

BOARD OF CITY COMMISSIONERS PROCEEDINGS

DECEMBER 18, 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, December 18, 2023 at 6:00 PM, pursuant to notice duly posted as prescribed by law on Thursday, December 14, 2023 at 5:40 PM. 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

Yannah Frazier
Commissioner Ward 3

Darren Rutherford
Commissioner Ward 4 - Vice Mayor

Mark Sehorn
Commissioner Ward 5

Lauren Richter
Commissioner Ward 6

ABSENT: None

CALL TO ORDER

DECLARATION OF A QUORUM

INVOCATION

FLAG SALUTE

1. Presentation of Certificate of Recognition for Shawnee Police Department Staff

Mayor Bolt presented a Certificate of Recognition to Shawnee Police Department Cpl. Daniel Crisp.

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

Citizens may provide comment relevant to City business. Per State Statute 25 O.S. § 311(B)(1), the City Commission may only consider, deliberate, or render decisions on those items of City business that were included in the agenda. For other citizen comments, the City Commission may refer the matter to the City Manager for administrative consideration, or to schedule the matter

for Commission consideration at a later date.

Ms. Kelley Mullican, Mr. Rob Morris, Mr. Ben Parker, Mr. Floyd Thompson, Mr. Monty Porter, Ms. Jennifer Allen, Ms. Jennifer Gaskill, Ms. Tina Bridenstine, Mr. William Rooth, Ms. Edwina Butler-Wolfe, Ms. Molly Daniels, Ms. Jeanine Ramirez, and Mr. Rod Roberts spoke during Citizens Participation. City Attorney Joe Vorndran advised the Mayor and Commission that the Citizens Participation time limit had been reached.

A motion was made by Mayor Bolt, seconded by Commissioner Frazier, to extend the overall time to speak during Citizens Participation, limited to the remaining individuals already signed up, providing a maximum of three (3) minutes per individual, and to remove the time limits on specific topics. Motion Carried 7-0-0.

AYE: Bolt, Fraizer, Rutherford, Sehorn, Richter, Matthews, Engles

NAY: None

ABSTAIN: None

Mr. Gary Berlin, Mr. Mark Crook, Ms. Kerri Keck, Ms. Tammy Mack, Mr. Andrew Johnson, and Mr. Noel Worthington spoke during Citizens Participation.

3. Consider approval of Consent Agenda:

a. Minutes from the November 20, 2023 regular meeting.

b. Acknowledge the following minutes and reports:

- Planning Commission Minutes from the October 4, 2023 regular meeting.
- Shawnee Senior Citizens Advisory Board Minutes from the October 10, 2023 regular meeting.

- Shawnee Urban Renewal Authority Minutes from the August 1, 2023 regular meeting and September 28, 2023 special call meeting.
- License Payment Report for November 2023.
- Project Payment Report for November 2023.

c. Lake Lease Transfer:

- Johnston Tract Lot 22, 16500 Stevens Rd
From: Sharon Patnaude
To: Michael Dennis Balduff and Michele Janette Balduff
- Belcher Tract Lot 17, 33314 Post Office Neck
From: Joseph and Leta Rostochil
To: Leslie and Ronald Jefferson

d. Mayor Appointments:

- Shawnee Urban Renewal Authority
William Burke 1st Full Term Expires: February 2, 2027
Reappointment

- e. Acceptance of a Utility Easement for the Lowe's Waterline Loop project from Lowe's Home Centers, LLC, a North Carolina limited liability company, located in the southwest quarter section of Section 31, Township 11 North, Range 4 East.

Commissioner Sehorn asked that Consent Agenda Item No. 3(a) be pulled for

separate consideration.

A motion was made by Commissioner Matthews, seconded by Vice Mayor Rutherford, to approve Consent Agenda Item Nos. 3(a-e), less item 3(a). Motion carried 7-0-0.

