

AGENDA
BOARD OF CITY COMMISSIONERS
July 1, 2013 AT 6:30 P.M.
COMMISSION CHAMBERS AT CITY HALL
SHAWNEE, OKLAHOMA

CALL TO ORDER

DECLARATION OF A QUORUM

INVOCATION LORD'S PRAYER LED BY MAYOR MAINORD

FLAG SALUTE

1. Consider approval of Agenda:
2. Consider approval of Consent Agenda:
 - a. Acknowledge staff will proceed in the instant meeting with the opening and consideration of bids as set forth in Shawnee Municipal Authority Agenda Item No. 2-a.
 - b. Minutes from the June 17, 2013 regular meeting.
 - c. Approve renewal of revised Governmental Services Contract with the Shawnee Civic and Cultural Development Authority amending the number of city employees from ten (10) to eleven (11).
 - d. Approve Renewal of Collective Bargaining Agreement with IUPA for Fiscal Year Ending 2014
 - e. Authorize staff to execute change agreement #1 to Debris Cleanup Contract with TFR Enterprises.
 - f. Acknowledge the following minutes:
 - Beautification Committee minutes from May 9, 2013
3. Commissioners Comments
4. Citizens Participation

(A three minute limit per person)
(A twelve minute limit per topic)
5. Presentation of Employee of the Month by Brian McDougal, City Manager to Cheyenne Lincoln, Customer Service.
6. Discussion, consideration and possible action on an ordinance repealing and amending portions of Chapter Six "Aviation" of the Shawnee Municipal Code.
7. Discussion, consideration and possible action on a resolution supporting City/County cooperation on Enhanced 911 operations.

8. New Business

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

9. Administrative Reports

- a. Chief Russell Frantz – City/County Enhanced 911
- b. City Engineer John Krywicki – Kickapoo Street
- c. City Attorney Mary Ann Karns – Municipal Court

10. 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

2. a.

Meeting Date: 07/01/2013

Bids Opened for SMA

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge staff will proceed in the instant meeting with the opening and consideration of bids as set forth in Shawnee Municipal Authority Agenda Item No. 2-a.

Regular Board of Commissioners

2. b.

Meeting Date: 07/01/2013

Minutes

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Minutes from the June 17, 2013 regular meeting.

Attachments

Minutes

BOARD OF CITY COMMISSIONERS PROCEEDINGS
JUNE 17, 2013 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, June 17, 2013 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

Absent

Commissioner Ward 1

Linda Agee

Commissioner Ward 2

James Harrod

Commissioner Ward 3-Vice Mayor

Absent

Commissioner Ward 4

John Winterringer

Commissioner Ward 5

Absent

Commissioner Ward 6

ABSENT: Pam Stephens, Keith Hall, Steve Smith

INVOCATION

Lord's Prayer led by Mayor Mainord

FLAG SALUTE

Led by Commissioner Agee

AGENDA ITEM NO. 1:

Consider approval of Agenda.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Winterringer, to approve the Agenda. Motion carried 4-0.

AYE: Harrod, Winterringer, Agee, Mainord

NAY: None

AGENDA ITEM NO. 2:

Consider approval of Consent Agenda:

- a. Acknowledge staff will proceed in the instant meeting with the opening and consideration of bids as set forth in Agenda Item No. 21.
- b. Minutes from the June 3, 2013 regular meeting rescheduled for June 10, 2013
- c. Budget Amendments – to adjust revenue to be in line for year end

Fund 113	\$ 773
Fund 112	\$105,000
Fund 108	\$ 20,000
Fund 107	\$ 20,000
Fund 106	\$200,000
Fund 104	\$ 25,000
Fund 102	\$ 40,500

Budget Amendment – to transfer money to Street and Alley Fund to get it out of a negative fund balance
 General Fund \$175,000

Budget Amendment – to adjust budget for overruns in the individual departments
 General Fund \$154,350

- d. Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan for Leslyie Javonna Stewart.
- e. Acknowledge Oklahoma Municipal Retirement Fund normal Retirement for Cindy Gibson.
- f. Acknowledge the following minutes and reports:
 - Planning Commission minutes from May 1, 2013
 - License Payment Report for May 2013
 - Project Payment Report for May 2013

A motion was made by Vice Mayor Harrod, seconded by Commissioner Agee, to approve the Consent Agenda Item Nos. a-f. Motion carried 4-0.

AYE: Harrod, Agee, Mainord, Winterringer
 NAY: None

AGENDA ITEM NO. 3:

Commissioners Comments

Mayor Mainord encouraged everyone to attend the Glory Daze event on June 29, 2013.

Commissioner Agee gave the website for the Oklahoma Tree Bank www.treebank.org. This organization is raising funds to help communities that lost trees in the recent tornados.

AGENDA ITEM NO. 4:

Citizens Participation

(A three minute limit per person)

(A twelve minute limit per topic)

There was no Citizens Participation.

AGENDA ITEM NO. 5:

Presentation of Employee of the Month by Brian McDougal, City Manager to Cheyenne Lincoln, Customer Service.

This item will be continued to the July 1, 2013 meeting

RECESS CITY COMMISSION MEETING BY THE POWER OF THE CHAIR TO CONVENE SHAWNEE AIRPORT AUTHORITY AND SHAWNEE MUNICIPAL AUTHORITY (6:35p.m.)

COMMISSIONER SMITH ARRIVES AT 6:40 P.M.

RECONVENE CITY COMMISSION MEETING BY THE POWER OF THE CHAIR (7:30 p.m.)

AGENDA ITEM NO. 6:

Public hearing and consideration of an ordinance rezoning property located at East MacArthur West of North Bryan from A-1; Agricultural to R-1; Single Family Residence. Case #P04-13 Applicant: Greg Brown Homes, LLC

Mayor Mainord declared a public hearing in session to consider an ordinance rezoning property located at East MacArthur, West of North Bryan

from A-1; Agricultural to R-1; Single Family Residential. Community Development Director Justin Erickson gave the staff report. Mr. James Brand, whose property abuts the property in question appeared and spoke against the requested rezoning. No one appeared to speak in favor of said rezoning and the public hearing was closed. It was noted that the Planning Commission recommended approval of this application.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Winterringer, to approve ordinance rezoning property located at East MacArthur West of North Bryan from A-1; Agricultural to R-1; Single Family Residence.

Ordinance No. 2503NS was introduced.

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, OKLAHOMA, TO-WIT: A TRACT OF LAND SITUATED WITHIN A PORTION OF THE NORTHEAST QUARTER (NE/4) OF SECTION EIGHT (8), TOWNSHIP TEN (10) NORTH, RANGE FOUR (4) EAST OF THE INDIAN MERIDIAN, POTTAWATOMIE COUNTY, OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER (NE/4); THENCE S89°11'24"W ALONG THE NORTH LINE OF SAID NE/4 A DISTANCE OF 448.57 FEET TO THE POINT OF BEGINNING; THENCE S00°03'42"E A DISTANCE OF 874.34 FEET; THENCE S88°53'29"W A DISTANCE OF 176.08 FEET; THENCE S00°34'42"E A DISTANCE OF 414.88 FEET; THENCE S89°11'29"W A DISTANCE OF 423.26 FEET; THENCE S00°34'42"E A DISTANCE OF 60.04 FEET; THENCE S89°11'29"W A DISTANCE OF 158.70 FEET TO A POINT ON THE APPARENT EAST RIGHT-OF-WAY LINE OF EXISTING 60' PIPELINE EASEMENT; THENCE ALONG THE EAST LINE OF SAID RIGHT-OF-WAY N19°45'52"W A DISTANCE OF 1146.79 FEET; THENCE N88°55'43"E A DISTANCE OF 263.44 FEET; THENCE N01°30'45"E A DISTANCE OF 264.56 FEET TO A POINT ON SAID NORTH LINE OF THE NE/4; THENCE N89°11'24"E ALONG SAID NORTH LINE A DISTANCE OF 861.83 FEET TO THE POINT OF BEGINNING, REZONING SAID PROPERTY FROM A-1; AGRICULTURAL TO R-1; SINGLE FAMILY RESIDENTIAL AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

Motion carried 5-0.

