

AMENDED AGENDA
BOARD OF CITY COMMISSIONERS
November 2, 2015 AT 6:30 P.M.
COMMISSION CHAMBERS AT CITY HALL
SHAWNEE, OKLAHOMA

CALL TO ORDER

DECLARATION OF A QUORUM

INVOCATION

FLAG SALUTE

All motions will be made in the affirmative. The fact that a commissioner makes or offers a second to a motion does not mean that the commissioner must vote in favor of passage.

1. 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 Shawnee Airport Authority Agenda Item No. 2.
 - b. Minutes from the October 19, 2015 regular meeting and October 5, 2015 Special Call meeting.
 - c. Acknowledge the following minutes:
 - Shawnee Civic and Cultural Development Authority Minutes from September 17, 2015 meeting
 - Traffic Commission Minutes from August 25, 2015 meeting
 - d. Traffic Commission Recommendations

A. Consideration of request by Staff, to name a new city street "R.J. Barnard St". The said street intersects with Kickapoo approximately 250 feet north of Wall St and runs west for approximately 500 feet.

STAFF RECOMMENDATION: Staff recommends approval of request

BOARD RECOMMENDATION: Board recommends approval of request

- e. Mayor's appointments:

Oklahoma Baptist University Authority

Tom Terry 1st Full Term Expires 12/31/2021
Replacing Jack Moore

Joe Ford 1st Full Term Expires 12/31/2021
Replacing Randy Smith

- f. Budget Amendment – Fund 112 TIF
To move money from the TIF District for the Main Street Streetscape project

- g. Approve agreement with the Oklahoma Tax Commission for Administration of Sales Tax and Use Tax Ordinances.
- 2. Citizens Participation
 - (A three minute limit per person)
 - (A twelve minute limit per topic)
- 3. Consider for approval a resolution authorizing the sale of not to exceed \$11,000,000 Oklahoma Baptist University Authority Refunding Revenue Notes (Oklahoma Baptist University Project) Series 2015A and 2015B, designating the same as Bank Qualified, as necessary, and waiving competitive bidding.
- 4. New Business
 - (Any matter not known about or which could not have been reasonably foreseen prior to the posting of the agenda)
- 5. Commissioners Comments
- 6. Consider an Executive Session to discuss potential claims, litigation or other options regarding Pottawatomie County District Court Case No. CJ-2014-128, The Citizen Potawatomi Nation by Linda Capps, its Vice Chairman, and Deanna Jesse vs. City of Shawnee, as authorized by 25 O.S. §307(B)(4).
- 7. Consider matters discussed in Executive Session regarding potential claims, litigation or other options regarding Pottawatomie County District Court Case No. CJ-2014-128, The Citizen Potawatomi Nation by Linda Capps, its Vice Chairman, and Deanna Jesse vs. City of Shawnee, as authorized by 25 O.S. §307(B)(4).
- 8. Adjournment

Respectfully submitted

Phyllis Loftis, 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)

Regular Board of Commissioners

1. b.

Meeting Date: 11/02/2015

CC Minutes 10-19-2015

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Minutes from the October 19, 2015 regular meeting and October 5, 2015 Special Call meeting.

Attachments

CC Minutes 10-19-2015

CC SC Minutes 10-05-2015

BOARD OF CITY COMMISSIONERS PROCEEDINGS
OCTOBER 19, 2015 AT 6:30 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, October 19, 2015 at 6:30 p.m., pursuant to notice duly posted as prescribed by law. Mayor Mainord presided and called the meeting to order. Upon roll call, the following members were in attendance.

Wes Mainord

Mayor

Vacant

Commissioner Ward 1

Linda Agee

Commissioner Ward 2

James Harrod

Commissioner Ward 3-Vice Mayor

Keith Hall

Commissioner Ward 4

Lesa Shaw

Commissioner Ward 5

Absent

Commissioner Ward 6

ABSENT: Micheal Dykstra

INVOCATION

The Lord's Prayer

FLAG SALUTE

Led by Commissioner Hall

AGENDA ITEM NO. 1:

Consider approval of Consent Agenda:

1. Consider approval of Consent Agenda:
 - a. Minutes from the October 5, 2015 regular meeting.
 - b. Acknowledge the following minutes and reports:
 - License Payment Report for September 2015
 - Project Payment Report for September 2015
 - Shawnee Urban Renewal Authority Minutes from July 7, 2015 and September 9, 2015 meetings
 - Planning Commission Minutes from September 2, 2015

c. Lake Lease Renewals/Transfers:

RENEWALS:

- Lot 1 Roewe Tract, 15511 Perry Rd.
Lessees: Raymond and Jennifer Burrell
- Lot 3 Johnston Tract, 16808 Magnino Rd.
Lessee: Lonnie Cox
- Lot 5 Coffman Tract, 15309 Perry Rd.
Lessee: William Holloway
- Lot 1 Magnino A Tract, 17300 Magnino Rd.
Lessees: Elmer and Brenda Lucas
- Lot 1 Coffman Tract, 15407 Perry Rd.
Lessees: Stanley and Jacqueline Mills
- Lot 3 Coffman Tract, 15403 Perry Rd.
Lessees: Charles and Marilyn Moore
- Lot 10 Magnino A Tract, 17236 Magnino Rd.
Lessee: Alene Topping
- Lot 4 Magnino A Tract, 17100 Magnino Rd.
Lessee: Mark White

- d. Authorize staff to solicit proposals for the following:
(1) Snow and Ice removal assistance from city streets;
(2) Debris removal assistance; and
(3) Debris removal monitoring.

e. Mayor's Appointments:

Shawnee Public Library Board

Robert Currie – 1st Full Term Expires 06/30/2017

Re-appointment

- f. Acknowledge City of Shawnee Holiday Schedule for 2016.
- g. Approve Change Order No. 1 for Shawnee Splash Project.

Commissioner Shaw requested that Agenda Item Nos. 1(f) and (g) be pulled for separate consideration.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Shaw, to approve Consent Agenda Item Nos. 1(a-e), less items (f) and (g). Motion carried 5-0.

AYE: Harrod, Shaw, Agee, Mainord, Hall

NAY: None

Regarding Agenda Item No. 1(f), Commissioner Shaw asked for clarification of the December 23 and December 26, 2016 holidays. City Manager Justin Erickson explained that since Christmas Eve and Christmas Day occur on Saturday and Sunday in 2016, it is the city's policy to give the employees the Friday and Monday as their recognized Christmas holiday.

A motion was made by Commissioner Shaw, seconded by Commissioner Hall, to approve Consent Agenda Item No. 1(f). Motion carried 5-0.

AYE: Shaw, Hall, Agee, Harrod, Mainord

NAY: None

Regarding Agenda Item No. 1(g), Commissioner Shaw questioned the difference in the overhead, mark-up and "for profit" costs listed in the change orders. She asked if these were negotiated costs. Director of Operations James Bryce explained the process that was followed on this project. Commissioner Shaw requested that we develop a plan to review overhead and for-profit costs for consistency in the change orders.

A motion was made by Commissioner Shaw, seconded by Commissioner Hall, to approve Consent Agenda Item No. 1(g). Motion carried 5-0.

AYE: Shaw, Hall, Agee, Harrod, Mainord

NAY: None

AGENDA ITEM NO. 2:

Citizens Participation

(A three minute limit per person)

(A twelve minute limit per topic)

There was no Citizens Participation.

AGENDA ITEM NO. 3:

Presentation by Safe Events For Families regarding the Annual Christmas Parade.

Dale Kerbs with Safe Events for Families gave a presentation regarding the Annual Christmas Parade. The theme this year is *Christmas Through the Eyes of a Child*. Mayor Mainord was asked by Mr. Kerbs to draw the name of a Shawnee

school from a Santa hat. It was explained that the school selected will then hold a contest to select a child that will get to ride with Santa Clause during the Christmas Parade. Sequoyah School was selected from the drawing by Mayor Mainord.

COMMISSIONER DYKSTRA ARRIVED AT 6:41 P.M.

AGENDA ITEM NO. 4:

A public hearing and consideration of an ordinance to rezone with a Conditional Use Permit for property located at 1101 West 45th Street from A-1; Rural Agricultural to A-1; Rural Agricultural with Conditional Use Permit. Case No. #P14-15 Applicants: Kenneth and Donna Massey (*Deferred by Planning Commission to the November 4, 2015 Planning Commission meeting.*)

Staff advised that the applicants withdrew their application. No action was taken.

AGENDA ITEM NO. 5:

Consideration of an ordinance amending the Shawnee Municipal Code to prohibit texting while driving.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Dykstra, to approve an ordinance amending the Shawnee Municipal Code to prohibit texting while driving.

Ordinance No. 2576NS was introduced.

AN ORDINANCE ADDING TO CHAPTER 19 ARTICLE IV, OPERATION OF VEHICLES, OF THE CODE OF ORDINANCES OF THE CITY OF SHAWNEE, OKLAHOMA, A NEW SECTION TEXTING WHILE DRIVING; PROHIBITING TEXTING WHILE DRIVING IN COMPLIANCE WITH STATE LAW; PROVIDING PENALTY; PROVIDING EXCEPTIONS; DEFINITIONS; AND PROVIDING FOR CODIFICATION; REPEALER AND SEVERABILITY.

Motion carried 5-1.

AYE: Harrod, Dykstra, Agee, Mainord, Hall

NAY: Shaw

Ordinance No. 2576NS was adopted by the City Commission.

AGENDA ITEM NO. 6:

Consideration of an ordinance amending the Shawnee Municipal Code prohibiting certain conduct during a declared emergency.

A motion was made by Commissioner Hall, seconded by Commissioner Agee, to approve an ordinance amending the Shawnee Municipal Code prohibiting certain conduct during a declared emergency.

Ordinance No. 2577NS was introduced.

AN ORDINANCE AMENDING AND REPEALING PORTIONS OF CHAPTER 11 OF THE SHAWNEE MUNICIPAL CODE, SETTING FORTH ACTS WHICH MAY BE PROCLAIMED PROHIBITED IN THE EVENT OF AN EMERGENCY; SETTING PENALTY THEREFORE; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND DECLARING AN EMERGENCY.

Motion carried 6-0.

AYE: Hall, Agee, Harrod, Mainord, Shaw, Dystra

NAY: None

A motion was made by Commissioner Hall, seconded by Commissioner Agee, to approve emergency clause relating to Ordinance No. 2577NS. Motion carried 6-0.

AYE: Hall, Agee, Harrod, Mainord, Shaw, Dystra

NAY: None

Ordinance No. 2577NS was adopted by the City Commission.

AGENDA ITEM NO. 7:

Discussion, consideration and possible action for the retention of counsel in Circle D Pawn No. 4, Inc., et al. v City of Shawnee, et al., United States District Court for the Western District of Oklahoma, Case No. CIV-15-805-F.

A staff report was given by Mary Ann Karns, City Attorney who provided a history of the case. The case was originally defended by Oklahoma Municipal Assurance Group (OMAG), who retained Stephen Geris and David Lee to defend.

Since the liability issue has been resolved, OMAG will no longer provide legal representation. Due to Mr. Geries and Mr. Lee's previous research and involvement in the case, it is staff's recommendation to retain them to continue the representation in the other issues that remain pending in the case.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Hall, to approve staff to hire the firm Collins Zorn & Wagner, P.C. and for City Attorney Mary Ann Karns to oversee the expenditures. Motion carried 5-1.

AYE: Harrod, Hall, Dykstra, Agee, Mainord

NAY: Shaw

AGENDA ITEM NO. 8: Acknowledge Sales Tax Report received October 2015.