AYE: Matthews, Rutherford, Sehorn, Richter, Engles, Frazier, Bolt

NAY: None

ABSTAIN: None

A motion was made by Commissioner Matthews, seconded by Commissioner Engles, to approve Consent Agenda Item No. 3(a). Motion carried 6-0-1.

AYE: Matthews, Engles, Fraizer, Bolt, Rutherford, Richter

NAY: None

ABSTAIN: Sehorn

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

Animal Control Officer Theresa Touchet introduced Toon, an approximately one-year-old lab mix.

5. Consideration of the utilization of the State of Oklahoma Roof Asset Management Program through the Oklahoma Office of Management and Enterprise Services (OMES), Construction and Properties Department, for roofing services at the Recreation Center.

Assistant City Manager Danny Vise advised this item is a companion item to Agenda Item No. 6. Mr. Vise explained the benefits of the Roof Asset Management Program for roofing services at the Recreation Center.

A motion was made by Commissioner Sehorn, seconded by Vice Mayor Rutherford, to approve the utilization of the State of Oklahoma Roof Asset Management Program through the Oklahoma Office of Management and Enterprise Services (OMES), Construction and Properties Department, for roofing services at the Recreation Center. Motion Carried 7-0-0.

AYE: Sehorn, Rutherford, Richter, Matthews, Engles, Frazier, Bolt

NAY: None

ABSTAIN: None

6. Consideration of a contract with Universal Roofing and Sheet Metal through

the Oklahoma Roof Asset Management Program for roofing services for the Recreation Center.

Assistant City Manager Danny Vise explained Staff recommends entering into a contract with Universal Roofing and Sheet Metal for the repair and replacement of all existing non-shingle roof sections for the Recreation Center, also known as the Municipal Auditorium. Staff recommends entering into a contract with Universal Roofing and Sheet Metal for One Million Fifteen Thousand Two Hundred Sixty-One Dollars and Fifty-Seven Cents (\$1,015,261.57) to repair and replace all existing non-shingle roof sections.

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Engles, to approve a contract with Universal Roofing and Sheet Metal through the Oklahoma Roof Asset Management Program for roofing services for the Recreation Center. Motion carried 7-0-0.

AYE: Rutherford, Engles, Frazier, Bolt, Sehorn, Richter, Matthews

NAY: None

ABSTAIN: None

7. Consideration of a proposal with H.W. Lochner to provide Design Engineering Services in support of Siting and Bidding Services for a Temporary Terminal Building at Shawnee Regional Airport (SNL).

Assistant City Manager Danny Vise explained the Shawnee Regional Airport was heavily damaged during the April 19, 2023, tornado event. The terminal has since been uninhabitable. Staff recommends authorization to execute an Addendum to their existing agreement for professional engineering services in support of a project to support the procurement and installation of a temporary terminal building.

A motion was made by Commissioner Sehorn, seconded by Commissioner Matthews, to approve a proposal with H.W. Lochner to provide Design Engineering Services in support of Siting and Bidding Services for a Temporary Terminal Building at Shawnee Regional Airport (SNL). Motion carried 7-0-0.

AYE: Sehorn, Matthews, Engles, Frazier, Bolt, Rutherford, Richter

NAY: None

ABSTAIN: None

8. Consideration of contract with Mobile Modular to provide temporary Airport Terminal Facilities.

Assistant City Manager Danny Vise explained this is a companion item to Agenda Item No. 7. Due to the damage the Shawnee Regional Airport terminal sustained during the April 19, 2023, tornado event, Staff is seeking to procure and install a temporary facility to provide customer, administrative, and operational services at the airport.

A motion was made by Commissioner Matthews, seconded by Vice Mayor Rutherford, to approve a contract with Mobile Modular to provide temporary Airport Terminal Facilities. Motion carried 7-0-0.