AYE: Harrod, Winterringer, Smith, Agee, Mainord

NAY: None

Ordinance No. 2503NS was adopted by the City Commission.

AGENDA ITEM NO. 7:

Consideration of approval of a preliminary plat for Wyndemere Addition located at East MacArthur, West of North Bryan.

Case #S05-13 Applicant: Greg Brown Homes, LLC

A motion was made by Vice Mayor Harrod, seconded by Commissioner Smith, to approve the preliminary plat for Wyndemere Addition located at East MacArthur, West of North Bryan with the following variations and modifications and conditions:

Variations and Modifications

1. A variance of 100 feet to allow the cul-de-sac on Regency Court to terminate at the western property line instead of the specified code standard requiring the cul-de-sac to be 100 feet away from adjoining property lines.
2. A variance of 134 feet for Woodlawn Court to allow a cul-de-sac to be longer than the specified code standard of 500 feet.

Conditions

1. Final construction documents must be approved by the City Engineer concurrent with Final Plat approval.
2. The final engineered drainage plan must be approved by the City Engineer concurrent with Final Plat approval.
3. A six-foot sidewalk shall be installed along MacArthur Street prior to recording of the Final Plat-Phase I unless plat improvements are otherwise bonded.
4. Common Area "A" and "B" shall be maintained by the developer or homeowner's association.

Motion carried 5-0.

AYE: Harrod, Smith, Agee, Mainord, Winterringer

NAY: None

AGENDA ITEM NO. 8:

Public hearing and consideration of an ordinance rezoning property located at the Southwest Corner of Bryan and Bradley from A-1; Agricultural to R-1; Single Family Residential. Case #P06-13 Applicant: Vialo Weis, Jr, Oklahoma Conference Corp of Seventh-Day Adventists

Mayor Mainord declared a public hearing in session to consider an ordinance rezoning property located at the Southwest Corner of Bryan and Bradley from A-1; Agricultural to R-1; Single Family Residential. Community Development Director Justin Erickson gave the staff report. Mr. Jerry States

appeared in favor of the rezoning. He is the pastor of the Seventh-Day Adventists church and they are planning to build a new church at this location. No one appeared against said rezoning and the public hearing was closed. It was noted that the Planning Commission recommended approval of this application.

A motion was made by Commissioner Agee, seconded by Vice Mayor Harrod, to approve ordinance rezoning property located at the Southwest Corner of Bryan and Bradley from A-1; Agricultural to R-1; Single Family Residential.

Ordinance No. 2504NS was introduced.

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, OKLAHOMA, TO-WIT: THE NORTH TWENTY (20) FEET OF THE EAST FIVE HUNDRED SIXTY (560) FEET OF LOT FIFTEEN (15) AND THE EAST FIVE HUNDRED SIXTY (560) FEET OF LOT SIXTEEN (16), BRADLEY'S ADDITION, TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF , REZONING SAID PROPERTY FROM A-1; AGRICULTURAL TO R-1; SINGLE FAMILY RESIDENTIAL AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

Motion carried 5-0.

AYE: Agee, Harrod, Mainord, Winterringer, Smith

NAY: None

Ordinance No. 2504NS was adopted by the City Commission.

AGENDA ITEM NO. 9:

Public hearing and consideration of an ordinance with a conditional use permit for property located at 14702 Patterson Road, changing zoning from A-1; Agricultural to A-1P; Agricultural with a Conditional Use Permit. Case #P07-13 Applicant: Kim Blakley

Mayor Mainord declared a public hearing in session to consider an ordinance with a conditional use permit for property located at 14702 Patterson Road, changing zoning from A-1; Agricultural to A-1P; Agricultural with a Conditional Use Permit. Mr. Justin Erickson gave the staff report. No one appeared in favor or against said rezoning and the public hearing was closed. It

was noted that the Planning Commission recommended approval of this application.

A motion was made by Commissioner Agee, seconded by Commissioner Smith, to approve the ordinance with a conditional use permit for property located at 14702 Patterson Road, changing zoning from A-1; Agricultural to A-1P; Agricultural with a Conditional Use Permit with the following conditions:

1. The manufactured home must meet the following setback requirements for the A-1 Zone.
2. The home must be the proposed home shown in the packet or no older than ten (10) years old.

Ordinance No. 2505NS was introduced.

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, OKLAHOMA, TO-WIT: THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE/4 NE/4 SE/4) OF SECTION NINE (9), TOWNSHIP TEN (10) NORTH, RANGE TWO (2) EAST OF THE INDIAN MERIDIAN, POTTAWATOMIE COUNTY, OKLAHOMA, REZONING SAID PROPERTY FROM A-1; AGRICULTURAL TO A-1: AGRICULTURAL WITH A CONDITIONAL USE PERMIT AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

Motion carried 5-0.

AYE: Agee, Smith, Harrod, Mainord, Winterringer

NAY: None

Ordinance No. 2505NS was adopted by the City Commission.

AGENDA ITEM NO. 10:

Public hearing and consideration of an ordinance rezoning property located on Main Street between Minnesota and McKinley from I-2; Light Industrial and C-3; Automotive, Commercial and Recreation to C-4; Central Business (Downtown). Case #P08-13 Applicant: City of Shawnee

Mayor Mainord declared a public hearing in session to consider an ordinance rezoning property located on Main Street between Minnesota and McKinley from I-2; Light Industrial and C-3; Automotive, Commercial and Recreation to C-4; Central Business (Downtown). Community Development

Director Justin Erickson gave the staff report. No one appeared in favor or against said rezoning and the public hearing was closed.

A motion was made by Commissioner Smith, seconded by Commissioner Agee, to approve ordinance rezoning property located on Main Street between Minnesota and McKinley from I-2; Light Industrial and C-3; Automotive, Commercial and Recreation to C-4; Central Business (Downtown).

Ordinance No. 2506NS was introduced.

