

BOARD OF CITY COMMISSIONERS PROCEEDINGS
SEPTEMBER 20, 2021 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, September 20, 2021 at 6:00 p.m., pursuant to notice duly posted as prescribed by law at 9:29 a.m. on September 17, 2021. Mayor Bolt presided and Mr. Aiden Muller 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

Chairman John "Rocky" Barrett
Citizen Potawatomi Nation

FLAG SALUTE

AGENDA ITEM NO. 1:

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

Mr. Paul Bass, President of First United Bank of Shawnee, read a collective statement from the bank presidents of First United Bank, Arvest Bank, BancFirst, First National Bank, and Vision Bank regarding their collective support for the Joint Resolution between the City of Shawnee and Citizen Potawatomi Nation.

Ms. Judith Michener addressed questions she had regarding the proposed de-annexation.

Mr. Darrin Lofton provided an update on KSNL Aero business activities.

Mr. Rob Morris provided a handout to the Mayor, Commissioners, and Staff. Mr. Morris spoke regarding, but not limited to, the proposed de-annexation, Shawnee Lake Advisory Committee, proposals with Elevation Land Survey and Latham Consulting, and the Shawnee Civic and Cultural Development Authority.

Ms. Teresa Burnett expressed concerns regarding the Joint Agreement with the City of Shawnee and Citizen Potawatomi Nation.

Mr. Rich Rudebock provided a handout to the Mayor, Commissioners, and Staff. Mr. Rudebock spoke regarding the shoreline erosion at Shawnee Twin Lakes.

Mr. Brandon Dyer, Director of Community Renewal for Pottawatomie County, expressed his support for the Joint Resolution with Citizen Potawatomi Nation.

AGENDA ITEM NO. 2:

Consider approval of Consent Agenda:

- a. Acknowledge staff will proceed in the instant meeting with the opening and consideration of bids as set forth in Agenda Item Nos. 27(a-b).
- b. Minutes from the September 7, 2021 regular meeting.
- c. Acknowledge the following reports and minutes:
 - License Payment Report for August 2021
 - Project Payment Report for August 2021
 - Planning Commission Minutes from the July 7, 2021 and August 4, 2021 regular meetings.
- d. Acceptance of the public improvements for Cardinal Point Development and place maintenance bonds into effect.

- e. Acknowledge the resignation of Lisa Hair from the Shawnee Community Beautification Committee.
- f. Acknowledge the resignation of Mindy Palmer from the Shawnee Civic and Cultural Development Authority.
- g. Approve renewal of the Pottawatomie County Public Safety Center Jail Services Agreement.
- h. Lake Lease Transfer:

TRANSFER:

Lot 12 Eckel Tract, 15105 Eckel Road
From: Cannon Revocable Living Trust
To: CC Cannon, LLC

Lot 16 Johnson Tract, 16614 Stevens Road
From: Howard Tommie
To: LeLand Prewitt and Rhonda Renee Berry

Lots 14 and 15 Johnson Tract, 16618 Stevens Road
From: Howard Tommie
To: LeLand Prewitt and Rhonda Renee Berry

- i. Mayor's Appointments:

Shawnee Arts and Culture Commission

Sha'kiya Morris 1st Partial Term Expires: May 1, 2024
Replaces LeAnne Henry Wright – Resigned

Shawnee Civic and Cultural Development Authority

Stacy Cramer Moore 1st Partial Term Expires: December 31, 2023
Replaces Mindy Palmer – Resigned

Shawnee Hospital Authority

Mark Finley 3rd Full Term Expires: December 31, 2027
Reappointment

Kathleen Laster 3rd Full Term Expires: December 31, 2027
Reappointment

Stephen Trotter
Reappointment

3rd Full Term

Expires: December 31, 2027

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

A motion was made by Commissioner Flood, seconded by Commissioner Weaver, to approve Consent Agenda Item Nos. 2(a-i), less item 2(b). Motion carried 7-0.

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

NAY: None

Regarding Agenda Item No. 2(b), Commissioner Salter he would abstain from voting since he did not attend the September 7, 2021 City Commission Meeting.

A motion was made by Commissioner Matthews, seconded by Vice Mayor Rutherford, to approve Consent Agenda Item No. 2(b). Motion carried 6-0-1.

