

AGENDA
SHAWNEE AIRPORT AUTHORITY
November 1, 2021 AT 6:00 P.M.
COMMISSION CHAMBERS AT CITY HALL
16 WEST 9TH STREET
SHAWNEE, OKLAHOMA

Official action can only be taken on items which appear on the agenda. The public body may adopt, approve, ratify, deny, defer, recommend, amend, strike, or continue any agenda item. When more information is needed to act on an item, the public body may refer the matter to Staff or back to Committee or the recommending body. Under certain circumstances, items are deferred to a future date or stricken from the agenda entirely.

CALL TO ORDER

DECLARATION OF A QUORUM

1. Consider approval of Consent Agenda:
 - a. Minutes from the October 18, 2021 regular meeting.
 - b. Acknowledge renewal of Lease Agreement with Vyve Broadband A, LLC for property located at 1821 Airport Drive.
 - c. Acknowledge the Schedule of Regular Meetings for 2022 for The Board of City Commissioners, The Board of Trustees of the Shawnee Airport Authority, and The Board of Trustees of the Shawnee Municipal Authority.
2. New Business

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

Respectfully submitted,

Lisa Lasyone, CMC, City Clerk

The City of Shawnee encourages participation from its citizens in public meetings. If participation is not possible due to a disability, notify the City Clerk, in writing, at least forty-eight hours prior to the scheduled meeting and necessary accommodations will be made. (ADA 28 CFR/36)

Shawnee Airport Authority

1. a.

Meeting Date: 11/01/2021

Minutes

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Minutes from the October 18, 2021 regular meeting.

Fiscal Impact

Attachments

Minutes

THE TRUSTEES OF THE SHAWNEE AIRPORT AUTHORITY OF THE CITY OF SHAWNEE, COUNTY OF POTTAWATOMIE, STATE OF OKLAHOMA, MET IN REGULAR SCHEDULED SESSION, MONDAY, OCTOBER 18, 2021, DURING THE BOARD OF CITY COMMISSIONER MEETING AT 6:00 P.M., PURSUANT TO NOTICE DULY POSTED AS PRESCRIBED BY LAW AT 3:57 P.M. ON OCTOBER 14, 2021. UPON ROLL CALL, A QUORUM WAS DECLARED WITH THE FOLLOWING MEMBERS IN ATTENDANCE:

PRESENT: Matthews, Flood, Bolt, Rutherford, Sehorn

ABSENT: Engles, Salter

Call to Order

Declaration of a Quorum

AGENDA ITEM NO. 1: Consider approval of Consent Agenda:

- a. Minutes from the October 4, 2021 regular meeting.

A motion was made by Trustee Rutherford, seconded by Trustee Matthews, to approve the Consent Agenda Item No. 1(a). Motion carried 5-0.

AYE: Rutherford, Matthews, Flood, Bolt, Sehorn

NAY: None

AGENDA ITEM NO. 2: 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. 3: Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (7:16 p.m.)

ED BOLT, CHAIRMAN

ATTEST:

LISA LASYONE, SECRETARY

DRAFT

Shawnee Airport Authority

1. b.

Meeting Date: 11/01/2021

Lease Agreement

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Acknowledge renewal of Lease Agreement with Vyve Broadband A, LLC for property located at 1821 Airport Drive.

Fiscal Impact

Attachments

Memo

Agreement



Date: November 1, 2021

To: Shawnee Airport Authority

From: Bonnie A. Wilson, Airport Manager

Subject: Request to Amend and Extend Non-Aeronautical Commercial Lease – Vyve Broadband A, LLC

Nature of Request:

Vyve Broadband A, LLC (Vyve) currently leases 2,720 square feet of office space, and 20 vehicle parking spaces measuring approximately 3,600 square feet, at 1821 Airport Drive, Shawnee, OK 74804.

The lease is set to expire on November 18, 2021. Vyve is seeking the opportunity to amend the lease to provide for an additional term expiring on October 18, 2024, and has agreed to accept (i) an increase in the rental rate of 1.4% at the commencement of the extended term, (ii) an adjustment to Fair Market Value following an assessment of the lease value during the term of the extension at the Shawnee Airport Authorities convenience; and (iii) annual increases based on the rise in inflation as established by the Consumer Price Index for all goods and services for the prior calendar year.

Analysis and Considerations:

Vyve established the lease in May 2015. The rental rate was increased from an initial \$250.00 per month, to \$500.00 per month in 2016, to the current \$775.00 per month, in March 2017. There have been no increases in the rental rate since that time.

The Shawnee Airport Authority Airport Facilities Lease and Development Policy Statement (October 2019) Methodology for Leasing Shawnee Regional Airport Facilities, provides the opportunity to adjust rental rates annually at the commencement of the City of Shawnee's Fiscal Year based on the national rate of inflation as established by the Consumer Price Index change from the prior calendar year, in each intervening year, with current pricing retained as minimums regardless of inflation activity. The Policy also allows staff to engage a third-party assessor to conduct property value assessments every five calendar years and/or in response to any significant changes to the regional market.

