BOARD OF CITY COMMISSIONERS PROCEEDINGS

NOVEMBER 20, 2023 AT 6:00 PM

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, Monday, November 20, 2023 at 6:00 PM, pursuant to notice duly posted as prescribed by law on Friday, November 17, 2023 at 10:38 AM. Mayor Bolt presided and Mr. Brody Paxson, Mr. Carter Paxson, and Mr. Jax Paxson 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
Vacant Commissioner Ward 3	Darren Rutherford Commissioner Ward 4 - Vice Mayor
Absent Commissioner Ward 5	Lauren Richter Commissioner Ward 6

ABSENT: Mark Sehorn

CALL TO ORDER

DECLARATION OF A QUORUM

INVOCATION

FLAG SALUTE

1. Presentation of Certificate of Recognition for Shawnee City Clerk Staff.

   Mayor Bolt presented a Certificate of Recognition to City Clerk Lisa Lasyone.

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

   Ms. Tara Wallace, Mr. Don Dudley, Ms. Kelley Mullican, and Mr. Rob Morris spoke during Citizens Participation.

3. Consider approval of Consent Agenda:

a. Minutes from the October 16, 2023 regular meeting and November 6, 2023 special call meeting.

b. Acknowledge the following minutes and reports:

- Shawnee Beautification, Parks, and Recreation Committee Minutes from the September 21, 2023 regular meeting.

- Shawnee Senior Citizens Advisory Board Minutes from the August 8, 2023 regular meeting.

- License Payment Report for October 2023.

- Project Payment Report for October 2023.

c. Lake Lease Transfer:

- Eckel Tract Lot A, 15205 Turtle Bay
From: Doris Norton
To: Merge Lane Properties, LLC

d. Acknowledge the resignation of Ian Hayes from the Beautification, Parks, and Recreation Committee.

e. Mayor Appointments:

Shawnee Senior Citizens Advisory Board
Gary Dowdy 1st Partial Term Expires: July 1, 2025
Replaces Shirley Gregory, Deceased

f. Acknowledge the City of Shawnee Holiday Schedule for 2024.

A motion was made by Commissioner Matthews, seconded by Vice Mayor Rutherford, to approve Consent Agenda Item Nos. 3(a-f). Motion carried 5-0-0.

AYE: Matthews, Rutherford, Richter, Engles, Bolt
NAY: None
ABSTAIN: None

4. Presentation of the Pet of the Month by Animal Control.

Animal Control Officer Theresa Touchet introduced Daisy, a five (5) to seven (7) year old Australian Shepherd Mix.

5. Mayor's Proclamation(s)

a. "Recognize Outsiders Production Company & Play It Loud", November 2023.

Mr. Jason Alexander, Mr. Adam Hampton, Mr. Chad Mathews, and Mr. Kenny Pitts accepted the Mayor's Proclamation for "Recognize Outsiders Production Company & Play It Loud" from Mayor Bolt.

b. "Shop Shawnee Day", November 25, 2023

Shawnee Forward President and CEO and Shawnee Forward Board Chair Casey Bell, along with Shawnee Forward Staff, accepted the Mayor's Proclamation for "Shop Shawnee Day" from Mayor Bolt.

6. Consideration of the Calendar Year 2024 Schedule of Regular Meetings for the Board of City Commissioners, the Board of Trustees of the Shawnee Airport Authority, and the Board of Trustees of the Shawnee Municipal Authority.

City Manager Andrea Weckmueller-Behringer gave a Staff report.
A motion was made by Commissioner Matthews, seconded by Commissioner

Engles, to approve the once per month Calendar Year 2024 Schedule of Regular Meetings for the Board of City Commissioners, the Board of Trustees of the Shawnee Airport Authority, and the Board of Trustees of the Shawnee Municipal Authority. Motion carried 5-0-0.

AYE: Matthews, Engles, Bolt, Rutherford, Richter
NAY: None
ABSTAIN: None

7. Consideration of an ordinance amending portions of Article XI, Sections 8-600 through 8-603 of Chapter 8 of the Shawnee Municipal Code, regulating meal operations in the downtown area; providing for repeal; providing for severability; providing for codification; and providing for emergency clause.

City Manager Andrea Weckmueller-Behringer advised that the proposed ordinance clarifies language.

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Matthews, to approve an ordinance amending portions of Article XI, Sections 8-600 through 8-603 of Chapter 8 of the Shawnee Municipal Code, regulating meal operations in the downtown area; providing for repeal; providing for severability; providing for codification; and providing for emergency clause.

Ordinance No. 2798 NS was introduced.

