BOARD OF CITY COMMISSIONERS PROCEEDINGS

FEBRUARY 20, 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, Tuesday, February 20, 2024 at 6:00 PM, pursuant to notice duly posted as prescribed by law on Thursday, February 15, 2024 at 5:45 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	Absent Commissioner Ward 6

ABSENT: Lauren Richter

CALL TO ORDER

DECLARATION OF A QUORUM

INVOCATION

FLAG SALUTE

1. Recognition of City of Shawnee Emergency Response Personnel for Providing EMS Services During a Special Delivery.

Mayor Bolt presented a Certificate of Recognition to Sgt. Walker Cross, Cpl. Brendan Fulmer, Sgt. Cade Thronebury, and 911 Telecommunicator Hailey Willess.

2. Recognition of Multiple State Championship Wins for Grove School Robotics Teams.

Mayor Bolt presented Certificates of Recognition to team members of Complexity Robotics Team, Golden Robots Robotics Team, and Gears of Entropy Robotics Team.

3. 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.

Ms. Reva Ingram, Ms. Fhionna Shaughnessy, Ms. Sarah Inselman, Mr. Rob Morris, Ms. Theresa Cody, and Mr. Rick Young spoke during Citizens Participation.

4. Consider approval of Consent Agenda:

   a. Minutes from the January 16, 2024 regular meeting and the February 12, 2024 special call meeting.

   b. Acknowledge the following minutes and reports:

      - Planning Commission Minutes from the December 6, 2023, regular meeting.

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

      - License Payment Report for January 2024.

      - Project Payment Report for January 2024.

   c. Lake Lease Transfer and On-Site Utility Agreement:

- Mosler Tract Lot 3, 16404 Archery Range Rd
  From: Link S Cowen
  To: Harold L Ake

d. Acceptance of Right-of-Way Utility Easement Agreements for 41401 Wolverine Road.

e. Approve renewal of an Agreement for Beautification Services for the City of Shawnee with South Central Industries, Inc. for trash removal and janitorial services.

f. Acceptance of Country Hollow public water line improvements and placing the Maintenance Bond into effect.

A motion was made by Commissioner Matthews, seconded by Commissioner Sehorn, to approve Consent Agenda Item Nos. 4(a-f). Motion carried 6-0-0.

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

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

Animal Control Officer Theresa Touchet introduced Gus, an approximately 3-5-year-old cattle dog.

6. Mayor's Proclamation(s)

a. "American Red Cross Month", March 2024

Ms. Loida Haffener Salmond, Executive Director at American Red Cross Central and Southeast Oklahoma, accepted the Mayor's Proclamation for "American Red Cross Month" from Mayor Bolt.

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 provided a Staff report. He stated that as discussions continue about potential solutions for addressing homelessness in the community, stakeholders have noted that the current zoning code is a barrier to establishing a homeless shelter site. Staff is researching options and will present a draft amendment to Section 22-410 of the zoning code at a future City Commission meeting.

8. Consideration of a resolution calling and providing for the holding of nonpartisan general and general runoff elections in the City of Shawnee, Oklahoma for the purpose of nominating and electing candidates for offices of Mayor, City Commissioner of the Second Ward, City Commissioner of the Third Ward, and City Commissioner of the Fourth Ward; establishing a filing period and qualifications for such offices; designating the manner of electing the various city offices named herein; providing for said elections to be conducted by the Pottawatomie County Election Board; and providing for voting by absentee ballot.

City Manager Andrea Weckmueller-Behringer stated that under the provisions of the Charter and Municipal Code for the City of Shawnee, the City must adopt a resolution calling for and ordering a General Election and General Runoff Election for the purpose of electing City Commission members. The offices of Mayor and Commissioners of Wards 2, 3, and 4 are up for re-election on June 18, 2024.

A motion was made by Commissioner Sehorn, seconded by Vice Mayor Rutherford, to approve a resolution calling and providing for the holding of nonpartisan general and general runoff elections in the City of Shawnee, Oklahoma for the purpose of nominating and electing candidates for offices of Mayor, City Commissioner of the Second Ward, City Commissioner of the Third Ward, and City Commissioner of the Fourth Ward; establishing a filing period and qualifications for such offices; designating the manner of electing the various city offices named herein; providing for said elections to be conducted by the Pottawatomie County Election Board; and providing for voting by absentee ballot.

