

BOARD OF CITY COMMISSIONERS PROCEEDINGS

JANUARY 19, 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, Tuesday, January 19, 2021 at 6:00 p.m., pursuant to notice duly posted as prescribed by law at 4:30 p.m. on January 14, 2021. Mayor Bolt presided and Mr. Deion Frasier 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

Commissioner Flood read a prayer by
Martin Luther King Jr.

FLAG SALUTE

AGENDA ITEM NO. 1:

Citizens Participation

(A three-minute limit per person)

(A twelve-minute limit per topic)

There was no Citizens Participation.

AGENDA ITEM NO. 2:

Consider approval of Consent Agenda:

- a. Minutes from the December 21, 2020 regular meeting.

- b. Acknowledge the following reports:
- Shawnee Community Beautification Committee Minutes from the November 19, 2020 regular meeting
 - License Payment Report for December 2020
 - Project Payment Report for December 2020
- c. Acceptance of a right-of-way easement agreement for property along 921 East MacArthur Street.
- d. Approve Change Order No. 3 for Shawnee Police Department Architect's Project No. 1811, 912 East Independence, Shawnee, Oklahoma 74801.

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

AYE: Weaver, Matthews, Flood, 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 presented Barney, an eighteen-month-old male canine Officer Spoon described as sweet and shy. Barney is up for adoption.

Officer Spoon advised that the Animal Shelter had five adoptions today. She also advised that there are currently eighteen dogs, a cat and a pig at the shelter.

AGENDA ITEM NO. 4:

Consideration of an ordinance of the City of Shawnee, Oklahoma amending Chapter 22 [Planning and Development], Article I [In General], of the City Code establishing a fee-in-lieu of providing detention facilities for water runoff; providing for severability, codification, repealer, and emergency clause.

City Engineer Seth Barkhimer provided a staff report. He explained this is a housekeeping item that is part of the drainage ordinance adopted in 1998 which states that a fee-in-lieu of detention facilities should be established by separate ordinance.

A motion was made by Commissioner Matthews, seconded by Commissioner Flood, to approve an ordinance of the City of Shawnee, Oklahoma amending Chapter 22 [Planning and Development], Article I [In General], of the City Code establishing a fee-in-lieu of providing detention facilities for water runoff; providing for severability, codification, repealer, and emergency clause.

Ordinance No. 2709NS was introduced.

AN ORDINANCE OF THE CITY OF SHAWNEE, OKLAHOMA AMENDING CHAPTER 22 [PLANNING AND DEVELOPMENT], ARTICLE I [IN GENERAL], OF THE CITY CODE, ESTABLISHING A FEE-IN-LIEU OF PROVIDING DETENTION FACILITIES FOR WATER RUNOFF; PROVIDING FOR SEVERABILITY, CODIFICATION, REPEALER, AND EMERGENCY CLAUSE.

Motion carried 7-0.

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

Ordinance No. 2709NS 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. 2709NS. Motion carried 7-0.

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

AGENDA ITEM NO. 5:

Consideration of a resolution of the Mayor and City Commission of the City of Shawnee, Oklahoma that sets a fee-in-lieu of providing detention facilities for water runoff and providing for the re-adoption of the City Fee Schedule in whole.

City Engineer Seth Barkhimer explained the proposed resolution sets the rate for the fee-in-lieu of providing detention facilities for water runoff.

Resolution No. 6624 was introduced.

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SHAWNEE, OKLAHOMA THAT SETS A FEE-IN-LIEU OF PROVIDING DETENTION FACILITIES FOR WATER RUNOFF; AND PROVIDING FOR THE RE-ADOPTION OF THE CITY FEE SCHEDULE IN WHOLE.

A motion was made by Commissioner Weaver, seconded by Commissioner Sehorn, to approve a resolution of the Mayor and City Commission of the City of Shawnee, Oklahoma that sets a fee-in-lieu of providing detention facilities for water runoff and providing for the re-adoption of the City Fee Schedule in whole. Motion carried 7-0.