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, OKLAHOMA, TO-WIT: LOTS 12 THRU 17, BLOCK 19, CHOCTAW ADDITION AND BEGINNING AT THE NORTHEAST CORNER OF LOT 4, BLOCK 10, BEARD'S ADDITION; THENCE WEST TO THE EAST LINE OF THE A.T.&S.F. RAILROAD RIGHT-OF WAY; THENCE SOUTHEASTERLY 31.78 FEET SOUTH OF NORTH LINE OF LOT 4; THENCE EAST TO EAST LINE OF LOT 4; THENCE N 31.78 FEET TO THE POINT OF BEGINNING AND BEGINNING AT THE SOUTHWEST CORNER OF LOT 6; THENCE NORTH 97.28 FEET; THENCE EAST 23.56 FEET; THENCE SOUTH 97.07 FEET; THENCE WEST 23.89 FEET TO THE POINT OF BEGINNING AND ALL LOTS 7 THRU 9 AND WEST 24 FEET OF LOT 10, BLOCK 11, BEARD'S ADDITION AND LOTS 1 AND 2 AND LOTS 4 THRU 9, BLOCK 2, AND LOTS 5 & 6, BLOCK 3 AND LOTS 1 THRU 6, BLOCK 4, AMENDED PLAT OF BLOCK 14 AND PART OF BLOCK "C" BEARD'S ADDITION, ALL TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, REZONING SAID PROPERTY FROM I-2; LIGHT INDUSTRIAL AND C-3; AUTOMOTIVE, COMMERCIAL AND RECREATION TO C-4; CENTRAL BUSINESS (DOWNTOWN) AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

Motion carried 4-0-1.

AYE: Smith, Agee, Harrod, Mainord

NAY: None

ABSTAIN: Winterringer

Ordinance No. 2506NS was adopted by the City Commission.

AGENDA ITEM NO. 11:

Public hearing and consideration of a resolution adopting the budget for the City of Shawnee for the period of July 1, 2013 through June 30, 2014 finding all things requisite and necessary have been done in preparation and presentation of budget.

Mayor Mainord declared a public hearing in session to consider a resolution adopting the budget for the City of Shawnee for the period of July 1, 2013 through June 30, 2014 finding all things requisite and necessary have been done in preparation and presentation of budget. Finance Director Cynthia Sementelli presented the final budget noting that merit raises have been added into the budget. No one appeared in favor or against said budget and the public hearing was closed.

Resolution No. 6448 was introduced.

A RESOLUTION APPROVING AND ADOPTING THE BUDGET FOR THE CITY OF SHAWNEE, OKLAHOMA FOR THE PERIOD JULY 1, 2013 THROUGH JUNE 30, 2014 FINDING ALL THINGS REQUISITE AND NECESSARY HAVE BEEN DONE IN PREPARATION AND PRESENTATION OF SAID BUDGET.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Winterringer, to approve a resolution adopting the budget for the City of Shawnee for the period of July 1, 2013 through June 30, 2014 finding all things requisite and necessary have been done in preparation and presentation of budget. Motion carried 5-0.

AYE: Harrod, Winterringer, Smith, Agee, Mainord

NAY: None

AGENDA ITEM NO. 12:

Discussion, consideration and possible action to enter into joinder agreements with Oklahoma Municipal Retirement Fund to establish a Defined Contribution Plan in the form of the Oklahoma Municipal Retirement Fund Master Defined Contribution Plan (CMO DH SI, CMO DH, DC) and joinder agreement with Oklahoma Municipal Retirement Fund to establish a Defined Benefit Plan in the form of the Oklahoma Municipal Retirement Fund Master Defined Benefit Plan (DB); and authorizing appropriate officials to execute such documents as may be necessary to complete the agreements.

Master Plan DB and DC

A motion was made by Mayor Mainord, seconded by Commissioner Agee, to approve the appropriate officials to enter into joinder agreements with Oklahoma Municipal Retirement Fund to establish a Defined Contribution Plan in the form of the Oklahoma Municipal Retirement Fund Master Defined Contribution Plan (CMO DH SI, CMO DH, DC) and joinder agreement with Oklahoma Municipal Retirement Fund to establish a Defined Benefit Plan in the form of the Oklahoma Municipal Retirement Fund Master Defined Benefit Plan (DB); and authorizing appropriate officials to execute such documents as may be necessary to complete the agreements. Motion carried 4-1.

AYE: Mainord, Agee, Winterringer, Smith

NAY: Harrod

AGENDA ITEM NO. 13:

Discussion, consideration and possible action on an Ordinance adopting an Employee Retirement System, Defined Contribution plan for the position of Department Head or City Manager for the City of Shawnee, Oklahoma; and declaring an emergency. (CMO DH SI)

A motion was made by Commissioner Agee, seconded by Commissioner Winterringer, to approve an ordinance adopting an Employee Retirement System, Defined Contribution plan for the position of Department Head or City Manager for the City of Shawnee, Oklahoma; and declaring an emergency. (CMO DH SI)

Ordinance No. 2507NS was introduced.

AN ORDINANCE ADOPTING AN EMPLOYEE RETIREMENT SYSTEM, DEFINED CONTRIBUTION PLAN FOR THE POSITION OF DEPARTMENT HEAD OR CITY MANAGER FOR THE CITY OF SHAWNEE, OKLAHOMA; PROVIDING RETIREMENT BENEFITS FOR ELIGIBLE EMPLOYEES OF THE CITY OF SHAWNEE, OKLAHOMA; PROVIDING FOR PURPOSE AND ORGANIZATION; PROVIDING FOR DEFINITIONS; PROVIDING FOR ELIGIBILITY AND PARTICIPATION; PROVIDING FOR EMPLOYER AND EMPLOYEE CONTRIBUTIONS; PROVIDING FOR ACCOUNTING, ALLOCATION, AND VALUATION; PROVIDING BENEFITS; PROVIDING FOR REQUIRED NOTICE; PROVIDING FOR AMENDMENTS AND TERMINATION; PROVIDING FOR TRANSFER TO AND FROM OTHER PLANS; CREATING A COMMITTEE AND PROVIDING FOR POWERS, DUTIES, AND RIGHTS OF COMMITTEE; PROVIDING FOR PAYMENT OF CERTAIN OBLIGATIONS; PROVIDING FOR DURATION AND PAYMENT OF EXPENSES; PROVIDING FOR EFFECTIVE DATE; PROVIDING FOR VESTING SCHEDULES; PROVIDING FOR A FUND TO FINANCE THE

SYSTEM TO BE POOLED WITH OTHER INCORPORATED CITIES, TOWNS AND THEIR AGENCIES AND INSTRUMENTALITIES FOR PURPOSES OF ADMINISTRATION, MANAGEMENT, AND INVESTMENT AS PART OF THE OKLAHOMA MUNICIPAL RETIREMENT FUND; PROVIDING FOR PAYMENT OF ALL CONTRIBUTIONS UNDER THE SYSTEM TO THE OKLAHOMA MUNICIPAL RETIREMENT FUND FOR MANAGEMENT AND INVESTMENT; PROVIDING FOR NON-ALIENATION OF BENEFITS AND LOSS OF BENEFITS FOR CAUSE; ADOPTING THOSE AMENDMENTS MANDATED BY THE INTERNAL REVENUE CODE; PROVIDING FOR REPEALER AND SEVERABILITY; AND DECLARING AN EMERGENCY.

Motion carried 4-1.

AYE: Agee, Winterringer, Smith, Mainord

NAY: Harrod

Ordinance No. 2507NS was adopted by the City Commission.

A motion was made by Commissioner Smith, seconded by Commissioner Winterringer, to approve emergency clause relating to Ordinance No. 2507NS. Motion carried 5-0.

AYE: Smith, Winterringer, Agee, Harrod, Mainord

NAY: None

AGENDA ITEM NO. 14:

Discussion, consideration and possible action on an ordinance amending the employee retirement system, defined contribution plan for the position of department head or city manager for the City of Shawnee, Oklahoma; and declaring an emergency. (CMO DH)

A motion was made by Commissioner Winterringer, seconded by Commissioner Smith, to approve an ordinance amending the employee retirement system, defined contribution plan for the position of department head or city manager for the City of Shawnee, Oklahoma; and declaring an emergency. (CMO DH)

Ordinance No. 2508NS was introduced.

