

BOARD OF CITY COMMISSIONERS PROCEEDINGS

November 16, 2020 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, Monday, November 16, 2020 at 6:00 p.m., pursuant to notice duly posted as prescribed by law at 2:17 p.m. on November 13, 2020. Mayor Bolt presided and Ms. Nariah Welch called the meeting to order. Upon roll call, the following members were in attendance.

Ed Bolt
Mayor

Daniel Matthews
Commissioner Ward 1

Bob Weaver
Commissioner Ward 2

Travis Flood
Commissioner Ward 3

Darren Rutherford
Commissioner Ward 4-Vice Mayor

Mark Sehorn
Commissioner Ward 5

Ben Salter
Commissioner Ward 6

ABSENT: None

INVOCATION

Ms. Beth Canaday, Emmanuel Episcopal Church

FLAG SALUTE

AGENDA ITEM NO. 1:

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

Commissioner Matthews made a motion, seconded by Commissioner Weaver, to move pursuant to Article II, Section 2-41(c) of the Code of Ordinances for the City of Shawnee, to extend citizen participation relating to public comment on face coverings as proposed in Agenda Item No. 8, to three minutes per person and twelve minutes total topic time for citizens speaking in favor of face coverings, and three minutes per person and twelve minutes total topic time for citizens speaking against face coverings, and extending the total time for citizens participation from twenty-four minutes to thirty-six minutes for this meeting only. Motion carried 7-0.

AYE: Matthews, Rutherford, Sehorn, Salter, Weaver, Flood, Bolt
NAY: None

Dr. Mitchell Wolfe a physician with SSM Health St. Anthony Hospital - Shawnee spoke in favor of masks and the importance of wearing them.

Mr. Rob Morris asked the Commissioners questions regarding the following items on the agenda: maintenance bond, Safe Events for Families (SEFF) contract and the Emergency Management position.

Mr. Billy Corley passed his three minutes to Mr. Rob Morris. City Attorney, Joe Vorndran, allowed the deferral to Mr. Morris and the extension of time for Mr. Morris to speak. Mr. Morris spoke against the mask mandate and feels that it should be up to business owners.

Ms. Beverly Mabry advised she is a member of a newly formed animal rescue called Lost Paws Oklahoma and a proud volunteer at the animal shelter. She encouraged the Commission to approve the budget amendment for the increase in the Spay and Neuter Fund.

AGENDA ITEM NO. 2:

Consider approval of Consent Agenda:

- a. Minutes from the October 19, 2020 regular meeting.
- b. Acknowledge the following reports and minutes:
 - License Payment Report for October 2020
 - Project Payment Report for October 2020
 - Shawnee Urban Renewal Authority Minutes from the August 4, 2020 regular meeting
 - Shawnee Community Beautification Committee Minutes from the September 17, 2020 regular meeting
 - Planning Commission Minutes from the June 19, 2020 special call meeting, September 2, 2020 regular meeting and the September 17, 2020 special call meeting
- c. Acceptance of public water line improvements along Hardesty Road and placing the maintenance bond into effect.

- d. Authorize renewal of an agreement with the Housing Authority of the City of Shawnee for supplemental police services.
- e. Approve an amendment to the contract with Safe Events for Families (SEFF) for Fiscal Year 2020-2021 to include a wider variety of events to safely accommodate COVID-19 precautions.
- f. Acknowledge the resignation of Joe Harbeson from the Shawnee Community Beautification Committee, effective January 1, 2021.
- g. Acknowledge the resignation of Tom Terry from the Shawnee Community Beautification Committee, effective January 1, 2021.
- h. Mayor's Appointments:

Shawnee Community Beautification Committee

Sherry Lankford	2 nd Full Term	Expires: January 1, 2024
<i>Reappointment</i>		

Debi Renegar	2 nd Full Term	Expires: January 1, 2024
<i>Reappointment</i>		

Carla Smith	2 nd Full Term	Expires: January 1, 2024
<i>Reappointment</i>		

Commissioner Weaver asked that Consent Agenda Item No. 2(c) be pulled for separate consideration.

Mayor Bolt asked that Consent Agenda Item No. 2(g) be pulled for separate consideration.

A motion was made by Commissioner Matthews, seconded by Vice Mayor Rutherford, to approve the Consent Agenda Item Nos. 2 (a-h), less items 2(c) and 2(g). Motion carried 7-0.