AN ORDINANCE AMENDING PORTIONS OF ARTICLE XI, SECTIONS 8-600 THROUGH 8-603 OF CHAPTER 8 OF THE SHAWNEE MUNICIPAL CODE, REGULATING MEAL OPERATIONS IN THE DOWNTOWN AREA; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR EMERGENCY CLAUSE.

Motion carried 5-0-0.

AYE: Rutherford, Matthews, Engles, Bolt, Richter
NAY: None
ABSTAIN: None

Ordinance No. 2798NS was adopted by the City Commission.

8. Consideration of an emergency clause as it relates to Agenda Item No. 7 for the

protection of the public's health, safety, and welfare, an emergency is declared to exist per Oklahoma State Statute Title 11, Article XIV, Section 14-103.

City Attorney Joe Vorndran stated that in an effort to create additional transparency, emergency clauses will now be separate items from the respective ordinance.

A motion was made by Commissioner Matthews, seconded by Vice Mayor Rutherford, to approve an emergency clause as it relates to Agenda Item No. 7. Motion carried 5-0-0.

AYE: Matthews, Rutherford, Richter, Engles, Bolt
NAY: None
ABSTAIN: None

9. Consideration of an ordinance amending portions of the Shawnee Municipal Code, Chapter 21 "Parks and Recreation"; providing for repeal; providing for codification; providing for severability; and providing for codification.

Public Works Director Brad Schmidt stated that the proposed ordinance amends sections of Chapter 21 to clarify language for City Manager or designee and the definition of vendors.

A motion was made by Commissioner Engles, seconded by Vice Mayor Rutherford, to approve an ordinance amending portions of the Shawnee Municipal Code, Chapter 21 "Parks and Recreation"; providing for repeal; providing for codification; and providing for severability.

Ordinance No. 2799NS was introduced.

AN ORDINANCE AMENDING PORTIONS OF THE SHAWNEE MUNICIPAL CODE, CHAPTER 21 “PARKS AND RECREATION”; PROVIDING FOR REPEAL; PROVIDING FOR CODIFICATION; AND PROVIDING FOR SEVERABILITY.

Motion carried 5-0-0.

AYE: Engles, Rutherford, Richter, Matthews, Bolt
NAY: None
ABSTAIN: None

Ordinance No. 2799NS was adopted by the City Commission.

10. Consider the cancellation of Lease Agreement for 15512 Nickens Road, Belcher Tract Lot 2.

City Attorney Joe Vorndran asked that no action be taken on this item at this time because, administratively, it is no longer necessary.
No action taken at this time.

11. Consideration of a task order in accordance with the agreement between the City of Shawnee and Del Sol Consulting for consulting services related to the April 19, 2023, storm event.

Assistant City Manager Danny Vise advised that the proposed task order would be the second under the Consulting Agreement that was approved on June 9, 2023.
A motion was made by Commissioner Matthews, seconded by Commissioner Engles, to approve a task order in accordance with the agreement between the City of Shawnee and Del Sol Consulting for consulting services related to the April 19, 2023, storm event. Motion carried 5-0-0.

AYE: Matthews, Engles, Bolt, Rutherford, Richter
NAY: None
ABSTAIN: None

12. Consideration of an amendment to the Contract between the City of Shawnee and DebrisTech, LLC for debris removal monitoring services.

Assistant City Manager Danny Vise provided a Staff report. He stated that the original contract included a "not to exceed" cap of Five Hundred Thousand Dollars ($500,000.00). The proposed amendment would increase the cap to Seven Hundred Thousand Dollars ($700,000.00), which would allow DebrisTech, LLC to continue to provide the FEMA-required debris removal monitoring services for the debris cleanup process.
A motion was made by Commissioner Engles, seconded by Commissioner Matthews, to approve an amendment to the Contract between the City of Shawnee and DebrisTech, LLC for debris removal monitoring services. Motion carried 5-0-0.

AYE: Engles, Matthews, Bolt, Rutherford, Richter
NAY: None
ABSTAIN: None

13. Consideration of a Professional Services Agreement with Brandstetter Carroll Inc. for Design Services for Fire Station No. 3 Remodel.

Fire Chief Tony Wittman advised that the scope of services included in the proposed Professional Services Agreement include (1) Information Gathering and Schematics; (2) Construction Documents; (3) Bidding and Negotiations; (4) Construction Administration; and (5) Reimbursable Expenses for a total contract amount of Two Hundred Thirty-Nine Thousand Two Hundred Ten Dollars ($239,210.00).

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Engles, to approve a Professional Services Agreement with Brandstetter Carroll Inc. for Design Services for Fire Station No. 3 Remodel. Motion carried 5-0-0.