AN ORDINANCE AMENDING THE EMPLOYEE RETIREMENT SYSTEM, DEFINED CONTRIBUTION PLAN FOR THE POSITION OF DEPARTMENT HEAD OR CITY MANAGER FOR THE CITY OF SHAWNEE, OKLAHOMA; PROVIDING RETIREMENT BENEFITS FOR ELIGIBLE EMPLOYEES OF THE CITY OF SHAWNEE, OKLAHOMA; PERTAINING TO DEFINITION OF COMPENSATION; PERTAINING TO PLAN DESIGN; PERTAINING TO ALLOCATION OF FORFEITURES; PROVIDING FOR REPEALER AND SEVERABILITY; AND DECLARING AN EMERGENCY.

Motion carried 5-0.

AYE: Winterringer, Smith, Agee, Harrod*, Mainord

NAY: None

Ordinance No. 2508NS was adopted by the City Commission.

*Commissioner Harrod inadvertently voted in favor of this ordinance and announced after roll call that he voted in error. This event does not change the outcome regarding the passage of the ordinance.

A motion was made by Commissioner Winterringer, seconded by Commissioner Smith, to approve emergency clause relating to Ordinance No. 2508NS. Motion carried 5-0.

AYE: Winterringer, Smith, Agee, Harrod, Mainord

NAY: None

AGENDA ITEM NO. 15: Discussion, consideration and possible action on an ordinance amending the employee retirement system, defined benefit plan for City of Shawnee, Oklahoma; and declaring an emergency. (DB)

A motion was made by Commissioner Winterringer, seconded by Commissioner Smith, to approve an ordinance amending the employee retirement system, defined benefit plan for City of Shawnee, Oklahoma; and declaring an emergency. (DB)

Ordinance No. 2509NS was introduced.

AN ORDINANCE AMENDING THE EMPLOYEE RETIREMENT SYSTEM, DEFINED BENEFIT PLAN FOR CITY OF SHAWNEE, OKLAHOMA; PROVIDING RETIREMENT

BENEFITS FOR ELIGIBLE EMPLOYEES OF CITY OF SHAWNEE, OKLAHOMA; PERTAINING TO DEFINITION OF EMPLOYEE; PERTAINING TO ELIGIBILITY; PROVIDING FOR EMPLOYER PICKUP OF MANDATORY CONTRIBUTIONS; PERTAINING TO SERVICE BUYBACK; PROVIDING FOR CESSATION OF BENEFIT ACCRUALS; PROVIDING FOR LIMITATION OF AVERAGE MONTHLY COMPENSATION UNDER RETIREMENT PLAN; PROVIDING FOR CONTRIBUTIONS BY EMPLOYEES; PERTAINING TO THE COST-OF-LIVING OPTION; PERTAINING TO THE DEFINED CONTRIBUTION OPTION; PROVIDING FOR REPEALER AND SEVERABILITY; AND DECLARING AN EMERGENCY.

Motion carried 4-1.

AYE: Winterringer, Smith, Agee, Mainord

NAY: Harrod

Ordinance No. 2509NS was adopted by the City Commission.

A motion was made by Commissioner Winterringer, seconded by Commissioner Smith, to approve emergency clause relating to Ordinance No. 2509NS. Motion carried 5-0.

AYE: Winterringer, Smith, Agee, Harrod, Mainord

NAY: None

AGENDA ITEM NO. 16: Discussion, consideration and possible action on an ordinance amending the employee retirement system, defined contribution plan for the City of Shawnee, Oklahoma; and declaring an emergency. (DC)

A motion was made by Commissioner Smith, seconded by Commissioner Winterringer, to approve an ordinance amending the employee retirement system, defined contribution plan for the City of Shawnee, Oklahoma; and declaring an emergency. (DC)

Ordinance No. 2510NS was introduced.

AN ORDINANCE AMENDING THE EMPLOYEE RETIREMENT SYSTEM, DEFINED CONTRIBUTION PLAN FOR THE CITY OF SHAWNEE, OKLAHOMA; PROVIDING RETIREMENT BENEFITS FOR ELIGIBLE EMPLOYEES OF THE CITY OF SHAWNEE, OKLAHOMA; PERTAINING TO DEFINITION OF EMPLOYEE; PERTAINING TO THE DEFINITION OF COMPENSATION; PERTAINING TO PLAN DESIGN; PERTAINING TO

ALLOCATION OF FORFEITURES; PROVIDING FOR REPEALER AND SEVERABILITY; AND DECLARING AN EMERGENCY.

Motion carried 4-1.

AYE: Smith, Winterringer, Agee, Mainord

NAY: Harrod

Ordinance No. 2510NS was adopted by the City Commission.

A motion was made by Commissioner Smith, seconded by Commissioner Winterringer, to approve emergency clause relating to Ordinance No. 2510NS. Motion carried 5-0.

AYE: Smith, Winterringer, Agee, Harrod, Mainord

NAY: None

AGENDA ITEM NO. 17:

Consider a resolution authorizing approval of an Engineering Agreement between ODOT and the COS for engineering and design services for the Kickapoo Paving Project from the Spur to Farrall.

Resolution No. 6449 was introduced.

BE IT RESOLVED BY THE CITY OF SHAWNEE, OKLAHOMA THAT IN THE BEST INTEREST OF THE CITY OF SHAWNEE, OKLAHOMA, WE ENTER INTO AN AGREEMENT WITH THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR A FEASIBILITY STUDY ON KICKAPOO AVENUE FROM KICKAPOO SPUR TO FARRALL AVENUE.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Smith, to approve a resolution authorizing approval of an Engineering Agreement between Oklahoma Department of Transportation and the City of Shawnee for engineering and design services for the Kickapoo Paving Project from the Spur to Farrall. Motion carried 5-0.

AYE: Harrod, Smith, Agee, Mainord, Winterringer

NAY: None

AGENDA ITEM NO. 18:

Consider a resolution of support for the Absentee Shawnee Housing Authority for low income housing tax credits.

Community Development Director Justin Erickson gave a staff report regarding this resolution. He noted that the housing complex would include a storm shelter and walking tracks.

Resolution No. 6450 was introduced.

A RESOLUTION OF SUPPORT FOR ECONOMIC DEVELOPMENT AND AFFORDABLE HOUSING FOR THE BENEFIT OF CITIZENS OF SHAWNEE, OKLAHOMA; AND SUPPORT OF AN AWARD OF LOW INCOME HOUSING TAX CREDITS FOR CONSTRUCTION OF AFFORDABLE HOUSING DEVELOPMENT IN THE CITY OF SHAWNEE, OKLAHOMA.

A motion was made by Commissioner Smith, seconded by Commissioner Winterringer, to approve a resolution of support for the Absentee Shawnee Housing Authority for low income housing tax credits. Motion carried 5-0.

AYE: Smith, Winterringer, Agee, Harrod, Mainord

NAY: None

AGENDA ITEM NO. 19:

Acknowledge Sales Tax Report received June 2013.

Cynthia Sementelli, Finance Director, stated that the June Sales receipts were up \$34,941 this month or 2.72% compared to last year actual for the same time frame. June Sales tax amount received plus interest was \$1,319,813 which accumulatively for the fiscal year we are up \$478,039 or 2.90%.