AYE: Matthews, Rutherford, Sehorn, Salter, Weaver, Flood, Bolt

NAY: None

Regarding Consent Agenda Item No.2(c), Commissioner Weaver stated that he pulled this item because of comments made during Citizen Participation and asked Staff for clarification. City Manager Chance Allison advised that the

maintenance bond was for public waterline improvements on Hardesty Road that is related to a bridge project fully funded by the Citizen Potawatomi Nation.

A motion was made by Commissioner Weaver, seconded by Commissioner Flood, to approve Consent Agenda Item No. 2(c). Motion carried 7-0.

AYE: Weaver, Flood, Bolt, Rutherford, Sehorn, Salter, Matthews

NAY: None

Regarding Consent Agenda Item No.2(g), Mayor Bolt stated he would like to acknowledge the resignation of Mr. Tom Terry. Mayor Bolt advised that Mr. Terry has been volunteering with the City for 25 years and has worked tirelessly for Shawnee.

A motion was made by Mayor Bolt, seconded by Commissioner Matthews, to approve Consent Agenda Item No. 2(g). Motion carried 7-0.

AYE: Bolt, Matthews, Weaver, Flood, Rutherford, Sehorn, Salter

NAY: None

AGENDA ITEM NO. 3:

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

Animal Control Officer Spoon introduced Officers Cody Moore and Wendy Cole. Officer Spoon introduced Indy, a one- to two-year-old female canine with high energy. Indy is up for adoption.

Officer Spoon advised that the Animal Shelter currently has twenty-two dogs, a cat and a pig.

AGENDA ITEM NO. 4:

Consideration of the City Manager's hiring of Michael Ayers as the Chief Information Officer.

City Manager Chance Allison introduced Mr. Ryan Ayers as the next Chief Information Officer. Mr. Ayers has worked for the City of Shawnee for approximately fifteen years.

A motion was made by Commissioner Sehorn, seconded by Vice Mayor Rutherford, to approve the City Manager's hiring of Mr. Michael Ayers as the Chief Information Officer. Motion carried 7-0.

AYE: Sehorn, Rutherford, Salter, Matthews, Weaver, Flood, Bolt

NAY: None

AGENDA ITEM NO. 5:

Consideration of the City Manager's hiring of Anthony Wittmann as Fire Department Chief.

City Manager Chance Allison introduced Mr. Anthony Wittmann. Mr. Wittmann has been with the City of Shawnee for over twenty years. He is also a paramedic.

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Matthews, to approve the City Manager's hiring of Mr. Anthony Wittmann as Fire Department Chief. Motion carried 7-0.

AYE: Rutherford, Matthews, Weaver, Flood, Bolt, Sehorn, Salter
NAY: None

AGENDA ITEM NO. 6:

Consideration of the City Manager's hiring of Rachelle Erickson as Emergency Manager.

City Manager Chance Allison stated that Ms. Rachelle Erickson could not attend tonight's meeting as she is still currently working as a dispatcher for the City of Shawnee. He advised that Ms. Erickson has worked for the City of Shawnee since October 2015.

A motion was made by Commissioner Weaver, seconded by Vice Mayor Rutherford, to approve the City Manager's hiring of Ms. Rachelle Erickson as Emergency Manager. Motion carried 7-0.

AYE: Weaver, Rutherford, Sehorn, Salter, Matthews, Flood, Bolt
NAY: None

AGENDA ITEM NO. 7:

Acknowledgement and ratification of the Proclamation declaring an emergency within the City Limits and such additional territory as may be described herein, authorizing the actions of the City Manager pursuant to State Laws and the Municipal Code of the City of Shawnee.

Mr. Chance Allison, City Manager, stated the Proclamation was signed by Mayor Bolt regarding the October 2020 ice storm and declared it an emergency,

which is required by the Federal Emergency Management Agency (FEMA) to receive emergency funding.

A motion was made by Commissioner Matthews, seconded by Commissioner Flood, to acknowledge and ratify the Proclamation declaring an emergency within the City Limits and such additional territory as may be described herein, authorizing the actions of the City Manager pursuant to State Laws and the Municipal Code of the City of Shawnee. Motion carried 7-0.

AYE: Matthews, Flood, Bolt, Rutherford, Sehorn Salter, Weaver

NAY: None

AGENDA ITEM NO. 8:

Consideration of an ordinance amending portions of Chapter 15, entitled "Health and Safety" located in Chapter 15, Article I, of the Shawnee City Code of Ordinances, by specifically enacting the "City of Shawnee, COVID-19 Safety Code", to be codified as Section 15-6 through 15-17 of the Code in order to provide the findings and declarations of the City Council; providing a definition of "face covering"; requiring face coverings shall be worn in certain places or settings; providing suggested guidelines for face coverings; providing exceptions; providing an effective and expiration date and time; providing for enforcement, violations, and penalties for violations; providing a defense; and declaring an emergency.