AYE: Matthews, Rutherford, Sehorn, Richter, Engles, Frazier, Bolt

NAY: None

ABSTAIN: None

9. Consideration of a contract with Meshek & Associates, LLC for the Right-of-Way Acquisition Services for the 45th Street Widening: Phase 1, Project Number 24-0810-01.

Director of Engineering Seth Barkhimer explained this item is for the engagement of a right-of-way acquisition service provider in connection with Phase 1 of the proposed widening of 45th Street.

A motion was made by Commissioner Matthews, seconded by Commissioner Sehorn, to approve a contract with Meshek & Associates, LLC for the Right-of-Way Acquisition Services for the 45th Street Widening: Phase 1, Project Number 24-0810-01. Motion carried 7-0-0.

AYE: Matthews, Sehorn, Richter, Engles, Frazier, Bolt, Rutherford

NAY: None

ABSTAIN: None

10. Consideration of acceptance of a grant from the State of Oklahoma American Rescue Plan Act (ARPA) for plan, design, and construction of downstream slope repair at Shawnee Twin Lake #1 Dam.

Director of Engineering Seth Barkhimer explained staff has been working with the Oklahoma Water Resources Board to identify additional funding sources for the design and subsequent construction of the necessary dam repair project for Shawnee Twin Lake No. 1 Dam.

A motion was made by Commissioner Engles, seconded by Vice Mayor Rutherford, to approve the acceptance of a grant from the State of Oklahoma American Rescue Plan Act (ARPA) for plan, design, and construction of

downstream slope repair at Shawnee Twin Lake #1 Dam. Motion carried 7-0-0.

AYE: Engles, Rutherford, Sehorn, Richter, Matthews, Frazier, Bolt

NAY: None

ABSTAIN: None

11. Consideration of an ordinance amending Article I of Chapter 20 of the Shawnee City Code by enacting a new Section 20-47 prohibiting sitting or lying down on public sidewalks and sleeping outdoors in the downtown Shawnee area; providing for repeal; providing for severability; and providing for codification.

City Manager Andrea Weckmueller-Behringer explained the proposed ordinance is to promote family-friendly public areas, support tourism and businesses, provide accessibility for individuals with disabilities, and maintain an inviting environment. Staff answered questions from the Commission.

A motion was made by Commissioner Frazier, seconded by Vice Mayor Rutherford, to approve an ordinance amending Article I of Chapter 20 of the Shawnee City Code by enacting a new Section 20-47 prohibiting sitting or lying down on public sidewalks and sleeping outdoors in the downtown Shawnee area; providing for repeal; providing for severability; and providing for codification.

Ordinance No. 2800NS was introduced.

AN ORDINANCE AMENDING ARTICLE I OF CHAPTER 20 OF THE SHAWNEE CITY CODE BY ENACTING A NEW SECTION 20-47 PROHIBITING SITTING OR LYING DOWN ON PUBLIC SIDEWALKS AND SLEEPING OUTDOORS IN THE DOWNTOWN SHAWNEE AREA; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR CODIFICATION.

Motion carried 6-1-0.

AYE: Frazier, Rutherford, Sehorn, Matthews, Engles, Bolt

NAY: Richter

ABSTAIN: None

Ordinance No. 2800NS was adopted by the City Commission.

12. Consideration of a resolution updating the City Fee Schedule pursuant to

Article I of Chapter 20 "Offenses and Miscellaneous Provisions" of the Shawnee Municipal Code; and providing for the readoption of the City Fee Schedule in whole.

City Manager Andrea Weckmueller-Behringer explained this was a companion item to Agenda Item No. 11.

A motion was made by Commissioner Sehorn, seconded by Vice Mayor Rutherford, to approve a resolution updating the City Fee Schedule pursuant to Article I of Chapter 20 "Offenses and Miscellaneous Provisions" of the Shawnee Municipal Code; and providing for the readoption of the City Fee Schedule in whole.

Resolution No. 6719 was introduced.

