

AGENDA
BOARD OF CITY COMMISSIONERS
July 7, 2014 AT 6:30 P.M.
COMMISSION CHAMBERS AT CITY HALL
SHAWNEE, OKLAHOMA

CALL TO ORDER

DECLARATION OF A QUORUM

INVOCATION

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 Agenda Item No. 14
 - b. Minutes from the June 16, 2014 regular meeting.
 - c. Acceptance of 105 Howitzer from the US Army TACOM Life Cycle Management Command for display in Woodland Veterans' Park
 - d. Acknowledge the following minutes:
 - Planning Commission meeting minutes from June 4, 2014
 - Shawnee Civic and Cultural Development Authority minutes from May 15, 2014
 - e. Approve renewal of excess liability policy for Workers' Compensation with Safety National Casualty Corp. for July 1, 2014, through June 30, 2015.
 - f. Authorize police department to purchase two 2014 Ford police interceptor SUV's from Bob Hurley Ford dealership at a cost of \$26,706 each, from 2014-15 capital funds.
 - g. Authorize staff to apply for a continuing training grant from FEMA.
 - h. Approve Wes Watkins Reservoir Oversight Committee meeting minutes from March 6, 2014 and City of McLoud Budget (7-01-13 through 5-31-14) for Wes Watkins Reservoir.
3. Commissioners Comments
4. Citizens Participation

(A three minute limit per person)
(A twelve minute limit per topic)

5. A public hearing and consideration of an ordinance to rezone property located northwest of Terminus of Churchill Street, Woodsong Addition, Shawnee, Oklahoma, from A-1; Rural Agricultural and Planned Unit Development to R-1; Single Family Residential.
Case # P09-14 Applicant: Rick Austin
6. Consideration of approval of a Preliminary Plat for Stone Creek Crossing located at the north corner of MacArthur and Acme Road.
Case #S07-14 Applicant: Stone Creek Investments, Inc.
7. Consideration of approval of a Final Plat for Shawnee Marketplace Planned Unit Development located at the southwest quarter of Interstate 40 and Kickapoo Street.
Case #S09-14 Applicant: Cates-Clark & Associates, LLP
Deferred by Planning Commission to a special called meeting.
8. A public hearing and consider an ordinance closing alley between 10th Street and 11th Street and between N. Pesotum Avenue and N. Florence Avenue.
9. Consideration of a resolution in support of tax credits for CSY Investors, LLC, for rehabilitation of Ashford Place Apartments.
10. Consideration of a resolution to surplus a vehicle to recycle.
11. Discussion, consideration and possible action on a proposal for a charter amendment requiring a vote of the people to approve detachment of territory under specific circumstances.
Continued from the June 16, 2014 meeting with the following motion and second remaining on the floor for discussion.

A motion made by Commissioner Hall, seconded by Vice Mayor Harrod, to direct staff to move forward in preparation of ballot language on a proposal for a charter amendment requiring a vote of the people to approve detachment of territory under specific circumstances.
12. Consider approval of Disability Retirement for Carla Clemons from the Oklahoma Municipal Retirement Fund.
13. Consider approval of acquiring a Permanent Easement for Public Highway at Independence and Kickapoo for parcel 11 and Temporary Easement on parcel 11.2 and 11.3, as necessary for the Kickapoo Street widening project.
14. Consider Bids:
 - a. Rehab Concrete Streets Project (Various Locations) FY13-14 Contract No. COS-PW-13-02 (Open)
15. New Business

(Any matter not known about or which could not have been reasonably foreseen prior to the posting of the agenda)
16. Consider an Executive Session to discuss potential claims, litigation or other options regarding Case No. CV-2014-6, Pottawatomie County, City of Shawnee v. International Union of Police Associations, Local No. 3 and Jon Arnett, as authorized by 25 O.S. §307(B)(4)

17. Consider an Executive Session to discuss evaluations of City Manager and City Attorney pursuant to 25 O.S. §307(B)(1) "Discussing the employment, hiring, appointment, demotion, disciplining or resignation of any individual salaried public officer or employee;"
18. Consider matters discussed in Executive Session regarding potential claims, litigation or other options regarding Case No. CV-2014-6, Pottawatomie County, City of Shawnee v. International Union of Police Associations, Local No. 3 and Jon Arnett, as authorized by 25 O.S. §307(B)(4)
19. Consider matters discussed in Executive Session regarding discussion of evaluations of City Manager and City Attorney pursuant to 25 O.S. §307(B)(1) "Discussing the employment, hiring, appointment, demotion, disciplining or resignation of any individual salaried public officer or employee;"
20. 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: 07/07/2014

Opening of Bids

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 Agenda Item No. 14

Regular Board of Commissioners

2. b.

Meeting Date: 07/07/2014

Minutes 6-16-14

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Minutes from the June 16, 2014 regular meeting.