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

NAY: None

ABSTAIN: Salter

AGENDA ITEM NO. 3:

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

Animal Control Officers Wendy Cole and Brandy Spoon introduced Moe, a six-month-old male cat. Moe is up for adoption.

Officer Cole advised that the Animal Shelter currently has twenty-three dogs, one cat, and one pig.

AGENDA ITEM NO. 4:

Discussion, consideration, and possible action to enter into executive session in accordance with 25 O.S. § 307(B)(4) to discuss confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a

pending investigation, litigation, or proceeding in the public interest, specifically regarding Pottawatomie County Case No. CV-2014-128.

A motion was made by Commissioner Matthews, seconded by Commissioner Weaver, to enter into executive session in accordance with 25 O.S. § 307(B)(4) to discuss confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest, specifically regarding Pottawatomie County Case No. CV-2014-128. Motion carried 7-0.

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

NAY: None

COMMISSION ENTERED INTO EXECUTIVE SESSION AT 6:33 P.M. WITH ALL MEMBERS PRESENT.

COMMISSION RECONVENED FROM EXECUTIVE SESSION AT 7:05 P.M. WITH ALL MEMBERS PRESENT.

AGENDA ITEM NO. 5:

Consider matters discussed in executive session in accordance with 25 O.S. § 307(B)(4) to discuss confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest, specifically regarding Pottawatomie County Case No. CV-2014-128.

There was no action taken.

AGENDA ITEM NO. 6:

Acknowledgment of Citizen Potawatomi Nation approval of the Joint Resolution and Cooperation Agreement.

City Attorney Joe Vorndran advised that Citizen Potawatomi Nation has reviewed and approved the Joint Resolution and Cooperation Agreement.

There was no action taken.

AGENDA ITEM NO. 7:

Discussion and consideration regarding the Cooperation Agreement between the City of Shawnee, Oklahoma and the Citizen Potawatomi Nation; approving the Cooperation Agreement; and authorizing the Mayor to execute the Cooperation Agreement on behalf of the City of Shawnee.

A motion was made by Commissioner Flood, seconded by Commissioner Sehorn, to approve the Cooperation Agreement between the City of Shawnee, Oklahoma and the Citizen Potawatomi Nation; and authorizing the Mayor to execute the Cooperation Agreement on behalf of the City of Shawnee. Motion carried 7-0.

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

NAY: None

AGENDA ITEM NO. 8:

Discussion and consideration of a Joint Resolution of the City of Shawnee and the Citizen Potawatomi Nation committing to continued partnership for the growth and strength of the respective entities; approving the Joint Resolution; and authorizing the Mayor to execute the Cooperation Agreement on behalf of the City of Shawnee.

A motion was made by Commissioner Matthews, seconded by Vice Mayor Rutherford, to approve a Joint Resolution of the City of Shawnee and the Citizen Potawatomi Nation committing to continued partnership for the growth and strength of the respective entities; approving the Joint Resolution; and authorizing

the Mayor to execute the Cooperation Agreement on behalf of the City of Shawnee.

Resolution was introduced.

JOINT RESOLUTION BY AND BETWEEN THE CITIZEN POTAWATOMI NATION AND THE CITY OF SHAWNEE, OKLAHOMA COMMITTING TO CONTINUED PARTNERSHIP FOR THE GROWTH AND STRENGTH OF THE RESPECTIVE ENTITIES.

Motion carried 7-0.

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

NAY: None

AGENDA ITEM NO. 9:

Consideration of an ordinance relating to amending the boundaries of the City of Shawnee, Oklahoma by de-annexing/detaching certain real property within the City of Shawnee, Pottawatomie County to-wit: All or part of Sections 25, 35, 36, Township 10 North, Range 3 East of the Indian Meridian; and all or part of Sections 28, 29, 30, 31, Township 10 North, Range 4 East of the Indian Meridian, all lying within Pottawatomie County, State of Oklahoma, and more fully described within the Ordinance attached hereto; providing for repeal; providing for severability; and providing for emergency clause.

City Attorney Joe Vorndran advised that a correction was made on the original legal to the proposed ordinance and a copy was provided to the Mayor and Commissioners.