City Manager Chance Allison stated this is the same ordinance as the original version with a few modifications. He explained the date will extend to June 30, 2021 along with an added conditional repealer and signage will be required for businesses to put on all public points of entry.

The Commissioners discussed the proposed ordinance including the extension date and language specific to COVID-19.

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Matthews, to approve an ordinance amending portions of Chapter 15, entitled "Health and Safety" located in Chapter 15, Article I, of the Shawnee City Code of Ordinances, by specifically enacting the "City of Shawnee, COVID-19 Safety

Code”, to be codified as Section 15-6 through 15-17 of the Code in order to provide the findings and declarations of the City Council; providing a definition of “face covering”; requiring face coverings shall be worn in certain places or settings; providing suggested guidelines for face coverings; providing exceptions; providing an effective and expiration date and time; providing for enforcement, violations, and penalties for violations; providing a defense to include an amendment to Section 15-16 to include “as part of the OSDH COVID-19 recommendations”.

Ordinance No. 2704NS was introduced.

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 15, ENTITLED “HEALTH AND SAFETY” LOCATED IN CHAPTER 15, ARTICLE I, OF THE SHAWNEE CITY CODE OF ORDINANCES, BY SPECIFICALLY ENACTING THE “CITY OF SHAWNEE COVID-19 SAFETY CODE,” TO BE CODIFIED AS SECTION 15-6 THROUGH 15-17 OF THE CODE IN ORDER TO PROVIDE THE FINDINGS AND DECLARATIONS OF THE CITY COUNCIL; PROVIDING A DEFINITION OF “FACE COVERING:” REQUIRING FACE COVERINGS SHALL BE WORN IN CERTAIN PLACES OR SETTINGS; PROVIDING SUGGESTED GUIDELINES FOR FACE COVERINGS; PROVIDING EXCEPTIONS; PROVIDING AN EFFECTIVE AND EXPIRATION DATE AND TIME; PROVIDING FOR ENFORCEMENT, VIOLATIONS, AND PENALTIES FOR VIOLATIONS; PROVIDING A DEFENSE; AND DECLARING AN EMERGENCY.

Motion carried 7-0.

AYE: Rutherford, Matthews, Weaver, Flood, Bolt, Sehorn, Salter
NAY: None

Ordinance No. 2704NS was adopted by the City Commission.

A motion was made by Commissioner Matthews, seconded by Commissioner Flood, to approve the emergency clause relating to Ordinance No. 2704NS. Motion carried 7-0.

AYE: Matthews, Flood, Bolt, Rutherford, Sehorn, Salter, Weaver
NAY: None

AGENDA ITEM NO. 9:

Consideration of a contract with GH2 for architectural and engineering services for the Santa Fe Depot Historic Roof Project.

Operations Director James Bryce stated that Staff recommended that the contract for the Santa Fe Depot Historic Roof Project be awarded to GH2. He

advised that the proposed contract had two parts: (1) the assessment and report on the existing conditions of the roof and building would be \$12,000.00; and (2) the design, construction documents, bidding and construction administration would be 5% of the cost of construction.

A motion was made by Commissioner Weaver, seconded by Commissioner Sehorn, to approve a contract with GH2 for architectural and engineering services for the Santa Fe Depot Historic Roof Project in the following amounts: (1) the assessment and report on the existing conditions of the roof and building would be \$12,000.00; and (2) the design, construction documents, bidding and construction administration would be 5% of the cost of construction. Motion carried 7-0.

AYE: Weaver, Sehorn, Flood, Bolt, Rutherford, Salter

NAY: None

AGENDA ITEM NO. 10:

Public hearing and consideration of an ordinance to rezone property located at 1027 North Harrison Avenue, containing 0.35-acres, from C-1 (Neighborhood Commercial District) to C-3 (Highway Commercial District) for the purpose of an automotive dealership. Case No. P17-20, Applicant: Patrick and Kelly Anne Buttram.

Planning Director Rebecca Blaine gave a staff report. She advised that Staff and Planning Commission recommend approval of the proposed rezoning.

Mayor Bolt declared a public hearing in session to consider an ordinance to rezone property located at 1027 North Harrison Avenue, containing 0.35-acres, from C-1 (Neighborhood Commercial District) to C-3 (Highway Commercial District) for the purpose of an automotive dealership. No one appeared in favor or against said rezoning. The public hearing was closed.

