

BOARD OF CITY COMMISSIONERS PROCEEDINGS
DECEMBER 16, 2019 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 16, 2019 at 6:00 p.m., pursuant to notice duly posted as prescribed by law at 4:23 p.m. on December 13th, 2019. Mayor Finley presided and Noah Smith 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:

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

Mr. Mark Finley thanked the Blue Zones Project staff for what they have done for the community and their impact on the residents.

Mr. Jeremy Johnson spoke in opposition of Agenda Item No. 10, the twelve properties being deeded to Central Oklahoma Community Action Agency (COCAA).

Ms. Kaye Steele Harrod advised that she is a board member on the COCAA board. She stated that donating the lots in reference to Agenda Item No. 10 to COCAA would put them back on the tax records and provide housing for low income individuals.

Mr. Mike Little spoke in favor of Agenda Item No. 10, the twelve properties being deeded to COCCA. He said the proposed project is similar to the project just completed in the Woolworth Building, which added 28 units of houses to downtown, with the exception that the non-profit (COCAA) will be a 51% owner.

Mr. Randy James spoke regarding the possible bike lanes on Broadway Avenue. He stated that he has received feedback that there may be transportation provided to individuals taking them from one side of Shawnee to the other. He believes that this is a better use of money than the bike lanes on Broadway. He also said that he heard the possibility that the curbs may be cut out to accommodate for parking.

Mr. Gene Greenfield addressed comments that were made at the Broadway Project Listening Session. He stated that he feels he was corrected for calling Broadway "our" street and he rejects the correction.

Mr. Gary Dowdy spoke regarding Agenda Item No. 7. He advised that his intention when he bought the property was to have a long-term home. He would like to keep the area a residential area and is resisting approval of the rezoning.

Mr. Lewis Walters spoke regarding Agenda Item No. 7. He stated that he is the Pastor at Redeemer Lutheran Church. He advised that Epic Charter Schools uses the church 11 months out of the year. He stated that a 3-year study was done in Denver regarding crime rates in neighborhoods adjacent to medical marijuana facilities. He stated the findings were that the crime rates increased to the levels equal to neighborhoods with liquor stores and bars.

AGENDA ITEM NO. 2:

Consider approval of Consent Agenda:

- a. Minutes from the December 2, 2019 regular meeting and December 4, 2019 Special Call meeting.
- b. Acknowledge the following reports and minutes:
 - License Payment Report for November 2019

- Project Payment Report for November 2019
 - Zoning Board of Adjustment Minutes from December 21, 2017
 - Traffic Commission Minutes from May 28, 2019 and August 24, 2019
 - Wes Watkins Reservoir Oversight Committee Minutes from September 5, 2019
 - Planning Commission Minutes from the November 6, 2019 regular meeting
- c. Acceptance of Shawnee Townhomes public improvements and place maintenance bonds into effect.
- d. Mayor's Appointments:

Shawnee Community Beautification Committee

LaDonna Bryce 1st Partial Term Expires: January 1, 2022
Replaces Holly Gordon – Resigned

Shawnee Housing Authority

Marion McMillan 2nd Full Term Expires: February 1, 2023
Reappointment

Paul Pounds 2nd Full Term Expires: February 1, 2023
Reappointment

Tamera Hale 2nd Full Term Expires: February 1, 2023
Reappointment

Parks and Recreation Committee

Lynn Dale Gray 1st Partial Term Expires: January 1, 2024
Replaces Miriam Bell – Resigned

- e. Acceptance of the following properties donated to the City of Shawnee by Pottawatomie County:
- 1) 322 North Park Avenue, Shawnee, Oklahoma
 - 2) 500 South Park Avenue, Shawnee, Oklahoma
 - 3) 312 South Market Avenue, Shawnee, Oklahoma

- 4) 217 South Oklahoma Avenue, Shawnee, Oklahoma
- 5) 221 South Oklahoma Avenue, Shawnee, Oklahoma
- 6) 223 South Pennsylvania Avenue, Shawnee, Oklahoma
- 7) 235 South Pennsylvania Avenue, Shawnee, Oklahoma
- 8) 225 South Minnesota Avenue, Shawnee, Oklahoma
- 9) 227 South Minnesota Avenue, Shawnee, Oklahoma
- 10) 236 South Minnesota Avenue, Shawnee, Oklahoma
- 11) 242 South Minnesota Avenue, Shawnee, Oklahoma
- 12) 328 South Minnesota Avenue, Shawnee, Oklahoma

A motion was made by Commissioner Gillham, seconded by Vice Mayor Harrod to approve Consent Agenda Item Nos. 2 (a-e). Motion carried 7-0.

