

BOARD OF CITY COMMISSIONERS PROCEEDINGS

NOVEMBER 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, November 18, 2024 at 6:00 PM, pursuant to notice duly posted as prescribed by law on Thursday, November 14, 2024, at 5:54 PM. Mayor Stephens presided and called the meeting to order. Upon roll call, the following members were in attendance.

Eric Stephens

Mayor

Absent

Commissioner Ward 1 - Vice Mayor

Greta Madson

Commissioner Ward 2

Chris Odneal

Commissioner Ward 3

Ashley Fichtner

Commissioner Ward 4

Mark Sehorn

Commissioner Ward 5

Lauren Richter

Commissioner Ward 6

ABSENT: Daniel Matthews

CALL TO ORDER

DECLARATION OF A QUORUM

INVOCATION

FLAG SALUTE

1. 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. Rob Morris, Ms. Theresa Cody, Mr. John Bobb-Semple, and Ms. Cyndi Berger spoke during Citizens Participation.

2. Consider approval of Consent Agenda:

- a. Minutes from the October 21, 2024, regular meeting.
- b. Acknowledge the following minutes and reports:
 - Shawnee Urban Renewal Authority Minutes from the August 6, 2024, regular meeting.
 - License Payment Report for October 2024.
 - Project Payment Report for October 2024.
- c. Lake Lease Transfer:
 - Magnino A Lot 8, 17230 Magnino Rd
From: Brian Eugene Hughes
To: Morgan Mosley
- d. Approval of an agreement with McLoud Fire Department for Dispatch Services.
- e. Acknowledge updated Bylaws for the Shawnee Public Library Advisory Board.
- f. Authorize an amendment to a Professional Services Agreement with Brandstetter Carroll Inc. for Design Services for the Fire Station #3 remodel.

- g. Approval of the FY-2024 Audit Engagement Letter with Arledge & Associates, P.C.

A motion was made by Commissioner Odneal, seconded by Commissioner Sehorn, to approve Consent Agenda Item Nos. 2(a-g) with a correction to Agenda Item No. 2(a) reflecting Commissioner Matthews as Vice Mayor. Motion carried 6-0-0.

AYE: Odneal, Sehorn, Richter, Madson, Stephens, Fichtner

NAY: None

ABSTAIN: None

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

Animal Control Officer Theresa Touchet introduced Wolfie, an approximately ten (10) month old Airedale Terrier mix.

4. Mayor's Proclamation(s)

- a. "Small Business Saturday & Shop Shawnee Day", November 30, 2024

Ms. Lisa Gilcrease with Shawnee Forward accepted the Mayor's Proclamation for "Small Business Saturday & Shop Shawnee" from Mayor Stephens.

5. Consideration of a resolution of the Mayor and City Commission of the City of Shawnee, Oklahoma that establishes and provides compensation of the City Manager pursuant to Article V, Section 3 of the City Charter.

City Attorney Joe Vorndran stated that at the October 21, 2024, City Commission meeting a step merit pay increase was approved for the City Manager commensurate with that of other City employees. He stated that Article V, Section 3 of the City Charter, stipulates that the agreed-upon salary for the City Manager be fixed and recited by resolution.

A motion was made by Commissioner Sehorn, seconded by Commissioner Odneal, to approve a resolution of the Mayor and City Commission of the City of Shawnee, Oklahoma that establishes and provides compensation of the City Manager pursuant to Article V, Section 3 of the City Charter.

Resolution No. 6758 was introduced.

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SHAWNEE, OKLAHOMA THAT ESTABLISHES AND PROVIDES COMPENSATION OF THE CITY MANAGER PURSUANT TO ARTICLE V, SECTION 3 OF THE CITY CHARTER.

Motion carried 6-0-0.

AYE: Sehorn, Odneal, Stephens, Fichtner, Richter, Madson

NAY: None

ABSTAIN: None

6. Consideration of a resolution declaring certain items surplus and no longer needed for City purposes; describing said items; and authorizing disposal of said item at the City's discretion.

City Manager Andrea Weckmueller-Behringer stated that over the years, the City has acquired various pieces of outdoor Christmas decorations and the Public Works Department has displayed the decorations in public areas. Approximately seven (7) sets of decorations remain, each with multiple pieces, of which only a few are still operational. Staff is requesting that the decorations be declared surplus and no longer needed for City purposes.