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

NAY: None

AGENDA ITEM NO. 6:

Public hearing and consideration of an ordinance to rezone property located at 301 North Kickapoo Avenue on the northeast corner of North Kickapoo Avenue and West 10th Street, containing 0.56-acre, from C-1 (Neighborhood Commercial District) to C-3 (Highway Commercial District) for the purpose of marketing for a future business. Case No. RZ01-21, Applicant: Kevin Mankin on behalf of Jackline Mankin.

Planning Director Rebecca Blaine provided a staff report.

Mayor Bolt declared a public hearing in session to consider an ordinance to rezone property located at 301 North Kickapoo Avenue on the northeast corner of North Kickapoo Avenue and West 10th Street, containing 0.56-acre, from C-1 (Neighborhood Commercial District) to C-3 (Highway Commercial District). No one appeared in favor or against said rezoning. The public hearing was closed.

A motion was made by Commissioner Weaver, seconded by Vice Mayor Rutherford, to approve the ordinance rezoning property located at 301 North Kickapoo Avenue on the northeast corner of North Kickapoo Avenue and West 10th Street, containing 0.56-acre, from C-1 (Neighborhood Commercial District) to C-3 (Highway Commercial District).

Ordinance No. 2710NS 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: LOTS SEVENTEEN (17), EIGHTEEN (18), NINETEEN (19), TWENTY (20), TWENTY-ONE (21), TWENTY-TWO (22), AND TWENTY-THREE (23), BLOCK SIX (6), AMENDED PLAT OF THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, FROM ZONING CLASSIFICATION C-1 (NEIGHBORHOOD COMMERCIAL DISTRICT) TO C-3 (HIGHWAY COMMERCIAL DISTRICT) AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

Motion carried 7-0.

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

NAY: None

Ordinance No. 2710NS was adopted by the City Commission.

AGENDA ITEM NO. 7:

Public hearing and consideration of an ordinance to rezone property located at 1825 North Beard Street on the east side of North Beard Street just south of West Emmett Street, containing 0.17-acre, from R-1 (Single Family Residential District) to R-1 (Single Family Residential District) with a CUP (Conditional Use Permit) for the purpose of a short-term rental property (Airbnb). Case No. RZ02-21, Applicant: Thomas Humphreys.

Planning Director Rebecca Blaine provided a staff report. She stated that the property is located across from the old Woodrow Wilson School and there have been no written responses from nearby property owners. She advised that Staff and the Planning Commission recommend approval.

Mayor Bolt declared a public hearing in session to consider an ordinance to rezone property located at 1825 North Beard Street on the east side of North Beard Street just south of West Emmett Street, containing 0.17-acre, from R-1 (Single Family Residential District) to R-1 (Single Family Residential District) with a CUP (Conditional Use Permit). No one appeared in favor or against said rezoning. The public hearing was closed.

A motion was made by Commissioner Weaver, seconded by Commissioner Matthews, to approve the ordinance rezoning property located at 1825 North Beard Street on the east side of North Beard Street just south of West Emmett Street, containing 0.17-acre, from R-1 (Single Family Residential District) to R-1 (Single Family Residential District) with a CUP (Conditional Use Permit).

Ordinance No. 2711NS 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: SOUTH THREE (3) FEET OF LOT NINETEEN (19) AND ALL OF LOTS TWENTY (20) AND TWENTY-ONE (21), BLOCK ONE (1) BLAKENEY'S ADDITION TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, FROM ZONING CLASSIFICATION R-1 (SINGLE FAMILY RESIDENTIAL DISTRICT) TO R-1 (SINGLE FAMILY RESIDENTIAL DISTRICT) WITH A CUP (CONDITIONAL USE PERMIT) AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

Motion carried 7-0.

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

Ordinance No. 2711NS was adopted by the City Commission.