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

NAY: None

AGENDA ITEM NO. 3:

Presentation by Animal Control to present the Pet of the Week.

Animal Control Officer Leathers presented Otis, a male terrier mix. Otis has been with the shelter for a couple weeks.

AGENDA ITEM NO. 4:

Presentation by Kathy Laster, President/CEO of Avedis Foundation.

Chairman of the Avedis Foundation Board of Directors Mark Finley thanked the City Commissioners for their service to the community. Mr. Finley discussed the origins of the Avedis Foundation, board members, and staff.

President/CEO of Avedis Foundation Kathy Laster stated that the Avedis Foundation was funded from the proceeds of the sale of Unity Health Center in 2012. She stated that the Avedis' mission is to "measurably improve the health, wellness and quality of life for the people of Pottawatomie County and it's surrounding communities."

Ms. Laster stated that Avedis has contributed over \$4.6 million to the City of Shawnee on several projects, namely:

- Airport Trail/Master Trails/Sidewalks
- Broadway Avenue Marquee Project
- Expo Conference Center Remodel
- Shawnee Splash and Splash Pad

- Public Transit Investigation
- Annual Police Awards

Ms. Laster thanked the Mayor and Commissioners for their sacrifice to the community and making Shawnee a better place.

AGENDA ITEM NO. 5:

Public hearing and consideration of an ordinance to rezone property located 250 feet south of the southwest corner of Highway 102 and Lake Road, containing 4.68 acres, from A-1 (Rural Agricultural District) to C-3 (Highway Commercial District). Case No. P21-19, Applicant: Linda Nowlin.

Planning Director Rebecca Blaine provided a staff report. She advised that both the Planning Commission and Staff recommend approval.

Mayor Finley declared a public hearing in session to consider an ordinance to rezone property located 250 feet south of the southwest corner of Highway 102 and Lake Road, containing 4.68 acres, from A-1 (Rural Agricultural District) to C-3 (Highway Commercial District). No one appeared in favor or against said rezoning. The public hearing was closed.

A motion was made by Commissioner Gillham, seconded by Commissioner Rutherford, to approve an ordinance to rezone property located 250 feet south of the southwest corner of Highway 102 and Lake Road, containing 4.68 acres, from A-1 (Rural Agricultural District) to C-3 (Highway Commercial District).

Ordinance No. 2681NS was introduced.

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, TO-WIT: A TRACT OF LAND LYING IN A PART OF THE EAST 30.00 ACRES OF THE NORTHEAST QUARTER (NE4) OF SECTION TWENTY-THREE (23), TOWNSHIP TEN (10) NORTH, RANGE TWO (2) EAST OF THE INDIAN MERIDIAN, POTTAWATOMIE COUNTY, OKLAHOMA AND FURTHER DESCRIBED BY CHARLES REED PLS NO. 1660 ON JULY 01, 2019 AS COMMENCING AT THE NORTHEAST CORNER (NE/C) OF THE NE4 OF SAID SECTION 23; THENCE S00°27'56" E ALONG THE EAST LINE OF SAID NE/4 A DISTANCE OF 250.00 FEET; THENCE S89°27'23" W A DISTANCE OF 106.25 FEET TO A POINT ON THE PRESENT, WEST RIGHT-OF-WAY LINE OF HIGHWAY 102, ALSO BEING THE POINT OF BEGINNING; THENCE S89°27'23" W A DISTANCE OF 193.75 FEET; THENCE S00°27'56" E A DISTANCE OF 1067.06 FEET TO A POINT ON THE SOUTH LINE OF SAID NE4 NE4; THENCE N89°30'21" ALONG SAID SOUTH LINE A DISTANCE OF 208.70 FEET, TO A POINT ON THE PRESENT WEST RIGHT-OF-WAY LINE OF HIGHWAY 102; THENCE N00°36'17" W ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 225.78

