

BOARD OF CITY COMMISSIONERS PROCEEDINGS

DECEMBER 17, 2018 AT 6:00 P.M.

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, 9th and Broadway, Shawnee, Oklahoma, Monday, December 17, 2018 at 6:00 p.m., pursuant to notice duly posted as prescribed by law. Mayor Finley presided and called the meeting to order. Upon roll call, the following members were in attendance.

Richard Finley

Mayor

Ed Bolt

Commissioner Ward 1

Ron Gillham

Commissioner Ward 2

James Harrod

Commissioner Ward 3-Vice Mayor

Darren Rutherford

Commissioner Ward 4

Mark Sehorn

Commissioner Ward 5

Ben Salter

Commissioner Ward 6

ABSENT: None

INVOCATION

Don Lynch, Emergency Management
Director

FLAG SALUTE

AGENDA ITEM NO. 1:

Consider approval of Consent Agenda:

- a. Minutes from the December 3, 2018 regular meeting.
- b. Acknowledge the following reports and minutes:
 - License Payment Report for November 2018
 - Project Payment Report for November 2018
 - Planning Commission Minutes from October 3, 2018 meeting
 - Wes Watkins Reservoir Oversight Committee Minutes from December 7, 2017 meeting

- Wes Watkins Reservoir Oversight Committee Minutes from November 2, 2018 meeting
- c. Acknowledge letter from YMCA releasing use of public property and facilities owned by the City of Shawnee, known as Milstead Park and Lilac Park.
- d. Approve an Addendum to Agreement with YMCA for the term July 1, 2018 through June 30, 2019 regarding the use of public property and facilities owned by the City of Shawnee.
- e. Lake Lease Transfer:

TRANSFER:
Lot 9 Renfro Tract, 15807 Sleepy Hollow Road
From: Steve Leader and Jamie Leader
To: Stan W. Malaske
- f. Budget Amendment – Fund 303
To properly appropriate bond proceeds and half-cent sales tax dedicated for certain capital projects.

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

AYE: Rutherford, Salter, Bolt, Gillham, Harrod, Finley, Sehorn
NAY: None

AGENDA ITEM NO. 2: Presentation by Animal Control to present the Pet of the Week.

Animal Control Officer Kesha Miller introduced Misty a three to four-year-old pit bull mix. Misty has not been spayed and her adoption fee would be \$40.00 inside the City limits and \$30.00 outside the City limits.

AGENDA ITEM NO. 3:

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

Ms. Holly Gordon thanked the Commission for their continued leadership.

AGENDA ITEM NO. 4:

Public hearing and consideration of an ordinance to rezone property located at 323 South Eden Street from R-1; Single Family Residential District to R-2; Combined Residential District. Case No. P16-18, Applicant: Eugene Biller. *(Deferred by the Planning Commission to the January 2, 2019 meeting.)*

A motion was made by Commissioner Gillham, seconded by Commissioner Bolt, to defer this item until the January 22, 2019 City Commission meeting. Motion carried 7-0.

AYE: Gillham, Bolt, Harrod, Finley, Rutherford, Sehorn, Salter
NAY: None

AGENDA ITEM NO. 5:

Discussion, consideration, and possible action to approve an ordinance adding, repealing and amending portions of the Shawnee Municipal Code, Chapter 26 "Utilities", adding additional fees and providing for those fees to be set by resolution from time to time by the City Commission and listed in the City Fee Schedule; providing for repeal; providing for severability; and providing for codification.

Finance Director Chance Allison gave a staff report describing the proposed fees and the purpose for each.

A motion was made by Commissioner Rutherford, seconded by Vice Mayor Harrod, to approve an ordinance adding, repealing and amending portions of the Shawnee Municipal Code, Chapter 26 "Utilities", adding additional fees and providing for those fees to be set by resolution from time to time by the City

Commission and listed in the City Fee Schedule; providing for repeal; providing for severability; and providing for codification.