Attachments

Minutes

BOARD OF CITY COMMISSIONERS PROCEEDINGS
JUNE 16, 2014 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 16, 2014 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

Pam Stephens
Commissioner Ward 1

Linda Agee
Commissioner Ward 2

James Harrod
Commissioner Ward 3-Vice Mayor

Keith Hall
Commissioner Ward 4

John Winterringer
Commissioner Ward 5

Steve Smith
Commissioner Ward 6

ABSENT:

INVOCATION

Rev. Amy Busse
United Presbyterian

FLAG SALUTE

Led by Commissioner Stephens

AGENDA ITEM NO. 1: Consider approval of Agenda.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Hall, to approve the Agenda. Motion carried 7-0.

AYE: Harrod, Hall, Winterringer, Smith, Stephens, Agee, Mainord

NAY: None

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

- a. Minutes from the June 2, 2014 regular meeting
- b. Budget Amendment – General Fund 001
To adjust budget at year end to make sure departments don't go over – housekeeping for year end
- c. Budget Amendment – Fund 106 Hotel Motel
To adjust for actual collection for the hotel motel tax
- d. Budget Amendment – Fund 113 Drug Forfeiture Fund
To adjust the budget for the money received from the county
- e. Budget Amendment – Fund 107 Police Sales Tax
To adjust police sales tax fund for actual collections
- f. Budget Amendment – Fund 108 Fire Sales Tax
To adjust fire sales tax fund for actual collections
- g. Acknowledge receipt of Pioneer Library System Budget for July 1, 2014 through June 30, 2015
- h. Acknowledge the following minutes and reports:
 - Planning Commission minutes from May 7, 2014
 - Shawnee Urban Renewal Authority minutes from April 1, 2014
 - License Payment Report May 1-31, 2014
 - Project Payment Report May 1-31, 2014
- i. Acceptance of public easements, improvements and dedications associated with the final plat of Wyndemere and authorizing obtainment of signatures, recording of the final plat and placing maintenance bonds into effect.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Agee, to approve the Consent Agenda Item Nos. 2(a-i). Motion carried 7-0.

AYE: Harrod, Agee, Mainord, Hall, Winterringer, Smith, Stephens

NAY: None

AGENDA ITEM NO. 3:

Commissioners Comments

Commissioner Harrod advised that there were some trees in Woodland Park shedding their bark. Staff was advised to call the OSU Extension for assistance if needed.

AGENDA ITEM NO. 4:

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

Citizen Potawatomi Chairman Rocky Barrett addressed the Commission regarding Agenda Item No. 18, which brings before the Commission a proposal for a charter amendment requirement for a public vote to approve detachment of territory under specific circumstances. Mr. Barrett stated his protest and called the proposal “reprehensible”.

AGENDA ITEM NO. 5:

Discussion, consideration and possible action regarding reducing the statutory minimum liability limits on City owned property located at property considered to be the north airport property as follows: to wit, a tract of land described as beginning at the Northwest Corner of the Northwest Quarter of Section 7, Township 11 North, Range 4 East of the Indian Meridian, Pottawatomie County, Oklahoma; thence S00⁰ 32’ 54” East a distance of 3961.17 feet; thence N89⁰ 20’ 49” East a distance of 2687.98 feet; thence N89⁰ 26’ 08” East a distance of 660.09 feet; thence N00⁰ 10’ 39” East a distance of 1305.87 feet; thence N00⁰ 19’ 37” East a distance of 1322.35 feet; thence S89⁰ 24’ 58” West a distance of 659.35 feet; thence N00⁰ 22’ 02” East a distance of 1322.55 feet; thence S89⁰ 34’ 06” West a distance of 2746.60 feet to the point of beginning, containing 282 acres, more or less; LESS AND EXCEPT A TRACT DESCRIBED AS:
Beginning at the Northwest Corner of the Northwest Quarter of Section 7, Township 11 North, Range 4 East of the Indian

Meridian, Pottawatomie County, Oklahoma; thence S00⁰ 32' 54" East a distance of 1029.53 feet; thence N84⁰ 34' 29" East a distance of 612.68 feet; thence N03⁰ 46' 04" West a distance of 972.52 feet; thence S89⁰ 34' 06" West a distance of 555.37 feet to the point of beginning, containing 13.40 acres, more or less.

Vice Mayor James Harrod related some background information regarding the origin of this request. He stated that the insurance requirement began with the Shawnee Economic Development Foundation board of directors. He also explained that Mr. Utter, the current sub-lessee, attempted to obtain the required \$1,000,000.00 of liability insurance but was unable to do so. Commissioner Stephens said there is no commercial entity at the location as it is only used for storage and mowing and, therefore, did not think that amount of liability insurance was necessary.

A motion was made by Commissioner Hall, seconded by Commissioner Stephens, to table the item for thirty days. Motion carried 7-0.

