BOARD OF CITY COMMISSIONERS PROCEEDINGS
OCTOBER 3, 2022 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, 16 West 9th Street, Shawnee, Oklahoma on, Monday, October 3, 2022 at 6:00 p.m., pursuant to notice duly posted as prescribed by law at 6:23 p.m. on September 29, 2022. Mayor Bolt presided and called the meeting to order. Upon roll call, the following members were in attendance.

Ed Bolt
Mayor

Daniel Matthews Commissioner Ward 1	Cami Engles Commissioner Ward 2
Travis Flood Commissioner Ward 3	Darren Rutherford Commissioner Ward 4-Vice Mayor
Mark Sehorn Commissioner Ward 5	Lauren Richter Commissioner Ward 6

ABSENT: None

INVOCATION — Commissioner Daniel Matthews

FLAG SALUTE

AGENDA ITEM NO. 1: Citizens Participation
(A three-minute limit per person)
(A twelve-minute limit per topic)

Mr. Mark Larch-Miller, Mr. Rob Morris, Ms. Theresa Cody, Mr. Beau Dorrough, Mr. Rick Young and Mr. Pete Carroll spoke during Citizens Participation.

AGENDA ITEM NO. 2: Consider approval of Consent Agenda:

a. Minutes from the September 19, 2022 regular meeting.

b. Acknowledge the following minutes and reports:

- Shawnee Beautification, Parks, and Recreation Committee Minutes from the June 16, 2022, July 21, 2022, and August 18, 2022 regular meetings.

c. Acceptance of public improvements for Trails End Phase I and place maintenance bonds into effect.

d. Lake Lease Transfer:

TRANSFER:
Lot 6 Mosler Tract, 16304 Archery Range Road
From: LaDonna Freeman
To: LaDonna K. Freeman Revocable Trust u/a/d October 29, 2006

A motion was made by Commissioner Matthews, seconded by Commissioner Engles, to approve Consent Agenda Item Nos. 2(a-d). Motion carried 7-0.

AYE: Matthews, Engles, Flood, Bolt, Rutherford, Sehorn, Richter
NAY: None

AGENDA ITEM NO. 3: Consideration of the Schedule of Regular Meetings for 2023 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.

Ms. Andrea Weckmueller-Behringer, City Manager, provided a Staff report. She advised that the City Charter requires one (1) meeting per month.

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Sehorn, to approve the Schedule of Regular Meetings for 2023 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. Motion carried 6-1.

AYE: Rutherford, Sehorn, Matthews, Engles, Flood, Bolt
NAY: Richter

AGENDA ITEM NO. 4: Consideration of the purchase of a forklift for the use at the Heart of Oklahoma Exposition Center at the total amount of $50,549.00 from Viper Lift Trucks.

Mr. Jacob Foos, Assistant City Manager, provided a Staff report. Mr. Foos and Mr. Frank Abbott, General Manager for the Heart of Exposition Center, answered questions from the Commission.

A motion was made by Commissioner Sehorn, seconded by Vice Mayor Rutherford, to approve the purchase of the Viper Lift Truck as presented contingent upon verification of a minimum ground clearance of nine (9) inches. Motion carried 7-0.

AYE: Sehorn, Rutherford, Richter, Matthews, Engles, Flood, Bolt
NAY: None

AGENDA ITEM NO. 5: Declaration that an emergency exists pursuant to 61 O.S. § 130 and authorization for an emergency repair of the storm water main on Dewey Street between Broadway Avenue and Beard Avenue, in an amount not to exceed $176,350.00.

Mr. Brad Schmidt, Public Works Director, advised that due to the severity, location, potential for property damage, and risk of dangerous flooding, Staff is requesting a declaration of an emergency be declared and to forego the standard bidding procedures and complete repairs as soon as possible.

A motion was made by Commissioner Engles, seconded by Commissioner Flood, to declare that an emergency exists pursuant to 61 O.S. § 130 and authorization for an emergency repair of the storm water main on Dewey Street between Broadway Avenue and Beard Avenue, in an amount not to exceed $176,350.00. Motion carried 7-0.

AYE: Engles, Flood, Bolt, Rutherford, Sehorn, Richter, Matthews
NAY: None

AGENDA ITEM NO. 6: Consideration of a budget amendment for Fiscal Year 2022 – 2023 for Fund 302 Street Improvement Fund to fund emergency storm water system repair at Dewey Street.

Ms. Lindsey McNabb-Fox, Finance Director, provided a Staff report.

A motion was made by Commissioner Matthews, seconded by Commissioner Flood, to approve budget amendment for Fiscal Year 2022 – 2023 for Fund 302 Street Improvement Fund to fund emergency storm water system repair at Dewey Street. Motion carried 7-0.

AYE: Matthews, Flood, Bolt, Rutherford, Sehorn, Richter, Engles
NAY: None

RECESS CITY COMMISSION MEETING BY THE POWER OF THE CHAIR TO CONVENE SHAWNEE AIRPORT AUTHORITY AND SHAWNEE MUNICIPAL AUTHORITY (7:02 P.M.)

RECONVENE CITY COMMISSION MEETING BY THE POWER OF THE CHAIR (7:15 P.M.)