AGENDA ITEM NO. 8:

Public hearing and consideration of an ordinance to rezone property located at 303 South Leo Street, containing 2.15-acres, from A-1 (Rural Agricultural District) to R-E (Residential Estates District) for the purpose of a legal, conforming lot. Case No. RZ03-21, Applicant: James Whitefield.

Planning Director Rebecca Blaine gave a staff report regarding Agenda Item Nos. 8 and 9. She advised that a lot split was not done by the City and both lots need to be rezoned to be legal, conforming lots.

Mayor Bolt declared a public hearing in session to consider an ordinance to rezone property located at 303 South Leo Street, containing 2.15-acres, from A-1 (Rural Agricultural District) to R-E (Residential Estates District). No one appeared in favor or against said rezoning. The public hearing was closed.

A motion was made by Commissioner Weaver, seconded by Commissioner Flood, to approve the ordinance rezoning property located at 303 South Leo Street, containing 2.15-acres, from A-1 (Rural Agricultural District) to R-E (Residential Estates District).

Ordinance No. 2712NS 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 DESCRIBED AS BEGINNING AT A POINT 2285.30 FEET EAST OF THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (SW/C SW/4) OF SECTION TWENTY-FOUR (24), TOWNSHIP TEN (10) NORTH, RANGE THREE (3) EAST OF THE INDIAN MERIDIAN, POTTAWATOMIE COUNTY, OKLAHOMA; THENCE EAST 313.50 FEET; THENCE NORTH 298.70 FEET; THENCE WEST 313.50 FEET; THENCE SOUTH 298.70 FEET TO THE POINT OF BEGINNING, FROM ZONING CLASSIFICATION A-1 (RURAL AGRICULTURAL DISTRICT) TO R-E (RESIDENTIAL ESTATES DISTRICT) AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

Motion carried 7-0.

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

NAY: None

Ordinance No. 2712NS was adopted by the City Commission.

AGENDA ITEM NO. 9:

Public hearing and consideration of an ordinance to rezone property located at 431 South Leo Street, containing 2.33-acres, from A-1 (Rural Agricultural District) to R-E (Residential Estates District) for the purpose of a legal, conforming lot. Case No. RZ04-21, Applicant: James Whitefield.

Mayor Bolt declared a public hearing in session to consider an ordinance to rezone property located at 431 South Leo Street, containing 2.33-acres, from A-1 (Rural Agricultural District) to R-E (Residential Estates District). No one appeared in favor or against said rezoning. The public hearing was closed.

A motion was made by Commissioner Matthews, seconded by Vice Mayor Rutherford, to approve the ordinance rezoning property located at 431 South Leo Street, containing 2.33-acres, from A-1 (Rural Agricultural District) to R-E (Residential Estates District).

Ordinance No. 2713NS 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 DESCRIBED AS BEGINNING AT THE POINT 1615 FEET NORTH OF THE SOUTHWEST CORNER (SW/C) OF THE SOUTHWEST QUARTER (SW/4) OF SECTION TWENTY-FOUR (24), TOWNSHIP TEN (10) NORTH, RANGE THREE (3) EAST OF THE INDIAN MERIDIAN, POTTAWATOMIE COUNTY, OKLAHOMA; THENCE NORTH 646 FEET; THENCE 643.50 FEET; SOUTH 646 FEET; THENCE EAST 643.50 FEET TO THE POINT OF BEGINNING, FROM ZONING CLASSIFICATION A-1 (RURAL AGRICULTURAL DISTRICT) TO R-E (RESIDENTIAL ESTATES DISTRICT) AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

Motion carried 7-0.

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

NAY: None

Ordinance No. 2713NS was adopted by the City Commission.

AGENDA ITEM NO. 10:

Consideration of a re-plat of a Final Plat for Shawnee Mall Subdivision Section 3, a portion of Block "A", Lots 2 and 8 for the creation of five (5) new lots. Case No. PL01-21, Applicant: Mason Schwartz on behalf of Shawnee Mall Owner, LLC.