AYE: Hall, Stephens, Agee, Harrod, Mainord, Winterringer, Smith

NAY: None

AGENDA ITEM NO. 6:

Consider approval of an amendment to the Final Plat for North Harrison Street Business Park located at Harrison and Wolverine Road. (Original Case No. S02-14) Applicant: Redbud Development LLC

A motion was made by Commissioner Stephens, seconded by Commissioner Hall, to approve the final plat for North Harrison Street Business Park located at Harrison and Wolverine Road with the following conditions:

1. The public water line shall be extended along the frontage of Wolverine Road consistent with the final plat frontage for each respective phase.
2. Final engineering plans shall be approved by the City Engineer prior to construction.

Motion carried 7-0.

AYE: Stephens, Hall, Winterringer, Smith, Agee, Harrod, Mainord

NAY: None

AGENDA ITEM NO. 7:

Consideration of a resolution adopting the budget for the City of Shawnee for the period of July 1, 2014 through June 30, 2015 finding all things requisite and necessary have been done in preparation and presentation of budget.

Commissioner Agee commented that while she appreciated the hard work that staff had put into providing this year's budget, she could not support the increase in the legal fund. Commissioner Stephens agreed with Commissioner Agee.

Resolution No. 6465 was introduced.

A RESOLUTION APPROVING AND ADOPTING THE BUDGET FOR THE CITY OF SHAWNEE, OKLAHOMA FOR THE PERIOD JULY 1, 2014 THROUGH JUNE 30, 2015 FINDING ALL THINGS REQUISITE AND NECESSARY HAVE BEEN DONE IN PREPARATION AND PRESENTATION OF SAID BUDGET.

A motion was made by Commissioner Hall, seconded by Commissioner Harrod, to approve a resolution adopting the budget for the City of Shawnee for the period of July 1, 2014 through June 30, 2015 finding all things requisite and necessary have been done in preparation and presentation of budget. Motion carried 6-1.

AYE: Hall, Harrod, Mainord, Winterringer, Smith, Stephens

NAY: Agee

AGENDA ITEM NO. 8:

Discussion, consideration and possible action on a contract with the City of McLoud for dispatch services.

Police Chief Russell Frantz presented this item and explained the current dispatch situation in McLoud. The town has requested Shawnee to assume their dispatch duties and Shawnee has agreed to do so.

A motion was made by Commissioner Stephens, seconded by Commissioner Hall, to approve a contract with the City of McLoud for dispatch services effective June 17, 2014. Motion carried 7-0.

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

AGENDA ITEM NO. 9: Discussion, consideration and possible action for the 2014-15 Collective Bargaining Agreement with IUPA Local No. 3.

A motion was made by Commissioner Stephens, seconded by Commissioner Hall, to approve the 2014-15 Collective Bargaining Agreement with IUPA Local No. 3. Motion carried 7-0.

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

AGENDA ITEM NO. 10: Discussion, consideration and possible action for the 2014-15 Collective Bargaining Agreement with the IAFF Local No. 206.

A motion was made by Commissioner Winterringer, seconded by Commissioner Smith, to approve 2014-15 Collective Bargaining Agreement with the IAFF Local No. 206. Motion carried 7-0.

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

AGENDA ITEM NO. 11: Discussion, consideration and possible action to enter into an agreement with the Center for Employment Opportunities (CEO), to hire a work crew to assist with City projects.

Staff advised that the work crew would consist of probationers and parolees released from incarceration within the last twelve months and would be supervised by a crew manager under the direction of Parks Supervisor Geoff Garner. Mr. Pat Viklund of CEO was present to answer any questions. He stated that all ages would be considered to perform these services, however most will be between the ages of 18 and 25. He further stated that no sexual offenders nor arsonists will be allowed to work on these crews. The contract is for \$175,000.00.

A motion was made by Commissioner Stephens, seconded by Commissioner Winterringer, to approve an agreement with the Center for Employment Opportunities (CEO), to hire a work crew to assist with City projects. Motion carried 7-0.

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

AGENDA ITEM NO. 12: Consideration and possible action to pay the property and casualty insurance for the Wes Watkins Reservoir for the past 5 years since the City of McLoud assumed operations.

City Manager Brian McDougal explained that Shawnee and Tecumseh had agreed they would pay the property and casualty insurance for the recreation side of the Wes Watkins Reservoir according to the 85/15 split between the two cities. Pottawatomie County Development Authority has continued to pay the insurance since the City of McLoud assumed operations and should be reimbursed for the amount paid to date. Shawnee will invoice Tecumseh their portion of the insurance obligation and in the future the two cities will pay the insurance on an annual basis.

A motion was made by Commissioner Stephens, seconded by Commissioner Smith, to approve payment of the property and casualty insurance for the Wes Watkins Reservoir for the past 5 years since the City of McLoud assumed operations. Motion carried 7-0.