A motion was made by Commissioner Matthews, seconded by Commissioner Sehorn, to approve the ordinance to rezone property located at 1027 North Harrison Avenue, containing 0.35-acres, from C-1 (Neighborhood Commercial District) to C-3 (Highway Commercial District) for the purpose of an automotive dealership.

Ordinance No. 2705NS 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: LOTS THREE (3), FOUR (4), AND FIVE (5) BLOCK THREE (3), HARRISON AVENUE ADDITION, TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF FROM ZONING CLASSIFICATION C-1 (NEIGHBORHOOD COMMERCIAL DISTRICT) TO C-3 (HIGHWAY COMMERCIAL DISTRICT) AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

Motion carried 7-0.

AYE: Matthews, Sehorn, Salter, Weaver, Flood, Bolt, Rutherford

NAY: None

Ordinance No. 2705NS was adopted by the City Commission.

AGENDA ITEM NO. 11:

Public hearing and consideration of an ordinance to rezone property located at 32105 Homer Lane, containing five-acres, from A-1 (Rural Agricultural District) to RE (Residential Estates District) for the purpose of a three parcel, minimum of one-acre lot size lot split, located on a five-acre property. Case No. P18-20, Applicant: Henry and Helen Wilkos.

Rebecca Blaine, Planning Director advised the applicant withdrew the application for Case No. P18-20.

No action taken.

AGENDA ITEM NO. 12:

Consideration of the following budget amendments:

- a. Fund 001 General Fund – To adjust for utilization of increased sales tax collections and federal reimbursement for several projects including increased demolition, a scanning solution, software upgrades, funding for the Heart of Oklahoma Exposition Center upkeep, and street sweeper.
- b. Fund 104 Economic Development Fund – To adjust for an increase in sales tax collections.

- c. Fund 105 Spay and Neuter Fund – To adjust for an increase in spay and neuter needs and refunds.
- d. Fund 106 Hotel/Motel Surcharge Fund – To adjust expenditures to allow for more advertising and printing.
- e. Fund 108 Fire Sales Tax Fund – To adjust for increased sales tax collections.
- f. Fund 706 Gifts and Donations Fund – To budget donations received and increase amount available for use by the animal shelter.

Ms. Ashley Neel, Finance Director stated this is the first group of amendments from the increased sales tax. She advised that the increase is based off a 4% increase of last year's sales tax from budget cuts.

Mr. Chance Allison, City Manager, spoke regarding the issues of maintenance and upkeep at The Heart of Oklahoma Exposition Center. He advised that the Parks Department has agreed to take over the mowing and weed eating, which will increase personnel by two individuals.

A motion was made by Commissioner Weaver, seconded by Commissioner Flood, to approve the budget amendments listed in Agenda Item Nos. 12 (a-f). Motion carried 7-0.

AYE: Weaver, Flood, Bolt, Rutherford, Sehorn, Salter, Matthews

NAY: None

AGENDA ITEM NO. 13: Acknowledge monthly Sales Tax and Budget Report.

Finance Director Ashely Neel reported sales tax is up \$1,854,903.00, or 22.93%, over the projected budget year-to-date. She stated that use tax collections are down approximately \$2,005.00, or 0.20%, under the projected budget year-to-date.

AGENDA ITEM NO. 14: 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. 15:

Commissioners Comments

Commissioners congratulated all the new hires that were confirmed at tonight's meeting.

Commissioner Matthews expressed his appreciation of the discussion tonight and encouraged supporting local businesses during the holiday season.

Commissioner Flood appreciated the conversation regarding face coverings and being able to think through things before decisions are made.

Vice Mayor Rutherford stated that he hopes the public understands the concerns on mask wearing. He stated that when appropriate, it will be revisited again.

Commissioner Sehorn echoed the importance of the mask mandate and protecting people.

He thanked the City Manager for bringing in outside people to assist with the decision on the new hires to make it a fair process. He would like everyone to take processions and stay safe over the holiday season.

Commissioner Salter advised everyone to stay safe and well.

Mayor Bolt encouraged supporting local businesses in Shawnee. He stated that it was a great conversation tonight to work through a tough situation.

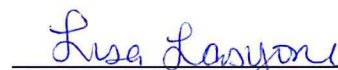
AGENDA ITEM NO. 16:

Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (7:31 p.m.)


ED BOLT, MAYOR

ATTEST:


LISA LASYONE, CMC, CITY CLERK