FEET (RECORDED) – (MEASURED 225.80 FEET); THENCE N04°19'26'' W CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 200.42 FEET; THENCE N00°36'17'' W CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 625.00 FEET; THENCE N01°36'11'' E CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 16.47 FEET TO THE POINT OF BEGINNING. CONTAINING 4.86 ACRES MORE OR LESS & SUBJECT TO ALL RECORDED EASEMENTS AND RIGHTS OF WAY THEREFORE. HAVING A BASIS OF BEARING OF S00°27'56'' E FROM LESS & EXCEPT DEED TO THE STATE, BASELINE BEING THE EAST LINE OF SAID NE/4 (AKA TRACT A), FROM ZONING CLASSIFICATION A-1 (RURAL AGRICULTURAL DISTRICT) TO C-3 (HIGHWAY COMMERCIAL DISTRICT) AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

Motion carried 7-0.

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

NAY: None

Ordinance No. 2681NS was adopted by the City Commission.

AGENDA ITEM NO. 6:

Public hearing and consideration of an ordinance to rezone property located at 39182 Clearpond Road, containing 6.4 acres, from A-1 (Rural Agricultural District) to A-1 (Rural Agricultural District) with a Conditional Use Permit to allow a manufactured home. Case No. P22-19, Applicant: Karen Hinrichs.

Planning Director Rebecca Blaine provided a staff report. She advised that both the Planning Commission and Staff recommend approval.

Mayor Finley declared a public hearing in session to consider an ordinance to rezone property located at 39182 Clearpond Road, containing 6.4 acres, from A-1 (Rural Agricultural District) to A-1 (Rural Agricultural District) with a Conditional Use Permit to allow a manufactured home. No one appeared in favor of said rezoning. Mr. Kevin Mitchell spoke against said rezoning. The public hearing was closed.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Gillham, to approve an ordinance to rezone property located at 39182 Clearpond Road, containing 6.4 acres, from A-1 (Rural Agricultural District) to A-1 (Rural Agricultural District) with a Conditional Use Permit.

Ordinance No. 2682NS was introduced.

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, TO-WIT: THE EAST 655.8 FEET OF LOT 4 RIGHT BANK IN THE SOUTHWEST QUARTER LESS BEGINNING AT THE NE/C SW/4 BEING LOT 4 RIGHT BANK; THENCE SOUTH 300 FEET; THENCE NORTH 23°2 TO THE CENTER LINE OF THE OLD SLOUGH NORTHEASTERLY TO THE POINT OF BEGINNING, FROM ZONING CLASSIFICATION A-1 (RURAL AGRICULTURAL DISTRICT) TO A-1 (RURAL AGRICULTURAL DISTRICT) WITH A CONDITIONAL USE PERMIT AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

Motion carried 7-0.

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

NAY: None

Ordinance No. 2682NS was adopted by the City Commission.

AGENDA ITEM NO. 7:

Public hearing and consideration of an ordinance to rezone property located at 39405 West MacArthur Street, containing 2.58 acres, from RE (Residential Estate District) to C-3 (Highway Commercial District). Case No. P14-19, Applicant: Gregory Peck. *(Deferred from the August 19, 2019 City Commission meeting.)*

Planning Director Rebecca Blaine provided a staff report. She advised that both the Planning Commission and Staff recommend denial.

Mayor Finley declared a public hearing in session to consider an ordinance to rezone property located at 39405 West MacArthur Street, containing 2.58 acres, from RE (Residential Estate District) to C-3 (Highway Commercial District). No one appeared in favor or against said rezoning. The public hearing was closed.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Bolt, to approve Planning Commission's recommendations to deny the rezoning at property located at 39405 West MacArthur Street, containing 2.58 acres, from RE (Residential Estate District) to C-3 (Highway Commercial District). Motion carried 7-0.

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

NAY: None

AGENDA ITEM NO. 8:

Discussion and consideration of an ordinance establishing a designated Health Zone encompassing certain areas within the Municipal Limits of the City of Shawnee, Oklahoma as Chapter 15 [Health and Sanitation], Article V [Designated Health Zone]; and providing for codification, repealer, and severability.

Planning Director Rebecca Blaine provided a staff report. She advised that Staff recommends approval.