Resolution No. 6724 was introduced.

A RESOLUTION CALLING AND PROVIDING FOR THE HOLDING OF NONPARTISAN GENERAL AND GENERAL RUNOFF ELECTIONS IN THE CITY OF SHAWNEE, OKLAHOMA, FOR THE PURPOSE OF NOMINATING

AND ELECTING CANDIDATES FOR THE OFFICES OF MAYOR, CITY COMMISSIONER OF THE SECOND WARD, CITY COMMISSIONER OF THE THIRD WARD, AND CITY COMMISSIONER OF THE FOURTH WARD; ESTABLISHING A FILING PERIOD AND QUALIFICATIONS FOR SUCH OFFICES; DESIGNATING THE MANNER OF ELECTING THE VARIOUS CITY OFFICES NAMED HEREIN; PROVIDING FOR SAID ELECTIONS TO BE CONDUCTED BY THE POTTAWATOMIE COUNTY ELECTION BOARD; AND PROVIDING FOR VOTING BY ABSENTEE BALLOT.

Motion carried 6-0-0.

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

9. Consideration of a contract with Econolite Systems, Inc. for Centracs Mobility Services agreement, an Advanced Transportation Management System.

Director of Engineering Seth Barkhimer stated that the proposed contract encompasses upgrading both the software and hardware deployed in the field, along with training for Staff. It also initiates an annual maintenance agreement with Econolite to ensure that the City's systems are always up-to-date and functioning as intended. The amount of the contract is Ninety-Four Thousand Seven Hundred Thirty Dollars ($94,730.00).

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Engles, to approve a contract with Econolite Systems, Inc. for Centracs Mobility Services agreement, an Advanced Transportation Management System. Motion 6-0-0.

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

10. Public hearing for a Conditional Use Permit (CUP) to operate a liquor store on the property at 523 South Chapman Avenue.
Case No. CUP01-24 | Applicant: Jennifer Hunt

Community Development Director Rian Harkins provided a Staff report. He stated that the Planning Commission had a split 3-3 vote on the proposed item. Mr. Harkins also stated that Staff received a petition against the request, which was determined invalid due to not enough property owner signatures within the 300-foot radius of the property in question. Staff is recommending that item be remanded back to Planning Commission for further discussion.

Mayor Bolt declared a public hearing in sessions for a Conditional Use Permit (CUP) to operate a liquor store on property at 523 South Chapman Avenue. Ms. Jennifer Hunt, Mr. Joe Lee, and Mr. Shawn Cooper spoke in favor. Mr. Charles Bascue, Ms. Theresa Cody, Mr, Rick Young, Mr. Brent McCutchen, Mr. Steven Bascue, and Mr. Bill Rooth spoke against. The public hearing was closed.

11. Consideration of a Conditional Use Permit (CUP) to operate a liquor store on the property at 523 South Chapman Avenue.
    Case No. CUP01-24 | Applicant: Jennifer Hunt

Community Development Director Rian Harkins requested the item be remanded back to the Planning Commission for further review and consideration. Discussion was held among the Commission and Staff.

A motion was made by Commissioner Matthews, seconded by Commissioner Sehorn, to deny the Conditional Use Permit (CUP) to operate a liquor store on the property at 523 South Chapman Avenue. Motion carried 5-1-0.

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

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

    a. Fund 302 - Street Improvement Fund - to fund an increased bid amount for the reconstruction of the Main Street Bridge near Tucker Street with sales tax collections in excess of projections.

    b. Fund 001 - General Fund - to appropriate fund balance for a prior year encumbrance for street sign replacement as a result of the April 2023 tornado.

c. Fund 603 - Insurance Recovery Fund - to appropriate insurance proceeds received from the April 2023 tornado and a weather event in July 2023.

d. Grant Fund - 010 - to appropriate grant funds awarded to the Fire Department for the purchase of fire equipment.

Assistant Finance Director Angel Odom provided a Staff report for each of the proposed budget amendments.

