

BOARD OF CITY COMMISSIONERS PROCEEDINGS

MARCH 18, 2024 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, March 18, 2024 at 6:00 PM, pursuant to notice duly posted as prescribed by law on Thursday, March 14, 2024 at 6:05 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. Recognition of 2023 Build Oklahoma - Best in Class Award for KidSpace Park.

Mayor Bolt presented a Certificate of Recognition of 2023 Build Oklahoma - Best in Class Award for KidSpace Park to Parks and Recreation Manager Kerri Foster.

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

Citizens may provide comment relevant to City business. Per Oklahoma 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.

Mr. William Rooth, Ms. Sarah Inselman, Ms. Sylwia Partyka, Mr. Rob Morris, Ms. Danielle Shaughnessy, Ms. Cyndi Berger, and Mr. Rick Young spoke during Citizens Participation.

3. Consider approval of Consent Agenda:

a. Minutes from the February 20, 2024 special call meeting and the February 20, 2024 regular meeting.

b. Acknowledge the following minutes and reports:

- Shawnee Beautification, Parks, and Recreation Committee Minutes from the January 18, 2024 regular meeting and the January 23, 2024 special call meeting.
- Shawnee Senior Citizens Advisory Board Minutes from the December 12, 2023 regular meeting.
- License Payment Report for February 2024.
- Project Payment Report for February 2024.

c. Lake Lease Transfer:

- Belcher Tract Lot 3, 15514 Nickens Rd
From: Harold W Beavers
To: Stony and Kourtney Roberson

- Johnston Tract Lot 23, 16504 Stevens Rd
From: Shawnee Properties LLC
To: The Jenifer and Richard A Stevenson II Revocable Trust Agreement

d. Mayor Appointments:

Shawnee Urban Renewal Authority

Robert Keil 1st Full Term Expires: February 2, 2027

Replaced Jamelle Payne - Term Expired

- e. Authorize a right-of-way easement be given to Canadian Valley Electric Cooperative, Inc., to serve existing City Lake Lot Lease 16504 Stevens Rd., at Shawnee Twin Lakes.
- f. Authorize a right-of-way easement be given to Canadian Valley Electric Cooperative, Inc., to serve existing City Lake Lot Lease 15109 Eckels Drive, at Shawnee Twin Lakes.
- g. Approve Change Order No.1 for Thompson Heights Waterline Project.
- h. Approve Change Order No. 1 for Independence Waterline Project.
- i. Acknowledge Change Order No. 1 for Clearpond Road Culvert Replacement.
- j. Acknowledge Change Order No. 2 for Clearpond Road Culvert

Replacement.

- k. Acknowledge Change Order No. 1 for Traffic Signal Storm Damage Repair project.

- l. Acceptance of Northside Veterinary Hospital public water line improvements and placing the Maintenance Bond into effect.

A motion was made by Commissioner Matthews, seconded by Vice Mayor Rutherford, to approve Consent Agenda Item Nos. 3(a-1). Motion carried 7-0-0.

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

NAY: None

ABSTAIN: None

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

Animal Control Officer Theresa Touchet introduced Basher, an approximate 1-year-old labrador-mix.

- 5. Mayor's Proclamation(s)

- a. "Alcohol Awareness Month", April 2024

Mr. Jon Greenwood with Gateway to Prevention & Recovery accepted the Mayor's Proclamation for "Alcohol Awareness Month" from Mayor Bolt.

- b. "Fair Housing Month", April 2024

Community Development Director Rian Harkins accepted the Mayor's Proclamation for "Fair Housing Month" from Mayor Bolt.

- c. "National Donate Life Month", April 2024

The Mayor accepted the Mayor's Proclamation on behalf of Ms. Allie Hall for "National Donate Life Month."

- 6. Public Hearing for consideration of an ordinance amending Section 22-410 of

the Zoning Code of the City of Shawnee, Pottawatomie County, more specifically known as Boardinghouse, Roominghouse, Overnight Shelter; providing for repeal; providing for severability; and providing for codification.