A motion was made by Commissioner Sehorn, seconded by Commissioner Gillham, to approve an ordinance establishing a designated Health Zone encompassing certain areas within the Municipal Limits of the City of Shawnee, Oklahoma as Chapter 15 [Health and Sanitation], Article V [Designated Health Zone]; and providing for codification, repealer, and severability.

Ordinance No. 2683NS was introduced.

AN ORDINANCE ESTABLISHING A DESIGNATED HEALTH ZONE ENCOMPASSING CERTAIN AREAS WITHIN THE MUNICIPAL LIMITS OF THE CITY OF SHAWNEE AS CHAPTER 15 [HEALTH & SANITATION], ARTICLE V [DESIGNATED HEALTH ZONE]; AND PROVIDING FOR CODIFICATION, REPEALER, AND SEVERABILITY.

Motion carried 7-0.

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

Ordinance No. 2683NS was adopted by the City Commission.

AGENDA ITEM NO. 9:

Discussion and consideration of an ordinance amending the boundaries of the City of Shawnee, Oklahoma, by de-annexing/detaching certain property within the City of Shawnee, Pottawatomie County; and providing for severability, codification, and repealer; and declaring an emergency.

City Manager Chance Allison gave a staff report. He advised that the property is owned by the Kickapoo Tribe of Oklahoma and they have requested the

detachment. Mr. Allison advised that the property in question is part of the non-contiguous city limits. He advised that Staff recommends approval.

A motion was made by Commissioner Bolt, seconded by Commissioner Gillham, to approve an ordinance amending the boundaries of the City of Shawnee, Oklahoma, by de-annexing/detaching certain property within the City of Shawnee, Pottawatomie County; and providing for severability, codification, and repealer.

Ordinance No. 2684NS was introduced.

AN ORDINANCE AMENDING THE BOUNDARIES OF THE CITY OF SHAWNEE, OKLAHOMA, BY DE-ANNEXING/DETACHING CERTAIN PROPERTY WITHIN THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY; AND PROVIDING FOR SEVERABILITY, CODIFICATION, AND REPEALER; AND DECLARING AND EMERGENCY.

Motion carried 7-0.

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

NAY: None

Ordinance No. 2684NS was adopted by the City Commission.

A motion was made by Commissioner Gillham, seconded by Commissioner Bolt, to approve the emergency clause relating to Ordinance No. 2684NS. Motion carried 7-0.

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

NAY: None

AGENDA ITEM NO. 10:

Consideration of approval to deed the following properties to Central Oklahoma Community Action Agency (COCAA):

- a. 322 North Park Avenue, Shawnee, Oklahoma
- b. 500 South Park Avenue, Shawnee, Oklahoma
- c. 312 South Market Avenue, Shawnee, Oklahoma
- d. 217 South Oklahoma Avenue, Shawnee, Oklahoma
- e. 221 South Oklahoma Avenue, Shawnee, Oklahoma
- f. 223 South Pennsylvania Avenue, Shawnee, Oklahoma
- g. 235 South Pennsylvania Avenue, Shawnee, Oklahoma
- h. 225 South Minnesota Avenue, Shawnee, Oklahoma

- i. 227 South Minnesota Avenue, Shawnee, Oklahoma
- j. 236 South Minnesota Avenue, Shawnee, Oklahoma
- k. 242 South Minnesota Avenue, Shawnee, Oklahoma
- l. 328 South Minnesota Avenue, Shawnee, Oklahoma

City Manager Chance Allison explained these properties were deeded to the City by the County and accepted by Consent Agenda No. 2(e). If approved, the City will deed the properties to COCAA to assist with their mission to end poverty.

Ms. Barbara Loudermilk, Executive Director of COCAA, spoke in favor of the item and stated that COCAA's mission is to address the needs of poverty.