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

AGENDA ITEM NO. 13: Consider a resolution nominating Bertha Ann Young, former City of Shawnee Treasurer, to renewal of a five (5) year term as a Trustee on the Board of Trustees for the Oklahoma Municipal Retirement Fund.

Resolution No. 6466 was introduced.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SHAWNEE, OKLAHOMA NOMINATING BERTHA ANN YOUNG AS A CANDIDATE TO FILL AN OPEN POSITION ON THE BOARD OF TRUSTEES OF THE OKLAHOMA MUNICIPAL RETIREMENT FUND (OMRF) REPRESENTING DISTRICT FOUR FOR A FIVE YEAR TERM BEGINNING OCTOBER 1, 2014 THROUGH OCTOBER 1, 2019.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Stephens, to approve a resolution nominating Bertha Ann Young, former City of Shawnee Treasurer, to renewal of a five (5) year term as a Trustee on the Board of Trustees for the Oklahoma Municipal Retirement Fund. Motion carried 7-0.

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

AGENDA ITEM NO. 14: Consider a resolution approving renewal of a certain lease agreement with Motorola Credit Corporation.

Resolution No. 6467 was introduced.

A RESOLUTION APPROVING RENEWAL OF A CERTAIN LEASE AGREEMENT WITH MOTOROLA CREDIT CORPORATION

A motion was made by Vice Mayor Harrod, seconded by Commissioner Winterringer, to approve a resolution approving renewal of a certain lease agreement with Motorola Credit Corporation. Motion carried 7-0.

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

AGENDA ITEM NO. 15: Consider a resolution authorizing new signatures to apply for and enter into an agreement for use of Corporate VISA Card and naming those individuals on Schedule A of Agreement.

Resolution No. 6468 was introduced.

A RESOLUTION SETTING THE AUTHORIZED SIGNATURES TO APPLY FOR AND ENTER INTO AN AGREEMENT FOR A CORPORATE VISA CARD THROUGH ARVEST BANK.

A motion was made by Commissioner Stephens, seconded by Commissioner Smith, to approve a resolution authorizing new signatures to apply for and enter into an agreement for use of Corporate VISA Card and naming those individuals on Schedule A of Agreement. Motion carried 7-0.

AYE: Stephens, Smith, Agee, Harrod, Mainord, Hall, Winterringer

NAY: None

AGENDA ITEM NO. 16:

Discussion, consideration and possible action on an ordinance repealing and amending Section 20-12 of the Shawnee Municipal Code relating to public consumption of intoxicants and public intoxication.

Staff explained that this ordinance will allow limited exceptions to the consumption of alcohol in public. Those exceptions will be made for special events and festivals, etc. and a special events permit must be issued by the City.

A motion was made by Commissioner Hall, seconded by Commissioner Winterringer, to approve an ordinance repealing and amending Section 20-12 of the Shawnee Municipal Code relating to public consumption of intoxicants and public intoxication.

Ordinance No. 2546NS was introduced.

AN ORDINANCE REPEALING AND AMENDING SECTION 20-12 OF THE SHAWNEE MUNICIPAL CODE RELATING TO THE POSSESSION AND CONSUMPTION OF INTOXICANTS IN PUBLIC PLACES AND INTOXICATION IN PUBLIC PLACES, PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEALER, AND DECLARING AN EMERGENCY.

Motion carried 7-0.

AYE: Hall, Winterringer, Smith, Stephens, Agee, Harrod, Mainord

NAY: None

Ordinance No. 2546NS was adopted by the City Commission.

A motion was made by Commissioner Hall, seconded by Commissioner Smith, to approve emergency clause relating to Ordinance No. 2546NS. Motion carried 7-0.

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

AGENDA ITEM NO. 17: Consideration and possible action on a budget amendment for Senior Citizens Center to cover expenditures made outside budget in FY 2013-14.

A motion was made by Commissioner Winterringer, seconded by Commissioner Stephens, to approve a budget amendment for Senior Citizens Center to cover expenditures made outside budget in FY 2013-14. Motion carried 7-0.

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

AGENDA ITEM NO. 18: Discussion, consideration and possible action on a proposal for a charter amendment requiring a vote of the people to approve detachment of territory under specific circumstances.

Commissioner Hall explained his request for this agenda item by stating he does not think he and three other Commissioners have the right to make decisions regarding property that may have long term effects on future generations. He feels that citizens should be able to decide on such an important issue.

Commissioner Agee expressed concern about the costs associated with calling for an election or special election whenever a de-annexation was requested.

Commissioner Stephens objected to the timing of this agenda item and felt it was in response to the upcoming City Commission election and the possibility that the Citizen Potawatomi Nation will seek de-annexation in the future.