Planning Director Rebecca Blaine gave a staff report. She advised that this is just subdividing five spaces in Shawnee Mall.

Mr. Mason Schwartz, on behalf of Shawnee Mall Owner, LLC., explained national retailers are being creative by selling the underlying dirt under retailers to raise capital in unique ways. He stated that there would be no change in Shawnee Mall management. Staff and the Planning Commission recommend approval.

A motion was made by Commissioner Flood, seconded by Commissioner Weaver, to approve a Final Plat for Shawnee Mall Subdivision Section 3, a portion of Block "A", Lots 2 and 8 for the creation of five (5) new lots. Motion carried 7-0.

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

NAY: None

AGENDA ITEM NO. 11:

Consideration of a Preliminary Plat for Bentley Oaks Addition, a 0.99-acre tract located on the south side of Hardesty Drive west of Concord Boulevard. Case No. PL02-21, Applicant: Justin Ramer, J. Bentley Construction, LLC.

Planning Director Rebecca Blaine explained the proposed plat would provide five new buildable lots adjacent to Smoking Oaks subdivision that are in line with the comprehensive plan. She advised there is no detention requirement due to the small size of the plat. She also advised that the plat went before the Zoning Board of Adjustment for a lot size variance and each lot received a one-foot reduction. She stated that Staff and Planning Commission recommend approval.

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Sehorn, to approve a Preliminary Plat for Bentley Oaks Addition, a 0.99-acre tract located on the south side of Hardesty Drive west of Concord Boulevard. Motion carried 7-0.

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

AGENDA ITEM NO. 12:

Consideration of a Final Plat for Bentley Oaks Addition, a 0.99-acre tract located on the south side of Hardesty Drive west of Concord Boulevard. Case No. PL02-21, Applicant: Justin Ramer, J. Bentley Construction, LLC.

Planning Director Rebecca Blaine explained that it is a requirement to have Preliminary and Final Plats since it is infill lots adjacent to a subdivision.

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Matthews, to approve a Final Plat for Bentley Oaks Addition, a 0.99-acre tract located on the south side of Hardesty Drive west of Concord Boulevard. Motion carried 7-0.

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

AGENDA ITEM NO. 13:

Consideration of a Preliminary Plat for Wolverine Industrial Park, a 59.18-acre tract located on Wolverine Road west of North Harrison. Case No. PL03-21, Applicant: Landes Engineering on behalf of Mac Bagby.

Planning Director Rebecca Blaine gave a staff report. She stated this is the old Keene Frac location. There are some conditions, anything behind a gate is private road and will need to be maintained privately if it remains. There is a disparity on the plat that needs clarification and fire hydrants need to be added.

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Flood, to approve a Preliminary Plat for Wolverine Industrial Park, a 59.18-acre tract located on Wolverine Road west of North Harrison, with the following conditions:

1. Roadways behind the gate fronting Vanguard Boulevard remain private, as public streets cannot be gated.
2. The plat shows a 32' street section, but plan view shows a 26' section.
3. There are multiple lots without appropriate fire hydrant coverage. Hydrants need to be added.
4. Multiple lots without appropriate sewer service. Additional public sewer should be extended to remove private services from running into right of way.
5. Bar ditches not allowed behind curb. (Subdivision regulation 60.8.1). Provide storm sewer.

Motion carried 6-1.

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

NAY: Matthews

AGENDA ITEM NO. 14:

Consideration of a Preliminary Plat for Trails End, an 80.60-acre tract located on the east side of North Kickapoo Street north of Interstate 40 for the purpose of residential subdivision. Case No. PL04-21, Applicant: Crafton Tull on behalf of Greg Brown Homes, LLC.

Planning Director Rebecca Blaine gave a staff report. She advised that Staff and the Planning Commission recommends approval with conditions, including a letter from the Federal Emergency Management Agency (FEMA) with the Final Plat submittal.