A motion was made by Commissioner Matthews, seconded by Vice Mayor Rutherford, to approve the budget amendments listed in Agenda Item Nos. 12(a-d). Motion carried 6-0-0.

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

13. Consider Bid(s):

a. Marie Drive Waterline Project (Award)

Director of Engineering Seth Barkhimer announced that five (5) bids were received. Staff recommends awarding the Base Bid and Alternate No. 1 to Circle B Underground, LLC of Bristow, Oklahoma for the total amount of Five Hundred Twenty-Nine Thousand Four Dollars ($529,004.00).

A motion was made by Commissioner Engles, seconded by Commissioner Sehorn, to award the Marie Drive Waterline Project to Circle B Underground for the amount of Five Hundred Twenty-Nine Thousand Four Dollars ($529,004.00), which includes the Base Bid and Alternate No. 1. Motion carried 6-0-0.

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

14. Acknowledge Monthly Sales Tax and Budget Reports.

Assistant Finance Director Angel Odom reported sales tax collections are up One Million Three Hundred Thirty-Nine Thousand Four Hundred Eighteen Dollars ($1,339,418.00) or Six Point Eight Percent (6.8%), over the projected budget year-to-date. She stated that use tax collections are up approximately Five Hundred Sixty-Four Thousand Eight Hundred Fifty Dollars ($564,850.00) or Twenty-Two Point Five Percent (22.5%), above the projected budget year-to-date.

15. Administrative Report(s):

a. Bi-Annual Progress Report of the Capital Improvement Plan FY2024-2028 - Danny Vise, Jr., Assistant City Manager

Assistant City Manager Danny Vise provided a presentation on the Bi-Annual Progress Report of the Capital Improvement Plan (CIP) for FY2024-2028. Topics discussed included:

- Capital Plan Policy Recap
- Capital Planning
- FY24-28 CIP Plan
- FY24-28 CIP Plan Status
- Completed Projects
- CIP Plan Next Steps

16. 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.

17. Commissioners Comments

Commissioner Sehorn commented on the sales tax report, the liquor store CUP item, and the Commissioners' responsibilities to safety - water, sewer, police, fire - core things of community.

Vice Mayor Rutherford thanked Staff for preparation of agenda.

Commissioner Frazier congratulated the Shawnee High School Swim Team as state champions. She also said that she would like to hear from her Ward 3 constituents regarding the homeless discussions

Commissioner Engles congratulated the robotics teams. She also said she would like to hear from citizens regarding the homeless discussion. She commented on the liquor store CUP.

Commissioner Matthews commented on the discussions at tonight's meeting and the sales tax report.

Mayor Bolt commented on the homeless shelter and the liquor store CUP. He also thanked Staff for the reports.

RECESS CITY COMMISSION MEETING BY THE POWER OF THE CHAIR TO CONVENE SHAWNEE AIRPORT AUTHORITY AND SHAWNEE MUNICIPAL AUTHORITY (8:21 P.M.).

RECONVENE CITY COMMISSION MEETING BY THE POWER OF THE CHAIR (8:26 P.M.).

18. 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. *(Deferred from January 16, 2024 City Commission Meeting.)*

A motion was made by Vice Mayor Rutherford, 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. *(Deferred from January 16, 2024 City Commission Meeting.)* Motion carried 6-0-0.

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

19. 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 6-0-0.

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

COMMISSION ENTERED INTO EXECUTIVE SESSION AT 8:29 P.M. WITH ALL MEMBERS PRESENT.

COMMISSION RECONVENED FROM EXECUTIVE SESSION AT 9:36 P.M. WITH ALL MEMBERS PRESENT.

20. 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. *(Deferred from January 16, 2024 City Commission Meeting.)*

A motion was made by Commissioner Matthews, seconded by Vice Mayor Rutherford, to authorize the City's attorneys to withdraw the Request for Exclusion from the Aqueous Film-Forming Foam Product Liability Litigation. Motion carried 6-0-0.

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

21. 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.

22. Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (9:38 p.m.)

Ed Bolt
ED BOLT, MAYOR

ATTEST:
Lisa Lasyone
LISA LASYONE, MMC
CITY CLERK