Commissioner Hall stated that any of the following specific circumstances would be required for such a de-annexation vote: (1) The property must contain at least 5 residences or, (2) at least one retail business or, (3) City of Shawnee infrastructure has been in place at least one year or, (4) if the land is zoned higher than agricultural or residential.

A motion was made by Commissioner Hall, seconded by Vice Mayor Harrod, to direct staff to move forward in preparation of ballot language on a

proposal for a charter amendment requiring a vote of the people to approve detachment of territory under specific circumstances.

A motion was then made by Commissioner Stephens, seconded by Commissioner Agee, to continue this item until the July 7, 2014 City Commission meeting. Motion carried 4-3.

AYE: Stephens, Agee, Mainord, Winterringer

NAY: Hall, Smith, Harrod

Commissioner Hall's motion and Vice Mayor Harrod's second remains on the floor for discussion at the July 7, 2014 meeting.

AGENDA ITEM NO. 19: Acknowledge Sales Tax Report received June 2014.

Cindy Sementelli, Finance Director, reported that June sales tax collected this month was \$1,390,155.00. Compared to last year's, sales tax is up \$70,342.00. For the fiscal year, it is up 4.92% or \$804,307.00. Compared to 2012 numbers, it is up \$105,283.00.

AGENDA ITEM NO. 20: City Manager's Report.

City Manager Brian McDougal reported on the following:

1. He thanked the Commission for adopting the budget for FY2014-2015, increasing employee benefits and approving the union contracts.
2. He and Commissioner Smith attended the Serenity Symposium
3. He recently met with the Dunbar Heights Association, who have concerns with some YMCA programs
4. He, Police Chief Frantz and Commissioner Agee recently met with the Westside Neighborhood Association
5. The Shawnee Airport Board will consider an amendment to the YMCA's current 50 year lease at their next meeting.
6. He has attended meetings relating to the reopening of the A-OK Railroad between Oklahoma City and McAlester.

7. There will be a ground breaking ceremony at 10:00 am on June 18, 2014 at the Hunt Properties/Shawnee Marketplace property. Governor Fallin will be in attendance.
8. Chuck Mills will be sworn in as Oklahoma State Chamber president on June 18, 2014.
9. Staff will start scheduling work sessions to discuss the Water/Sewer Master Plan.
10. Staff is in the process of scheduling a meeting to discuss the illegal dumping of dirt by CP3 Industries during their repair of the North Canadian riverbank. Approximately \$65,000.00 is still owed to the company and the City will seek damages from them.
11. A Municipal Pool pre-construction meeting will be held on June 17, 2014.
12. He has had a recent meeting regarding a franchise agreement with Vyve Communications
13. More economic development money is needed for Shawnee to be competitive.

AGENDA ITEM NO. 21:

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. 22:

Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (7:57 p.m.)

WES MAINORD, MAYOR

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

Regular Board of Commissioners

2. c.

Meeting Date: 07/07/2014

Accept display in Woodland Veterans' Park

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acceptance of 105 Howitzer from the US Army TACOM Life Cycle Management Command for display in Woodland Veterans' Park

Attachments

Memo Park Display

Mayor
WES MAINORD



The City of Shawnee
Office of the Director of Operations

P.O. Box 1448
Shawnee, Oklahoma 74802-1448
(405) 878-1529 Fax (405) 878-1593
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Commissioners

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

Date: June 24, 2014
To: Mayor and City Commissioners
From: James Bryce, Director of Operations
RE: Acceptance of the donated 105 Howitzer

Nature of the Request:

Formal acceptance of the 105 Howitzer from the US Army TACOM Life Cycle Management Command.

Staff Analysis, Considerations:

Back in January of 2010, Former Mayor Linda Peterson wrote a letter to TACOM requesting a 105 Howitzer for the Veterans Memorial in Woodland Veterans Park. Three years later TACOM returned a notice that a 105 Howitzer had become available for offer. Staff started working down the list of items requested in order for the Howitzer to be placed with the City of Shawnee. The Veterans committee has paid the \$487.96 for the processing, The Oklahoma National Guard has agreed to do the Demilitarization, Gilbert and Sons Trucking has agreed to pick up and deliver the Howitzer, and all that is left is for the City of Shawnee to formally accept the Howitzer and agree to maintain the piece. There is no cost to the City other than general upkeep on the equipment.

Recommendation:

It is Staff's recommendation that the City accepts the Howitzer and places it in the Veterans Memorial.

Budget Consideration:

There is no cost to the City to be considered.

Regular Board of Commissioners

2. d.

Meeting Date: 07/07/2014

Board and Committee Minutes

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge the following minutes:

- Planning Commission meeting minutes from June 4, 2014
 - Shawnee Civic and Cultural Development Authority minutes from May 15, 2014
-

Attachments

Planning Commission Minutes

SCCDA Minutes

PLANNING COMMISSION MINUTES

DATE: JUNE 4TH, 2014

The Planning Commission of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in the Commission Chambers, at City Hall, 9th and Broadway, on Wednesday, June 4th, 2014 at 1:30 p.m., pursuant to notice duly posted as prescribed by law.

