016 was selected with the time set for 9:00 a.m. The location of the meeting will be discussed during the March 7, 2016 City Commission meeting.

<u>AGENDA ITEM NO. 11:</u>	Discussion, consideration and possible action to fill the position of City Attorney.

Mayor Mainord stated that one (1) proposal had been received from a local firm, Stuart and Clover. Mr. Mike Clover and Mr. Joe Vorndran were present and answered questions from Commissioners. It was noted that the firm proposed a retainer fee of $5,000.00 per month to be billed against a blended rate of $200.00 per hour for services provided by attorneys and $75.00 per hour for legal assistants and interns.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Agee, to approve Stuart and Clover as Interim City Attorneys until the end of the current fiscal year with the option to renew for full year at that time. Motion carried 5-1.

AYE: Harrod, Agee, Mainord, Hall, Dykstra
NAY: Shaw

<u>AGENDA ITEM NO. 12:</u>	Consider Bids:

a. Lease of the City of Shawnee Property Located at the N.E. Corner of Leo Street and Westech Road, Shawnee, OK for the Purpose of Pasture Land (Open)

BIDDER	**AMOUNT**
Dase Dockrey Shawnee, OK	$5,000.00

Director of Operations, James Bryce read one (1) bid into the record and requested that the bid award be deferred to the next City Commission meeting on March 7, 2016.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Dykstra, to defer the bid award to the March 7, 2016 City Commission meeting. Motion carried 6-0.

AYE: Harrod, Dykstra, Agee, Mainord, Hall, Shaw
NAY: None

AGENDA ITEM NO. 13: Acknowledge Sales Tax Report received February 2016.

Cynthia Arnold, Finance Director, reported that February sales tax collected this month was $1,605,202.00, which is up 1.56% from 2014. Ms. Arnold also stated that for the fiscal year 2015-2016 it is up 4.24% over fiscal year 2014-2015.

Mrs. Arnold also provided Commissioners with a list of the Top 10 Sales Tax catagories within the City.

AGENDA ITEM NO. 14: City Manager Update

City Manager Justin Erickson gave updates on the following city issues:

a) Regarding the Animal Shelter, effective immediately the City of Shawnee will no longer be using gas to euthanize animals. The City will be contracting with two veterinarians to perform euthanasia. Mr. Erickson noted that eight (8) additional runs will be added to the shelter to allow more time for animals to be adopted or claimed.

b) Regarding the branding initiative, he noted that acceptance of the project will be on the March 7, 2016 City Commission agenda. He also stated that Visit Shawnee Inc. (VSI) will begin updating the Wayfinding project in March and should be completed by mid-year. The costs of the update will be paid 100% by VSI, Inc.

AGENDA ITEM NO. 15: 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. 16: Commissioners Comments

Commissioner Hall asked about the high priority needs that were identified in the Water Master Plan. City Manager Erickson stated that staff would begin budgeting for the most critical items in the upcoming FY 2016-17 budget.

Commissioner Shaw mentioned that she had attended a recent Planning Commission meeting and noted the great work provided by the Community Development Director, Justin DeBruin. She also mentioned the Beautification Committee and thanked the Director of Operations, James Bryce for staying true to the project.

Commissioner Shaw also stated that she had been having issues receiving emails. Staff will check to see if there is a problem.

Commissioner Dykstra asked about the excess water on Main Street. City Manager Justin Erickson stated that a contractor had damaged a water line during the Streetscape project.

Commissioner Agee stated that the Streetscape is making good progress and reminded citizens to continue to shop the Downtown Shawnee area.

AGENDA ITEM NO. 17: Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (7:55 p.m.)

Wes Mainord

WES MAINORD, MAYOR

THE CITY OF SHAWNEE SEAL OKLAHOMA

ATTEST:

Phyllis Loftis

PHYLLIS LOFTIS, CMC, CITY CLERK