A motion was made by Commissioner Flood, seconded by Commissioner Matthews, to approve an ordinance with the amended Exhibit A relating to amending the boundaries of the City of Shawnee, Oklahoma by de-annexing/detaching certain real property within the City of Shawnee, Pottawatomie County to-wit: All or part of Sections 25, 35, 36, Township 10 North, Range 3 East of the Indian Meridian; and all or part of Sections 28, 29, 30, 31, Township 10 North, Range 4 East of the Indian Meridian, all lying within Pottawatomie County,

State of Oklahoma, and more fully described within the Ordinance attached hereto; providing for repeal; providing for severability; and providing for emergency clause.

Ordinance No. 2726NS 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, TO-WIT: ALL OR PART OF SECTIONS 25, 35, 36, TOWNSHIP 10 NORTH, RANGE 3 EAST OF THE INDIAN MERIDIAN; AND ALL OR PART OF SECTIONS 28, 29, 30, 31, TOWNSHIP 10 NORTH, RANGE 4 EAST OF THE INDIAN MERIDIAN, ALL LYING WITHIN POTTAWATOMIE COUNTY, STATE OF OKLAHOMA, AND MORE FULLY DESCRIBED HEREIN; AND DECLARING AND EMERGENCY.

Motion carried 7-0.

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

Ordinance No. 2726NS was adopted by the City Commission

A motion was made by Commissioner Matthews, seconded by Vice Mayor Rutherford, to approve the emergency clause relating to Ordinance No. 2726NS. Motion carried 7-0.

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

RECESS CITY COMMISSION MEETING BY THE POWER OF THE CHAIR
FOR TEN MINUTE BREAK (7:14 p.m.)

RECONVENE CITY COMMISSION MEETING BY THE POWER OF THE
CHAIR (7:24 P.M.)

AGENDA ITEM NO. 10:

Acknowledgement of the resignation of
Ward 2 Commissioner Bob Weaver,
effective 11:59 p.m. September 21, 2021.

Commissioner Weaver stated that he will be moving outside of Ward 2 and therefore is resigning as Ward 2 Commissioner.

There was no action taken.

AGENDA ITEM NO. 11:

Discussion and consideration of possible appointment for Ward 2 Commissioner to complete remainder of term, expiring 2024.

City Attorney Joe Vorndran advised of the options that the Commission could take to appoint a Commissioner for Ward 2. If the Commission does appoint a replacement, the appointee would only serve until the next general election, which is June 2022. If elected in June 2022, that term would be for the remaining two years of the term, which would expire in 2024.

A motion was made by Mayor Bolt, seconded by Commissioner Matthews, to advertise the position for Ward 2 Commissioner to complete remainder of term, expiring 2024. Motion carried 7-0.

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

NAY: None

AGENDA ITEM NO. 12:

Discussion and consideration of an appointment of a City Commissioner to the Parks and Recreation Committee.

City Attorney Joe Vorndran advised that Commissioner Weaver currently sits on the Parks and Recreation Committee as the Commission representative. Due to his resignation of Ward 2 Commissioner, Staff is requesting that the Commission appoint another Commissioner to sit on the Parks and Recreation Committee.

Commissioner Flood volunteered to serve on the Parks and Recreation Committee.

A motion was made by Commissioner Weaver, seconded by Commissioner Sehorn, to ratify the Mayoral appointment of Commissioner Flood to serve on the Parks and Recreation Committee. Motion carried 6-0-1.

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

NAY: None

ABSTAIN: Flood

AGENDA ITEM NO. 13:

Discussion and consideration of a resolution of the Mayor and City Commission of the City of Shawnee, Oklahoma amending the Committee make-up of the Lake Advisory Committee, pursuant to Chapter Two, Section 35 of the Shawnee Code of Ordinances.

City Attorney Joe Vorndran advised that Commissioner Weaver currently sits on the Lake Advisory Committee as the Commission representative. Due to his resignation of Ward 2 Commissioner, it would reduce the number of Commissioners serving on the Committee to one. The proposed resolution amends the number of members from twelve (12) to thirteen (13), with two members reserved for City Commissioners and one (1) for the City Attorney.

Discussion was held between the Commission and Staff.