Community Development Director Rian Harkins advised that due to not having a quorum at the March 6, 2024 Planning Commission and the item not being presented, he is requesting that this item be deferred.

A motion was made by Commissioner Matthews, seconded by Vice Mayor Rutherford, to defer the item to a future meeting. Motion carried 7-0-0.

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

NAY: None

ABSTAIN: None

7. Discussion of potential amendments to portions of Article VII, Section 22-410 of Chapter 22, related to the operation of shelters for homeless persons.

Community Development Director Rian Harkins stated that the Commission had requested Staff to provide further information and bring the discussion back to the Commission. He presented a presentation and topics discussed included:

- Current Section 22-410
- Proposed Amendment
- Why Amend the Zoning Now?
- What other cities are doing
 - Oklahoma City
 - Tulsa
 - Chickasha - Resurrection House
 - Norman
 - Norman - Food & Shelter
 - Lawton - Family Promise
 - Okmulgee
 - Muskogee

8. Consideration of a resolution updating the City Fee Schedule by: (1) setting the water rates for residential and commercial use, both inside and outside the city limits, pursuant to Subsections (a) and (b), Section 26-26, Article II, Chapter 26 of the City Code; and (2) setting the sanitary sewer rates for residential and commercial use, both inside and outside the city limits, pursuant to Subsections

(b) and (c), Section 26-27, Article II, Chapter 26 of the Code of the City of Shawnee.

City Clerk Lisa Lasyone provided a Staff report.

A motion was made by Commissioner Sehorn, seconded by Vice Mayor Rutherford, to approve a resolution updating the City Fee Schedule by: (1) setting the water rates for residential and commercial use, both inside and outside the city limits, pursuant to Subsections (a) and (b), Section 26-26, Article II, Chapter 26 of the City Code; and (2) setting the sanitary sewer rates for residential and commercial use, both inside and outside the city limits, pursuant to Subsections (b) and (c), Section 26-27, Article II, Chapter 26 of the Code of the City of Shawnee.

Resolution No. 6725 was introduced.

A RESOLUTION UPDATING THE CITY FEE SCHEDULE BY: (1) SETTING THE WATER RATES FOR RESIDENTIAL AND COMMERCIAL USE, BOTH INSIDE AND OUTSIDE THE CITY LIMITS, PURSUANT TO SUBSECTIONS (a) AND (b), SECTION 26-26, ARTICLE II, CHAPTER 26 OF THE CITY CODE; AND (2) SETTING THE SANITARY SEWER RATES FOR RESIDENTIAL AND COMMERCIAL USE, BOTH INSIDE AND OUTSIDE THE CITY LIMITS, PURSUANT TO SUB-SECTIONS (b) AND (c), SECTION 26-27, ARTICLE II, CHAPTER 26 OF THE CODE OF THE CITY OF SHAWNEE.

Motion carried 7-0-0.

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

NAY: None

ABSTAIN: None

9. Consideration of a resolution updating the City Fee Schedule by setting the monthly rates and fees for solid waste services pursuant to Subsections (a), Section 23-38, Article II, Chapter 23 of the City Code; and providing for the re-adoption of the City Fee Schedule in whole.

City Clerk Lisa Lasyone provided a Staff report.

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Engles, to approve a resolution updating the City Fee Schedule by setting the monthly rates and fees for solid waste services pursuant to Subsections (a), Section 23-38, Article II, Chapter 23 of the City Code; and providing for the re-adoption of

the City Fee Schedule in whole.

Resolution No. 6726 was introduced.

A RESOLUTION UPDATING THE CITY FEE SCHEDULE BY SETTING THE MONTHLY RATES AND FEES FOR SOLID WASTE SERVICES PURSUANT TO SUBSECTIONS (a), SECTION 23-38, ARTICLE II, CHAPTER 23 OF THE CITY CODE; AND PROVIDING FOR THE RE-ADOPTION OF THE CITY FEE SCHEDULE IN WHOLE.

Motion Carried 7-0-0.