AYE: Rutherford, Engles, Bolt, Richter, Matthews
NAY: None
ABSTAIN: None

14. Consideration of a resolution for the selection of City of Shawnee Bridge Inspectors for the Oklahoma Department of Transportation Bridge Inspection Program.

Director of Engineering Seth Barkhimer advised that to comply with the National Bridge Inspection (NBI) Standards, the City is required to inspect all NBI bridges every year. Staff is requesting to select Circuit Engineering District No. 4, who has done the inspections for the past three (3) cycles.

A motion was made by Commissioner Matthews, seconded by Vice Mayor Rutherford, to approve a resolution for the selection of City of Shawnee Bridge Inspectors for the Oklahoma Department of Transportation Bridge Inspection Program.

Resolution No. 6716 was introduced.

A RESOLUTION CONCERNING BRIDGE INSPECTION RESPONSIBILITY BY LOCAL GOVERNMENT FOR COMPLIANCE WITH NATIONAL BRIDGE INSPECTION STANDARDS.

Motion carried 5-0-0.

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

ABSTAIN: None

15. Consideration of a resolution adopting a Code of Ethics for elected and appointed municipal leaders.

City Manager Andrea Weckmueller-Behringer stated that the proposed Code of Ethics is to strengthen the quality of government through ethical practices, which would govern the conduct of elected officials and appointed citizen volunteers serving in an official capacity.

A motion was made by Commissioner Matthews, seconded by Vice Mayor Rutherford, to approve a resolution adopting a Code of Ethics for elected and appointed municipal leaders.

Resolution No. 6717 was introduced.

A RESOLUTION ADOPTING A CODE OF ETHICS FOR CITY OF SHAWNEE ELECTED AND APPOINTED MUNICIPAL LEADERS.

Motion carried 5-0-0.

AYE: Matthews, Rutherford, Richter, Engles, Bolt
NAY: None
ABSTAIN: None

16. Consideration of a resolution adopting the Board of City Commissioners - Best Governance Practices Handbook.

City Manager Andrea Weckmueller-Behringer advised that the proposed Best Governance Practices Handbook would serve as a compass, navigating the complexities and responsibilities inherent in serving the City in the capacity of an elected leader.

A motion was made by Commissioner Matthews, seconded by Commissioner Engles, to approve a resolution adopting the Board of City Commissioners - Best Governance Practices Handbook.

Resolution No. 6718 was introduced.

A RESOLUTION ADOPTING THE BOARD OF CITY COMMISSIONERS – BEST GOVERNANCE PRACTICES HANDBOOK.

Motion carried 5-0-0.

AYE: Matthews, Engles, Bolt, Rutherford, Richter
NAY: None
ABSTAIN: None

17. Consideration of the following budget amendments for Fiscal Year 2023 – 2024.

    a. General Fund - Fund 001 - to appropriate fund balance for FY22-23 Encumbrances for which goods or services were received and paid for in FY23-24.

    b. Capital Improvement Fund - Fund 301 - to appropriate sales tax revenue for lease payments and to appropriate fund balance for FY22-23 Encumbrance for which goods or services were received and paid for in FY23-24.

    c. Street Improvement Fund - Fund 302 - to appropriate sales tax revenue to fund the Clearpond Rd Culvert Project that exceeded budget estimates.

    d. 2018 Capital Improvement Fund - Fund 303 - to appropriate fund balance for FY22-23 Encumbrances for which goods or services will be received or rendered in FY23-24.

    e. Hotel/Motel Surcharge Fund - Fund 106 - to appropriate additional revenues to fund various line items in the Tourism Department.

    f. Aquatic Center Fund - Fund 350 - to appropriate fund balance for an FY22-23 Encumbrance for which goods or services were received and paid for in FY23-24.

g. Insurance Recovery Fund - Fund 603 - to fund anticipated property damage repairs with insurance recovery revenue.

Finance Director Lindsey McNabb-Fox provided a Staff report on each proposed budget amendment.

A motion was made by Commissioner Matthews, seconded by Vice Mayor Rutherford, to approve the budget amendments listed in Agenda Item Nos. 17(a-g). Motion carried 5-0-0.

AYE: Matthews, Rutherford, Richter, Engles, Bolt
NAY: None
ABSTAIN: None

18. Consider Bid(s):

a. FY-24 Micro-Surfacing Streets Project (Award)

Director of Engineering Seth Barkhimer announced that one (1) bid was received. Staff recommends awarding the bid to Donelson Construction Company of Clever, Missouri in the total amount of Two Million Sixty-Six Thousand Nine Hundred Nineteen Dollars and Forty-Five Cents ($2,066,919.45).