AGENDA ITEM NO.1: **Roll Call**

Upon roll call the following members were present:

Present: Bergsten, Silvia, Cowen, Salter

Absent:

The meeting was called to order.

AGENDA ITEM NO. 2: **Approval of the minutes from the June 4th, 2014 Planning Commission Meeting**

Vice-Chairman Silvia asked for any comments or questions regarding the minutes. There were none. Vice-Chairman Silvia then proceeded to ask for a motion. Commissioner Salter made the motion to approve the minutes as listed, seconded by Commissioner Bergsten to approve the June 4th, 2014 minutes.

Motion passed:

AYE: Bergsten, Silvia, Cowen, Salter

NAY:

ABSTAIN:

AGENDA ITEM NO. 3: **Swearing in of Susie Clinard to the Planning Commission**

Vice-Chairman Silvia opened the swearing in. Cheyenne Lincoln swore Susie Clinard in as board member to the Planning Commission.

AGENDA ITEM NO. 4: Swearing in of Dell Kerbs to the Planning Commission

Vice-Chairman Silvia opened the swearing in. Cheyenne Lincoln swore Dell Kerbs in as board member to the Planning Commission.

AGENDA ITEM NO. 5: Swearing in of Robbie Kienzle to the Planning Commission

Vice-Chairman Silvia informed the Board that Robbie Kienzle was not properly advised to attend this meeting and will move this item onto the agenda for next month. Justin Erickson asked to clarify that when Robbie Kienzle submitted her application to the Mayor, Mrs. Kienzle thought she would be placed on the second meeting in June for the City Commission but was actually squeezed onto the first meeting and therefore able to be put on the Planning Commission Agenda but was unable to take the necessary time off to attend but will be coming in July.

**AGENDA ITEM NO. 6: Appointment of Planning Commission Chairperson
and Vice-chairperson**

Vice-Chairman Silvia asked if anyone would like to make any recommendations or appointments that the Board would offer. Commissioner Cowen made a motion to propose Vice-Chairman Silvia to Chair, seconded by Commissioner Salter to approve. Vice-Chairman Silvia advised members that he would accept the appointment as desired by the Board. Commissioner Cowen asked if the Board members needed to vote on the appointment, Vice-Chairman Silvia agreed and Commissioner Cowen asked for a motion. Chairman Silvia asked for any discussion or nomination from the Board for Vice-Chairman. There were none. Chairman Silvia then informed the Board that he certainly places his trust and confidence in all of the Board members and that with Commissioner Salter's Tenure on the Board, Chairman Silvia believes he will be a good nomination and asked Commissioner Salter if he would be interested. Commissioner Salter informed Chairman Silvia that he would be interested and happy to serve as Vice-Chairman.

Motion carries for Chairman:

AYE: Bergsten, Clinard, Kerbs, Silvia, Cowen, Salter

NAY:

ABSTAIN:

Motion carries for Vice-Chairman:

AYE: Bergsten, Clinard, Kerbs, Cowen

NAY:

ABSTAIN: Salter

AGENDA ITEM NO. 7:

Citizen's Participation

(A three minute limit per person)

(A twelve minute limit per topic)

Chairman Silvia opened the public portion and informed either those who were visiting or new on the Board that Citizen's Participation is an open time for discussion for those with questions that are not on the Agenda and are welcome to address the Board. Chairman Silvia asked if anyone would like to come forward. No one came forward and Chairman Silvia closed the public portion of the meeting.

AGENDA ITEM NO. 8:

Consideration of approval of an amendment to the Final Plat for North Harrison Street Business Park (Case #S02-14) located at Harrison and Wolverine Road

Applicant: Redbud Development, LLC

Chairman Silvia asked for the staff report. Justin Debruin presented the staff report. Mr. Debruin disclosed the modification of the amendment was simply to include Phasing of the project that was originally approved in March 2014 for a Final Plat. Chairman Silvia asked if there were any questions and asked if there were changes to the phases or if the recommendations that were approved at the previous meeting still apply. Justin Debruin agreed and stated the memo was attached to original staff report and Justin Erickson informed the Board that as long as the Board made it clear that the previous conditions apply, then it would be acceptable.

Chairman Silvia opened the public portion and asked if anyone would like to come forward. The applicant, Richard Landes, came forward and explained the need for the changes pertaining to improvements to original Plat and cost expenses. Mr. Landes asked if there were any questions. There were none and Chairman Silvia asked if there was anyone who would like to speak against the proposal. No one came forward and Chairman Silvia closed the public portion.