A motion was made by Commissioner Odneal, seconded by Mayor Stephens, to approve a resolution declaring certain items surplus and no longer needed for City purposes; describing said items; and authorizing disposal of said item at the City's discretion.

Resolution No. 6759 was introduced.

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

Motion carried 6-0-0.

AYE: Odneal, Stephens, Fichtner, Sehorn, Richter, Madson

NAY: None

ABSTAIN: None

7. Consideration of an ordinance regarding an update to the OkMRF (Oklahoma

Municipal Retirement Fund) DB Master Plan and Joinder Agreement.

City Manager Andrea Weckmueller-Behringer advised that full-time, non-union City employees participate in retirement plans administered by the OkMRF. The Internal Revenue Service (IRS) requires the retirement plans to be updated and submitted for approval every six (6) years. The Defined Benefit (DB) Plan is due for submittal and the City has received notification that the IRS approved the plan updates.

A motion was made by Commissioner Sehorn, seconded by Commissioner Fichtner, to approve an ordinance regarding an update to the OkMRF (Oklahoma Municipal Retirement Fund) DB Master Plan and Joinder Agreement.

Ordinance No. 2812NS was introduced.

AN ORDINANCE AMENDING THE EMPLOYEE RETIREMENT SYSTEM, DEFINED BENEFIT PLAN FOR THE CITY OF SHAWNEE, OKLAHOMA BY ADOPTING A REVISED AND RESTATED RETIREMENT PLAN; PROVIDING RETIREMENT BENEFITS FOR ELIGIBLE EMPLOYEES OF THE CITY OF SHAWNEE, OKLAHOMA; PROVIDING FOR PURPOSE AND ORGANIZATION; PROVIDING FOR DEFINITIONS; PROVIDING FOR ELIGIBILITY AND PARTICIPATION; PROVIDING FOR NON-ALIENATION OF BENEFITS; PROVIDING FOR EMPLOYER AND EMPLOYEE CONTRIBUTIONS; PROVIDING FOR ACCOUNTING, ALLOCATION, AND VALUATION; PROVIDING BENEFITS; PROVIDING FOR REQUIRED NOTICE; PROVIDING FOR AMENDMENTS AND TERMINATION; PROVIDING FOR TRANSFER TO AND FROM OTHER PLANS; CREATING A RETIREMENT COMMITTEE AND PROVIDING FOR POWERS, DUTIES, AND RIGHTS OF RETIREMENT COMMITTEE; PROVIDING FOR PAYMENT OF CERTAIN OBLIGATIONS; PROVIDING FOR DURATION AND PAYMENT OF EXPENSES; PROVIDING FOR EFFECTIVE DATE; PROVIDING FOR VESTING SCHEDULES; PROVIDING FOR A FUND TO FINANCE THE SYSTEM TO BE POOLED WITH OTHER INCORPORATED CITIES, TOWNS AND THEIR AGENCIES AND INSTRUMENTALITIES FOR PURPOSES OF ADMINISTRATION, MANAGEMENT, AND INVESTMENT AS PART OF THE OKLAHOMA MUNICIPAL RETIREMENT FUND; PROVIDING FOR PAYMENT OF ALL CONTRIBUTIONS UNDER THE SYSTEM TO THE OKLAHOMA MUNICIPAL RETIREMENT FUND FOR MANAGEMENT AND INVESTMENT; PROVIDING FOR REPEALER AND SEVERABILITY; AND ADOPTING THOSE AMENDMENTS MANDATED

BY THE INTERNAL REVENUE CODE.

Motion carried 6-0-0.

AYE: Sehorn, Fichtner, Richter, Madson, Odneal, Stephens

NAY: None

ABSTAIN: None

Ordinance No. 2812NS was adopted by the City Commission.

8. Consideration of an ordinance of the City of Shawnee, Oklahoma amending Section 22-184(A) and Section 22-208(E)(3)(a), of the Shawnee Municipal Code, providing for repealer, codification, and severability.