Recommendation

The Airport Advisory Board and staff recommend the following actions:

1. Execute an extension to the term of lease through October 18, 2024 to coincide with the expiration of the adjacent office space also leased by Vyve Broadband A, LLC. Amend the current lease language to include an increase in the lease rate of 1.4% for the initial calendar year of the extended term,

rounded to the nearest whole dollar, eleven dollars (\$11.00), based on the rate of inflation as established by the Consumer Price Index for calendar year 2020, for the first calendar year of the renewed agreement; and

2. Include an escalation clause, increasing the rental rate on an annual basis, based on the rate of inflation for the prior calendar year, as established by the Consumer Price Index for all goods and services; and
3. Include a clause providing for a rental rate adjustment based on a Fair Market Value assessment at the convenience of the Shawnee Airport Authority during the extended term.

Budget Consideration

The amendment to rental rate terms, and extension of lease term will increase rental revenues year over year for the duration of the lease agreement.



**SECOND AMENDMENT
TO COMMERCIAL NON-AERONAUTICAL
LEASE AGREEMENT**

This Second Amendment (this "Amendment") to that certain Commercial Lease Agreement dated 19 May 2015 as extended by those certain letter agreements dated 18 September 2015, 18 March 2016, 7 September 2016, 7 March 2017, and further amended with Amendment to Lease dated 1 November 2017, as amended, (the "Lease"), is entered into this 1st day of November 2021, by and between the Shawnee Airport Authority (the "Airport Authority"), on behalf of the City of Shawnee, Oklahoma, hereinafter referred to as "Lessor," and Vyve Broadband A, LLC, hereinafter referred to as "Lessee."

WITNESSETH THAT:

WHEREAS, the City of Shawnee, Oklahoma is the owner of the premises known as Shawnee Regional Airport (the "Airport"); and

WHEREAS, the Shawnee Airport Authority, a Trust established to hold, manage, invest, assign, convey and distribute Airport property as Trustor for the use and benefit of the City of Shawnee, Oklahoma; and

WHEREAS, the Lessor and Lessee are mutually desirous of Amending the Lease.

NOW, THEREFORE, in consideration of the mutual covenants and agreements set forth herein, the receipt and sufficiency of which are hereby acknowledged, the Lease is hereby amended effective as of the date hereof as follows:

1. Section 1.1 of the Lease is hereby amended, restated, and appended as follows:
 - 1.1. The term of the Lease commenced on 19 May 2015, and, subject to renewals and extensions, will expire on 18 November 2021.
 - 1.2. On 18 November 2021, the term of the Lease shall be extended through 18 October 2024, (the "Amended Term").
 - 1.3. Such Amended term may be renewed on terms mutually acceptable to the Lessor and Lessee with sixty (60) calendar days' written notice to the Lessor of the Lessee's desire to extend.
2. Article 2 of the Lease is hereby amended and restated as follow:
 - 2.1. The Leased Premises commonly known as "The Annex" shown on Exhibit A of the Lease and made a part thereof consists of:
 - 2.1.1. Existing building at 1821 North Airport Drive consisting of approximately two-thousand-seven-hundred-twenty (2,720) square feet of interior space; and

- 2.1.2. Any real property improvement constructed or installed thereon during the term hereof; and
- 2.1.3. Twenty (20) parking spaces measuring approximately three-thousand-six-hundred (3,600) square feet.

3. Article 4 of the Lease is hereby amended and restated as follows:

4. Lessee agrees to pay to the Airport Authority as rental for use of the Leased Premises and the privileges herein as follows:

- 4.1.1. Beginning 1 November 2021, subject to adjustment as set forth herein, the sum of seven-hundred-eighty-six dollars (\$786) per month, due and payable in advance on or before the first day of each calendar month. Provided, however, that if any monthly rental payment is not paid on or before the tenth day following the first day of each month, a late payment fee in the amount of one- and one-half percent (1.5%) will be applied to any overdue balances for charges assessed by the Shawnee Airport Authority.
- 4.1.2. It is understood and agreed by and between the Lessor and the Lessee that Lessee agrees to maintain a current status on rental of the Leased Premises. Should Lessee fail to do so, and the account becomes sixty (60) business days delinquent, then the Lessor shall give the Lessee written notice, by certified mail, that the account must be brought current within ten (10) business days or said Lease may be terminated at the discretion of the Lessor. Should a second offense of sixty (60) calendar days delinquency occur within the term of this Lease, immediate termination of this Agreement shall result, and renewal options shall be forfeited.
- 4.1.3. It is specifically understood and agreed by and between the Lessor and the Lessee that the monthly rental for the Leased Premises shall be adjusted from time to time as set forth in this Section 4.1.3; provided that, there shall be no more than one such adjustment in any twelve-month period.
 - 4.1.3.1. The Airport Authority reserves the right to engage the services of a licensed real estate appraiser to conduct Fair Market Rental Value assessment of the Leased Premises, and adjust the rental rate, based on that valuation one time, during the term of the extension.
 - 4.1.3.2. Additional adjustments based the national rate of inflation as established by the Consumer Price Index change from the prior calendar year, with current pricing retained as minimums regardless of inflation activity, will be applied at the commencement of the Airport Authority's fiscal year.
 - 4.1.3.3. The Lessee hereby agrees to pay such adjusted monthly rental following written notice of the adjusted rate from the Lessor.