Ordinance No. 2646NS was introduced.

AN ORDINANCE AMENDING PORTIONS OF THE SHAWNEE MUNICIPAL CODE, CHAPTER 26 "UTILITIES," BY ADDING AND ADOPTING A TRANSFER OF SERVICE FEE, A PROCESSING FEE, A METER MAINTENANCE FEE, A RESCHEDULING FEE, A CUT-OFF NOTICE FEE, AND AN AFTER-HOURS CONNECTION SERVICE FEE; AND ADOPTING SUCH INITIAL FEE AMOUNTS HEREIN VIA ATTACHED APPENDIX WHICH SHALL UPDATE THE CITY FEE SCHEDULE; AND PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR CODIFICATION.

Motion carried 7-0.

AYE: Rutherford, Harrod, Finley, Sehorn, Salter, Bolt, Gillham

NAY: None

Ordinance No. 2646NS was adopted by the City Commission.

AGENDA ITEM NO. 6:

Discussion, consideration, and possible action to approve a resolution updating the City Fee Schedule by: (1) Setting the monthly rates and fees for solid waste services pursuant to subsections (a), Section 23-38, Article II, Chapter 23 of the code of the City of Shawnee.

Finance Director Chance Allison gave a staff report regarding the proposed increases in rates and fees solid waste services.

Resolution No. 6579 was introduced.

A RESOLUTION UPDATING THE CITY FEE SCHEDULE BY: (1) SETTING THE MONTHLY RATES AND FEES FOR SOLID WASTE SERVICES PURSUANT TO SUBSECTIONS (a), SECTION 23-28, ARTICLE II, CHAPTER 23 OF THE CITY CODE.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Sehorn, to approve a resolution updating the City Fee Schedule by: (1) Setting the monthly rates and fees for solid waste services pursuant to subsections (a), Section 23-38, Article II, Chapter 23 of the code of the City of Shawnee. Motion carried 7-0.

AYE: Harrod, Sehorn, Salter, Bolt, Gillham, Finley, Rutherford
NAY: None

AGENDA ITEM NO. 7:

Discussion, consideration, and possible action 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; and providing for the re-adoption of the City Fee Schedule in whole.

Finance Director Chance Allison gave a presentation regarding the proposed water and sewer rate increases. Mr. Allison stated the proposed rate increase is 7.5%. He also stated that annually the Consumer Price Index would be reviewed for possible increases.

Resolution No. 6580 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; AND PROVIDING FOR THE RE-ADOPTION OF THE CITY FEE SCHEDULE IN WHOLE.

A motion was made by Commissioner Gillham, seconded by Commissioner Bolt, 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; and providing for the re-adoption of the City Fee Schedule in whole. Motion carried 7-0.

AYE: Gilham, Bolt, Rutherford, Harrod, Finley, Sehorn, Salter

NAY: None

AGENDA ITEM NO. 8:

Discussion, consideration, and possible action to enter into a certain proposed Real Estate Purchase Agreement, and Lease Back Agreement, along with related documents and instruments, between the City of Shawnee, as Purchaser, and First United Bank and Trust Company, as Seller, specifically regarding the following property: A tract of land, building and improvements with the mailing address as 912 E. Independence Street, OK 74801, being the site, location, and building currently owned and operated as a branch of First United Bank and Trust Company, and with the following legal description: A tract of land situated within SW/4 of Section 8, Township 10 North, Range 4 East of the Indian Meridian, BEGINNING 264 ft. East of the Southwest Corner of said SW/4 Quarter Section; thence North 660 ft.; thence East 243 ft.; thence South 660 ft.; thence West 243 ft. to the Point of Beginning, containing 3.68 acres, more or less. And, also authorizing the City Manager to sign, execute, and enter into said contracts and agreements on behalf of the City.