A motion was made by Commissioner Engles, seconded by Vice Mayor Rutherford, to award the FY-24 Micro-Surfacing Streets Project to Donelson Construction Company in the amount of Two Million Sixty-Six Thousand Nine Hundred Nineteen Dollars and Forty-Five Cents ($2,066,919.45). Motion carried 5-0-0.

AYE: Engles, Rutherford, Richter, Matthews, Bolt
NAY: None
ABSTAIN: None

b. N. Park Avenue 14 in. Waterline Replacement (Award)

Director of Engineering Seth Barkhimer announced that four (4) bids were received. Staff recommends awarding the bid to Orr Construction, Inc. of Davenport, Oklahoma in the total amount of One Million One Hundred Fifty Thousand One Hundred Eighty Dollars ($1,150,180.00).

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Engles, to award the North Park Avenue 14 Inch Waterline Replacement to Orr Construction, Inc. in the amount of One Million One Hundred Fifty Thousand One Hundred Eighty Dollars ($1,150,180.00). Motion carried 4-1-0.

AYE: Rutherford, Engles, Bolt, Richter
NAY: Matthews
ABSTAIN: None

19. Consideration of a Task Order in accordance with the agreement between the City of Shawnee and Cowan Group Engineering, LLC (Cowan) for Owner's Representative Inspection Services for North Park Avenue 14-inch Water Line Replacement project.

Director of Engineering Seth Barkhimer advised that the proposed Task Order would allow for a contract with Cowan Group Engineering, LLC to act as owner's representative for the North Park Avenue 14-inch Water Line Replacement Project. The proposed contract is in the amount of Ninety Thousand Eight Hundred Dollars ($90,800.00).

A motion was made by Vice Mayor Rutherford, seconded by Mayor Bolt, to approve a Task Order in accordance with the agreement between the City of Shawnee and Cowan Group Engineering, LLC (Cowan) for Owner's Representative Inspection Services for North Park Avenue 14-inch Water Line Replacement project. Motion carried 5-0-0.

AYE: Rutherford, Bolt, Richter, Matthews, Engles
NAY: None
ABSTAIN: None

20. Acknowledge Monthly Sales Tax and Budget Reports.

Finance Director Lindsey McNabb-Fox reported sales tax is up One Million One Hundred Seven Thousand Forty-Eight Dollars ($1,107,048.00) or Nine Point One Percent (9.1%), over the projected budget year-to-date. She stated that use tax collections are up Three Hundred Nine Thousand Two Hundred Seventy Dollars ($309,270.00) or Twenty Point Nine Percent (20.9%), above the projected budget year-to-date.

21. Administrative Report(s):

a. Progress Update on the Unified Development Code - Rian Harkins, Community Development Director

Community Development Director Rian Harkins introduced Ms. Dawn Warrick with Freese and Nichols. Ms. Warrick provided a presentation on the Progress Update on the Unified Development Code (UDC). Items discussed included:

- Project Process Overview
- Top 10 List
    1. Modern format
    2. Improved graphics
    3. Less technical jargon
    4. Overhauled subdivision standards
    5. Consolidated, revised, and new zoning districts
    6. Modernized uses with expanded use regulations
    7. Strengthened development standards
    8. Streamlined and clarified processes
    9. Flexibility provided without sacrificing certainty
    10. Expanded definitions
- UDC Organization
- Article Summary
- Next Steps

b. Santa Fe Depot, Roof and Exterior Rehabilitation Project Update - Danny Vise Jr., Assistant City Manager

Assistant City Manager Danny Vise provided an update on the Santa Fe Depot, Roof and Exterior Rehabilitation Project.

22. 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.

23. Commissioners Comments

Vice Mayor Rutherford commented on the opening of Woodland Veterans Park.

Commissioner Engles commented on Outsiders Production Company and the UDC progress.

Commissioner Matthews commented on Woodland Veterans Park, the new Water Treatment Plant, and the Shop Shawnee campaign.

Mayor Bolt commented on the tree lighting on Main Street, opening of Woodland Veterans Park, the Sidewalk Safari walk from Pleasant Grove School to the mall, and the updates on the UDC and Santa Fe Depot.

RECESS CITY COMMISSION MEETING BY THE POWER OF THE CHAIR TO CONVENE SHAWNEE AIRPORT AUTHORITY AND SHAWNEE MUNICIPAL AUTHORITY (7:37 p.m.)

RECONVENE CITY COMMISSION MEETING BY THE POWER OF THE CHAIR (7:39 p.m.)

24. Consider an executive session to discuss annual evaluation of the City Manager pursuant to 25 O.S.§307(B)(1) "Discussing the employment, hiring, appointment, promotion, demotion, disciplining, or resignation of any individual salaried public officer or employee."