AGENDA ITEM NO. 7: Consideration of a Land Lease from the City of Shawnee to the Oklahoma Military Department.

Ms. Bonnie Wilson, Airport Manager, advised that the proposed Land Lease leases the land referenced in Shawnee Airport Authority Agenda Item No. 2 from the City of Shawnee to the Oklahoma Military Department (OMD) for twenty-five (25) years, with the option to renew for an additional twenty-five (25) years.

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Engles, to approve a Land Lease from the City of Shawnee to the Oklahoma Military Department. Motion made 7-0.

AYE: Rutherford, Engles, Flood, Bolt, Sehorn, Richter, Matthews
NAY: None

AGENDA ITEM NO. 8: Consider and take action with respect to an ordinance of the City of Shawnee, Oklahoma, relating to the imposition of a city excise tax (sales tax) of one half of one percent (0.5%) (in addition to any and all other excise taxes now in force) to be levied upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code; providing for the use of the proceeds of said excise tax; providing for the effective date of said excise tax; providing for no repeal of tax; providing for subsisting state permits; providing for payment of tax; providing that the tax is in addition to taxes currently levied; incorporating certain provisions of prior City Ordinances; providing for amendments to this ordinance; providing that the provisions of this ordinance are cumulative and in addition to any and all taxing provisions of other City Ordinances; providing for severability of provisions; and containing other provisions related thereto.

Mr. Jacob Foos, Assistant City Manager, advised that the proposed ordinance would establish a City excise tax (sales tax) of one half of one percent (0.5%), if approved by the Shawnee voters. He also advised that the intent is for the sales tax, if approved by the Shawnee voters, is to eliminate the recently adopted Utility Improvement Fee.

A motion was made by Commissioner Sehorn, seconded by Commissioner Matthews, to approve an ordinance of the City of Shawnee, Oklahoma, relating to the imposition of a city excise tax (sales tax) of one half of one percent (0.5%) (in addition to any and all other excise taxes now in force) to be levied upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code; providing for the use of the proceeds of said excise tax; providing for the effective date of said excise tax; providing for no repeal of tax; providing for subsisting state permits; providing for payment of tax; providing that the tax is in addition to taxes currently levied; incorporating certain provisions of prior City Ordinances; providing for amendments to this ordinance; providing that the provisions of this ordinance are cumulative and in addition to any and all taxing provisions of other City Ordinances; providing for severability of provisions; and containing other provisions related thereto.

Ordinance No. 2771NS was introduced.

AN ORDINANCE OF THE CITY OF SHAWNEE, OKLAHOMA, RELATING TO THE IMPOSITION OF A CITY EXCISE TAX (SALES TAX) OF ONE HALF OF ONE PERCENT (0.5%) (IN ADDITION TO ANY AND ALL OTHER EXCISE TAXES NOW IN FORCE) TO BE LEVIED UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TAXABLE UNDER THE OKLAHOMA SALES TAX CODE; PROVIDING FOR THE USE OF THE PROCEEDS OF SAID EXCISE TAX; PROVIDING FOR THE EFFECTIVE DATE OF SAID EXCISE TAX; PROVIDING FOR NO REPEAL OF TAX; PROVIDING FOR SUBSISTING STATE PERMITS; PROVIDING FOR PAYMENT OF TAX; PROVIDING THAT THE TAX IS IN ADDITION TO TAXES CURRENTLY LEVIED; INCORPORATING CERTAIN PROVISIONS OF PRIOR CITY ORDINANCES; PROVIDING FOR AMENDMENTS TO THIS ORDINANCE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE ARE CUMULATIVE AND IN ADDITION TO ANY AND ALL TAXING PROVISIONS OF OTHER CITY ORDINANCES; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

Motion carried 7-0.

AYE: Sehorn, Matthews, Engles, Flood, Bolt, Rutherford, Richter
NAY: None

Ordinance No. 2771NS was adopted by the City Commission.

RECESS CITY COMMISSION MEETING BY THE POWER OF THE CHAIR (7:54 P.M.)

RECONVENE CITY COMMISSION MEETING BY THE POWER OF THE CHAIR (8:02 P.M.)

AGENDA ITEM NO. 9: Consider and take action with respect to a resolution authorizing the calling and holding of a special election in the City of Shawnee, State of Oklahoma (the "City"), on the 10th day of January, 2023, for the purpose of submitting to the registered qualified electors of said City the question of approval or rejection of an ordinance of the City relating to a one half of one percent (0.5%) excise tax (sales tax), in addition to all present City, County and State excise taxes, with the proceeds of said tax to be used to fund capital expenditures for the use and benefit of the City, or debt service in connection with capital expenditures, as more specifically set out in an ordinance of said City; and containing other provisions related thereto.

Mr. Jacob Foos, Assistant City Manager, advised that the proposed resolution calls for the election on January 10, 2023 for approval or rejection of the ordinance previously adopted in Agenda Item No. 8 related to a one half of one percent (0.5%) excise tax (sales tax).