Cynthia Sementelli, Finance Director, reported that October sales tax collected this month was \$1,545,244.93, which is up 8.14% from 2014 and up 5.7% from 2013. Ms. Sementelli also provided information regarding the different sales tax revenue classifications established by the Oklahoma Tax Commission.

AGENDA ITEM NO. 9: City Manager Update

City Manager Justin Erickson gave updates on the following city issues:

- a) Staff is moving ahead with the repair of Fire Station No. 2 on Bryan Street. Formal Requests for Qualifications have been sent out and will close at the end of the month. Staff will interview those submitting qualifications and will then provide the City Commission with a recommendation. He estimated that the entire project will take approximately one year to complete.
- b) The old Fire Station No. 2 on Main Street is being readied to make it operational for use during the time the Bryan Street station is out of service.
- c) Shawnee Public Schools was awarded a large grant from the Avedis Foundation for middle school projects. Included in the grant is building a sidewalk south of the school on Union Street. The City will partner with the school system on this project. It is estimated that the sidewalk may be ready at the beginning of school next August.

d) O.G. & E. has begun installation of lights around the Airport Trail.

In response to questions from Commissioners Mr. Erickson addressed the following issues as well.

- a) The Bryan Street sidewalk project is almost complete. A sidewalk will soon be installed on Independence Street from Bryan to Sequoyah School.
- b) Regarding the history of the Christmas Snowflakes decorations, he explained that the snowflakes were purchased by individuals or commercial businesses many years ago. He will investigate the possibility of adding additional snowflake decorations.

AGENDA ITEM NO. 10:

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

There was no New Business.

AGENDA ITEM NO. 11:

Commissioners Comments

Commissioner Hall noted that Kickapoo Street construction is looking good. He mentioned that there is still some gaps in the sidewalk in front of Shawnee Market Place.

Commissioner Shaw asked about the status of automobile dealership project next to KFC on Mall Drive. Mr. Erickson said that the project is back on track and that spring rains delayed the project.

Commissioner Shaw asked for staff to provide a three year trend showing the percentages of retail sales within different sections of the City.

Commissioner Shaw also explained her no vote on the texting while driving ordinance considered in Agenda Item No. 5. She said that she believes that more structure is needed in the ordinance.

Commissioner Agee announced that the Shawnee Beautification Committee is a Keep Oklahoma Beautiful finalist for their annual Gardening with the Experts conference and the Shawnee Chamber of Commerce Downtown Task Force is a finalist in the Keep Oklahoma Beautiful Paint Day contest. Winners will be announced November 30th.

AGENDA ITEM NO. 12:

Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (7:39 p.m.)

WES MAINORD, MAYOR

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

BOARD OF CITY COMMISSIONERS
CITY OF SHAWNEE
SPECIAL CALLED SESSION
OCTOBER 5, 2015

The Board of City Commissioners met in Special Called Session at the Commission Chambers, 16 West 9th Street, Shawnee, Oklahoma, Monday, October 5, 2015 at 5:30 p.m., pursuant to notice duly posted as prescribed by law. Mayor Mainord presided and called the meeting to order. The following members were in attendance and a quorum was declared.

Wes Mainord
Chairman

Vacant
Commissioner Ward 1

Linda Agee
Commissioner Ward 2

James Harrod
Commissioner Ward 3-Vice Mayor

Keith Hall
Commissioner Ward 4

Absent
Commissioner Ward 5

Absent
Commissioner Ward 6

Absent: Lesa Shaw, Micheal Dykstra

The Call for said meeting was entered upon the records by the City Clerk, said Call being as follows:

NOTICE OF A CALLED SPECIAL SESSION OF THE BOARD OF CITY
COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA

TO THE BOARD OF COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA:

You and each of you are hereby notified that by virtue of a call issued by me on this 25th day of September, 2015, a Special Called Session will be held of the Board of Commissioners of the City of Shawnee, Oklahoma in the Shawnee Commission Chambers, 16 West 9th Street, Shawnee, Oklahoma at 5:30 p.m. on the 5th day of October, 2015, and you are hereby notified to be present at said meeting.

The purpose of said meeting will be to hold a public meeting and workshop to solicit input on a community image and branding initiative.

Witness my hand this 25th day of September, 2015.

(SEAL)

ATTEST:

/s/ Phyllis Loftis _____
PHYLLIS LOFTIS, CMC
CITY CLERK

/s/ Justin Erickson _____
JUSTIN ERICKSON
CITY MANAGER

STATE OF OKLAHOMA, COUNTY OF POTTAWATOMIE, SS.

I received this notice on the 25th day of September, 2015 at 10:31 a.m., and executed the same by delivering a true and correct copy thereof to the Mayor and to each of the Commissioners of the Board of City Commissioners for the City of Shawnee, Oklahoma as follows:

A read verification was received from Mayor Wes Mainord via e-mail at 8:59 a.m. on September 28, 2015

A read verification was received from Commissioner Linda Agee via e-mail at 10:18 p.m. on September 25, 2015

A read verification was received from Commissioner/Vice Mayor James Harrod via e-mail at 9:51 a.m. on September 25, 2015

A read verification was received from Commissioner Keith Hall via e-mail at 11:10 a.m. on September 25, 2015

I emailed a true and correct copy to Commissioner Lesa Shaw via e-mail at 10:31 a.m. on September 25, 2015, but no response was received.

I emailed a true and correct copy to Commissioner Micheal Dykstra via e-mail at 10:31 a.m. on September 25, 2015, but no response was received.

/s/ Phyllis Loftis
PHYLLIS LOFTIS, CMC, CITY CLERK

CALL FOR SPECIAL SESSION OF THE SHAWNEE BOARD OF CITY COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA TO BE HELD ON THE 5TH DAY OF OCTOBER AT 5:30 P.M. AT THE SHAWNEE COMMISSION CHAMBERS, 16 WEST NINTH STREET, SHAWNEE, OKLAHOMA. THE PURPOSE OF SAID MEETING WILL BE TO HOLD A PUBLIC MEETING AND WORKSHOP TO SOLICIT INPUT ON A COMMUNITY IMAGE AND BRANDING INITIATIVE.

By virtue of the authority vested in me by Section 4, Article IV of the Charter of the City of Shawnee, Oklahoma, a Special Session of the Board of City Commissioners of the City of Shawnee, Oklahoma is hereby called to meet at the City Commission Chambers, 16 West 9th Street, Shawnee, Oklahoma at 5:30 p.m. on the 5th day of October, 2015 to hold a public meeting and workshop to solicit input on a community image and branding initiative.

Witness my hand this 25th day of September, 2015

/s/ Justin Erickson
JUSTIN ERICKSON
CITY MANAGER

(SEAL)

ATTEST:

/s/ Phyllis Loftis
PHYLLIS LOFTIS, CMC, CITY CLERK

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF SHAWNEE, COUNTY OF POTTAWATOMIE, STATE OF OKLAHOMA, MET IN SPECIAL CALLED SESSION AT THE COMMISSION CHAMBERS, 16 WEST 9TH STREET, SHAWNEE, OKLAHOMA, MONDAY, OCTOBER 5, 2015 AT 5:30 P.M., PURSUANT TO NOTICE DULY POSTED AS PRESCRIBED BY LAW. MAYOR MAINORD PRESIDED AND CALLED THE MEETING TO ORDER. THE FOLLOWING MEMBERS WERE IN ATTENDANCE.

PRESENT: Agee, Harrod, Mainord, Hall
ABSENT: Shaw, Dykstra

CALL TO ORDER AT 6:00 P.M.

DECLARATION OF A QUORUM

AGENDA ITEM NO. 1: Public meeting and workshop to solicit input on a community image and branding initiative.

Mayor Mainord called the meeting to order and introduced Visit Shawnee Inc. (VSI) Chairman Randy Gilbert.

Mr. Gilbert gave a brief overview of the branding process. He then introduced Tripp Muldrow with Arnett Muldrow & Associates.

Mr. Muldrow began by describing the branding process. He then asked for questions and comments from those in attendance.

AGENDA ITEM NO. 2: ADJOURNMENT

There being no further business to be considered, the meeting was adjourned by power of the Chair (6:30 p.m.).

WES MAINORD, MAYOR

(SEAL)

ATTEST:

LISA LASYONE
DEPUTY CITY CLERK

Regular Board of Commissioners

1. c.

Meeting Date: 11/02/2015

Acknowledge Minutes

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Acknowledge the following minutes:

- Shawnee Civic and Cultural Development Authority Minutes from September 17, 2015 meeting
 - Traffic Commission Minutes from August 25, 2015 meeting
-

Attachments

Expo Minutes 09-17-2015

Traffic Minutes 08-25-2015

A MEETING OF THE SHAWNEE
CIVIC AND CULTURAL DEVELOPMENT AUTHORITY
SEPTEMBER 17, 2015
12:30 P.M.
HEART OF OKLAHOMA EXPOSITION CENTER

THE TRUSTEES OF THE SHAWNEE CIVIC AND CULTURAL DEVELOPMENT AUTHORITY MET FOR THEIR REGULAR SCHEDULED MEETING THURSDAY, SEPTEMBER 17, 2015 AT 12:30 PM AT HEART OF OKLAHOMA EXPOSITION CENTER, PURSUANT TO NOTICE DULY POSTED AS PRESCRIBED BY LAW. NOTICE WAS FILED AT CITY HALL ON 9/14/2015 AT 2:55PM.

AGENDA ITEM NO.1

CALL TO ORDER.

THE MEETING WAS CALLED TO ORDER AT 12:30 PM BY MR. RANDY GILBERT, CHAIRMAN.

AGENDA ITEM NO.2

ROLL CALL

TRUSTEES PRESENT: MR. RANDY GILBERT
MRS. SUSAN HAYENS
MRS. RACHEL MONROE-MELOT
MR. TIM BARRICK
MR. KARL KOZEL
MR. JUSTIN ERICSON

TRUSTEES ABSENT: MR. CASEY BELL

ALSO IN ATTENDANCE: MICHAEL JACKSON, OPERATIONS MANAGER; MIKE MCCORMICK, & MIKE CLOVER OF STUART & CLOVER

AGENDA ITEM NO.3

DECLARATION OF A QUORUM

CHAIRMAN MR. RANDY GILBERT, DECLARED A QUORUM.

AGENDA ITEM NO.4

APPROVAL OF MINUTES FROM AUGUST SC&CDA MEETING.

THE MOTION MADE BY TRUSTEE BARRICK, SECONDED BY TRUSTEE ERICSON TO APPROVE THE MINUTES AS PRESENTED FOR THE AUGUST 2015 MEETING. MOTION CARRIED.

AYE: GILBERT, HAYENS, BARRICK, MELOT, ERICSON, KOZEL
NAY: NONE
ABSTAIN:

AGENDA ITEM NO.6

APPROVAL OF THE MONTHLY FINANCIAL REPORT.

THE MOTION MADE BY TRUSTEE BARRICK, SECONDED BY TRUSTEE ERICSON TO APPROVE THE MONTHLY FINANCIAL REPORT AS PRESENTED, MOTION CARRIED.

AYE: GILBERT, HAYENS, BARRICK, MELOT, ERICSON, KOZEL
NAY: NONE
ABSTAIN

AGENDA ITEM NO.7

APPROVAL OF GENERAL CLAIMS.

THE MOTION MADE BY TRUSTEE KOZEL, SECONDED BY TRUSTEE MELOT TO APPROVE THE GENERAL CLAIMS. MOTION CARRIED.