Motion carries with previous conditions:

AYE: Bergsten, Kerbs, Clinard, Silvia, Cowen, Salter

NAY:

ABSTAIN:

AGENDA ITEM NO. 9:

Planning Director's Report

Chairman Silvia asked for the report. Justin Erickson presented the report and welcomed the new members to the Board and mentioned he looked forward to working with them. Mr. Erickson discussed the adoption of the zoning codes at the City Commission meeting on June 2nd, 2014. Justin Erickson also discussed revision of sub-division ordinances and sign ordinances in future meetings. Mr. Erickson gave update on projects going on, including the Shawnee Marketplace and relayed we have received building plans on that project and work has started. Justin also informed the Board that the plans were approved for Chick-fil-a and they are waiting on closure of property. Panda Express has sent plans in for review and the Wyndemere Plat is almost complete. Mr. Erickson mentioned the July meeting and that sometimes it is possible to skip the meeting but that there are already two items pending for the July meeting. He informed the Board on a personal note that his wife was due to give birth around the time of the next meeting and he would not be attending.

AGENDA ITEM NO. 10:

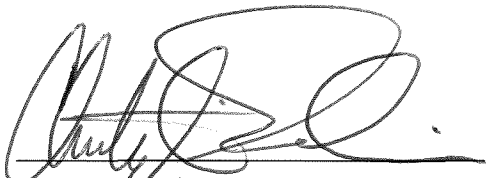
Commissioners Comments and/or New Business

Chairman Silvia asked if there were any comments or business. Chairman Silvia welcomed the new board members and informed them he looked forward to working with them. He also relayed his up most faith in appointing Commissioner Salter as Vice-Chairman. Commissioner Cowen expressed his welcome to the new board members. Vice-Chairman Salter asked if the City engineer has had an opportunity to look at the plans for Panda Express and discuss the possibility of a curb cut being submitted to relieve traffic congestion. Justin Erickson informed him that he will discuss this with him and that he has talked about modifications to the sewer plans and will report back to him on the next meeting. Chairman Silvia asked who the curb cut would fall under and Justin Erickson informed him that it would be the applicant. Commissioner Clinard asked about the note to the editor in today's paper complaining about the trees being torn down for the Shawnee Marketplace and if there was a landscaping plan. Justin Erickson informed her there was one and would make sure they install it according to plan. Commissioner Kerbs asked how many phases were included and Justin Erickson informed him there were two and discussed the different entrances. Vice-Chairman informed the board that he was able to identify some properties while in Texas that the applicant has completed and he was pleased with the appearance. Commissioner Clinard asked if the applicant completed construction in Enid, Ok. Mr. Erickson informed her that they did and it was a little smaller

than what is planned for Shawnee, but similar. Richard Landes informed the board that construction on Vision Bank and GE were moving forward.

AGENDA ITEM NO. 11: **Adjournment**

Meeting was adjourned.



Chairman/Vice-Chairman

Cheyenne Lincoln
Planning Commission Secretary

A MEETING OF THE SHAWNEE
CIVIC AND CULTURAL DEVELOPMENT AUTHORITY
MAY 15, 2014
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, MAY 15, 2014 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 5/09/2014 AT 2:50PM.

AGENDA ITEM NO.1

CALL TO ORDER.

THE MEETING WAS CALLED TO ORDER AT 12:35 PM BY MR. RANDY GILBERT, CHAIRMAN.

AGENDA ITEM NO.2

ROLL CALL

TRUSTEES PRESENT: MR. KARL KOZEL
 MR. RANDY GILBERT
 MR. DAVID HARMON
 MR. CASEY BELL
 MR. TIM BARRICK
 MRS. SUSAN HAVENS
 MR. BRIAN MCDUGAL

TRUSTEES ABSENT:

ALSO IN ATTENDANCE: MICHAEL JACKSON, OPERATIONS MANAGER; MIKE CLOVER, STUART & CLOVER, AND MICHAEL MCCORMICK OF THE SHAWNEE NEWS STAR.

AGENDA ITEM NO.3

DECLARATION OF A QUORUM

CHAIRMAN MR. RANDY GILBERT, DECLARED A QUORUM.

AGENDA ITEM NO.4

APPROVAL OF MINUTES OF APRIL 2014 MEETING

THE MOTION MADE BY TRUSTEE KOZEL, SECONDED BY TRUSTEE HARMON TO APPROVE THE MINUTES OF THE APRIL 2014 MEETING. MOTION CARRIED.

AYE: GILBERT, HAVENS, BARRICK, HARMON, MCDUGAL, KOZEL
NAY: NONE
ABSTAIN:

AGENDA ITEM NO.6

APPROVAL OF MONTHLY FINANCIAL REPORT APRIL 14

THE MOTION MADE BY TRUSTEE BELL, SECONDED BY TRUSTEE MCDUGAL TO APPROVE THE MONTHLY FINANCIAL REPORT FOR APRIL 2014. MOTION CARRIED.