Interim City Manager Eric Benson stated that the purchase of the property would enable the City to relocate the police department. He stated the closing would take place prior to the end of 2018.

A motion was made by Commissioner Rutherford, seconded by Commissioner Bolt, to enter into a certain proposed Real Estate Purchase

Agreement, and Lease Back Agreement, along with related documents and instruments, between the City of Shawnee, as purchaser, and First United Bank and Trust Company, as Seller, specifically regarding the following property: A tract of land, building and improvements with the mailing address as 912 E. Independence Street, OK 74801, being the site, location, and building currently owned and operated as a branch of First United Bank and Trust Company, and with the following legal description: A tract of land situated within SW/4 of Section 8, Township 10 North, Range 4 East of the Indian Meridian, BEGINNING 264 ft. East of the Southwest Corner of said SW/4 Quarter Section; thence North 660 ft.; thence East 243 ft.; thence South 660 ft.; thence West 243 ft. to the Point of Beginning, containing 3.68 acres, more or less. And, also authorizing the City Manager to sign, execute, and enter into said contracts and agreements on behalf of the City. Motion carried 7-0.

AYE: Rutherford, Bolt, Gillham, Harrod, Finley, Sehorn, Salter

NAY: None

AGENDA ITEM NO. 9:

Acknowledge monthly Sales Tax and City Treasurer Report.

Finance Director Chance Allison reported sales tax is up \$182,157.00, or 1.99% over the projected budget year-to-date. Use tax collections are up approximately \$5,623.00, or 0.70% over the projected budget year-to-date.

AGENDA ITEM NO. 10:

Interim City Manager Report

Interim City Manager Eric Benson stated he would be reviewing all of the City's services and examining fees within the next two months. Mr. Benson applauded Tim Burg and Tracy Qualls for their work on economic development within the Shawnee area.

AGENDA ITEM NO. 11:

New Business (Any matter not known about or which could not have been reasonably foreseen prior to the posting of the agenda.)

There was no New Business.

AGENDA ITEM NO. 12:

Commissioners Comments

The Commissioners wished everyone a safe and Merry Christmas.

Commissioner Bolt thanked everyone that was involved with the annual Christmas Parade.

Commissioner Sehorn expressed his excitement for the revenue increase.

Commissioner Salter reminded citizens to "Shop Shawnee".

Mayor Finley said the City of Shawnee is not without issues but Staff and Commissioners are taking corrective action.

RECESS CITY COMMISSION MEETING BY THE POWER OF THE CHAIR
TO CONVENE SHAWNEE AIRPORT AUTHORITY AND SHAWNEE
MUNICIPAL AUTHORITY (6:31 p.m.)

RECONVENE CITY COMMISSION MEETING BY THE POWER OF THE
CHAIR (6:58 p.m.)

AGENDA ITEM NO. 13:

Discussion, consideration, and possible
action to go into executive session for
discussion in accordance with 25 O.S.
§307B(3), purchase or appraisal of real
property.

A motion was made by Commissioner Bolt, seconded by Commissioner Rutherford, to enter into executive session for discussion in accordance with 25 O.S. §307B(3), purchase or appraisal of real property. Motion carried 7-0.

AYE: Bolt, Rutherford, Sehorn, Salter, Gillham, Harrod, Finley
NAY: None

COMMISSIONERS ENTERED INTO EXECUTIVE SESSION AT 6:58 P.M.
WITH ALL MEMBERS PRESENT.

COMMISSIONERS RECONVENED FROM EXECUTIVE SESSION AT 7:17
P.M. WITH ALL MEMBERS PRESENT.

AGENDA ITEM NO. 14:

Consider matters discussed in executive session in accordance with 25 O.S. §307B(3), purchase or appraisal of real property.

No action was taken.

AGENDA ITEM NO. 15:

Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair, (7:18 p.m.)

ATTEST:





RICHARD FINLEY, MAYOR



LISA LASZYONE, CMC, CITY CLERK