A motion was made by Commissioner Weaver, seconded by Commissioner Matthews, to approve a Preliminary Plat for Trails End, an 80.60-acre tract located on the east side of North Kickapoo Street north of Interstate 40 with the following conditions:

1. Approval from FEMA for a LOMR-F (Letter of Map Revision – with Fill) for east detention pond and 19 lots that are in the 100-year floodplain must be presented with Final Plat submittal.
2. If FEMA does not approve, revisions to the plat – detention pond and lots will need to be located outside the 100-year floodplain (Section 14-97.1 states any residential structure shall have the lowest floor (including basement) elevated to one or more feet above the base flood elevation).

Motion carried 7-0.

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

NAY: None

AGENDA ITEM NO. 15:

Consider Bids:

- a. Shawnee Splash Waterpark Pool Paint Project (Open)

BIDDER

AMOUNT

Utility Maintenance Contractor
Wichita, KS

\$62,350.00

Alternate: \$7.85/square foot

True Grit Sand Blasting Co., Inc.
Ada, OK

\$104,380.00

Alternate: \$8.25/square foot

Operations Director James Bryce read two (2) bids into the record. He explained that the facility is going into its seventh year and new paint will protect the concrete and avoid visibility and safety issues. Staff requested that the bid award be deferred to the next City Commission meeting on February 1, 2021.

A motion was made by Commissioner Matthews, seconded by Commissioner Flood, to defer the bid award to the February 1, 2021 City Commission meeting. Motion carried 7-0.

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

NAY: None

AGENDA ITEM NO. 16:

Consider Statements of Qualification for Professional Services:

a. 45th Street Transportation Project (Award/Contract Negotiation)

City Engineer Seth Barkhimer stated that in September 2020 a Request for Qualifications was released for the project. He advised that fourteen firms submitted Statement of Qualifications (SOQ). All SOQ's were reviewed, ranked, and the top four respondents were interviewed. Staff requests approval to begin negotiations with CEC to develop a scope/fee contract for professional design services that will be brought back before the Commission for approval.

A motion was made by Commissioner Salter, seconded by Commissioner Flood, to authorize Staff to begin negotiations with CEC to develop a scope/fee for professional design services for the 45th Street Transportation Project. Motion carried 7-0.

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

NAY: None

AGENDA ITEM NO. 17:

Acknowledge monthly Sales Tax and Budget Report.

Finance Director Ashely Neel reported sales tax is up \$1,944,579.00, or 16.34%, over the projected budget year-to-date. She stated that use tax collections are up approximately \$19,338.00, or 1.34%, over the projected budget year-to-date.

AGENDA ITEM NO. 18:

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. 19:

Commissioners Comments

Commissioner Matthews thanked Staff that navigated 2020.

Commissioner Weaver stated that it was good news knowing the money would be put back into the Shawnee Mall (*Agenda Item No. 10*).

He said he was anxious to have a public meeting to meet with the citizens face-to-face and will continue to invite citizens to ask questions.

He acknowledged the passing of Chalk Norton, a long time Shawnee Firefighter.

Commissioner Flood stated that he was pleased to see the commitment to putting dollars back into Shawnee Mall.

He that James Bryce for his due diligence on the Shawnee Splash Waterpark Pain Project.

Vice Mayor Rutherford expressed his excitement for the sales tax report. He stated that the amount of zoning changes and plats means a lot is going on and it is great to see this much progress.

Commissioner Sehorn complemented Ashley Neel on her easy to read reports.

Commissioner Salter echoed the other Commissioners comments that a lot is going on in Shawnee and he was glad to see sales tax up. He expressed his excitement for the 45th Street project.

Mayor Bolt also said a lot is going on in Shawnee. He expressed his excitement for the 45th Street project. He also commented that it was good to see sales tax up.

AGENDA ITEM NO. 20:

Adjournment

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

ATTEST:



Lisa Laszone
LISA LASYONE, CMC, CITY CLERK

Ed Bolt
ED BOLT, MAYOR