Community Development Director Rian Harkins stated that the Unified Development Code (UDC) has been adopted and is in the process of being codified. During that process, two (2) minor errors were identified. The proposed ordinance corrects those errors.

A motion was made by Commissioner Sehorn, seconded by Commissioner Odneal, to approve an ordinance of the City of Shawnee, Oklahoma amending Section 22-184(A) and Section 22-208(E)(3)(a), of the Shawnee Municipal Code, providing for repealer, codification, and severability.

Ordinance No. 2813NS was introduced.

AN ORDINANCE OF THE CITY OF SHAWNEE, OKLAHOMA AMENDING SECTION 22-184(A) AND SECTION 22-208(E)(3)(a) OF CHAPTER 22, "PLANNING AND DEVELOPMENT"; AND ALSO PROVIDING FOR REPEALER, CODIFICATION, AND SEVERABILITY.

Motion carried 6-0-0.

AYE: Sehorn, Odneal, Stephens, Fichtner, Richter, Madson

NAY: None

ABSTAIN: None

Ordinance No. 2813NS was adopted by the City Commission.

9. Consideration of a resolution updating the City Fee Schedule by amending portions of Chapter 22, "Planning and Development", Article X of the Shawnee

Municipal Code; and providing for the re-adoption of the City Fee Schedule in whole.

Community Development Director Rian Harkins stated that at the October 21, 2024, meeting, Staff presented to the City Commission an overview of current and proposed planning and zoning fees for the City as well as peer city comparisons. Based on the feedback received from the City Commissioners, Staff has now drafted a proposed resolution aimed at formalizing these fees. The establishment or increase of these application fees represents a crucial step towards ensuring the sustainability and quality of development projects within the City of Shawnee.

A motion was made by Commissioner Madson, seconded by Commissioner Odneal, to approve a resolution updating the City Fee Schedule by amending portions of Chapter 22, "Planning and Development", Article X of the Shawnee Municipal Code; and providing for the re-adoption of the City Fee Schedule in whole.

Resolution No. 6760 was introduced.

A RESOLUTION UPDATING THE CITY FEE SCHEDULE BY AMENDING PORTIONS OF CHAPTER 22, "PLANNING AND DEVELOPMENT" OF THE SHAWNEE MUNICIPAL CODE; AND PROVIDING FOR THE RE-ADOPTION OF THE CITY FEE SCHEDULE IN WHOLE.

Motion carried 6-0-0.

AYE: Madson, Odneal, Stephens, Fichtner, Sehorn, Richter

NAY: None

ABSTAIN: None

10. Public hearing of a request to rezone property located at 3918 North Kickapoo Avenue from R-1 (Low-Density Residential District) to C-2 (Regional Commercial District).

Case No. RZ05-24 | Applicant: Erika Jones

Community Development Director Rian Harkins stated that the proposed rezoning has not been reviewed by the Planning Commission due to the cancelation of the November meeting. Staff is recommending this item be deferred to the December 16, 2024, City Commission meeting in order to allow it to be reviewed by the Planning Commission at the December meeting.

A motion was made by Commissioner Madson, seconded by Commissioner

Fichtner, to defer the item to the December 16, 2024, City Commission meeting. Motion carried 6-0-0.

AYE: Madson, Fichtner, Sehorn, Richter, Odneal, Stephens

NAY: None

ABSTAIN: None

11. Public hearing of a request to rezone from R-1 (Low Density Residential District) to C-2 (Regional Commercial District). *(Property located at approximately 2025 East MacArthur.)*

Case No. RZ04-24 | Applicant: Rueben Peltier Properties (Nick Atwood, Attorney).

(Deferred from the October 21, 2024, City Commission meeting.)

Community Development Director Rian Harkins stated this is a rezoning request for property located at 2025 East MacArthur. He stated that the Planning Commission and Staff recommend denial.

Mayor Stephens declared a public hearing in session to consider rezoning the property located at approximately 2025 East MacArthur from R-1 (Low-Density Residential) to C-2 (Regional Commercial District). Mr. Nick Atwood appeared in favor of the rezoning. Mr. Rob Morris and Mr. Bill Ruth appeared against the rezoning. The public hearing was closed.