A motion was made by Commissioner Matthews, seconded by Commissioner Flood, to approve a resolution of the Mayor and City Commission of the City of Shawnee, Oklahoma amending the Committee make-up of the Lake Advisory Committee, pursuant to Chapter Two, Section 35 of the Shawnee Code of Ordinances.

Resolution No. 6642 was introduced.

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SHAWNEE, OKLAHOMA AMENDING THE COMMITTEE MAKE-UP OF THE LAKE ADVISORY COMMITTEE, PURSUANT TO CHAPTER TWO, SECTION 35 OF THE SHAWNEE CODE OF ORDINANCES.

Motion carried 7-0.

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

NAY: None

AGENDA ITEM NO. 14:

Discussion and consideration to lease a 2022 Freightliner Asphalt Patch Truck from JR Equipment, at the total annual cost of \$56,722.48.

Public Works Director Brad Schmidt advised that the proposed lease is for 36-months and would provide for a new patch truck.

A motion was made by Commissioner Sehorn, seconded by Vice Mayor Rutherford, to approve to lease a 2022 Freightliner Asphalt Patch Truck from JR Equipment, at the total annual cost of \$56,722.48. Motion carried 7-0.

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

AGENDA ITEM NO. 15: Discussion and consideration of a proposal with Elevation Land Surveying to provide Professional Survey Services at Shawnee Twin Lakes.

City Engineer Seth Barkhimer gave a Staff report.

A motion was made by Commissioner Weaver, seconded by Commissioner Sehorn, to approve a proposal with Elevation Land Surveying to provide Professional Survey Services at Shawnee Twin Lakes. Motion carried 7-0.

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

AGENDA ITEM NO. 16: Discussion and consideration of a proposal with Latham Consulting Group and Dunnington Consulting for governmental and community affairs.

Interim City Manager Eric Benson gave a Staff report and introduced Mr. Matt Latham and Mr. Jason Dunnington with Latham Consulting Group.

Mr. Matt Latham and Mr. Jason Dunnington answered questions from the Mayor and Commissioners.

A motion was made by Commissioner Matthews, seconded by Commissioner Flood, to approve a proposal with Latham Consulting Group and Dunnington Consulting for governmental and community affairs. Motion carried 7-0.

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

AGENDA ITEM NO. 17: Discussion and consideration of an amended contract with Safe Events for Families (SEFF) for Fiscal Year 2021-2022.

City Attorney Joe Vorndran stated that the proposed contract amends a contract with Safe Events for Families approved by the Commission on June 7, 2021. The proposed amended contract amends Paragraph 8 to allow the City Manager or designee the right of inspection of pertinent financial documentation which supports or evidences a reimbursement request made by SEFF to the City.

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Flood, to approve an amended contract with Safe Events for Families (SEFF) for Fiscal Year 2021-2022. Motion carried 7-0.

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

NAY: None

AGENDA ITEM NO. 18:

Discussion and consideration of a resolution adopting the Pottawatomie County Hazard Mitigation Plan for the City of Shawnee.

Emergency Management Director Rachelle Erickson gave a Staff report.

A motion was made by Commissioner Matthews, seconded by Commissioner Weaver, to approve a resolution adopting the Pottawatomie County Hazard Mitigation Plan for the City of Shawnee.

Resolution No. 6643 was introduced.

A RESOLUTION ADOPTING THE POTTAWATOMIE COUNTY HAZARD MITIGATION PLAN FOR THE CITY OF SHAWNEE.

Motion carried 7-0.

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

NAY: None

AGENDA ITEM NO. 19:

Discussion and consideration of a resolution adopting the Emergency Operation Plan for the City of Shawnee.

Emergency Management Director Rachelle Erickson gave a Staff report.

A motion was made by Commissioner Weaver, seconded by Vice Mayor Rutherford, to approve a resolution adopting the Emergency Operation Plan for the City of Shawnee.

Resolution No. 6644 was introduced.

A RESOLUTION ADOPTING THE EMERGENCY OPERATIONS PLAN FOR THE CITY OF SHAWNEE.

Motion carried 7-0.

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

NAY: None

AGENDA ITEM NO. 20:

Discussion and consideration of an ordinance of the City of Shawnee, Oklahoma amending Chapter 22 [Planning and Development], Article I [In General], of the City Code establishing a Land Disturbance Permit; providing for severability, codification, repealer, and emergency clause.