A RESOLUTION UPDATING THE CITY FEE SCHEDULE PURSUANT TO ARTICLE I OF CHAPTER 20 "OFFENSES AND MISCELLANEOUS PROVISIONS" OF THE SHAWNEE MUNICIPAL CODE; AND PROVIDING FOR THE READOPTION OF THE CITY FEE SCHEDULE IN WHOLE.

Motion carried 7-0-0.

AYE: Sehorn, Rutherford, Richter, Matthews, Engles, Frazier, Bolt

NAY: None

ABSTAIN: None

13. Consideration of a request for a Preliminary Plat, Adcock Addition, of approximately 22.68 acres.

Case No.: PPL04-23 | Applicant: TJT Holdings, LLC

Community Development Director Rian Harkins explained the property is located northwest of the intersection of East 45th Street and North Harrison Avenue. The Planning Commission and staff recommend approval of this item.

A motion was made by Commissioner Matthews, seconded by Commissioner Engles, to approve a Preliminary Plat for the Adcock Addition containing approximately 22.68 acres. Motion carried 7-0-0.

AYE: Matthews, Engles, Frazier, Bolt, Rutherford, Sehorn, Richter

NAY: None

ABSTAIN: None

RECESS CITY COMMISSION MEETING BY THE POWER OF THE CHAIR
(7:41 p.m.)

RECONVENE CITY COMMISSION MEETING BY THE POWER OF THE
CHAIR (7:53 p.m.)

14. Public hearing for a request to rezone from A-1 (Rural Agricultural District) to C-3 (Highway Commercial District) property located northwest of the intersection of East 45th Street and North Harrison Avenue.

Case No.: RZ12-23 | Applicant: TJT Holdings, LLC

Community Development Director Rian Harkins advised the applicant requested the item be withdrawn. No further action is required.

15. Public hearing for a request to rezone from A-1 (Rural Agricultural District) to I-1 (Limited Light Industrial District) property located northwest of the intersection of East 45th Street and North Harrison Avenue.

Case No.: RZ13-23 | Applicant: TJT Holdings, LLC

Community Development Director Rian Harkins advised the applicant requested the item be withdrawn. No further action is required.

16. Acknowledgment of the temporary closure of Celebration of Life Park to the public.

City Manager Andrea Weckmueller-Behringer explained that Celebration of Life Park is one of the City's thirty-six parks. In part due to the April 19, 2023, tornado event, the park now lacks adequate park elements. City staff will be temporarily closing the park, in order to preserve the property and address public health, safety, and welfare concerns.

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

- a. General Fund - 001 - to fund a pay plan adjustment as a result of the FY23-24 Collective Bargaining Agreement with the Shawnee Police Association.
- b. 2018 Capital Improvement Fund - 303 - to fund the Santa Fe Depot Roof

and Remodel Project.

Finance Director Lindsey McNabb-Fox provided a staff report for each of the proposed budget amendments.

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Engles, to approve the budget amendments listed in Agenda Item Nos. 17(a-b). Motion carried 7-0-0.

AYE: Rutherford, Engles, Frazier, Bolt, Sehorn, Richter, Matthews

NAY: None

ABSTAIN: None

18. Consider Bid(s):

a. Santa Fe Depot Roof and Exterior Rehabilitation (Award)

Assistant City Manager Danny Vise announced that two (2) bids were received. Staff recommends awarding the bid to Downey Contracting, LLC of Oklahoma City, Oklahoma for the base bid and alternate no. 4 in the total amount of One Million Two Hundred Eighty-Six Thousand Dollars (\$1,286,000.00).

A motion was made by Commissioner Engles, seconded by Commissioner Matthews, to award the Santa Fe Depot Roof and Exterior Rehabilitation to Downey Contracting, LLC for the base bid and alternate no. 4 in the total amount of One Million Two Hundred Eighty-Six Thousand Dollars (\$1,286,000.00). Motion carried 7-0-0.