AYE: GILBERT, HAYENS, BARRICK, MELOT, ERICSON, KOZEL
NAY: NONE
ABSTAIN

General Claims

A.	Ask About Windows	\$121.00
B.	Personal Plumbing	\$205.00
C.	Freds Tire & Battery	\$181.61
D.	Arvest Bank	\$502.69
E.	DJ Reveal	\$487.04
F.	AT&T	\$323.99
G.	Communication Services	\$72.00
H.	Arvest Bank	\$625.11
I.	Cintas	\$130.58
J.	Napa	\$74.02
K.	Grimsleys	\$194.35
L.	Shawnee Mill	\$126.80
M.	Lowe's	\$467.55
N.	BuFord Whites	\$1,330.33
O.	OG&E	\$18,758.30
P.	Arrow Machinery	\$1,970.00
Q.	INS	\$734.00
R.	Sparks Heat & Air	\$194.75
S.	ONG	\$232.40
T.	ONG	\$478.59
U.	Vision Bank	\$454.04
V.	MetTel	\$782.98
W.	AT&T Mobility	\$53.64
X.	Shawnee Office Systems	\$170.36
Y.	Cutting Edge Lawns	\$3680.00
Z.	Fresh Filtered Air	\$650.00
AA.	Fuelman	\$1,004.88
BB.	CBEW Group	\$5750.00
CC.	Finley & Cook	\$440.00
DD.	Shawnee Chamber	\$300.00
EE.	City of Shawnee	\$4220.77

FF.	Stuart & Clover	\$200.00
GG.	Winkler Door Co	\$308.64
HH.	John Deer Financial	\$113.19
II.	City of Shawnee Surcharge	\$156.00

Add On's

General:

A.	AT&T	\$329.89
B.	ONG	\$231.19

AGENDA ITEM NO.8

APPROVAL OF SPECIAL EVENT CLAIMS

THE MOTION MADE BY TRUSTEE ERICKSON , SECONDED BY TRUSTEE BARRICK THAT THE SPECIAL EVENT CLAIMS BE APPROVED. MOTION CARRIED.

AYE: GILBERT, HAVENS, BARRICK, MELOT, ERICKSON, KOZEL

NAY:

ABSTAIN:

Special Claims

A.	Whitley Cline	\$250.00
B.	Debbie Schweikert	\$100.00
C.	Shelby Dominique	\$100.00
D.	Jesse Denney	\$100.00
E.	Kenzie Huffman	\$100.00
F.	Jacob Scroggins	\$100.00
G.	Hanna Wallace	\$250.00
H.	Jacob Spencer	\$100.00
I.	Kolt Forinash	\$100.00
J.	Alyson Duzik	\$100.00
K.	Sydney Case	\$100.00
L.	Madeline McClaran	\$250.00
M.	Nathan Hatchel	\$100.00
N.	Larime Glenn	\$100.00
O.	Kelton Tynes	\$250.00
P.	Tyler Crone	\$250.00

Q.	Koal Livingston	\$100.00
R.	Clayton Coone	\$1,000.00
S.	Devin Wright	\$750.00
T.	Masen Foris	\$600.00
U.	Kelsey Phillips	\$1,150.00
V.	Jayne Flowers	\$750.00
W.	Tyler Montano	\$750.00
X.	Chance Merrill	\$350.00
Y.	Layton Hibler	\$200.00
Z.	Nathan Labor	\$300.00

AGENDA ITEM NO.9

APPROVAL OF SHAVINGS CLAIMS

None

AGENDA ITEM NO. 10-15

COMMITTEE REPORTS, ADMINISTRATION REPORTS, OLD BUSINESS, NEW BUSINESS, PUBLIC & TRUSTEE COMMENTS.

AGENDA ITEM NO.16

ADJOURNMENT

THE MOTION MADE BY TRUSTEE KOZEL, SECONDED BY TRUSTEE BARRICK TO ADJOURN THE MEETING. - MOTION CARRIED.

AYE: GILBERT, HAVENS, BARRICK, MELOT, ERICKSON, KOZEL

NAY:

ABSTAIN:

CHAIRMAN: MR. RANDY GILBERT

INTERIM SECRETARY: MR. JUSTIN ERICKSON

MINUTES
TRAFFIC COMMISSION
August 25, 2015 MEETING
COMMISSION CHAMBERS ROOM AT CITY HALL

I. CALL TO ORDER

II. ROLL CALL
MEMBERS PRESENT

Ronald Taffe - Chairman
Wayne Ardrey- Vice Chairman
Rebecca Dolin
Peggy Rider
Paul Roberts
Darren Rutherford
Ronald Gillham

MEMBERS ABSENT

None

EX-OFFICIO MEMBERS

Michael Ludi, Assistant City Engineer
Danielle Turner, Traffic Commission Secretary
Keith Mangus, Traffic Supervisor

CITIZENS PRESENT

Nicole Knapp

III. APPROVAL OF OCTOBER 28, 2014 MINUTES

Motion was made by Rider, seconded by Dolin to **approve** the October 28, 2014 minutes. Motion **Carried**

Roll Call: Aye: Taffe, Ardrey, Dolin, Rider, Roberts, Rutherford, Gillham
Nay:

IV. CONSIDERATION OF REQUEST

A. Consideration of request by Staff, to have “No Parking” at any time along Plaza Drive from Kickapoo east on both sides of the street.

Discussion:

Michael Ludi presented a Power Point presentation showing the area of discussion on Plaza Drive. Ludi stated this area causes confusion for drivers turning onto Plaza Drive from Kickapoo. With vehicles parked on Plaza Drive as vehicles turn east there have been situation where the vehicles back up on Kickapoo thinking the vehicles parked are waiting and situations where the cars turn and swerve quickly not aware the vehicles are parked almost rear ending the parked vehicle. Plaza Drive was put in as a private street that was just recently accepted by the City as a public street. Ludi stated if this street had been put in as a City street it would have been a no parking street when it was placed. There is a future plan to stripe the street now that it is a City street. If the street is extended east for future development the no parking would extend as well.

Gillham stated that as business grows in the area traffic is sure to increase. Roberts asked if this is from overflow parking. Ludi stated this does look to be overflow parking. Dolin questioned how long it would take to place the signs and striping. Ludi stated if approved this consideration would go to the City Commission for approval. Ludi stated after approval by the City Commission an Ordinance would be adopted and it wouldn't take the Traffic Department very long to get the signs in place.

Motion was made by Ardrey, seconded by Gillham to **approve** the request by Staff, to have “No Parking” at any time along Plaza Drive from Kickapoo east on both sides of the street.

Roll Call: Aye: Taffe, Ardrey, Rider, Roberts, Rutherford, Gillham
Nay:
Abstain: Dolin

Motion carried

B. Consideration of request by Nicole Knapp, to have “No Parking” at any time along W. Slover Street from Leo Street west to the Canadian river on both sides of the street.

Discussion:

Nicole Knapp spoke stating her house is the last house before the bridge on Slover. She stated people park in the area and do numerous activities that cause problems (littering, vandalism, drugs etc.). She stated very few people park to actually fish in the river. Police are called out several times a week for the problems. The police have told her that if there is no parking it would give them cause to run people causing trouble out of the area. Roberts asked if this issue has worsened. Ms. Knapp stated the problem is always worse during the summer. Michael Ludi stated he had spoken with Chief Frantz after reviewing the request and he acknowledged the problems based on the call volume and stated to Ludi that the area does need no parking to be

able to run people off. When an officer is sent to the area if they do not see the violation itself they are unable to make anyone leave. With No Parking signs they would at least be able to have them move the vehicles out of the area making it more difficult to continue the activity. Ludi stated it is recommended to have no parking all the way to Leo from Slover Bridge. Ludi stated after looking at the area all the houses have long driveways with plenty of room for parking leaving no reason needed for the residents to have street parking. Roberts questioned if pedestrian traffic would still be allowed. Ludi stated pedestrian traffic would still be allowed in the area and the Bridge was open to pedestrian traffic as well. Gillham questioned how many signs would be placed. Ludi stated they would look at the area, place one on the gate and signs facing both directions on the street.

Motion was made by Rider, seconded by Rutherford to approve the request by Nicole Knapp, to have "No Parking" at any time along W. Slover Street from Leo Street west to the Canadian river on both sides of the street.

Roll Call: Aye: Taffe, Ardrey, Dolin, Rider, Roberts, Rutherford, Gillham
Nay:

Motion carried

C. Consideration of request by Staff, to make a formal request to ODOT that the traffic signal at the intersection of Kickapoo and 45th Street be upgraded to a camera system.

Discussion:

Michael Ludi presented a Power Point presentation showing the updated motion camera systems being placed at intersections. These systems replace the loop systems and detect zones, count cars, can tell the speed of cars and can be adjusted according to traffic flow as needed easily among other things. Ludi briefly described how the loop system works in comparison to the motion camera system. The motion camera systems can be easily adjusted when problems are found at intersections. Data from intersections can be pulled from these systems as needed. The signals on Kickapoo with the exception of 45th and Kickapoo from Kickapoo Spur to I-40 will already have these updated motion camera systems. These systems do not record video at the intersection just data. The loops at the intersection of Kickapoo and 45th are not functioning properly and need to be replaced. With the cost of replacement in comparison to the cost of updating the system it is the Staff recommendation to make a formal request to ODOT to have the signal at Kickapoo and 45th Street upgraded to a camera system.

Motion was made by Roberts, seconded by Ardrey to approve the request by Staff, to make a formal request to ODOT that the traffic signal at the intersection of Kickapoo and 45th Street be upgraded to a camera system.

Roll Call: Aye: Taffe, Ardrey, Dolin, Rider, Roberts, Rutherford, Gillham
Nay:

Motion carried

V. ADMINISTRATIVE REPORTS

none

VI. CITIZEN PARTICIPATION

none

VII. BOARD MEMBERS COMMENTS

none

VIII. ADJOURNMENT

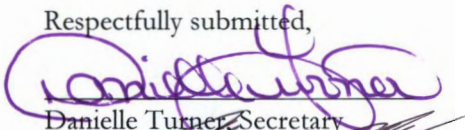
There being no further business to come before the Transportation Commission, a motion was made by Roberts, seconded by Ardrey recommending the meeting be adjourned.

Roll Call: Aye: Taffe, Ardrey, Dolin, Rider, Roberts, Rutherford, Gillham

Nay:

Motion carried

Respectfully submitted,



Danielle Turner, Secretary

Ronald Taffe, Chairman

Regular Board of Commissioners

1. d.

Meeting Date: 11/02/2015

Traffic Recc

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Traffic Commission Recommendations

A. Consideration of request by Staff, to name a new city street "R.J. Barnard St". The said street intersects with Kickapoo approximately 250 feet north of Wall St and runs west for approximately 500 feet.

STAFF RECOMMENDATION: Staff recommends approval of request

BOARD RECOMMENDATION: Board recommends approval of request

Attachments

Traffic Recc

Traffic Agenda Packet

Traffic Draft Minutes 10-27-2015

**STAFF RECOMMENDATIONS
TRAFFIC COMMISSION
October 27, 2015 MEETING**

- A. Consideration of request by Staff, to name a new city street “R.J. Barnard St”. The said street intersects with Kickapoo approximately 250 feet north of Wall St and runs west for approximately 500 feet.