City Engineer Seth Barkhimer stated that the proposed ordinance is to protect existing infrastructure.

A motion was made by Commissioner Sehorn, seconded by Commissioner Matthews, to approve an ordinance of the City of Shawnee, Oklahoma amending Chapter 22 [Planning and Development], Article I [In General], of the City Code establishing a Land Disturbance Permit; providing for severability, codification, repealer, and emergency clause.

Ordinance No. 2727NS was introduced.

AN ORDINANCE OF THE CITY OF SHAWNEE, OKLAHOMA AMENDING CHAPTER 22 [PLANNING AND DEVELOPMENT], ARTICLE I [IN GENERAL], OF THE CITY CODE, ESTABLISHING A LAND DISTURBANCE PERMIT; PROVIDING FOR SEVERABILITY, CODIFICATION, REPEALER, AND EMERGENCY CLAUSE.

Motion carried 7-0.

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

NAY: None

Ordinance No. 2727NS was adopted by the City Commission

A motion was made by Commissioner Matthews, seconded by Vice Mayor Rutherford, to approve the emergency clause relating to Ordinance No. 2727NS. Motion carried 7-0.

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

AGENDA ITEM NO. 21:

Discussion and consideration of a resolution of the Mayor and City Commission of the City of Shawnee, Oklahoma that sets a fee for a land disturbance permit; and providing for the re-adoption of the City Fee Schedule in whole.

City Engineer Seth Barkhimer advised that the proposed resolution establishes the fee for Agenda Item No. 20.

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Flood, to approve a resolution of the Mayor and City Commission of the City of Shawnee, Oklahoma that sets a fee for a land disturbance permit; and providing for the re-adoption of the City Fee Schedule in whole.

Resolution No. 6645 was introduced.

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SHAWNEE, OKLAHOMA THAT SETS A FEE FOR A LAND DISTURBANCE PERMIT; AND PROVIDING FOR THE RE-ADOPTION OF THE CITY FEE SCHEDULE IN WHOLE.

Motion carried 7-0.

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

AGENDA ITEM NO. 22:

Discussion and consideration of a final plat for Trails End Phase I subdivision, located on the east side of North Kickapoo Avenue and north of County Road 112, in the southwest quarter of Section 30, Township 11 North, Range 4 East, containing approximately 46.20 acres. Case No. PL05-

21, Applicant: Joel Harrison, PE (Crafton Tull) for Live Orange, LLC.

City Planner Rachel Clyne gave a Staff report. Ms. Clyne advised that the Planning Commission and Staff recommend approval.

A motion was made by Commissioner Weaver, seconded by Vice Mayor Rutherford, to approve a final plat for Trails End Phase I subdivision, located on the east side of North Kickapoo Avenue and north of County Road 112, in the southwest quarter of Section 30, Township 11 North, Range 4 East, containing approximately 46.20 acres.

Motion carried 7-0.

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

NAY: None

AGENDA ITEM NO. 23:

Public hearing and consideration of an ordinance to rezone property located at 15413 Nickens Road from A-1 (Rural Agricultural District) to A-1 (Rural Agricultural District) with LPZ (Lake Protection Zone) overlay and a CUP (Conditional Use Permit) for the purpose of operating a Bed and Breakfast/Airbnb (short-term rental). Case No. CUP03-21, Applicants: Zachary and Jennifer Grinnell and Sheri and Greg Rhodes. *(Deferred by the Planning Commission to the October 13, 2021 meeting.)*

City Planner Rachel Clyne advised that the Planning Commission deferred to the item to its October 13, 2021 meeting. Ms. Clyne requested that the City Commission defer the item to a future meeting.

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Weaver, to defer this item to a future City Commission meeting. Motion carried 7-0.

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

NAY: None

AGENDA ITEM NO. 24:

Public hearing and consideration of an ordinance to rezone property located southwest of the intersection of North Kickapoo Avenue and East Highland Street, specifically Lots 1 through 16; Lots 23 through 28; and Lots 31 and 32, in Block 1 of the Fairgrounds Addition subdivision, from C-1 (Neighborhood Commercial District), C-3 (Highway Commercial District), and C-4 (Central Business District) to C-3 (Highway Commercial District) with a PUD (Planned Unit Development) for the purpose of mixed-use development. Case No. PUD01-21, Applicant: Michael San Pedro.