A motion was made by Commissioner Matthews, seconded by Vice Mayor Rutherford, to approve an executive session to discuss annual evaluation of the City Manager pursuant to 25 O.S.§307(B)(1) "Discussing the employment, hiring, appointment, promotion, demotion, disciplining, or resignation of any individual salaried public officer or employee." Motion carried 5-0-0.

AYE: Matthews, Rutherford, Richter, Engles, Bolt
NAY: None
ABSTAIN: None

25. Consider an executive session in accordance with 25 O.S. § 307(B)(4) to discuss confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest, specifically regarding PFAS settlement.

A motion was made by Commissioner Matthews, seconded by Commissioner Engles, to approve an executive session in accordance with 25 O.S. § 307(B)(4) to discuss confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest, specifically regarding PFAS settlement. Motion carried 5-0-0.

AYE: Matthews, Engles, Bolt, Rutherford, Richter
NAY: None
ABSTAIN: None

COMMISSION ENTERED INTO EXECUTIVE SESSION AT 7:42 P.M. WITH ALL MEMBERS PRESENT.

COMMISSION RECONVENED FROM EXECUTIVE SESSION AT 8:58 P.M. WITH ALL MEMBERS PRESENT.

26. Consider matters discussed in executive session regarding discussion of annual evaluation of City Manager pursuant to 25 O.S. §307(B)(1) "Discussing the employment, hiring, appointment, promotion, demotion, disciplining, or resignation of any individual salaried public officer or employee." *(Deferred from October 16, 2023 City Commission Meeting.)*

A motion was made by Commissioner Matthews, seconded by Vice Mayor Rutherford, to extend the City Manager's contract by one (1) year, the contract includes no change in rate of compensation, and it is amended to add five (5) additional days of paid leave per year. Motion carried 5-0-0.

AYE: Matthews, Rutherford, Richter, Engles, Bolt
NAY: None
ABSTAIN: None

27. Consider matters discussed in executive session in accordance with 25 O.S. § 307(B)(4) to discuss confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest, specifically

regarding PFAS settlement.

A motion was made by Commissioner Matthews, seconded by Commissioner Engles, to engage the firm of McAfee & Taft regarding PFAS settlement and authorize the City Manager to follow their legal advice regarding participation in any lawsuit or opting out of any settlement. Motion carried 5-0-0.

AYE: Matthews, Engles, Bolt, Rutherford, Richter
NAY: None
ABSTAIN: None

28. Discussion and presentation of City Commissioner Ward 3 applicants:

Theresa Cody
Lauren Craig
Yannah Frazier
Robert Keil
Tanner Kelly

Ms. Devra Waterman read a statement on behalf of Applicant Theresa Cody.

Ms. Lauren Craig spoke regarding her request to be appointed as Ward 3 Commissioner.

Ms. Yannah Frazier spoke regarding her request to be appointed as Ward 3 Commissioner.

Mr. Robert Keil spoke regarding his request to be appointed as Ward 3 Commissioner.

Mayor advised that Mr. Tanner Kelly withdrew his application.

29. Discussion, consideration and possible action to appoint a Ward 3 Commissioner to complete remainder of term, expiring 2024.

Disucssion was held among the Commission.
A motion was made by Vice Mayor Rutherford, seconded by Commissioner Engles, to appoint Yannah Frazier as Ward 3 Commissioner to complete the remainder of the term, expiring 2024. Motion carried 4-1-0.

AYE: Rutherford, Engles, Bolt, Matthews

NAY: Richter
ABSTAIN: None

30. Swearing in of Ward 3 Commissioner. *(This item only occurs if a Commissioner for Ward 3 is appointed during Agenda Item No. 29.)*

City Clerk Lisa Lasyone swore in Ms. Yannah Frazier as Ward 3 Commissioner.

31. Discussion and consideration of an appointment of a City Commissioner to the Shawnee Beautification, Parks, and Recreation Committee.

City Manager Andrea Weckmueller-Behringer provided a Staff report. Commissioner Richter volunteered to serve on the Committee.

A motion was made by Commissioner Matthews, seconded by Vice Mayor Rutherford, to appoint Commissioner Lauren Richter to the Shawnee Beautification, Parks, and Recreation Committee. Motion carried 5-0-1.

AYE: Matthews, Rutherford, Engles, Frazier, Bolt
NAY: None
ABSTAIN: Richter

32. Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (9:29 p.m.)

Ed Bolt
ED BOLT, MAYOR

ATTEST:
Lisa Lasyone
LISA LASYONE, MMC
CITY CLERK