STAFF RECOMMENDATION: Staff recommends approval of request

BOARD RECOMMENDATION: Board recommends approval of request

City of Shawnee

Traffic Commission



MAYOR
Wes Mainord

BOARD OF COMMISSIONERS

**Ronald Taffe
Rebecca Dolin
Paul Roberts
Darren Rutherford**

**Wayne Ardrey
Peggy Rider
Ronald Gillham**

Please advise me of your attendance plans regarding this meeting at 405-878-1760 or
email at Danielle.turner@shawneeok.org

NOTICE OF MEETING

Traffic Commission

TYPE OF MEETING

Regular Meeting	(X)	Rescheduled Regular Meeting	()
Special Meeting	()	Continued or Emergency Meeting	()
Reconvened Meeting	()		

<u>DATE</u>	<u>TIME</u>	<u>PLACE OF MEETING</u>
October 27, 2015	6:00 PM	COMMISSION CHAMBERS City Hall, Shawnee, OK

Name: Dani Turner
 Title: Secretary
 Address: P.O. Box 1448
Shawnee, OK 74802-1448
 Phone: (405) 878-1537

Filed in the office of the municipal clerk at 9:15 am/pm on October 13, 2015.

Signed: L. Loftis
Phyllis Loftis, City Clerk

FOR CITY CLERK'S OFFICE ONLY

Date Notice released to news media: 10-13-2015
 Person filing notice: Danielle Turner
 Notice verified by: L. Loftis

City of Shawnee
Traffic Commission

Traffic Board Commissioners:

Chairman, Ronald Taffe
Paul Roberts
Ronald Gillham

Traffic Board Commissioners:

Wayne Ardrey, Vice Chairman
Rebecca Dolin
Peggy Rider
Darren Rutherford



AGENDA

October 27, 2015 AT 6:00 P.M.
Commission Chambers, City Hall

- I. Call to Order
- II. Roll Call
- III. Approval of August 25, 2015 Minutes
- IV. Approval of 2016 Calendar of Meetings
- V. Consideration of Requests Received
 - A. Consideration of request by Staff, to name a new city street "R.J. Barnard St". The said street intersects with Kickapoo approximately 250 feet north of Wall St and runs west for approximately 500 feet.
- VI. Administrative Reports
- VII. Citizen Participation
- VIII. Board Members Comments
- IX. Adjournment

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dani Turner".

Dani Turner
Secretary

MINUTES
TRAFFIC COMMISSION
August 25, 2015 MEETING
COMMISSION CHAMBERS ROOM AT CITY HALL

I. CALL TO ORDER

II. ROLL CALL
MEMBERS PRESENT

Ronald Taffe - Chairman
Wayne Ardrey- Vice Chairman
Rebecca Dolin
Peggy Rider
Paul Roberts
Darren Rutherford
Ronald Gillham

MEMBERS ABSENT

None

EX-OFFICIO MEMBERS

Michael Ludi, Assistant City Engineer
Danielle Turner, Traffic Commission Secretary
Keith Mangus, Traffic Supervisor

CITIZENS PRESENT

Nicole Knapp

III. APPROVAL OF OCTOBER 28, 2014 MINUTES

Motion was made by Rider, seconded by Dolin to **approve** the October 28, 2014 minutes. Motion **Carried**

Roll Call: Aye: Taffe, Ardrey, Dolin, Rider, Roberts, Rutherford, Gillham
Nay:

IV. CONSIDERATION OF REQUEST

A. Consideration of request by Staff, to have “No Parking” at any time along Plaza Drive from Kickapoo east on both sides of the street.

Discussion:

Michael Ludi presented a Power Point presentation showing the area of discussion on Plaza Drive. Ludi stated this area causes confusion for drivers turning onto Plaza Drive from Kickapoo. With vehicles parked on Plaza Drive as vehicles turn east there have been situation where the vehicles back up on Kickapoo thinking the vehicles parked are waiting and situations where the cars turn and swerve quickly not aware the vehicles are parked almost rear ending the parked vehicle. Plaza Drive was put in as a private street that was just recently accepted by the City as a public street. Ludi stated if this street had been put in as a City street it would have been a no parking street when it was placed. There is a future plan to stripe the street now that it is a City street. If the street is extended east for future development the no parking would extend as well.

Gillham stated that as business grows in the area traffic is sure to increase. Roberts asked if this is from overflow parking. Ludi stated this does look to be overflow parking. Dolin questioned how long it would take to place the signs and striping. Ludi stated if approved this consideration would go to the City Commission for approval. Ludi stated after approval by the City Commission an Ordinance would be adopted and it wouldn't take the Traffic Department very long to get the signs in place.

Motion was made by Ardrey, seconded by Gillham to approve the request by Staff, to have “No Parking” at any time along Plaza Drive from Kickapoo east on both sides of the street.

Roll Call: Aye: Taffe, Ardrey, Rider, Roberts, Rutherford, Gillham
Nay:
Abstain: Dolin

Motion carried

B. Consideration of request by Nicole Knapp, to have “No Parking” at any time along W. Slover Street from Leo Street west to the Canadian river on both sides of the street.

Discussion:

Nicole Knapp spoke stating her house is the last house before the bridge on Slover. She stated people park in the area and do numerous activities that cause problems (littering, vandalism, drugs etc.). She stated very few people park to actually fish in the river. Police are called out several times a week for the problems. The police have told her that if there is no parking it would give them cause to run people causing trouble out of the area. Roberts asked if this issue has worsened. Ms. Knapp stated the problem is always worse during the summer. Michael Ludi stated he had spoken with Chief Frantz after reviewing the request and he acknowledged the problems based on the call volume and stated to Ludi that the area does need no parking to be

able to run people off. When an officer is sent to the area if they do not see the violation itself they are unable to make anyone leave. With No Parking signs they would at least be able to have them move the vehicles out of the area making it more difficult to continue the activity. Ludi stated it is recommended to have no parking all the way to Leo from Slover Bridge. Ludi stated after looking at the area all the houses have long driveways with plenty of room for parking leaving no reason needed for the residents to have street parking. Roberts questioned if pedestrian traffic would still be allowed. Ludi stated pedestrian traffic would still be allowed in the area and the Bridge was open to pedestrian traffic as well. Gillham questioned how many signs would be placed. Ludi stated they would look at the area, place one on the gate and signs facing both directions on the street.

Motion was made by Rider, seconded by Rutherford to approve the request by Nicole Knapp, to have "No Parking" at any time along W. Slover Street from Leo Street west to the Canadian river on both sides of the street.

Roll Call: Aye: Taffe, Ardrey, Dolin, Rider, Roberts, Rutherford, Gillham
Nay:

Motion carried

C. Consideration of request by Staff, to make a formal request to ODOT that the traffic signal at the intersection of Kickapoo and 45th Street be upgraded to a camera system.

Discussion:

Michael Ludi presented a Power Point presentation showing the updated motion camera systems being placed at intersections. These systems replace the loop systems and detect zones, count cars, can tell the speed of cars and can be adjusted according to traffic flow as needed easily among other things. Ludi briefly described how the loop system works in comparison to the motion camera system. The motion camera systems can be easily adjusted when problems are found at intersections. Data from intersections can be pulled from these systems as needed. The signals on Kickapoo with the exception of 45th and Kickapoo from Kickapoo Spur to I-40 will already have these updated motion camera systems. These systems do not record video at the intersection just data. The loops at the intersection of Kickapoo and 45th are not functioning properly and need to be replaced. With the cost of replacement in comparison to the cost of updating the system it is the Staff recommendation to make a formal request to ODOT to have the signal at Kickapoo and 45th Street upgraded to a camera system.

Motion was made by Roberts, seconded by Ardrey to approve the request by Staff, to make a formal request to ODOT that the traffic signal at the intersection of Kickapoo and 45th Street be upgraded to a camera system.

Roll Call: Aye: Taffe, Ardrey, Dolin, Rider, Roberts, Rutherford, Gillham
Nay:

Motion carried

V. ADMINISTRATIVE REPORTS

none

VI. CITIZEN PARTICIPATION

none

VII. BOARD MEMBERS COMMENTS

none

VIII. ADJOURNMENT

There being no further business to come before the Transportation Commission, a motion was made by Roberts, seconded by Ardrey recommending the meeting be adjourned.

Roll Call: Aye: Taffe, Ardrey, Dolin, Rider, Roberts, Rutherford, Gillham

Nay:

Motion carried

Respectfully submitted,

Danielle Turner, Secretary

Ronald Taffe, Chairman

2016 CALENDAR YEAR
SCHEDULE OF REGULAR MEETINGS

TRAFFIC COMMISSION

DATE	TIME	PLACE OF MEETING
<u>January 26, 2016</u>	<u>6:00 PM</u>	<u>Commission Chambers</u> <u>Room at City Hall</u>
<u>February 23, 2016</u>	<u>6:00 PM</u>	<u>Commission Chambers</u> <u>Room at City Hall</u>
<u>March 22, 2016</u>	<u>6:00 PM</u>	<u>Commission Chambers</u> <u>Room at City Hall</u>
<u>April 26, 2016</u>	<u>6:00 PM</u>	<u>Commission Chambers</u> <u>Room at City Hall</u>
<u>May 24, 2016</u>	<u>6:00 PM</u>	<u>Commission Chambers</u> <u>Room at City Hall</u>
<u>June 28, 2016</u>	<u>6:00 PM</u>	<u>Commission Chambers</u> <u>Room at City Hall</u>
<u>July 26, 2016</u>	<u>6:00 PM</u>	<u>Commission Chambers</u> <u>Room at City Hall</u>
<u>August 23, 2016</u>	<u>6:00 PM</u>	<u>Commission Chambers</u> <u>Room at City Hall</u>
<u>September 27, 2016</u>	<u>6:00 PM</u>	<u>Commission Chambers</u> <u>Room at City Hall</u>
<u>October 25, 2016</u>	<u>6:00 PM</u>	<u>Commission Chambers</u> <u>Room at City Hall</u>
<u>November 22, 2016</u>	<u>6:00 PM</u>	<u>Commission Chambers</u> <u>Room at City Hall</u>
<u>December 27, 2015</u>	-----	<u>No Meeting Held In December</u>

Name: Dani Turner, Secretary
Address: P.O. Box 1448
Shawnee, OK 74802-1448
Phone Number: (405) 878-1760

Filed in the office of the municipal clerk at _____ am/pm on _____, 2015.

Signed _____
Clerk/Deputy Clerk

STAFF RECOMMENDATIONS
TRAFFIC COMMISSION
October 27, 2015 MEETING

- A. Consideration of request by Staff, to name a new city street "R.J. Barnard St". The said street intersects with Kickapoo approximately 250 feet north of Wall St and runs west for approximately 500 feet.

STAFF RECOMMENDATION: Staff recommends approval of request

**MINUTES
TRAFFIC COMMISSION
OCTOBER 27, 2015 MEETING
COMMISSION CHAMBERS ROOM AT CITY HALL**

I. CALL TO ORDER

II. ROLL CALL

MEMBERS PRESENT

Ronald Taffe - Chairman
Wayne Ardrey - Vice Chairman
Rebecca Dolin
Peggy Rider
Paul Roberts
Darren Rutherford
Ronald Gillham

MEMBERS ABSENT

none

EX-OFFICIO MEMBERS

Michael Ludi, Assistant City Engineer
Danielle Turner, Traffic Commission Secretary
Keith Mangus, Traffic Supervisor

CITIZENS PRESENT

none

I. APPROVAL OF AUGUST 25 ,2015 MINUTES

Motion was made by Roberts, seconded by Rider to approve the August 25, 2015 minutes. Motion **carried**

Roll Call: Aye: Taffe, Ardrey, Dolin, Rider, Roberts, Rutherford, Gillham
Nay:

II. APPROVAL OF 2016 CALENDAR OF MEETINGS

Motion was made by Rider, seconded by Dolin to approve the 2016 Calendar of Meetings. Motion **carried**

Roll Call: Aye: Taffe, Ardrey, Dolin, Rider, Roberts, Rutherford, Gillham
Nay:

III. CONSIDERATION OF REQUEST

- A.** Consideration of request by Staff, to name a new city street “R.J. Barnard St”. The said street intersects with Kickapoo approximately 250 feet north of Wall St and runs west for approximately 500 feet.