AGENDA ITEM NO. 20:

City Manager Report

City Manager Brian McDougal reported to the Commission on the following items:

- A visit needs to be scheduled at the City of Lawton to review their 911 Center.
- Shawnee Economic Development Foundation will meet with the National Guard on June 20, 2013 at 9:00 a.m.

- Staff has been meeting with the City’s financial advisors and there has been discussion regarding separating the financing for the pool and tower projects.
- Glory Daze Celebration was given a \$20,000 budget from the City and John Ayers has additionally raised over \$20,000.
- There has been discussion with Shawnee Public Schools representatives regarding funding for a new high school.
- Staff is looking at changes to the existing taxi-cab ordinance.
- A position was created and budgeted for the coming year for the issuance of business licenses.
- The City of Tecumseh will be off of Shawnee water by July 1, 2013.

AGENDA ITEM NO. 21:

Consider Bids:

- a. Emergency Cleanup of Storm Debris COS-EM-13-05 (Open and Award)

VENDOR	Mobilization & Demobilization Lump Sum	Removal of Burnable Debris per Cubic Yard	Removal of Non-Burnable Debris per Cubic Yard	Removal of Stumps 26-36 inches in Diameter per Each	Removal of Stumps 37-48 inches in Diameter per Each	Removal of Stumps 49 inches and greater in Diameter per Each
TFR Enterprises, Inc. Leander, TX	\$0.00	\$5.98 x 701 = \$4,191.98	\$8.98 x 881 = \$7,911.38	\$100.00	\$200.00	\$300.00
Arbormasters Tree Service Oklahoma City, OK	\$0.00	\$9.50 x 701 = \$6,659.50	\$17.50 x 881 = \$15,417.50	\$500.00	\$700.00	\$900.00 (Trim trees 2" = \$72.00)
R. Baker, Inc. Phil Campbell, AL	\$1.00	\$4.95 x 701 = \$3,469.95	\$14.75 x 881 = \$12,994.75	\$100.00	\$175.00	\$200.00
Hensley R. Lee Contracting, Inc. Picayune, MS	\$18,000.00	\$15.40 x 701 = \$10,795.40	\$15.40 x 881 = \$13,567.40	\$290.00	\$440.00	\$615.00
T.L. Wallace Construction Columbia, MS	\$25,000.00	\$18.00 x 701 = \$12,618.00	\$28.00 x 881 = \$24,668.00	\$75.00	\$75.00	\$100.00

Ceres Environmental Services, Inc. Houston, TX	\$0.00	\$10.92 x 701 = \$7,654.92	\$15.90 x 881 = \$14,007.90	\$273.94	\$488.94	\$723.94
Kaiserkane, Inc. Tallahassee, FL	\$10,000.00	\$8.91 x 701 = \$6,245.91	\$18.00 x 881 = \$15,858.00	\$100.00	\$200.00	\$400.00
Young's General Contracting, Inc. Poplar Bluff, MO	\$0.00	\$7.68 x 701 = \$5,383.68	\$18.10 x 881 = \$15,946.10	\$16.25	\$18.20	\$21.80
D Beach Construction, LLC Apache, OK	\$75,000.00	\$27.00 x 701 = \$18,927.00	\$36.00 x 881 = \$31,716.00	\$325.00	\$577.00	\$827.00
DRC Emergency Services, LLC Mobile, AL	\$0.00	\$7.98 x 701 = \$5,593.98	\$13.86 x 881 = \$12,210.66	\$250.00	\$400.00	\$500.00

Emergency Management Director Don Lynch read the bids into the record and requested that the bid be awarded to TFR Enterprises, Inc. of Leander, Texas in the amount of \$12,103.36, pending further review and check of references.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Winterringer, to accept staff's recommendation and award the bid to TFR Enterprises, Inc. in the total amount of \$12,103.36.

AYE: Harrod, Winterringer, Smith, Agee, Mainord
NAY: None

AGENDA ITEM NO. 20:

City Manager Report

AGENDA ITEM NO. 22

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. 23:

Administrative Reports, including but not limited to:

- a. Status on Sidewalk Projects

City Engineer John Krywicki reported on existing sidewalks and provided Commissioners with a comprehensive list of sidewalks within the city limits. Each sidewalk is ranked according to its condition. Mr. Krywicki noted that while sidewalks in front of residences are the homeowners' responsibility, if the City repairs the sidewalk a lien can be filed against the property. He also noted that staff has inspected handicapped sidewalk ramps at every intersection.

Community Development Director Justin Erickson reported positive news regarding new sidewalks. He gave examples such as the Airport Trails extension, the resurfacing of the Airport track and the Safe Routes to School sidewalk to Shawnee Middle School. He further noted all current projects such as the Main Street Streetscape and Kickapoo Street Widening project will have sidewalks constructed as well.

Fire Chief David Short spoke regarding his department's responsibility to check storm shelters after a tornado. He stated that his department, working with the storm shelter list provided by Emergency Management, has a plan in place that will enable them to start checking shelters immediately after the storm.

AGENDA ITEM NO. 24: Adjournment

There being no further business to come before the meeting, a motion was made by Commissioner Winterringer, seconded by Commissioner Smith, that the meeting be adjourned. Motion carried 5-0. (9:05 p.m.)

AYE: Winterringer, Smith, Agee, Harrod, Mainord
NAY: None

WES MAINORD, MAYOR

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

Regular Board of Commissioners

2. c.

Meeting Date: 07/01/2013

Revised SCCDA Agreement

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Approve renewal of revised Governmental Services Contract with the Shawnee Civic and Cultural Development Authority amending the number of city employees from ten (10) to eleven (11).

Attachments

Revised SCCDA Agreement

GOVERNMENTAL SERVICES CONTRACT

This Agreement made pursuant to 74 O.S. § 1008 (2001) and entered into this ____ day of July, 2013, by and between the City of Shawnee, Oklahoma (hereinafter referred to as "City") and the Shawnee Civic and Cultural Development Authority, an Oklahoma Public Trust (hereinafter referred to as "SCCDA").

WITNESSETH:

WHEREAS, the SCCDA was created pursuant to 60 O.S. § 176, et seq. (1971) on January 5, 1976 to manage various proceeds, properties, rents and profits for the benefit of the City; and

WHEREAS, the City is an Oklahoma municipal corporation that is the beneficiary of the SCCDA; and

WHEREAS, the SCCDA has operated the facility commonly known as the Heart of Oklahoma Exposition Center and its associated support structures for the benefit of the City for many years; and

WHEREAS, the City acknowledges the benefits received from the services performed by the SCCDA; and

WHEREAS, it is financially beneficial to both parties that the City allow municipal employees designated by both entities to work under the auspices of the SCCDA to perform its day-to-day functions; and

WHEREAS, it is necessary to the maintenance of the independence of the SCCDA from the City that the SCCDA assume responsibility for its water, utilities and other services used by the SCCDA.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, it is agreed by and between the parties that:

1. The term of this agreement shall be from its date of execution through the 30th day of June, 2014. This agreement shall be subject to termination, without cause, upon thirty days notice by either party serving the other party with a written request to terminate the contract.