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

NAY: None

ABSTAIN: None

10. Consideration of an appeal of an Administrative Order regarding property located at 602 South Park Avenue.

City Attorney Joe Vorndran advised that the Appellant did not have proper standing to make the appeal. Staff is asking for permission to defer to the item April 15, 2024 City Commission meeting to allow the Appellant to correct defect.

A motion was made by Commissioner Sehorn, seconded by Commissioner Engles, to defer the item to the April 15, 2024 City Commission meeting. Motion carried 7-0-0.

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

NAY: None

ABSTAIN: None

11. Consideration of a resolution to surplus a 2003 Ford F450 reserve brush pumper.

Fire Chief Tony Wittmann stated that Staff recommends surplus the Brush Pumper so that it may be conveyed to the Central Oklahoma Economic Development District (COEDD) Rural Fire Defense Program.

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Matthews, to approve a resolution to surplus a 2003 Ford F450 reserve brush pumper.

Resolution No. 6727 was introduced.

A RESOLUTION DECLARING CERTAIN ITEMS OF PERSONAL PROPERTY SURPLUS AND NO LONGER NEEDED FOR CITY PURPOSES; DESCRIBING SAID ITEMS; AND AUTHORIZING THE SELL OR DISPOSAL AT THE CITY'S DISCRETION.

Motion carried 7-0-0.

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

NAY: None

ABSTAIN: None

12. Consideration of a resolution of the City of Shawnee approving the purchase of Self-Contained Breathing Apparatus (SCBA) Inventory from Municipal Emergency Services, under a Cooperative Purchasing Agreement with Sourcewell; and authorizing to enter into a lease/purchase agreement with Community Leasing Partners.

Fire Chief Tony Wittmann stated that the replacement of the current inventory of Self Contained Breathing Apparatus (SCBA) for the Shawnee Fire Department was included in the current Capital Improvement plan for replacement over the next three years. The Shawnee Fire Department was notified earlier this month that the SCBA manufacturer is going to request a rescission from the National Institute for Occupational Safety & Health (NIOSH) for several different products they manufacture, including SCBA inventory. As a result, these products will not be supported for parts and repairs, and they will no longer be NIOSH approved, necessitating the need to purchase new SCBAs by the end of the calendar year 2024.

A motion was made by Commissioner Engles, seconded by Commissioner Matthews, to approve a resolution of the City of Shawnee approving the purchase of Self-Contained Breathing Apparatus (SCBA) Inventory from Municipal Emergency Services, under a Cooperative Purchasing Agreement with Sourcewell; and authorizing to enter into a lease/purchase agreement with Community Leasing Partners.

Resolution No. 6728 was introduced.

A RESOLUTION OF THE CITY OF SHAWNEE APPROVING THE PURCHASE OF SELF-CONTAINED BREATHING APPARATUS

INVENTORY FROM MUNICIPAL EMERGENCY SERVICES, UNDER A COOPERATIVE PURCHASING AGREEMENT WITH SOURCEWELL; AND AUTHORIZING TO ENTER INTO A LEASE/PURCHASE AGREEMENT WITH COMMUNITY LEASING PARTNERS.

Motion carried 7-0-0.

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

NAY: None

ABSTAIN: None

13. Consideration of a resolution of the City of Shawnee to purchase a Kubota SVL75 utilizing Sourcewell Contract #040319.

Assistant City Manager Danny Vise provided a Staff report.

A motion was made by Commissioner Sehorn, seconded by Vice Mayor Rutherford, to approve a resolution of the City of Shawnee to purchase a Kubota SVL75 utilizing Sourcewell Contract #040319.

Resolution No. 6729 was introduced.

A RESOLUTION OF THE CITY OF SHAWNEE APPROVING THE PURCHASE OF A KUBOTA SVL75-3HWC FROM GREAT PLAINS KUBOTA OF SHAWNEE, UNDER THE COOPERATIVE PURCHASING AGREEMENT WITH SOURCEWELL.

Motion carried 7-0-0.