Discussion:

Michael Ludi presented a power point presentation showing the new street that was placed during the Kickapoo Project just south of Arvest bank north of the empty lot connecting to Kickapoo Street and back to the Plaza area. The street needs to be named. This street would be a good honorary street with nothing being addressed off of it with all the addresses being off Kickapoo. Dr. Barnard has been a long time member of the community, a past City Commissioner, School teacher and local town historian. Staff believes this street would be a good way to honor R.J. Barnard for all he has done for our community. Gillham stated although Dr. Bob has been very ill lately he has managed to continue to make it to Sunday school. Gillham stated knowing Dr. Barnard for so long it is an honor to be part of this for him.

Motion was made by Dolin, seconded by Ardrey to approve the request by Staff, to name a new city street “R.J. Barnard St”. The said street intersects with Kickapoo approximately 250 feet north of Wall St and runs west for approximately 500 feet.

Roll Call: Aye: Taffe, Ardrey, Dolin, Rider, Roberts, Rutherford, Gillham
Nay:

B. NEW BUSINESS

none

C. CITIZEN PARTICIPATION

none

D. ADMINISTRATIVE REPORTS

Michael Ludi stated in our previous meeting it was approved to place no parking signs on Slover and Plaza Dr. He stated these signs have been approved by the City Commission and are scheduled to be placed this week. Striping Projects are running behind this year therefore striping on Plaza Drive will probably be scheduled for the spring. The other request from our last meeting was to ask ODOT to update the traffic signal at Kickapoo and 45th Street. ODOT has lost the person responsible for this type of request and they have a hold on any projects until they have someone formally in the position to take such request. Ludi will be checking on the status and put in the request as soon as someone has been placed.

E. BOARD MEMBERS COMMENTS

none

There being no further business to come before the Transportation Commission, a motion was made by Dolin, seconded by Ardrey recommending the meeting be adjourned.
Motion carried.

Roll Call: Aye: Taffe, Ardrey, Dolin, Rider, Roberts, Rutherford, Gillham
 Nay:

Respectfully submitted,

Danielle Turner, Secretary

Ronald Taffe, Chairman

DRAFT

Regular Board of Commissioners

1. e.

Meeting Date: 11/02/2015

Mayors Appts

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Mayor's appointments:

Oklahoma Baptist University Authority

Tom Terry 1st Full Term Expires 12/31/2021
Replacing Jack Moore

Joe Ford 1st Full Term Expires 12/31/2021
Replacing Randy Smith

Attachments

OBU Rec

OBU Purpose

**OKLAHOMA BAPTIST UNIVERSITY
BOARD OF TRUSTEES**

October 30, 2015

Recommendation Regarding the Appointment of Trustees for OBU Authority

The Executive Committee recommends that the OBU Board of Trustees recommend Tom Terry and Joe Ford to the Commission of the City of Shawnee for appointment as trustees of the Oklahoma Baptist University Authority.

OKLAHOMA BAPTIST UNIVERSITY AUTHORITY

THE AUTHORITY

Creation and Purpose

The Oklahoma Baptist University Authority (the “Authority”) was created under the provisions of a Trust Indenture dated as of February 28, 1969, as amended, for the development of Oklahoma Baptist University for the benefit of the City of Shawnee, Oklahoma (the “City”). The Authority is an agency of the State of Oklahoma under the provisions of Title 60, Oklahoma Statutes 2011, Section 176 *et seq.*, as amended.

The Authority is not organized for profit and no part of its net earnings may inure to the benefit of any private person. The purpose of the Authority, as is more fully described in the Trust Indenture, is to promote the development of the University, and to that end:

A. To acquire, construct, reconstruct, extend, lease, purchase, install, equip, maintain, repair, enlarge, remodel and operate any property, improvements, buildings, land, and other facilities of every nature for use by the University, the Board of Trustees thereof, or for the use of corporations, individuals, partnerships, associations or proprietary companies.

B. To plan, establish, develop, construct, enlarge, improve, extend, maintain, equip, operate, lease, furnish, provide, supply, regulate, hold, store and administer land, property, buildings, improvements and facilities of every nature, which may be useful in the development of the University.

C. To lease, rent, furnish or provide such land, property, buildings, improvements, and facilities for use by industrial, manufacturing or other firms, businesses, or concerns upon such terms as the Trustees may deem suitable; and to relinquish, rent, dispose of, or otherwise make provisions for properties owned or controlled by the Trust but no longer needed for Trust purposes.

D. To perform on behalf of the beneficiary the functions and powers as authorized by industrial development statutes.

E. To provide funds for the cost of financing, refinancing, acquiring, constructing, purchasing, equipping, maintaining, leasing, repairing, improving, extending, enlarging, remodeling, holding, storing, operating and administering any or all aforesaid property, improvements, buildings, facilities, and all properties (real, personal or mixed) needful for executing and fulfilling the Trust purposes as set forth in the Trust Indenture and all other charges, costs, and expenses necessarily incurred in connection therewith and in so doing, to incur indebtedness, either unsecured or secured by all or any part of the trust estate and its revenues.

F. To expend all funds coming into the hands of the Trustees as revenue or otherwise for the payment of any indebtedness incurred by the Trustees for purposes specified herein, and in the payment of the aforesaid costs and expenses, and in payment of any other obligation properly chargeable against the trust estate, and to distribute the residue and remainder of such Funds to the Beneficiary.

* Preliminary, subject to change.

The Trust shall have duration for the term of duration of the City, as Beneficiary, and until such time as its purpose shall have been fully fulfilled or it may be terminated in the manner provided by Title 60, Oklahoma Statutes 2011, Section 176 *et seq.*, as amended, provided, however, the Trust shall not be terminated by voluntary action if there is outstanding indebtedness or fixed term obligation of the Trustees, unless all owners of such indebtedness or obligations consent in writing to such termination.

Trustees of the Authority

Under the Trust Indenture, as amended, there are four Trustees of the Authority who serve for six year terms and may be reappointed. Successor Trustees are appointed by the governing body of the City upon recommendation of the University’s Board of Trustees. The present Trustees of the Authority are the following:

<u>Office</u>	<u>Trustee</u>	<u>Term Expires</u>	<u>Principal Occupation</u>
Chairman	Todd Fisher	2018	Pastor Immanuel Baptist Church Shawnee, Oklahoma
Vice Chairman	Will Smallwood	2018	Vice President for University Advancement Oklahoma Baptist University Shawnee, Oklahoma
Secretary & Member	Randy L. Smith	2015	Executive Vice President for Business and Administrative Services Oklahoma Baptist University Shawnee, Oklahoma
Member	Jack Moore	2015	Director of Development and Assistant to President for Strategic Partnerships Oklahoma Baptist University Shawnee, Oklahoma

Regular Board of Commissioners

1. f.

Meeting Date: 11/02/2015

Budget Amd

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Budget Amendment – Fund 112 TIF

To move money from the TIF District for the Main Street Streetscape project

Attachments

Budget Amd

Regular Board of Commissioners

1. g.

Meeting Date: 11/02/2015

OTC Agreement

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Approve agreement with the Oklahoma Tax Commission for Administration of Sales Tax and Use Tax Ordinances.

Attachments

OTC Memo & Agreement


Mayor
WES MAINORD



The City of Shawnee
Office of the Finance Director

P.O. Box 1448
Shawnee, Oklahoma 74802-1448
(405) 878-1610 Fax (405) 878-1571
www.ShawneeOK.org

Commissioners
VACANT
LINDA AGEE
JAMES HARROD
KEITH HALL
LESA SHAW
MICHAEL DYKSTRA

Date: October 28, 2015
To: Mayor and City Commissioners
From: Cynthia Sementelli, Finance Director/Treasurer 
RE: Agreement with the Oklahoma Tax Commission

Nature of the Request:

To approve the City Sales/Use Contract with the Oklahoma Tax Commission

Staff Analysis, Considerations:

In April of 2014 the City entered into a contract with the Oklahoma Tax commission authorizing the retainage of 1% of sales/use tax collection for data collection and enforcement. HB 1875 went into effect on July 1, 2015 lower this retention to ½% which will mean an additional \$75K+ of sales tax. We have been receiving the discounted rate since July 1, 2015 so this contract is a housekeeping item for the state.

Recommendation

Staff is recommending approving the contract between the State and the City.

Budget Consideration:

Increase of sales tax of \$75K.

AGREEMENT FOR ADMINISTRATION
OF THE SALES AND USE TAX ORDINANCES
OF THE CITY/TOWN AND AN AGREEMENT TO ENGAGE IN COMPLIANCE
ACTIVITIES BY THE CITY/TOWN OF
Shawnee

THIS AGREEMENT is entered into this 2 day of Nov, 2015 pursuant to the provisions of Sections 2701 et seq. of Title 68 of the Oklahoma Statutes, between the Oklahoma Tax Commission, hereinafter referred to as "Commission," and the City/Town of Shawnee, Oklahoma, hereinafter referred to as "Municipality," for the administration of effective sales and use tax ordinances on file with the Commission hereinafter referred to as "Ordinances," levying a municipal sales or use tax of three percent (3%) upon sales within or outside of the Municipality and to authorize Municipality to engage in compliance activities as hereinafter defined.

1. This Agreement is based upon the Ordinances for the collection of sales and uses taxes by the Municipality, certified copies of which are attached hereto and made a part hereof. The Municipality may, at any time and from time to time, amend or repeal the Ordinances and, to the extent that the Municipality amends or repeals the Ordinances, the Municipality shall promptly provide the Commission with a certified copy of the ordinance effecting such amendment or such repeal.

An increase or a decrease in the municipal sales or use tax rate shall become effective only on the first day of a calendar quarter. Provided, however, the sales and use tax rates levied by the Municipality if the Municipality levies both a sales and use tax, must be identical. The Municipality shall notify the Commission of an increase or a decrease at least seventy-five (75) days prior to the close of the current calendar quarter and shall provide the Commission with a certified copy of the ordinance affecting such increase or such decrease.

2. A. The Commission shall administer and shall enforce the Ordinances and shall collect the municipal sales and use tax, and the interest and penalties with respect thereto as provided in the Ordinances except as provided, in paragraph 16 below. It is recognized and acknowledged that:

(a) the Ordinances levy municipal sales tax upon all sales within the Municipality as authorized by Section 2701 of Title 68 of the Oklahoma Statutes; and

(b) the term "sale" as used in the Ordinances has the same meaning as the term "sale" has in the Oklahoma Sales Tax Code; and

(c) the Ordinances levy municipal use tax upon all transactions within or without the Municipality as authorized by Section 1411 of Title 68 of the Oklahoma Statutes; and

(d) the term "use" as used in the Ordinances have the same

meaning as the term "use" has in the Oklahoma Use Tax Code; and

(e) the permits for sales and use tax issued by the Commission shall be the sales and use tax permits used by the municipality for the enforcement and collection of sales and use taxes within and without the municipality and said permits, as issued by the Commission, shall include the zip code plus the four digit location code commonly called the zip plus 4, when available.