AYE: Engles, Matthews, Frazier, Bolt, Rutherford, Sehorn, Richter

NAY: None

ABSTAIN: None

19. Acknowledge Monthly Sales Tax and Budget Reports.

Finance Director Lindsey McNabb-Fox reported sales tax collections are up One Million One Hundred Seventy-Seven Thousand Three Hundred Fifty-Seven Dollars (\$1,177,357.00) or Eight Point One Percent (8.1%), over the projected budget year-to-date. She stated that use tax collections are up approximately Three Hundred Thirty Thousand Fifty-One Dollars (\$330,051.00) or Eighteen Percent (18%), above the projected budget year-to-date.

20. Administrative Report(s):

- a. Draft Shawnee Twin Lakes Master Plan - Rian Harkins, Community Development Director

Rian Harkins, Community Development Director, introduced Mr. Christian Lentz with Halff. Mr. Lentz provided a presentation regarding the Shawnee Twin Lakes Master Plan and discussed the project overview, plan structure, future development plan, and recommendations.

21. 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.

22. Commissioners Comments

Commissioner Sehorn expressed his appreciation to City Staff. He spoke regarding 45th Street progress, Recreation Center progress, the Christmas Parade, and the unhoused population.

Vice Mayor Rutherford thanked City Staff. He commented on the progress of multiple projects and the Shawnee Twin Lakes Master Plan.

Commissioner Frazier thanked everyone for welcoming her to the Commission. She commented on the Santa Fe Depot progress.

Commissioner Engles thanked City Staff. She commented on the unhoused in the downtown area, Santa Fe Depot project, and encouraged citizens to shop local this holiday season.

Commissioner Matthews thanked City staff. He commented on the progress of multiple long term projects, the Christmas Parade, the unhoused population, the sales tax numbers, and provided a statement of support to the Shawnee Police Department. Commissioner Matthews also congratulated Citizen Potawatomi Nation Chairman John "Rocky" Barrett for his induction into the Oklahoma Hall of Fame.

Mayor Bolt thanked City staff. He congratulated Corporal Daniel Crisp of the

Shawnee Police Department. Mayor Bolt also commented on the progress of multiple long term projects, the Shawnee Twin Lakes Master Plan, the unhoused population, and the Christmas Parade.

The Mayor and Commissioner wished everyone a Merry Christmas.

RECESS CITY COMMISSION MEETING BY THE POWER OF THE CHAIR
TO CONVENE SHAWNEE AIRPORT AUTHORITY AND SHAWNEE
MUNICIPAL AUTHORITY (8:41 p.m.)

RECONVENE CITY COMMISSION MEETING BY THE POWER OF THE
CHAIR (8:44 p.m.)

23. 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 public works.

A motion was made by Commissioner Matthews, seconded by Vice Mayor Rutherford, to approve entering into 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 public works. Motion Carried 7-0-0.

AYE: Matthews, Rutherford, Sehorn, Richter, Engles, Frazier, Bolt

NAY: None

ABSTAIN: None

COMMISSION ENTERED INTO EXECUTIVE SESSION AT 8:46 P.M. WITH
ALL MEMBERS PRESENT.

COMMISSION RECONVENED FROM EXECUTIVE SESSION AT 9:29 P.M.
WITH ALL MEMBERS PRESENT.

24. 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 public works.

A motion was made by Commissioner Matthews, seconded by Vice Mayor Rutherford, to authorize and direct the filing of a legal proceeding pursuant to Title 50 Section 17 of the Oklahoma Statutes by the City of Shawnee in the District Court of Pottawatomie County, Oklahoma, for the purpose of abating the nuisance at the Fairview Mausoleum. Motion carried 7-0-0.

AYE: Matthews, Rutherford, Sehorn, Richter, Engles, Frazier, Bolt

NAY: None

ABSTAIN: None

25. Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (9:30 p.m.)



ED BOLT, MAYOR

ATTEST:



KACIE ECK, CMC
SR. DEPUTY CITY CLERK