All other terms and conditions of the Lease shall remain in full force and effect except as amended by this Amendment.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment to the Lease on the day and year written above.

VYVE BROADBAND A, LLC
A Delaware Limited Liability Company

BY:

TITLE:

SHAWNEE AIRPORT AUTHORITY
For City of Shawnee Oklahoma
A Municipal Corporation

By: _____
ANDREA WECKMUELLER-BEHRINGER
CITY MANAGER

ATTEST:

LISA LASYONE, CMC
CITY CLERK

Shawnee Airport Authority**1. c.**

Meeting Date: 11/01/2021

Schedule

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Acknowledge the Schedule of Regular Meetings for 2022 for The Board of City Commissioners, The Board of Trustees of the Shawnee Airport Authority, and The Board of Trustees of the Shawnee Municipal Authority.

Fiscal Impact**Attachments**Schedule

2022 CALENDAR YEAR

SCHEDULE OF REGULAR MEETINGS

**THE BOARD OF CITY COMMISSIONERS AND
THE BOARD OF TRUSTEES OF THE SHAWNEE AIRPORT AUTHORITY AND
THE BOARD OF TRUSTEES OF THE SHAWNEE MUNICIPAL AUTHORITY**

DATE		TIME	PLACE OF MEETING
1/18/2022	Tuesday	6:00 p.m.	Commission Chambers-City Hall 16 West 9 th Street, Shawnee, OK
2/07/2022	Monday	6:00 p.m.	Commission Chambers-City Hall 16 West 9 th Street, Shawnee, OK
2/22/2022	Tuesday	6:00 p.m.	Commission Chambers-City Hall 16 West 9 th Street, Shawnee, OK
3/07/2022	Monday	6:00 p.m.	Commission Chambers-City Hall 16 West 9 th Street, Shawnee, OK
3/21/2022	Monday	6:00 p.m.	Commission Chambers-City Hall 16 West 9 th Street, Shawnee, OK
4/04/2022	Monday	6:00 p.m.	Commission Chambers-City Hall 16 West 9 th Street, Shawnee, OK
4/18/2022	Monday	6:00 p.m.	Commission Chambers-City Hall 16 West 9 th Street, Shawnee, OK
5/02/2022	Monday	6:00 p.m.	Commission Chambers-City Hall 16 West 9 th Street, Shawnee, OK
5/16/2022	Monday	6:00 p.m.	Commission Chambers-City Hall 16 West 9 th Street, Shawnee, OK
6/06/2022	Monday	6:00 p.m.	Commission Chambers-City Hall 16 West 9 th Street, Shawnee, OK
6/20/2022	Monday	6:00 p.m.	Commission Chambers-City Hall 16 West 9 th Street, Shawnee, OK
7/05/2022	Tuesday	6:00 p.m.	Commission Chambers-City Hall 16 West 9 th Street, Shawnee, OK
7/18/2022	Monday	6:00 p.m.	Commission Chambers-City Hall 16 West 9 th Street, Shawnee, OK
8/01/2022	Monday	6:00 p.m.	Commission Chambers-City Hall 16 West 9 th Street, Shawnee, OK
8/15/2022	Monday	6:00 p.m.	Commission Chambers-City Hall 16 West 9 th Street, Shawnee, OK
9/06/2022	Tuesday	6:00 p.m.	Commission Chambers-City Hall 16 West 9 th Street, Shawnee, OK
9/19/2022	Monday	6:00 p.m.	Commission Chambers-City Hall 16 West 9 th Street, Shawnee, OK
10/03/2022	Monday	6:00 p.m.	Commission Chambers-City Hall 16 West 9 th Street, Shawnee, OK
10/17/2022	Monday	6:00 p.m.	Commission Chambers-City Hall 16 West 9 th Street, Shawnee, OK
11/07/2022	Monday	6:00 p.m.	Commission Chambers-City Hall 16 West 9 th Street, Shawnee, OK
11/21/2022	Monday	6:00 p.m.	Commission Chambers-City Hall 16 West 9 th Street, Shawnee, OK
12/05/2022	Monday	6:00 p.m.	Commission Chambers-City Hall 16 West 9 th Street, Shawnee, OK
12/19/2022	Monday	6:00 p.m.	Commission Chambers-City Hall 16 West 9 th Street, Shawnee, OK

NAME: LISA LASYONE, CMC

TITLE: City Clerk

ADDRESS: P. O. Box 1448

Shawnee, OK 74802-1448

TELEPHONE: (405) 878-1604

Filed in the office of the Municipal Clerk at _____ a.m./p.m. on _____, 2021.

Signed: _____
Clerk/Deputy Clerk