To facilitate such administration, such collection and such enforcement of local taxes, the Commission shall designate a Local Tax Coordinator of the Commission who shall be generally responsible for matters related to the collection of local taxes and, with respect to such matters, shall directly advise the Administrator of the Commission. The duties which may be performed by the Local Tax Coordinator and/or other employees of the Commission under his or her supervision, shall include, without limitation,

- B. (a) acting as liaison between the Commission and municipalities with respect to the administration, the collection and the enforcement of local taxes,
- (b) addressing concerns of the Commission and/or taxpayers with respect to the administration, the collection and the enforcement of municipal taxes by municipalities,
- (c) consulting with municipalities concerns and trends with respect to local taxes,
- (d) coordinating collection and enforcement actions by the Commission and municipalities with respect to local taxes,
- (e) coordinating the provision by the Commission to municipalities of information and
- (f) providing educational and other support to municipalities in their collection and enforcement efforts.

In making decisions with respect to the administration of local taxes, the Commission will consider the view expressed by the Municipality.

The Municipality shall not request that the Local Tax Coordinator perform any duties which are the sole responsibility of the Municipality.

3. The method of computing sales tax to be used by vendors in collecting both state and municipal sales tax is prescribed in Section 1362 of the Oklahoma Sales Tax Code. The method of computing use tax to be used by vendors in collecting both state and municipal use tax is prescribed in Section 1401 of the Oklahoma Use Tax Code.

4. The discount (deduction) allowed to vendors in Section 1367.1 of the Oklahoma Sales Tax Code shall be applicable to both state and local sales tax remittances. Monetary allowances provided for in 68 O.S. § 1354.31 shall also be applicable to both state and local sales tax remittances. The discount (deduction) allowed to vendors in Section 1410.1 of the Oklahoma Use Tax Code shall be applicable to both state and local use tax remittances. Monetary allowances provided for in 68 O.S. § 1354.31 shall also be applicable to both state

and local use tax remittances.

5. The Commission shall retain, as its sole compensation for its services rendered hereunder, an amount not to exceed one-half of one percent (0.5%) of the municipal sales or use taxes collected for services rendered in connection with such collections and the interest and penalties with respect thereto, collected by the Commission hereunder. The applicable percentage is set forth in Exhibit A as incorporated herein.

6. Except as otherwise provided herein, the Commission shall give no preference in applying an amount received for state, municipal and county sales or use taxes owed by a taxpayer to the extent that such amount is less than the aggregate state, municipal and county sales or use tax liability of the taxpayer. Any such amount shall be applied pro rata to the satisfaction of the claims of the Commission, the claims of the Municipality and the claims of other municipalities and counties based on the portions of the aggregate state, municipal and county sales or use tax liability of the taxpayer represented by their respective claims.

7. The municipal sales or use tax received and collected by the Commission pursuant to this Agreement shall be deposited in the State Treasury as required by law. The Commission shall use its best efforts to cause to be paid to the Municipality no later than the tenth day of each calendar month all municipal sales and use tax, and the interest and the penalties with respect thereto, received and collected by the Commission during the immediately preceding calendar month, less any amount withheld by the Commission under Paragraph 5 and less any amounts deducted by the Commission in connection with refunds hereunder.

8. The Commission shall require reports of municipal sales and use tax from vendors, shall maintain records of reports, receipts and collections from vendors. The Commission shall maintain the records in such a manner that the amount due the Municipality each month by a vendor can be determined by the Commission and can be provided to the Municipality. The requirement for the Commission to maintain its records in a verifiable form is intended to require the Commission to maintain its records in a form capable of producing reports that can be electronically downloaded into, at a minimum, an excel spreadsheet or its equivalent; the Commission will use a form which is capable of being understood by a person reviewing such records. The Commission shall make available to the Municipality a monthly statement of the municipal sales and use tax, and interest and penalties with respect thereto, received and collected by the Commission during the immediately preceding calendar month, the amounts, if any, refunded by the Commission to taxpayers during the immediately preceding calendar month and the amount withheld by the Commission under Paragraph 5. The Commission shall allow an annual review of the Commission's expenditures associated with the collection and enforcement of municipal sales and use taxes.

9. In the event a vendor remits sales or use taxes due but fails to submit city attachments, or submits a report from which the sales or use tax due Municipality cannot be determined, the Commission will allocate to Municipality such sales or use tax received pro rata based on the vendor's percentage allocation for the most recent report filed or, if no report has been filed, according to the best information available to the Commission. Such amount, and any interest and penalty as provided in Section 217 of Title 68 of the Oklahoma Statutes with respect thereto, shall be paid to the Municipality in accordance with Paragraph 7. Interest will begin as of the date the vendor remittance is deposited to the State Treasury.

10. The Municipality acknowledges that the Commission is responsible for making

refunds to taxpayers of municipal sales and use taxes previously collected by the Commission on behalf of the Municipality. The term "refunds" as used herein shall include payments made pursuant to filed claim for refund(s) or amended return(s) approved by the Commission. The Commission's determination of any taxpayer's liability for sales and use taxes shall be binding as between the Municipality and the taxpayer.

Any refund of municipal sales and use tax previously paid by the Commission to the Municipality shall be paid from subsequent collections of the municipal sales and use tax. Such refund shall be deducted from the collections payable by the Commission to the Municipality, in the immediately following calendar month following the notice requirements set out in paragraph eleven (11).

11. The Commission shall provide notice to the Municipality via the OKTap user Account to municipalities so that a municipality may view all the requests for refunds that have been filed, processed and recommended approval. All claims for refund shall be documented as outlined in OAC 710:65-11-1 upon discovery of a remittance error by the vendor. Commission, through the Local Tax Coordinator, will notify Municipality at such time the Commission determines the final amount to be refunded pursuant to a claim or remittance error. The Commission shall make available to a municipality, upon request, copies of the claims processed and recommended for approval in the amount of two thousand dollars (\$2000.00) or more and related supporting documents prior to the claim being considered for approval by the Commission. The Commission shall post the requested claim documents on the municipality's OKTap user account to comply with this requirement. Municipality agrees that any amount contained in the notice given pursuant to this section will be considered as advisory only until such time as a final determination has been made by the Commission. Any municipal sales or use tax, and/or any interest and penalties with respect thereto, paid under protest by a taxpayer to the Commission during the immediately preceding calendar month shall be paid by the Commission to the Municipality as part of the payment being made by the Commission to the Municipality. If the protested municipal sales or use tax, interest or penalties are required to be refunded, such amount and any interest required to be paid thereon will be paid out of subsequent collections by the Commission.

The municipality may request by a blanket advisement to the Commission that it be notified of any hearing wherein the Commission hears a claim for refund of a protest of an assessment. If an affected municipality shall have requested such notice in writing, the Commission shall, at the same time the parties are notified of the scheduled hearing, provide written notice of the hearing date and time via electronic mail, e-mail, or mail through the United States Postal Service to the municipality affected.

12. In the event a municipality is notified as required and set out in paragraph 11, above, that it has been paid sales or use tax funds that should have been paid to another municipality, the Tax Commission shall adhere to repayment provisions of the provisions of paragraph 10.

13. The Commission shall provide to the Municipality a full and complete list of the names and the addresses of the persons and the entities which or who report doing business within the boundary of the Municipality during the preceding calendar year via the OKTap user Account. In addition the Commission shall via OKTap provide the following:

A. additions to, and deletions from, the full and complete list of the names and the addresses of persons and entities which or who report doing business during the

preceding calendar year within the boundary of the Municipality;

B. a full and complete list of the persons and the entities specified in paragraph 12(a) which or who are more than sixty (60) days delinquent in filing and/or remitting municipal sales and use taxes pursuant to the Ordinances; and

C. a full and complete, list of all persons and all entities paying municipal sales and use tax under the Ordinances, and/or interest and penalties with respect thereto, and the amount of such remittances.

D. the number of audits completed and assessments determined by the Commission with respect to municipal sales and use taxes, and/or interest and penalties with respect thereto, under the Ordinances during the preceding calendar year; and

Commission also agrees to provide Municipality reports in addition to those outlined above under the following terms:

A. The report is requested in writing or via e-mail, outlining the information required and regularity of the report.

B. The report complies with all terms and statutes outlined within this agreement.

C. The information requested is available to the Commission.

D. Commission will be provided a minimum of thirty (30) days to compile new requests unless otherwise agreed.

E. Commission shall provide the requested report(s) within ninety (90) days unless otherwise agreed.

14. The Commission shall monitor the administration, the collection and the enforcement of municipal sales and use taxes, and/or interest and penalties with respect thereto, under the Ordinances. The Commission shall provide the Municipality such information as may be requested by the Municipality with respect to any protest or any refund of municipal sales or use taxes levied by the Municipality. The Municipality shall also be entitled to consult with the Commission's legal staff about protests and refunds and, to the extent that a protest or a refund involves one or more hearings, the Municipality shall, through legal counsel or other designated staff employed by the Municipality, be entitled to be present and observe such hearing(s); provided, however, the administrative law judge or the Commission may limit the number of counsel or other designated staff, if any, who may be present to the extent necessary to permit the hearing to be conducted in an orderly fashion and without undue trepidation on the part of the taxpayer.

To the extent that such documents and/or such information relates to municipal sales or use taxes, and/or interest and penalties with respect thereto, and is requested, at any time and from time to time by the Municipality, the Commission shall promptly provide to the Municipality (a) copies of applications for sales tax permits, (b) copies of sales or use tax reports, (c) copies of installment or other payment plans, if any, with taxpayers and (d) other documents and other information.

The Commission shall promptly notify the Municipality of any conduct which the Commission believes might be the basis for a criminal prosecution by the Municipality under the Ordinances and shall provide to the Municipality all of the documents and the information in the possession of the Commission with respect thereto, including, without limitation, the names of employees of the Commission who might be witnesses with respect thereto.

The Municipality acknowledges that Section 205 of Title 68 of the Oklahoma Statutes, which makes the records and the files of the Commission confidential (subject to specified exceptions) and which prohibits disclosure of such records and such files (subject to specified exceptions), includes the Commission's records and files with respect to the receipt and the collection of municipal sales and use tax. Nothing contained herein is intended to require the Commission to disclose to the Municipality any information whose disclosure to the Municipality is prohibited by Section 205.

The Commission acknowledges that (a) Section 205(c)(7) of Title 68 of the Oklahoma Statutes permits the Commission to furnish information disclosed by the records and the files of the Commission to an official person or body of this state who is concerned with the administration or the assessment of certain taxes, such as the Municipality, (b) Section 205(c)(22) of Title 68 permits the disclosure to the governing body or municipal attorney, if so designated by the governing body, of information directly involved in the resolution of issues arising out of the enforcement of a municipal sales and use tax ordinance, such as the Ordinances, pursuant to a municipal tax collection agreement, such as this Agreement, and (c) Section 22-107 of Title 11 of the Oklahoma Statutes and Section 205.1 of Title 68 of the Oklahoma Statutes permits the Commission to release specified information to municipalities.

The Municipality acknowledges that Section 205 of Title 68 of the Oklahoma Statutes may prevent the disclosure by the Municipality and persons associated with the Municipality of information which is provided by the Commission to the Municipality and that improper disclosure by the Municipality or any such person of such Information may result in civil and criminal liability. The Municipality shall comply with the restrictions imposed by Section 205.