2. The City will allow up to eleven (11) of its employees to be used full-time by the SCCDA. While working for the SCCDA, these employees will be under the day-to-day direction of the Operations Manager of the SCCDA. These employees will continue to be full-time employees of the City for purposes of benefits, insurance and retirement. The City Manager of the City will retain his/her authority pursuant to Article V of the Shawnee City Charter and Section 2-102 of the Shawnee City Code to re-assign these employees should the needs of the City require that he/she do so. However, nothing in this provision or agreement will act to increase or modify the City Manager's decision-making authority as a voting member of the SCCDA governing board.

3. The City acknowledges the restrictions placed upon it by Article VIII of the SCCDA Trust Indenture.

4. Both the City and the SCCDA acknowledge and expressly reaffirm the separation of the SCCDA and the City for purposes of the relationship permitted between the respective governing bodies pursuant to 60 O. S. § 176, et seq.

5. In consideration of receiving labor assistance from the City, the SCCDA agrees that it will be responsible for its own utilities, water service, fuel costs and all expenses related to the Trust. All structures affiliated with the Expo Center will be insured by the SCCDA in amounts to be determined by the SCCDA.

6. The City will make an annual contribution to the SCCDA in an amount to be determined by the City during its budget process. This contribution will be paid in monthly installments to commence on July 1st of each year. The annual contribution will be used to pay City employees' salaries and benefits working for the SCCDA with the balance of the funds to be expended in the sole discretion of the SCCDA. The City will not earmark these funds for specific purposes but rather will allow the SCCDA to use these funds as the SCCDA sees fit. The City will have access to the SCCDA's annual audit as required by Article VI, Section 10 of the Trust Indenture and will receive a full accounting of how the City funds were expended. The City will be allowed to inquire into any matter dealing with accounting for its funds, including access to financial books and records of the SCCDA.

7. Both parties agree that financial accountability of the City's donated funds is an element to be considered each fiscal year in determining the amount of funds the City will provide to the SCCDA.

8. The City and the SCCDA agree that this Contract will be administered by both the City Manager of the City and the Manager of the Trust Estate of the SCCDA. Should a conflict arise concerning terms of this agreement, the City Manager and the Manager of the Trust Estate will work together to resolve said conflict to the mutual benefit of the parties. Any agreement reached between the City Manager and the Manager of the Trust Estate must be approved by the respective governing bodies.

9. The SCCDA agrees that the SCCDA will be liable for all acts or omissions of the City employees while they are working for the SCCDA. Should the City be made a party to any legal action or lawsuit as a result of actions or omissions of the employees, the SCCDA agrees to indemnify the City and hold it harmless from any damages, costs and attorney fees that the City might incur during the defense of any related suit or legal action.

10. All written notices concerning this agreement shall be sent to the respective parties at the following addresses:

Brian McDougal, Shawnee City Manager
P. O. Box 1448
Shawnee, OK 74802-1448

Karl Kozel, Chairman
Heart of Oklahoma Exposition Center
1700 West Independence
Shawnee, OK 74801

11. This agreement supersedes all prior agreements between the parties, with the exception of the SCCDA Trust Indenture, and comprises all the terms agreed to by the parties and any modification, amendment or alteration of this agreement must be in writing and executed by both parties.

12. If any part of this agreement is determined to be contrary to law, then it shall be deemed severable from the rest of this agreement and shall not affect the validity of the rest of this agreement.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed the day and year first above written.

THE CITY OF SHAWNEE, OKLAHOMA

BY: _____
BRIAN MCDOUGAL, City Manager

ATTEST:

PHYLLIS LOFTIS, CMC, City Clerk
(SEAL)

SHAWNEE CIVIC AND CULTURAL
DEVELOPMENT AUTHORITY

BY: _____
KARL KOZEL, Chairman

Approved as to form and legality this _____ day of _____, 2013

MARY ANN KARNS, CITY ATTORNEY

Regular Board of Commissioners

2. d.

Meeting Date: 07/01/2013

Collective Bargaining Agreement IUPA

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Approve Renewal of Collective Bargaining Agreement with IUPA for Fiscal Year Ending 2014

Attachments

Memo IUPA Agreement

Mayor
WES MAINORD



The City of Shawnee
16 W. 9th St.
P.O. Box 1448
Shawnee, Oklahoma 74802-1448
www.ShawneeOK.org

Commissioners
PAM STEPHENS
LINDA AGEE
JAMES HARROD
KEITH HALL
JOHN WINTERRINGER
STEVE SMITH

Date: June 27, 2013

To: Mayor and City Commissioners

From: City's Bargaining Team

RE: Collective Bargaining Agreement with IUPA for FY 2014

Nature of the Request:

Consideration of Renewal of Existing Collective Bargaining Agreement with IUPA for FYI 2014.

Staff Analysis, Considerations:

The City and IUPA bargaining teams met several times this spring and discussed a number of topics. The IUPA original proposal was to merely renew the contract with a significant adjustment to the pay ranges. The City original proposal included requests for language changes in several areas.

At the beginning of negotiations, the City's financial position was fairly strong and there was some possibility of a small COLA (in the range of 1.5% based on CPI) being recommended by the City's team to the Commission. However, as the year progressed, it became obvious that the City's revenues would not be sufficient to recommend such an increase.

This bogged down negotiations on some significant issues. However, some agreements were reached that did not involve contract language but allowed better operations. The IUPA has now voted and requested that the Collective Bargaining Agreement be renewed with no changes. This will include the merit steps placed in the contract some years ago. The alternative would be for the City to declare impasse and ask for arbitration, which would require expenditure of several thousand dollars.

Recommendation:

The bargaining team recommends renewal of the Collective Bargaining Agreement for FY 2014 with no changes.

Budget Consideration:

Renewal will have no budget impact.

n:\attorney\iupa (police) negotiations and contracts\covermemorecommendrenewal.doc

Regular Board of Commissioners

2. e.

Meeting Date: 07/01/2013

Change Agreement Storm Debris Removal

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Authorize staff to execute change agreement #1 to Debris Cleanup Contract with TFR Enterprises.

Attachments

Memo and Change Agreement Debris Removal

City of Shawnee Memorandum



To: Honorable Mayor and City Commissioners
Through: Brian McDougal, City Manager *D.S.*
From: Donald D. Lynch, Emergency Management Director
Date: June 27, 2013
Re: Request for Amendment to Contract for Debris Removal Service

NATURE OF THE REQUEST:

I am writing to request your approval for staff to execute a change order for our contract with TFR Enterprises for debris removal service for the City.

STAFF ANALYSIS /CONSIDERATIONS:

The most recent debris removal survey from the State and FEMA shows there are a few dangerously hanging limbs that need to be removed. These limbs are threatening public use areas (roads, trails, etc.) Removal of these hangers is eligible under the President's disaster declaration.

RECOMMENDATION:

Staff recommends approval.

BUDGET CONSIDERATION:

Cost of removal will be \$90.00 per approved hanger. Both the Contractor's representative and the City's monitor have to agree that the hanger meets the eligibility criteria. In case there is a dispute, the City's emergency Management Director will make the final determination.

Funding to cover the contract will come from the General Fund budget with a supplemental budget amendment to be submitted by the Finance Director in the near future.

Thank you for your favorable attention to this request.

CHANGE ORDER

ORDER NO.1 (ONE)

DATE: July 1, 2013

AGREEMENT DATE: June 18, 2013

NAME OF PROJECT: Emergency Cleanup of Storm Debris

CONTRACT NO.: COS-EM-13-05

CONTRACTOR: TFR Enterprises, Inc.