City Planner Rachel Clyne gave a Staff report.

A motion was made by Commissioner Matthews, seconded by Mayor Bolt, to approve the ordinance to rezone property located southwest of the intersection of North Kickapoo Avenue and East Highland Street, specifically Lots 1 through 16; Lots 23 through 28; and Lots 31 and 32, in Block 1 of the Fairgrounds Addition subdivision, from C-1 (Neighborhood Commercial District), C-3 (Highway Commercial District), and C-4 (Central Business District) to C-3 (Highway Commercial District) with a PUD (Planned Unit Development).

Commissioner Matthews withdrew his previous motion, and Mayor Bolt withdrew the second, to allow for a public hearing.

Mayor Bolt declared a public hearing in session to consider an ordinance to rezone property located southwest of the intersection of North Kickapoo Avenue and East Highland Street, specifically Lots 1 through 16; Lots 23 through 28; and Lots 31 and 32, in Block 1 of the Fairgrounds Addition subdivision, from C-1 (Neighborhood Commercial District), C-3 (Highway Commercial District), and C-4 (Central Business District) to C-3 (Highway Commercial District) with a PUD (Planned Unit Development) for the purpose of mixed-use development. No one appeared in favor or against said rezoning. The public hearing was closed.

A motion was made by Commissioner Matthews, seconded by Mayor Bolt, to approve the ordinance to rezone property located southwest of the intersection of North Kickapoo Avenue and East Highland Street, specifically Lots 1 through 16; Lots 23 through 28; and Lots 31 and 32, in Block 1 of the Fairgrounds Addition subdivision, from C-1 (Neighborhood Commercial District), C-3

(Highway Commercial District), and C-4 (Central Business District) to C-3 (Highway Commercial District) with a PUD (Planned Unit Development).

Ordinance No. 2728NS 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 1-16; LOTS 23-28; AND LOTS 31-32, BLOCK 1 FAIRGROUNDS ADDITION OF SHAWNEE, POTTAWATOMIE, OKLAHOMA FROM ZONING CLASSIFICATION C-1 (NEIGHBORHOOD COMMERCIAL DISTRICT), C-3 (HIGHWAY COMMERCIAL DISTRICT), AND C-4 (CENTRAL BUSINESS DISTRICT) TO C-3 (HIGHWAY COMMERCIAL DISTRICT) WITH A PUD (PLANNED UNIT DEVELOPMENT) AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

Motion carried 7-0.

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

NAY: None

Ordinance No. 2728NS was adopted by the City Commission.

AGENDA ITEM NO. 25:

Discussion and consideration of an ordinance relating to shopping carts, amending Chapter 8 of the Shawnee Municipal Code by creating Article XI of Chapter 8, shopping carts; providing for repeal; providing for severability; providing for codification; and providing for emergency clause.

Interim City Manager Eric Benson gave a Staff report. He stated that there was currently no mechanism for manage shopping carts and the proposed ordinance would provide an opportunity. Discussion was held between the Mayor and Commissioners and Staff.

A motion was made by Vice Mayor Rutherford to defer this item to a future City Commission meeting.

Vice Mayor Rutherford amended his previous motion, seconded by Commissioner Matthews, to defer this item to the October 4, 2021 City Commission meeting. Motion carried 7-0.

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

AGENDA ITEM NO. 26: Discussion and consideration regarding the Shawnee Civic and Cultural Development Authority (SCCDA) Trust.

City Attorney Joe Vorndran stated that Staff is requesting that up to three (3) Commissioners be appointed to accompany the City Manager and City Attorney to a mediation process that will involve the SCCDA Trust and their representatives and Pottawatomie County and their designated representative. The proposed mediation is to address and attempt to resolve issues at the Heart of Oklahoma Exposition Center.

Commissioner Matthews, Vice Mayor Rutherford, and Commissioner Salter volunteered to accompany the City Manager and City Attorney in mediation with Pottawatomie County and the Shawnee Civic and Cultural Development Authority.