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

NAY: None

ABSTAIN: None

14. Consideration of a resolution to withdraw the request for exclusion from the Aqueous Film-Forming Foam (AFFF) Product Liability Litigation (MDL 2873).

City Attorney Joe Vorndran provided a Staff report.

A motion was made by Commissioner Matthews, seconded by Commissioner Sehorn, to approve a resolution to withdraw the request for exclusion from the Aqueous Film-Forming Foam (AFFF) Product Liability Litigation (MDL 2873).

Resolution No. 6730 was introduced.

A RESOLUTION TO WITHDRAW THE REQUEST FOR EXCLUSION FROM THE AQUEOUS FILM-FORMING FOAM (AFFF) PRODUCT LIABILITY LITIGATION (MDL 2873).

Motion carried 7-0-0.

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

NAY: None

ABSTAIN: None

15. Consideration and approval of a grant application for a Safe Streets and Roads for All transportation planning grant to the United States Department of Transportation.

Community Development Director Rian Harkins advised that the Bipartisan Infrastructure Law (BIL) established the new Safe Streets and Roads for All (SS4A) discretionary program with Five Billion Dollars (\$5,000,000,000.00) in appropriated funds over five (5) years. If awarded, this grant-funded project enables the City to develop the Safe Streets for All Action Plan needed to apply for subsequent SS4A Implementation Grants.

A motion was made by Commissioner Engles, seconded by Commissioner Matthews, to approve a grant application for a Safe Streets and Roads for All transportation planning grant to the United States Department of Transportation. Motion Carried 7-0-0.

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

NAY: None

ABSTAIN: None

16. Consideration of an ordinance amending portions of Article VII, creating Sections 22-299 through 22-309 of Chapter 22, authorizing the operation of residential short-term rentals; providing for repeal; providing for severability; and providing for codification.

Community Development Director Rian Harkins advised that due to not having a quorum at the March 6, 2024 Planning Commission and the item not being presented, he is requesting that this item be deferred to the April 15, 2024

City Commission meeting.

A motion was made by Commissioner Matthews, seconded by Commissioner Engles, to defer the item to the April 15, 2024 City Commission meeting. Motion carried 7-0-0.

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

NAY: None

ABSTAIN: None

17. Consider Bid(s):

a. Demolition of Shawnee Regional Airport Terminal (Award)

Assistant City Manager Danny Vise announced that four (4) bids were received. Staff recommends awarding the Base Bid, Alternate No. 1, and Alternate No. 2 to M&M Wrecking of Blanchard, Oklahoma for the total amount of Thirty-Seven Thousand Two Hundred One Dollars (\$37,201.00).

A motion was made by Commissioner Matthews, seconded by Vice Mayor Rutherford, to award the Demolition of Shawnee Regional Airport Terminal to M&M Wrecking for the amount of Thirty-Seven Thousand Two Hundred One Dollars (\$37,201.00), which includes the Base Bid, Alternate No. 1, and Alternate No. 2. Motion carried 7-0-0.

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

NAY: None

ABSTAIN: None

b. Demolition of Shawnee Regional Airport 200 Series T-Hangars (Award)

Assistant City Manager Danny Vise announced that four (4) bids were received. Staff recommends awarding the Base Bid to M&M Wrecking of Blanchard, Oklahoma for the total amount of Sixteen Thousand Six Hundred Fourteen Dollars (\$16,614.00).

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Sehorn, to award the Demolition of Shawnee Regional Airport 200 Series T-Hangars to M&M Wrecking for the amount of -Sixteen Thousand Six Hundred Fourteen Dollars (\$16,614.00), which includes the Base Bid only. Motion carried 7-0-0.

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

NAY: None

ABSTAIN: None

c. Demolition of 702 West Independence (Award)

Assistant City Manager Danny Vise announced that four (4) bids were received. Staff recommends awarding the Base Bid, Alternate No. 1, and Alternate No. 2 to M&M Wrecking of Blanchard, Oklahoma for the total amount of Twenty-Eight Thousand Five Hundred Thirty Dollars (\$28,530.00).