THE FOLLOWING CHANGES ARE HEREBY MADE TO THE CONTRACT DOCUMENTS:

The Scope of Work is amended to include removal of hazardous limbs (hangers). Such Hazardous Limbs must be greater than two (2) inches in diameter measured at the point of the break and still hanging in the tree threatening a public use area (trails, sidewalks, etc.) Only the minimum amount of work necessary to remove the hazard is eligible. Pruning, maintenance trimming and landscaping are not eligible. The eligibility of the hanger will be agreed upon by the contractors representative and the City's monitor working at the site. In case the two representatives are unable to agree on the eligibility for removal, the City Emergency Management Director shall make the final determination.

JUSTIFICATION: The debris survey just completed revealed the presence of some hangers in the area where debris removal operations will be conducted.

CHANGE TO CONTRACT PRICE: The contract price will be increased by \$90.00 per approved hanger.

Accepted by:

TFR ENTERPRISES, INC.

CITY OF SHAWNEE, OKLAHOMA

Name: _____

Title: _____

Brian McDougal, City Manager

Regular Board of Commissioners

2. f.

Meeting Date: 07/01/2013

Committee Minutes

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge the following minutes:

- Beautification Committee minutes from May 9, 2013
-

Attachments

Beautification Committee

Mayor
WES MAINORD



The City of Shawnee
PO Box 1448
Shawnee Oklahoma 74802-1448
(405) 273-1250 Fax (405) 878-1581
www.ShawneeOK.org

Commissioners
PAM STEPHENS
LINDA AGEE
JAMES HARROD
KEITH HALL
JOHN WINTERRINGER
STEVE SMITH

Minutes
Shawnee Beautification Committee
MAY 9, 2013

The Shawnee Beautification Committee met in the EOC Room
The meeting was called to order at 4:04 pm

Roll Call was taken showing the following members present:

Member	Robert Cash, Chairman
Member	Paul Malley, Vice Chairman
Absent	Nancy Ford
Member	Janet Turner
Member	Tom Terry
Member	Linda Malley
City Staff	James Bryce
City Staff	Whisper Peace
City Staff	Justin Erickson

-
- AGENDA NO 2** **Roll Call and Declaration of a Quorum.** Roll was called and a quorum was declared.
- AGENDA NO 3** **Approved Minutes for March 2013.** The minutes for March 2013 were approved with a motion made by Tom Terry and 2nd by Linda Malley. The motion carried unanimously.
- AGENDA NO 4** **Discussion on Plants for Main and Bell Street.** (Tom Terry) Tom Terry advised that the flower bed had a busted pipe that needs to be fixed. He also suggested planting a year around shrub like a boxwood or nandina in this area.
- AGENDA NO 5** **Discussion on Plants for beds in front of the Auditorium.** (Tom Terry) Tom Terry advised that he had done some weeding and also sprayed the nut grass. Some discussion was made on whether or not to plant perennials. No decision was made at this time just discussion.
- AGENDA NO 6** **Update on new pots on Bell Street.** (Tom Terry) Discussion was made on removal of flowers from the old pots so they can be moved. Group agreed to use the same soil for the new pots. The new pots will be installed on a weekend and volunteers may be needed.

- AGENDA NO 7** **Discussion on maintenance of the new Harrison Street bed.** (Tom Terry) The group agreed the bed needs more mulch to cover exposed pipes. Suggestion was made to purchase the mulch by the semi-truck load in order to get a cheaper rate. Further discussion mentioned the city budgeting funds to help maintain various beautification areas.
- AGENDA NO 8** **Update on Sprinkler Systems.** (James Bryce) Discussion was made on the condition of the sprinkler systems downtown. Tom Terry advised the sprinkler at the library still needed to be fixed. James Bryce advised that the leak was found for the Bell Street sprinkler system and crews are still inspecting drip lines.
- AGENDA NO 9** **Old Business.** None.
- AGENDA NO 10** **New Business.** James Bryce passed around a copy of the tree ordinance for the group to read over and suggest any changes to be made.
- AGENDA NO 11** **Comments.** None.
- AGENDA NO 12** **Adjournment.** Meeting was adjourned at 4:55 p.m.

Robin Cash
Chairman, Robert Cash

6-13-13
Date

Regular Board of Commissioners

5.

Meeting Date: 07/01/2013

Employee of the Month

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Presentation of Employee of the Month by Brian McDougal, City Manager to Cheyenne Lincoln, Customer Service.

Regular Board of Commissioners

6.

Meeting Date: 07/01/2013

Ordinance amending Aviation in Code Book

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Discussion, consideration and possible action on an ordinance repealing and amending portions of Chapter Six "Aviation" of the Shawnee Municipal Code.

Attachments

Memo

Ordinance

Mayor
WES MAINORD



The City of Shawnee
16 W. 9th St.
P.O. Box 1448
Shawnee, Oklahoma 74802-1448
www.ShawneeOK.org

Commissioners
PAM STEPHENS
LINDA AGEE
JAMES HARROD
KEITH HALL
JOHN WINTERRINGER
STEVE SMITH

Date: June 27, 2013

To: Mayor and City Commissioners, City of Shawnee
Chairman and Trustees, Shawnee Airport Authority

From: Brian McDougal, City Manager, City of Shawnee and General Manager, Shawnee Airport Authority, and
Mary Ann Karns, City Attorney, City of Shawnee and General Counsel, Shawnee Airport Authority

RE: Amendments to Code of Ordinances Governing Airport and
Adoption of Resolution for General Operations

Nature of the Request:

Consideration of recommendations from staff and the Shawnee Airport Advisory Board for amendments to Municipal Code by the City Commission and adoption of a resolution for operational rules and standards by Shawnee Airport Authority.

Staff Analysis, Considerations:

As part of the recodification in progress throughout the City, staff and the Airport Advisory Board have collaborated on a thorough review of Chapter Six of the Shawnee Municipal Code.

It was determined that Sections 6-27 through 6-52 needed only “housekeeping” amendments, but that the operational rules of Sections 6-62 through 6-77 could be more effectively administered through the Resolution process. These sections needed substantial revision and many of them were determined to be unnecessary to airport operations.

Accordingly, the staff and the Airport Advisory Board are asking for the Mayor and Commission to amend the ordinances as set out in the proposed ordinance; and for the Shawnee Airport Authority to approve the Resolution setting forth the operational standards for the airport. Subsequent changes in the operational standards will be done by Resolution passed by the SAA, upon recommendation of the Airport Advisory Board.

Recommendation:

Approve proposed amendments to the Shawnee Municipal Code and a Resolution setting forth operational standards and regulations for airport.

Budget Consideration:

There is no budget impact for these measures.

ORDINANCE NO. ____

AN ORDINANCE AMENDING CHAPTER 6, AVIATION, OF THE CODE OF ORDINANCES OF THE CITY OF SHAWNEE, OKLAHOMA, BY PROVIDING FOR: THE APPOINTMENT OF MEMBERS OF THE AIRPORT ADVISORY BOARD; THE CALLING OF SPECIAL MEETINGS OF THE AIRPORT ADVISORY BOARD; RECOMMENDATIONS TO THE SHAWNEE AIRPORT AUTHORITY; ADDING DEFINITIONS; SETTING OF FINES AND FEES BY RESOLUTION OF THE CITY COMMISSION; PUBLICATION AND DISTRIBUTION OF RULES AND REGULATIONS; RULES AND REGULATIONS TO BE SET BY RESOLUTION; REPEAL OF CERTAIN RULES AND REBULATIONS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR CODIFICATION.