A motion was made by Commissioner Weaver, seconded by Commissioner Sehorn, to ratify the volunteerism of Commissioner Matthews, Vice Mayor Rutherford, and Commissioner Salter to accompany the City Manager and the City Attorney to formal mediation process involving Pottawatomie County and Shawnee Civic and Cultural Development Authority. Motion carried 7-0.

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

AGENDA ITEM NO. 27: Consider Bids:

- a. HOOEC Metal Roof Restoration and Insulation Removal and Spray Foam Replacement Project Heart of Oklahoma Exposition Center Project No. C-21-03D (Open)

BIDDER

AMOUNT

Draper Construction
Oklahoma City, OK

Metal Restoration: \$496,862.07
Foam & Coating: \$782,208.56

Expo General Manager Katy Fleming read one (1) bid into the record and requested that the bid award be deferred to a future City Commission meeting.

Mr. Trace Bailey, owner of Draper Construction, answered questions from the Mayor and Commissioners.

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Sehorn, to defer the bid award to a future City Commission meeting. Motion carried 7-0.

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

NAY: None

- b. Fence Removal and Replacement Project Heart of Oklahoma Exposition Center Project No. C-21-03D1 (Open)

BIDDER

AMOUNT

RJ Fence
Wellston, OK

\$266,032.50

Expo General Manager Katy Fleming read one (1) bid into the record and requested that the bid award be deferred to a future City Commission meeting.

A motion was made by Commissioner Matthews, seconded by Vice Mayor Rutherford, to defer the bid award to a future City Commission meeting. Motion carried 7-0.

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

NAY: None

AGENDA ITEM NO. 28:

Acknowledge monthly Sales Tax and Budget Reports.

Assistant Finance Director Jacob Bussell reported sales tax is up \$918,275.00, or 16.99%, over the projected budget year-to-date. He stated that use tax collections are up approximately \$170,600.00, or 28.86%, over the projected budget year-to-date.

AGENDA ITEM NO. 29:

Administrative Report

- a. 45th Street Update – Seth Barkhimer, P.E., City Engineer

City Engineer Seth Barkhimer provided an update on 45th Street. He answered questions from the Mayor and Commissioners.

- b. Grant Updates – Lauren Craig, Homeless Service Coordinator

Homeless Service Coordinator Lauren Craig gave an update on the Love Your Block Grant, Community Development Block Grant and Emergency Solutions Grant awards. She answered questions from the Mayor and Commissioners.

AGENDA ITEM NO. 30:

Consideration of the following budget amendments for Fiscal Year 2021 – 2022:

- a. Fund 001 General Fund – To fund Love Your Block Grant
- b. Fund 191 CDBG-CV-ODOC – To fund new CDBG CV ODOC Program
- c. Fund 192 ESG-ODOC – To fund new ESG-ODOC Grant Program

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Flood, to approve the budget amendments listed in Agenda Item Nos. 30 (a-c). Motion carried 7-0.

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

NAY: None

AGENDA ITEM NO. 31:

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

Interim City Manager Eric Benson advised that State law has increased the amount from \$50,000.00 to \$100,000.00 without having to competitively bid. He advised that Staff will bring to the Commission an opportunity to improve the Commission Chambers with new technology and furniture.

AGENDA ITEM NO. 32:

Commissioners Comments

Commissioner Matthews stated that he wholeheartedly supports the agreement with Citizen Potawatomi Nation.

Commissioner Weaver stated that he will continue to be involved in the community and appreciates the public, Commission and Staff.

Commissioner Flood stated that he is amazed at seeing the individuals who attended tonight's meeting to support the agreement with Citizen Potawatomi Nation.

He stated that he had the privilege of reading the Recovery Day Proclamation at Gateway Prevention.

Vice Mayor Rutherford thanked Commissioner Weaver for serving on the Commission.

Commissioner Sehorn thanked Staff for the 45th Street presentation.

Commissioner Salter welcomed Ms. Andrea Weckmueller-Behringer and wished Commissioner Weaver good luck.

Mayor Bolt thanked Commissioner Weaver for his service.

AGENDA ITEM NO. 33:

Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (9:34 p.m.)



ATTEST:

Lisa Laszoni
LISA LASYONE, CMC, CITY CLERK

Ed Bolt
ED BOLT, MAYOR