A motion was made by Commissioner Bolt, seconded by Commissioner Rutherford, to deed the following properties to Central Oklahoma Community Action Agency (COCAA):

- a. 322 North Park Avenue, Shawnee, Oklahoma
- b. 500 South Park Avenue, Shawnee, Oklahoma
- c. 312 South Market Avenue, Shawnee, Oklahoma
- d. 217 South Oklahoma Avenue, Shawnee, Oklahoma
- e. 221 South Oklahoma Avenue, Shawnee, Oklahoma
- f. 223 South Pennsylvania Avenue, Shawnee, Oklahoma
- g. 235 South Pennsylvania Avenue, Shawnee, Oklahoma
- h. 225 South Minnesota Avenue, Shawnee, Oklahoma
- i. 227 South Minnesota Avenue, Shawnee, Oklahoma
- j. 236 South Minnesota Avenue, Shawnee, Oklahoma
- k. 242 South Minnesota Avenue, Shawnee, Oklahoma
- l. 328 South Minnesota Avenue, Shawnee, Oklahoma.

Motion carried 6-0-1.

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

NAY: None

ABSTAIN: Harrod

AGENDA ITEM NO. 11:

Consider a resolution to declare real property located at 518 South Beard Street, known as Fire Station No. 4, AP Block 123 N50' Lots 14 thru 17, as surplus property, authorizing staff to solicit sealed bids to sell the property and set a minimum bid.

Fire Chief Rodney Foster explained the building is no longer needed for Fire Department use.

Resolution No. 6605 was introduced.

A RESOLUTION DECLARING CERTAIN REAL PROPERTY LOCATED AT 518 SOUTH BEARD STREET, AP BLOCK 123 N50' LOTS 14 THRU 17, SURPLUS AND NO LONGER NEEDED FOR CITY PURPOSES; DESCRIBING SAID PROPERTY; AND AUTHORIZING STAFF TO ADVERTISE FOR SEALED BIDS FOR THE SALE OF SAID PROPERTY.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Bolt, to approve a resolution to declare real property located at 518 South Beard Street, known as Fire Station No. 4, AP Block 123 N50' Lots 14 thru 17, as surplus property, authorizing staff to solicit sealed bids to sell the property and set a minimum bid. Motion carried 7-0.

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

NAY: None

AGENDA ITEM NO. 12: Acknowledge monthly Sales Tax and Budget Report.

Finance Director Ashely Neel reported sales tax is up \$790,606.00, or 7.40%, over the projected budget year-to-date. She stated that use tax collections are up approximately \$422,032.00, or 49.88%, over the projected budget year-to-date. Ms. Neel also reported 57% of the General Fund and 65% of the Shawnee Municipal Authority Fund is remaining for the Fiscal Year budget.

AGENDA ITEM NO. 13: Administrative Reports:

a. Director of Tourism Stacy Cramer Moore – Tourism Update

Director of Tourism Stacy Cramer Moore announced Governor Kevin Stitt declared Oklahoma as a Top Ten State for tourism. She explained the affect tourism has on the community and what her department is doing to promote visiting Shawnee in surrounding cities and states. She advised that Visit Shawnee advertises for Shawnee throughout the state and in nearby states, such as Arkansas, Texas and Kansas.

AGENDA ITEM NO. 14:

Consider Bids:

a. Senior Citizens Center Roofing Project (Award)

Director of Operations James Bryce announced that four (4) bids were received. After review and consideration, it was Staff's recommendation to award the bid to Ground Zero Roofing and Construction of Newcastle, Oklahoma with the base bid amount of \$63,500.00 with possible additional cost for roof insulation replacement. The additional cost could be \$4.50 per square foot.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Rutherford, to accept staff's recommendation and award to Ground Zero Roofing and Construction with the base bid amount of \$63,500.00 plus additional roof insulation costs, if any. Motion carried 7-0.

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

NAY: None

AGENDA ITEM NO. 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.

AGENDA ITEM NO. 16:

Commissioners Comments

The Mayor and Commissioners thanked Kathy Laster for the presentation on the Avedis Foundation.

Commissioner Bolt stated the Christmas Parade was a big success this year and the crowd was very large. He thanked the City of Shawnee Police and Fire Departments and everyone that assisted.

Commissioner Salter reminded citizens to shop Shawnee this season. He also said the Centers for Disease Control and Prevention (CDC) announced 50 deaths due to vaping and thousands more have become ill.

AGENDA ITEM NO. 17:

Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (7:46 p.m.)

ATTEST:



Lisa Laszone
LISA LASYONE, CMC, CITY CLERK

Richard Finley
RICHARD FINLEY, MAYOR