WHEREAS, the Mayor and City Commissioners, in accordance with law, have determined that a review and recodification of the Shawnee Municipal Code of Ordinances should be conducted; and

WHEREAS, the Shawnee Municipal Code needs updates in order to comply with state and federal law and to provide more efficient administration of city departments; and

WHEREAS, the Mayor and City Commissioners wish to implement those changes:

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA:

Section 1. Section 6-27 is amended to read as follows:

The members of the Airport Advisory Board shall be appointed by the Chairman of the Shawnee Airport Authority with the approval of the Trustees. The members shall be appointed for staggered terms of three years. Terms of office shall begin July 1 and end June 30 of the last year of appointment, provided members shall serve until their successors are appointed.

Section 2. Section 6-29 is amended to read as follows:

A meeting of the Airport Advisory Board shall be held no less often than quarterly in March, June, September and December at a time and place and on a date determined by the Board. Special meetings may be held upon giving notice to all members and as required by the Oklahoma Open Meeting Law. A special meeting may be called by the General Manager of the Shawnee Airport Authority; the Chairman and Trustees of the Shawnee Airport Authority; or the Chairman or any two members of the Airport Advisory Board.

Section 3. Section 6-30 (2) is amended to read as follows:

(2) Recommend to the Chairman and Trustees of the Shawnee Airport Authority any changes or alterations in the use, operation, equipping and management of the municipal airport that the Airport Advisory Board determines to be for the best interest of the City of Shawnee and its citizens.

Section 4. Section 6-57 is amended by adding the following definitions:

Shawnee Airport Authority means the Chairman and Trustees of the public trust charged by the City Commission with the operation of the airport.

General Manager means the General Manager of the Shawnee Airport Authority or another person appointed by the Chairman and Trustees of the Shawnee Airport Authority.

Section 5. Section 6-58 (b) is amended to read as follows:

(b) Any violation of this chapter shall be a misdemeanor punishable by fine in the amount provided in the city fine schedule. This section is cumulative of all other penalties for violation of federal, state and local laws, rules, regulations and ordinances.

Section 6. Section 6-59 is amended to read as follows:

Publication of this chapter as required by law is deemed to give all persons to have knowledge of its contents. The Airport Manager is directed to have copies of this article printed and posted where appropriate. Copies will be kept for review in the Airport Manager's office, at the office of the Shawnee City Clerk and furnished each owner or operator of an aircraft based on the airport at the time of leasing hangar or tie down space.

Section 7. General rules applicable to the airport operation, aircraft operations and conduct of persons at the airport shall be adopted by resolution of the Shawnee Airport Authority upon the recommendation of the Airport Advisory Board. The resolution shall be available in the office of the City Clerk and the Airport Manager, and shall be given to all persons who have operations or lease space at the airport. Violation of the rules may result in the termination of leases, the prohibition from being upon the grounds of the airport, the loss of the opportunity to conduct any operations at the airport, or such other actions as the Airport Advisory board or the Shawnee Airport Authority deems appropriate, in addition to any penalties imposed if such violations are also violations of law.

Section 8. The following sections are repealed in their entirety:

Section 6-62, Leasing of Property

Section 6-63, General Rules for airport operations, conduct of persons
and aircraft operation

Section 6-64, Running aircraft engines

Section 6-65, Aircraft taxiing

Section 6-66, Aircraft parking

Section 6-67, Wrecked aircraft

Section 6-68, Repairs to aircraft

Section 6-69, Fueling of aircraft

Section 6-70, Landing and takeoff rules

Section 6-71, Use of T-hangars

Section 6-72, Student training and practice flying

Section 6-73, Agricultural spraying operations

Section 6-74, Construction and ground maintenance

Section 6-75, Vehicles

Section 6-76, Fire prevention

Section 6-77, Special Procedures

Section 9. Repealer: All sections, subsections, clauses, and sentences of existing law in conflict with this ordinance are hereby repealed.

Section 10. Severability. The provisions of this ordinance are severable, and if any sentence, provision, or other part of this Ordinance shall be held invalid, the decision of the courts so holding shall not affect or impair any of the remaining parts or provisions of this ordinance.

PASSED AND APPROVED this ____ day of _____, 2013.

WES MAINORD, MAYOR

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

(SEAL)

APPROVED AS TO FORM AND LEGALITY THIS _____day of _____,
2013.

MARY ANN KARNES
CITY ATTORNEY

n:\

Regular Board of Commissioners

7.

Meeting Date: 07/01/2013

Resolution Enhanced 911 Operations

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Discussion, consideration and possible action on a resolution supporting City/County cooperation on Enhanced 911 operations.

Attachments

Resolution Enhanced 911

A Resolution Supporting the Creation of a County-wide Enhanced 9-1-1 System in Cooperation between Pottawatomie County and the City of Shawnee, Oklahoma

WHEREAS, Nine-One-One (911) is the number adopted as a nationwide, dedicated standard emergency telephone number recommended by the President's commission on Law Enforcement; and,

WHEREAS, the City of Shawnee, Oklahoma, did pass an Ordinance enacting the Nine-One-One (911) Emergency Number Act within the City limits of Shawnee and,

WHEREAS, the Board of County Commissioners of Pottawatomie County, Oklahoma, had adopted a Resolution enacting the Nine-One-One (911) Emergency Number Act for the remainder of Pottawatomie County, Oklahoma; and,

WHEREAS, the governing bodies of the City of Shawnee and Pottawatomie County wish to implement a County-wide Enhanced 911 Emergency System in order to expedite the response of local law enforcement, fire, medical, rescue, and other emergency services within their respective jurisdictions; and

WHEREAS, the City and County anticipate possibly forming a public trust for the administration of the funds derived from the fees collected from the Enhanced 911 Emergency System; and

WHEREAS, the City and County contemplate that an application or applications will be filed with the Oklahoma Corporation Commission for the purpose of obtaining a grant or grants to help to defray the costs of the establishment of a County-wide Enhanced 911 System; and

WHEREAS, the City and County agree that these funds so obtained may be used for any lawful purpose as allowed by the Oklahoma Corporation Commission and that they will consult in the use of the funds for the establishment of a County-wide Enhanced 911 System;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA;

Section 1. That it officially supports the formation of a County-wide Enhanced 911 System.

Section 2: That is directs its staff to do all things necessary to reach a formal agreement with Pottawatomie County officials for formal ratification by the Commission.

Passed and approved this _____ day of _____, 2013.

CITY OF SHAWNEE, OKLAHOMA

ATTEST:

WES MAINORD, MAYOR

PHYLLIS LOFTIS, CMC, CITY CLERK

Approved as to form and legality this _____ day of _____, 2013.

MARY ANN KARNS, CITY ATTORNEY

Regular Board of Commissioners

9. a.

Meeting Date: 07/01/2013

R Frantz - 911

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Chief Russell Frantz – City/County Enhanced 911

Regular Board of Commissioners

9. b.

Meeting Date: 07/01/2013

J Krywicki Kickapoo Street

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

City Engineer John Krywicki – Kickapoo Street

Regular Board of Commissioners

9. c.

Meeting Date: 07/01/2013

M Karns Municipal Court

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

City Attorney Mary Ann Karns – Municipal Court