12. Consideration of an ordinance to rezone property located at approximately 2025 East MacArthur from R-1 (Low Density Residential District) to C-2 (Regional Commercial District).

Case No. RZ04-24 | Applicant: Rueben Peltier Properties (Nick Atwood, Attorney)

A motion was made by Commissioner Fichtner, seconded by Commissioner Sehorn, to deny an ordinance to rezone property located at approximately 2025 East MacArthur from R-1 (Low Density Residential District) to C-2 (Regional Commercial District). Motion carried 6-0-0.

AYE: Fichtner, Sehorn, Richter, Madson, Odneal, Stephens

NAY: None

ABSTAIN: None

13. Consideration of the following budget amendments for Fiscal Year 2024 – 2025:

- a. General Fund - Fund 001 - Local Emergency Planning Committee (LEPC) - to appropriate funds to pay expenses for Craig Carter & Associates.
- b. General Fund - Fund 001 - Local Emergency Planning Committee (LEPC) - to appropriate prior year funds to open a new bank account in Fiscal Year 2024-2025.
- c. Donations Fund - Fund 706 - to appropriate prior year donations received by the Police Department for use in Fiscal Year 2024-2025 for cost associated with Ammo/Special Training.
- d. Airport Fund - Fund 511 - to appropriate funds to cover fuel expenses purchased in Fiscal Year 2024-2025 at the Airport.
- e. General Fund - Fund 001 - to appropriate grant funds received from Best Friends Animal Society for use at the Animal Shelter.

Finance Director Kimberly Smith provided a staff report for the proposed budget amendments.

A motion was made by Commissioner Sehorn, seconded by Commissioner Madson, to approve the budget amendments listed in Agenda Item No. 13(a-e). Motion carried 6-0-0.

AYE: Sehorn, Madson, Odneal, Stephens, Fichtner, Richter

NAY: None

ABSTAIN: None

14. Acknowledge Monthly Sales Tax and Budget Reports.

Finance Director Kimberly Smith reported sales tax collections are up One Hundred Forty-Nine Thousand Five Hundred Forty-Three Dollars (\$149,543.00) or One Point One Seven Percent (1.17%), over the projected budget year-to-date. She stated that use tax collections are down approximately Seventy-Six Thousand

Thirty Dollars (\$76,030.00) or Three Point Nine Zero Percent (3.90%) below the projected budget year-to-date.

15. 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.

16. Commissioners Comments

Commissioner Madson commented on the Pet of the Month and her role as Commissioner.

Commissioner Odneal commented on the sales tax report, the Shop Local Proclamation, and thanked the citizens that spoke during Citizen Participation.

Commissioner Sehorn commented on the sales tax report and encouraged everyone to shop and dine in Shawnee.

Mayor Stephens encouraged everyone to shop local and at small businesses. He also commented on Veterans Day.

RECESS CITY COMMISSION MEETING BY THE POWER OF THE CHAIR
TO CONVENE SHAWNEE AIRPORT AUTHORITY AND SHAWNEE
MUNICIPAL AUTHORITY (6:47 P.M.)

RECONVENE CITY COMMISSION MEETING BY THE POWER OF THE
CHAIR (7:24 P.M.)

17. 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 Sehorn, seconded by Commissioner Odneal, 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 6-0-0.

AYE: Sehorn, Odneal, Stephens, Fichtner, Richter, Madson

NAY: None

ABSTAIN: None

COMMISSION ENTERED INTO EXECUTIVE SESSION AT 7:25 P.M. WITH ALL MEMBERS PRESENT.

COMMISSION RECONVENED FROM EXECUTIVE SESSION AT 7:47 P.M. WITH ALL MEMBERS PRESENT.

18. 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.

Commissioner Odneal asked Staff for an administrative report regarding the PFAS settlement at the next City Commission meeting.

A motion was made by Commissioner Odneal, seconded by Commissioner Madson, to opt into the PFAS MDL settlement upon advice of counsel. Motion carried 6-0-0.

AYE: Odneal, Madson, Stephens, Fichtner, Sehorn, Richter

NAY: None

ABSTAIN: None

19. Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (7:49 p.m.)



ERIC STEPHENS, MAYOR

ATTEST:



LISA LASYONE, MMC
CITY CLERK