A motion was made by Commissioner Matthews, seconded by Commissioner Engles, to award the Demolition of 702 West Independence to M&M Wrecking for the amount of Twenty-Eight Thousand Five Hundred Thirty Dollars (\$28,530.00), which includes the Base Bid, Alternate No. 1 , and Alternate No. 2. Motion carried 7-0-0.

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

NAY: None

ABSTAIN: None

18. Acknowledge Monthly Sales Tax and Budget Report.

Finance Director Lindsey McNabb-Fox reported sales tax collections are up One Million Four Hundred Twenty-Four Thousand Two Hundred Twenty-Four Dollars (\$1,424,224.00) or Six Point Five Percent (6.5%), over the projected budget year-to-date. She stated that use tax collections are up approximately Six Hundred Forty-Six Thousand Five Hundred One Dollars (\$646,501.00) or Twenty-Three Point Four Percent (23.4%), above the projected budget year-to-date.

19. Administrative Report(s):

a. 2024 Homeless Point-in-Time Count - Rian Harkins, Community Development Director

Community Development Director Rian Harkins provided a presentation on the 2024 Homeless Point-In-Time (PIT) Count. Topics discussed included:

- Point-In-Time (PIT) Count

- 2024 Shawnee PIT Count
- Shawnee Homeless Population
 - 2023 and 2024 Population
- Homeless Program City Resources
- OK Continuums of Care (CoC)
- Shawnee Continuum of Care

b. Presentation of the Housing Infill Palette - Rian Harkins, Community Development Director

Community Development Director Rian Harkins provided a presentation on the Housing Infill Palette. Topics discussed included:

- Project Basics
 - Floor Plan 1 - 1 Bed/1 Bath, 940 Square Feet
 - Floor Plan 2 - 3 Bed/2 Bath, 2 story, 1,572 Square Feet
 - Floor Plan 3 - 2 Bed/1 Bath, 1,200 Square Feet
 - Floor Plan 4 - 3 Bed/2 Bath, 1,435 Square Feet
 - Floor Plan 5 - 3 Bed/2 Bath, 1,475 Square Feet
- Next Steps
 - Finalize Waiver
 - Post on City's Website
 - Begin use on April 1, 2024

20. 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.

21. Commissioners Comments

Commissioner Sehorn commented on the sales tax and school district bond vote.

Vice Mayor Rutherford commented on the sales tax information and tax rate.

Commissioner Frazier thanked Ms. Partyka with Mabee-Gerrer Museum for her comments during Citizens Participation. She welcomed Select Supermarket to Ward 3. She also commented on the water/sewer and sanitation rate increases.

Commissioner Engles commented on the KidSpace Park award, water/sewer and sanitation rate increases, executive sessions, sales tax, and the Housing Infill Palette.

Commissioner Matthews commented on the KidSpace Park award and the raw luncheon at Gateway for Prevention in April. He also recognized Fire Fighter Walker Cross for being the 71st firefighter in State to complete the Oklahoma Smoke Diver Challenge.

Mayor Bolt commented on the water/sewer and sanitation rate increases, school bond election, and the KidSpace Park award.

RECESS CITY COMMISSION MEETING BY THE POWER OF THE CHAIR TO CONVENE SHAWNEE AIRPORT AUTHORITY AND SHAWNEE MUNICIPAL AUTHORITY (8:07 P.M.).

RECONVENE CITY COMMISSION MEETING BY THE POWER OF THE CHAIR (8:11 P.M.).

22. 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 ACLU Letters.

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 ACLU Letters. Motion carried 7-0-0.

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

NAY: None

ABSTAIN: None

COMMISSION ENTERED INTO EXECUTIVE SESSION AT 8:12 P.M. WITH ALL MEMBERS PRESENT.

COMMISSION RECONVENED FROM EXECUTIVE SESSION AT 10:03 P.M. WITH ALL MEMBERS PRESENT.

23. 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 ACLU Letters.

No action taken.

24. Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (10:05 p.m.)



ED BOLT, MAYOR

ATTEST:



LISA LASZYONE, MMC
CITY CLERK