A motion was made by Commissioner Matthews, seconded by Commissioner Flood, to approve a resolution authorizing the calling and holding of a special election in the City of Shawnee, State of Oklahoma (the "City"), on the 10th day of January, 2023, for the purpose of submitting to the registered qualified electors of said City the question of approval or rejection of an ordinance of the City relating to a one half of one percent (0.5%) excise tax (sales tax), in addition to all present City, County and State excise taxes, with the proceeds of said tax to be used to fund capital expenditures for the use and benefit of the City, or debt service in connection with capital expenditures, as more specifically set out in an ordinance of said City; and containing other provisions related thereto.

Resolution No. 6673 was introduced.

A RESOLUTION AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN THE CITY OF SHAWNEE, STATE OF OKLAHOMA (THE "CITY"), ON THE 10TH DAY OF JANUARY, 2023, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED QUALIFIED ELECTORS OF SAID CITY THE QUESTION OF APPROVAL OR REJECTION OF ORDINANCE NO. 2771NS OF THE CITY RELATING TO A ONE HALF OF ONE PERCENT (0.5%) EXCISE TAX (SALES TAX), IN ADDITION TO ALL PRESENT CITY, COUNTY AND STATE EXCISE TAXES, WITH THE PROCEEDS OF SAID TAX TO BE USED TO FUND CAPITAL EXPENDITURES FOR THE USE AND BENEFIT OF THE CITY, OR DEBT SERVICE IN CONNECTION WITH CAPITAL EXPENDITURES, AS MORE SPECIFICALLY SET OUT IN ORDINANCE NO. 2771NS OF SAID CITY; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

Motion carried 7-0.

AYE: Matthews, Flood, Bolt, Rutherford, Sehorn, Richter, Engles
NAY: None

<u>AGENDA ITEM NO. 10:</u> Administrative Reports:

a. Homeless Program Update – Erika Genty, Homeless Program Coordinator

Ms. Erika Genty, Homeless Program Coordinator, advised the goals of the Homeless Program are to collaborate with local, regional, and state service providers and community partners; develop a cohesive response to homelessness, meet the needs of the homeless population; address visible homelessness on Main Street; help the downtown area and public spaces return to their intended purposes; and educate the public about homelessness.

Ms. Genty's presentation also included (1) What We Have Done; (2) What We Are Doing Now; and (3) Where We Are Going.

b. State of the City – Andrea Weckmueller-Behringer, City Manager

Ms. Andrea Weckmueller-Behringer, City Manager, provided a State of the City presentation. Ms. Weckmueller-Behringer provided information regarding (1) The Beginning; (2) Our Government; (3) Full-Service Municipality; and (4) Our Successes and Challenges, which included (a) City Infrastructure; (b) City Growth; and (c) Community Quality of Life.

AGENDA ITEM NO. 11: 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. 12: Commissioners Comments

Commissioner Matthews requested an administrative report on the Tax Increment Financing (TIF) District and the Homeless funding.

Commissioner Engles commended Staff on the presentations. She also discussed the importance being placed on infrastructure and that Staff is proactively planning a pathway to the future.

Commissioner Flood thanked Staff and also said he was excited to be part of conversations with Staff and residents.

Vice Mayor Rutherford commented on moving to once-a-month meetings, citizens have more access through the City's website and the Commission is accessible.

Commissioner Sehorn commented on the Homeless report and once-a-month meetings.

Commissioner Richter stated she is excited to see the growth in Ward 6. She also commented on the once-a-month meetings, the administrative reports and the sales tax election.

Mayor Bolt commented on the Staff reports, sales tax election and moving to once-a-month meetings.

AGENDA ITEM NO. 13: Consider an executive session to discuss annual evaluations of the City Manager pursuant to 25 O.S. §307(B)(1) "Discussing the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee."

A motion was made by Commissioner Matthews, seconded by Commissioner Engles, to enter into an executive session to discuss annual evaluations of the City Manager pursuant to 25 O.S. §307(B)(1) "Discussing the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee." Motion carried 7-0.

AYE: Matthews, Engles, Flood, Bolt, Rutherford, Sehorn, Richter
NAY: None

COMMISSIONERS ENTERED INTO EXECUTIVE SESSION AT 9:16 P.M. WITH ALL MEMBERS PRESENT.

COMMISSIONERS RECONVENED FROM EXECUTIVE SESSION AT 10:26 P.M. WITH ALL MEMBERS PRESENT.

AGENDA ITEM NO. 14: Consider matters discussed in executive session regarding discussions of annual evaluations of City Manager pursuant to 25 O.S. §307(B)(1) "Discussing the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee."

A motion was made by Commissioner Flood, seconded by Commissioner Matthews, that, based on the evaluation from executive session, an increase of City Manager's compensation by ten percent (10%) of the current rate and ask for an extension on the contract of one (1) more year. Motion carried 7-0.

AYE: Flood, Matthews, Engles, Bolt, Rutherford, Sehorn, Richter
NAY: None

AGENDA ITEM NO. 15: Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (10:27 p.m.)

THE CITY OF SHAWNEE SEAL OKLAHOMA

ED BOLT, MAYOR

ATTEST:

Lisa Lasyone

LISA LASYONE, CMC, CITY CLERK