15. The Commission has the authority to enter into an installment or other payment agreement with any taxpayer, including a taxpayer prosecuted under a municipal sales or use tax ordinance, for state and local taxes owed by the taxpayer. Commission will, through its use of a pay plan in order to keep a delinquent business open, collect the liability as quickly as possible by requiring a significant down payment and completion of the pay plan in as short a period as possible. The Municipality shall be entitled to consult with the Commission's legal staff about an installment or other payment agreement prior to negotiation of such an agreement. The installment or other payment agreement shall be void if the taxpayer becomes delinquent in future tax liability or payment under the agreement becomes delinquent. The Commission shall furnish a list of all sales and use taxpayers which have entered into agreements with the Commission on a monthly basis along with the terms, conditions and status of each such installment or payment agreement.

16. In the event of termination of this Agreement, the Commission will cause to be paid over to the Municipality, all municipal sales and use tax funds in its possession then due and payable under this Agreement. The Municipality shall thereafter be liable for and shall pay any refunds of municipal sales or use tax required by law to be made, including refunds of municipal sales or use tax, penalty and interest paid under protest that must be refunded and any interest required thereon. After such termination, the Commission's liability shall extend only to the amount of such funds being held by it. The Municipality agrees to pay any interest

required by law to be paid on such refunds.

17. The Commission shall have the authority to assess and to collect, on behalf of the Municipality, the municipal sales and use taxes levied by the Ordinances, and the interest and the penalties with respect thereto, including, without limitation, any municipal sales or use tax, interest and/or penalty existing on the date hereof except as provide in paragraph 18 below.

The Municipality agrees to refrain from contacting directly persons or entities doing business within the boundary of the Municipality subject to the requirements of paragraph 19. Municipality does have the inherent authority to contact vendors within and without the municipality concerning the vendor's alleged violation of municipal ordinances prior to the initiation of criminal prosecution.

The Municipality may inquire of the Commission into the compliance of persons and entities with the Ordinances and, to the extent that the Municipality determines that any person or any entity has not complied with the Ordinances, the Municipality may request the Commission to issue a proposed assessment against such person or such entity. To the extent that the Commission receives any such request, the Commission shall review such request within 45 days. If, after said review, Commission believes that such request presents a basis for a proposed assessment, Commission shall issue a proposed assessment. Any such proposed assessment shall be resolved as provided in Sections 201 et seq. of Title 68 and the procedural rules promulgated by the Commission.

The Municipality may, at the option of the Municipality, request the Commission to initiate a show cause proceeding against a person or an entity which the Municipality believes, in good faith, not to be in compliance with the Ordinances or any provision thereof. To the extent that the Commission receives any such request, the Commission shall review such request within 45 days. If after said review, Commission believes that such request presents a basis for a show cause proceeding, Commission shall initiate a show cause proceeding. Such show cause proceeding shall be conducted as provided in the procedural rules promulgated by the Commission.

The Commission and the Municipality acknowledge the mutual interest of the Commission and the Municipality in maximizing compliance with the Ordinances and the collection of local taxes thereunder. The Municipality may, at any time and from time to time, either alone or in conjunction with other municipalities, submit a written proposal for collection and enforcement activities for consideration by the Commission; provided, however, it is expressly understood that any such written proposal must provide for coordination with the collection and enforcement activities of the Commission, provide for the use of the then applicable audit standards of the Commission and otherwise be in form and in substance to the Commission. In the event that Municipality's proposal is accepted by Commission, Municipality will be authorized to conduct the activities included in such proposal on behalf of Commission and no other action will be authorized by the Commission by a municipality or municipalities not included in the accepted proposal.

Provided further that upon the request of the municipality, either alone or in conjunction with other municipalities, the Commission shall enter into contractual agreements with the municipality or group of municipalities whereby the municipality or group of municipalities are authorized to implement or augment the Commission's enforcement through a contract with a private auditor(s) or audit firm(s) of the municipal tax. The auditor(s) or audit firm(s) shall first be approved by the Commission and once approved shall be appointed as an agent of the

Oklahoma Tax Commission for purposes of the audit. Contracts with a private auditor or audit firm are not subject to the limitations of Section 262 of title 68 of the Oklahoma Statutes, and the parties, the municipality, private auditor or audit firm and the Commission, are authorized to exchange necessary information to effectively perform the contracted audit. The municipality, its officers and employees and the private auditors or audit firms may receive all information necessary to perform the audit and shall preserve the confidentiality of such information as required by Section 205, title 68, of the Oklahoma Statutes, including the penalties set out therein. The Commission shall be furnished the audit results and all relevant supporting documentation. The municipalities shall pay for the private auditor(s) or audit firm(s) by deduction from the tax assessment resulting from said audit unless another method of payment is set out in the contract with the private auditor or audit firm. Any municipal sales and use tax funds recovered as a result of the use by the municipality of a private auditor or audit firm shall not be subject to the retention calculated by the Commission as provided in Paragraph 5 of this agreement, in addition the Commission shall pay to the municipality any retainage that the Commission shall be entitled to for collection of county sales and use tax and shall pay to the municipality the state's pro rata share of the expenses of the auditor. Provided further, the Commission shall have no obligation to any municipality that does not participate in an audit conducted under subsection D of Section 2702 of Title 68 of the Oklahoma Statutes or an audit conducted pursuant to this section.

Notice of a proposed independent audit shall be provided to the municipality and the municipality shall within 30 days provide acceptance or rejection of participation in the audit. Failure to act within the 30 day time period shall mean that the municipality shall not be included in the audit. Failure to act with respect to a particular independent audit within the 30 day time period shall relieve the Commission of its obligation to audit on behalf of the municipality with respect to that particular audit.

18. The Commission acknowledges the need for municipalities to have input into rulings made by the Commission regarding requests for waivers of penalties and interest assessed on municipal sales and use taxes. Therefore, the Commission agrees to provide municipalities with the opportunity to make recommendations regarding such waiver requests. Such notification shall not include waiver requests received by the Commission through its Voluntary Disclosure Agreement Program.

The Account Maintenance Division or the General Counsel's Office of the Commission will notify municipalities at least two weeks prior to submission of a waiver request to the Commission. The notification will apply to all waiver requests for penalties and interest that was assessed on state and local sales and use taxes in excess of Two Thousand Dollars (\$2,000.00). Any recommendation made by the municipality will be presented to the Commission at the time of consideration of the request. If the municipality fails to make a recommendation in the time allotted, the Division will present the request to the Commission without a municipal recommendation. The Division will notify the municipality of the Commission decision.

19. A City/town may commence compliance activities under the following conditions:

A. The following words and terms, when used in this Agreement, shall have the following meaning, unless the context clearly indicates otherwise:

1. "Agent" means an employee of the Municipality or person or entity acting under contract with the Municipality and certified by the Commission as an agent

for the purpose of compliance activities as set out in this agreement except for municipal criminal prosecution.

2. "Compliance activities" means all actions to assist or induce a delinquent seller to comply with applicable laws, rules and regulations, to accurately and timely collect, source, report and remit sales and use taxes within the municipality's jurisdiction and shall include:

a. The identification of and reporting to the Tax Commission any unregistered sellers making sales sourced to the municipality under the laws of this state. "Unregistered seller" shall mean any delinquent seller which has failed to apply for a sales or use tax permit with the Tax Commission. Provided, the term shall not include any out-of-state seller that does not have a legal requirement to register with the state;

b. The prosecution of any criminal violations of a municipal ordinance related to the payment of sales or use taxes. "Prosecution" shall mean the initiation of legal proceedings by the filing of a complaint in a municipal criminal court of record pursuant to Section 28-113 of Title 11 or by the filing of a complaint in a municipal court not of record pursuant to the provisions of Section 27-115 of Title 11; and

c. Any additional compliance activities that may be performed by the agent of the municipality on accounts of delinquent sellers that were assigned to the agent at the request of the municipality that do not result in a duplication of compliance activities.

Compliance activities **shall not include** the following activities, over which the Tax Commission shall have sole authority:

- a. Registering new taxpayer accounts,
- b. Issuing and administering taxpayer permits,
- c. Receiving returns,
- d. Receiving remittances of sales and use taxes,
- e. Issuing assessments,
- f. Conducting hearings under Section 212 of Title 68,
- g. Developing pay plans in consultation with the municipality as provided in the Agreement for Administration of the Sales and Use Tax Ordinances,
- h. Revoking permits,
- i. Taking legal action to close a business,
- j. Issuing refunds and credits,
- k. Managing audits, and
- l. Determination of taxability of sales transactions.

3. "Delinquent seller" means any person making sales of tangible personal property or services in this state, the gross receipts or gross proceeds from which are taxed by law and fails to obtain a permit, file a sales tax return as required by law, or is delinquent in whole or in part in the collection and remittance of sales or use taxes.

4. "Enhanced collections" means any remittance of past due or unpaid state sales or use taxes, including penalty and interest, obtained from a delinquent seller that was not registered, underreported, failed to report or remit, failed to comply with a payment plan, or arising from liens filed by the Tax Commission following documented compliance activity of a municipality or person or entity acting under contract with such municipality.

B. Municipality elects to engage in the compliance activities designated by notice to the Commission; provided that Municipality may change its designation upon timely notice.

C. This Agreement shall include appointment of persons or entities approved by the Commission conducting compliance activities on behalf of Municipality as agents of the Commission. No appointment shall be necessary or required for Municipality to engage in prosecution of any criminal violations of its ordinance related to the payment of sales or use taxes.

All persons, including municipal employees and employees of entities acting under contract with a municipality, that will be performing compliance activities for Municipality must meet minimum qualifications provided herein and undergo training provided by the Tax Commission. The minimum qualifications shall consist of a bachelor's degree; or an equivalent combination of education and experience, substituting one year of experience in business management, tax revenue, credit collections, or investigative work for each year of the required degree. Provided, the minimum qualifications provided herein shall not apply to employees of municipalities seeking appointment as an agent if the municipality has a population less than 25,000.

Contracts with a private auditor or audit firm are not subject to the limitations of Section 262 of title 68 of the Oklahoma Statutes, and the parties, the municipality, private auditor or audit firm and the Commission, are authorized to exchange necessary information to effectively perform the contracted audit. The municipality, its officers and employees and the private auditors or audit firms may receive all information necessary to perform the audit and shall preserve the confidentiality of such information as required by Section 205, title 68, of the Oklahoma Statutes, including the penalties set out therein.

With the execution of this Agreement, Municipality shall provide the names of all persons, including employees of Municipality, who will be performing compliance activities on behalf of Municipality. The Commission shall issue letters of appointment for all persons who meet or are exempt from the minimum requirements.

Municipality agrees to notify the Commission when additional persons are added by Municipality to conduct compliance activities on behalf of Municipality. Municipality further agrees to immediately notify the Commission of the termination of employment or cancellation of contract of any person appointed as an agent for the purposes of conducting compliance activities.

D. The Commission shall provide to Municipality and agents appointed by the Commission to perform compliance activities all information necessary to perform compliance activities. Municipality and agent shall preserve the confidentiality of the information as required by Section 205 of Title 68 of the Oklahoma Statutes. Failure to comply with the statutory confidentiality requirements shall result in immediate

withdrawal of appointment of any person to perform compliance activities and may result in civil and criminal liability.

Nothing herein shall limit Municipality's use of information provided by the Commission in prosecution of violations of Municipality's tax ordinances.

E. As provided in Section 2702(E)(3) of Title 68, the Tax Commission shall reimburse a municipality performing any of the compliance activities defined above as follows:

1. The Tax Commission shall pay to the municipality an amount equal to three-fourths of one percent ($\frac{3}{4}$ of 1%) of enhanced collections from any unregistered seller identified and reported to the Commission by a municipality for any sales made during the period the seller was unregistered with the Tax Commission;
2. The Tax Commission shall not retain any fee and refund any fee retained from the collection of city sales and use taxes remitted as a result of the prosecution of any criminal violations of a municipal ordinance; and
3. The Tax Commission shall pay to the municipality an amount equal to three-fourths of one percent ($\frac{3}{4}$ of 1%) of enhanced collections from any delinquent seller as a result of other compliance activities documented by the municipality or person acting under contract with such municipality.

To receive compensation, Municipality shall provide documentation of compliance activities which generated the enhanced collections. Documentation shall consist of reports, on forms prescribed by the Commission, listing the name of the delinquent seller, date of compliance activity, type of activity, and such other information as may be necessary to identify the delinquent seller, compliance activity, or enhanced collections.

The Commission shall provide reimbursements on a monthly basis and provide a monthly report to Municipality indicating, at a minimum, the name of the delinquent seller, amount of enhanced collections, and date of remittance by the delinquent seller in the previous month.

The Commission shall use its best efforts to cause reimbursements as a separate distribution to be paid to Municipality no later than the tenth day of each calendar month following the month of receipt of the report of enhanced collections filed with the Commission.

20. It is recognized and acknowledged that the Municipal Ordinances include criminal sanctions for violation of the Ordinances. Notwithstanding anything else contained herein, the Municipality shall have the exclusive authority to prosecute any criminal violations of the Ordinances and the Commission shall refrain from taking any such action. Nothing contained herein shall prevent the State of Oklahoma from prosecuting persons for crimes under state law, including, without limitation, embezzlement by a vendor of a municipal sales tax.

21. To the extent that the Municipality decides to prosecute criminally any action under this Agreement, the Commission and the Municipality shall cooperate, in good faith, to

maximize collections under the Ordinances and to minimize duplicative effort by the Commission and the Municipality.

22. Where the municipality takes the action recognized by paragraph 20 of this Agreement for prosecution to enforce its sales or use tax ordinance, all taxes shall be paid by the taxpayer directly to the Commission. Any resulting payment of municipal tax shall not be subject to the retention calculated by the Commission for the collection of city sales and use taxes as provided in Paragraph 5 of this agreement, subject to the implementation plan established in paragraph 2B of this agreement.

23. The Municipality agrees that, if there is a challenge to the constitutionality or the legality of the Ordinances or any provision thereof (other than a challenge based on the application by the Commission of the Ordinances or any provision thereof), the Municipality shall be responsible for the resolution of such challenge. If such a challenge is based on the application by the Commission of the Ordinances or any provision thereof, the Commission shall be responsible for the resolution of such challenge. The party responsible for the resolution of any challenge shall make all decisions with respect to the prosecution and the settlement of any litigation with respect to such challenge and the other party shall cooperate with the responsible party with respect to the resolution of such challenge. The Commission shall provide notice to the Municipality of any challenge. Notice will be provided within seven (7) business of the receipt of the challenge and the municipality shall be allowed to participate in any decision.

24. The change in the boundary of Municipality shall be effective for sales tax purposes only, on the first day of a calendar quarter following the enlargement of the municipal city limits. If a municipality should de-annex a territory the sales tax from business or firms located in the de-annexed area shall cease on the effective date of the de-annexation ordinance. Municipality shall give the Commission notice in writing of any annexation or de-annexation of territory to the municipality at least as required by Title 68 Oklahoma Statutes Section 2701. The notice shall include a verified copy of the boundaries of the newly annexed or de-annexed territory. In addition all Municipality limit lines shall be shown in map form, and certified to the Commission by the municipal clerk.

25. Neither Municipality nor Commission has entered into this Agreement with the intention of violating state law or the provisions of the Streamlined Sales Tax Agreement. If it is determined by either party that any provision violates either state law or the Streamlined Sales Tax Agreement, such provision of the Agreement shall be null and void. The remaining provision of the Agreement shall be in effect until the expiration or termination of the Agreement.

26. If a dispute arises from the application of paragraph nineteen (19) of this Agreement, and if the dispute cannot be settled through negotiation, the Commission and Municipality agree first to try in good faith to settle the dispute by mediation. Either party may request mediation before the Director of the Office of Management and Enterprise Services in the manner the Director deems appropriate.

27. This Agreement shall be in effect from July, 2015 until June, 2016, and shall renew without action of the parties for additional terms of one (1) year provided that the current rate has not been changed and neither party has given written notice to the other party of its intent to terminate this Agreement prior to the expiration of the then current term. Either party may terminate this contract for any reason upon thirty (30) days written notice of its intent to terminate to the other party.

IN WITNESS WHEREOF, the parties have set their hands and affixed their official seals the day and year first above written.

THE MUNICIPALITY OF _____

OKLAHOMA TAX COMMISSION

A Municipal Corporation

Mayor



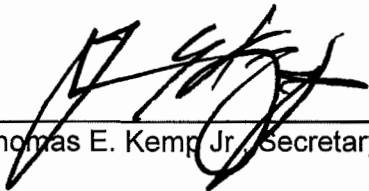
Steve Burrage, Chairman



Dawn Cash, Vice-Chairman

ATTEST: (CITY SEAL)

Municipal Clerk



Thomas E. Kemp Jr., Secretary-Member

ATTEST: (STATE SEAL)

Assistant Secretary – OTC

APPROVED BY THE CITY OF _____ LEGAL DEPARTMENT

BY _____ DATE _____

City Attorney

EXHIBIT A

Retention Fee = 0.5%

Regular Board of Commissioners

3.

Meeting Date: 11/02/2015

OBU Reso

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Consider for approval a resolution authorizing the sale of not to exceed \$11,000,000 Oklahoma Baptist University Authority Refunding Revenue Notes (Oklahoma Baptist University Project) Series 2015A and 2015B, designating the same as Bank Qualified, as necessary, and waiving competitive bidding.

Attachments

OBU Reso

THE CITY COMMISSION OF THE CITY OF SHAWNEE, STATE OF OKLAHOMA, MET IN REGULAR SESSION AT SHAWNEE, OKLAHOMA, ON THE 2ND DAY OF NOVEMBER, 2015, AT 6:30 O’CLOCK P.M.

PRESENT:

ABSENT:

THEREUPON, the Mayor introduced a Resolution which was read in full by the Clerk and upon motion by Commissioner _____, seconded by Commissioner _____, the Resolution was adopted by the following vote:

AYE:

NAY:

Said Resolution is as follows:

RESOLUTION NO. _____

APPROVAL OF SALE OF NOT TO EXCEED \$11,000,000 OKLAHOMA BAPTIST UNIVERSITY AUTHORITY, REFUNDING REVENUE NOTES (OKLAHOMA BAPTIST UNIVERSITY PROJECT) SERIES 2015A AND 2015B, DESIGNATING THE NOTES AS BANK QUALIFIED, AS NECESSARY AND WAIVING COMPETITIVE BIDDING.

WHEREAS, The Oklahoma Baptist University Authority (the “Authority”) at the request of Oklahoma Baptist University (the "University") has approved the issuance by the Authority and intends to issue not to exceed an aggregate of \$11,000,000 in bonds, notes, or other forms of indebtedness (regardless of form herein referred to as the "Refunding Bonds or Notes") to pay a portion of the cost of refunding the outstanding Oklahoma Baptist University Revenue Bonds, Series 2005, maturing on and after December 1, 2016 (which equal \$7,980,000) (the "2005 Refunded Bonds") which were issued to pay the cost of a new wellness center, renovate and expand the Noble Complex and construct athletic facilities (the "2005 Projects") and in addition to retire the outstanding balance of the \$6,000,000 Bond Anticipation Note (Oklahoma Baptist University Project) Series 2014 (the “2014 Note”) which was issued for the purpose of constructing facilities for the education and training of nurses as well as administrative and educational related offices (the "2014 Project" and together with the 2005 Projects the "Projects") in Shawnee, Oklahoma to support the educational purposes of the University.

WHEREAS, a public hearing was conducted in these chambers on this date by a duly authorized representative of the Authority after fourteen days' published noticed and the City is advised that no one appeared in opposition to the issuance of the obligations or the financing of the Project.

WHEREAS, interest cost savings can be obtained by the University if the obligations are designated as bank qualified under the provisions of Section 265(b) of the Internal Revenue Code, provided such designation is approved by the City as a part of the City's and all its public trust's 2015 bank qualified capacity.

NOW THEREFORE BE IT RESOLVED, that approval is hereby given this 2nd day of November, 2015, by the duly elected City Commission of Shawnee, Oklahoma, for the sale by Oklahoma Baptist University Authority of not to exceed an aggregate of \$11,000,000 of Refunding Notes in two series, said Refunding Notes to be sold on a negotiated basis, at purchase prices and with average interest rates per annum not to exceed statutory limits, competitive bidding on said Refunding Notes being hereby expressly waived, but provided, however, that this approval is expressly contingent upon the City of Shawnee, Oklahoma, being in no method or manner liable for any of the indebtedness incurred under said Refunding Notes and that the same shall not constitute general or other form of obligations of Shawnee, Oklahoma, and further contingent upon said Refunding Bonds being issued in accordance with all applicable Federal, State and local laws. Further resolved that the City anticipates that the total amount of tax-exempt obligations (other than private activity bonds or bonds deemed bank qualified) issued by the City, the Oklahoma Baptist University Authority and all other issuers on behalf of said City, will not exceed \$10,000,000 for calendar year 2015, and the City hereby designates the Refunding Notes, to the extent not so deemed, to be qualified tax-exempt obligations with respect to the financial institution interest deduction provisions contained in the Internal Revenue Code of 1986, as amended, and authorizes the Mayor, if necessary, to execute and deliver on behalf of the City a Certificate of Designation to that effect, if required.

PASSED AND APPROVED THIS 2ND DAY OF NOVEMBER, 2015.

Wes Mainord, Mayor

(SEAL)

ATTEST:

Phyllis Loftis, CMC, City Clerk

Approved as to form and legality on the 2nd day of November, 2015, by the City Attorney, Mary Ann Karns.

Mary Ann Karns, City Attorney

STATE OF OKLAHOMA)
) S.S.
POTTAWATOMIE COUNTY)

I, the undersigned, City Clerk of Shawnee, Oklahoma, hereby certify that the foregoing Resolution was duly adopted by a three-quarters majority vote of the City Commission of said City, at its regular meeting on 2nd day of November, 2015. I further certify that the “Open Meeting Law” was complied with for said meeting and Resolution.

Phyllis Loftis, CMC, City Clerk

(SEAL)

Regular Board of Commissioners

6.

Meeting Date: 11/02/2015

Consider ES

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Consider an Executive Session to discuss potential claims, litigation or other options regarding Pottawatomie County District Court Case No. CJ-2014-128, The Citizen Potawatomi Nation by Linda Capps, its Vice Chairman, and Deanna Jesse vs. City of Shawnee, as authorized by 25 O.S. §307(B)(4).

Regular Board of Commissioners

7.

Meeting Date: 11/02/2015

Discuss ES

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Consider matters discussed in Executive Session regarding potential claims, litigation or other options regarding Pottawatomie County District Court Case No. CJ-2014-128, The Citizen Potawatomi Nation by Linda Capps, its Vice Chairman, and Deanna Jesse vs. City of Shawnee, as authorized by 25 O.S. §307(B)(4).