AYE: GILBERT, BELL, HAVENS, BARRICK, HARMON, MCDUGAL, KOZEL
NAY: NONE
ABSTAIN:

AGENDA ITEM NO.7

APPROVAL OF GENERAL CLAIMS.

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

AYE: GILBERT, BELL, HAVENS, BARRICK, HARMON, MCDUGAL, KOZEL
NAY: NONE
ABSTAIN:

General Claims

A.	Oklahoma Natural Gas	\$1,723.18
B.	MET Tel	\$692.41
C.	Constellation Energy	\$7,041.60
D.	INS	\$665.00
E.	Pitney Bowes	\$153.00
F.	Hunzicker Brothers	\$177.39
G.	Vision Bank	\$1,031.02
H.	Airgas USA LLC	\$162.70
I.	COX Systems Technology	\$200.00
J.	Express Prof.	\$1,224.00
K.	Oklahoma Natural Gas	\$999.59
L.	OG&E	\$15,309.95
M.	Arvest	\$502.69
N.	Grimsley's	\$200.00
O.	Hertz Equipment Rental	\$301.89
P.	Shawnee CVB	\$1,000.00
Q.	Bankers Credit Card Services	\$1,313.29
R.	Bankers Credit Card Services	\$75.99
S.	Winkler Door Company	\$315.00
T.	AT&T Mobility	\$46.62
U.	Pott CO Jr Livestock Show	\$250.00
V.	Shawnee Office Systems	\$51.28
W.	Locke Supply	\$109.34
X.	Thompson Diesel	\$781.34
Y.	24 Hour Lockout Service	\$196.30
Z.	Personal Plumbing	\$329.90
AA.	Cintas	\$243.08
BB.	Hunzicker Brothers	\$302.02

CC.	Grimsley's	\$360.00
DD.	Staples	\$242.06
EE.	NAPA	\$421.96
FF.	City of Shawnee — Water	\$832.26
GG.	Titan Security	\$180.00
HH.	Allegiance Communications	\$199.95
II.	Finley & Cook	\$420.00
JJ.	Fuelman	\$974.08
KK.	Bobcat of OKC	\$837.17
LL.	Clemence Tire LLC	\$183.50
MM.	Express Service	\$253.44
NN.	John Deere Financial	\$138.36
OO.	Stuart & Clover	\$187.50
PP.	Oklahoma Tax Commission	\$713.01
QQ.	City of Shawnee — Surcharge	\$254.00

AGENDA ITEM NO. 8

APPROVAL OF SPECIAL EVENT CLAIMS

THE MOTION MADE BY TRUSTEE KOZEL, SECONDED BY TRUSTEE BELL THAT THE SPECIAL EVENT CLAIMS BE APPROVED. MOTION CARRIED.

AYE: GILBERT, BELL, HAVENS, BARRICK, HARMON, MCDUGAL, KOZEL

NAY: NONE

ABSTAIN:

Special Claims

A.	Western Sports Publishing	\$1,974.50
B.	Twister Saddles	\$8,125.00
C.	Mike McCormick	\$300.00
D.	Rainbow Racing Systems	\$456.89
E.	Western Sports Publishing	\$824.50
F.	Chris Neal's Future Stars Calf Roping	\$1,000.00
G.	HASCO Tag Co	\$131.13
H.	Cowboy Times	\$600.00

AGENDA ITEM NO.9

APPROVAL OF SHAVINGS CLAIMS

NONE

AGENDA ITEM NO.10

PRESENTATION ON POTT COUNTY TOURISM
IMPACT - SHERRI ROGERS

MRS. ROGERS WAS NOT ABLE TO ATTEND THE MEETING -

AGENDA ITEM NO. 11

DISCUSSION CONSIDERATION AND POSSIBLE
ACTION ON APPROVING BIDS FOR PURCHASE OF
NEW SWEEPER-

THE MOTION MADE BY TRUSTEE BELL, SECONDED BY TRUSTEE KOZEL TO PURCHASE THE TENANT WITH THE GOLD
SERVICE PLAN CONTRACT.
MOTION CARRIED.

AYE: GILBERT, BARRICK, HARMON, MCDUGAL, KOZEL
NAY: NONE
ABSTAIN: NONE

AGENDA ITEM NO. 12

DISCUSSION CONSIDERATION AND POSSIBLE
ACTION ON APPROVING BANK BIDS FOR
PURCHASE OF NEW SWEEPER-

THE MOTION MADE BY TRUSTEE MCDUGAL, SECONDED BY TRUSTEE KOZEL TO GO WITH ARVEST BANK AND A
BANK QUALIFIED PURCHASE - ALSO APPROVED FIRST UNITED BANK AS THE BACK UP PLAN IN CASE THERE WASN'T BANK
QUALIFIED AVAILABLE.
MOTION CARRIED.

AYE: GILBERT, BARRICK, HARMON, MCDUGAL, KOZEL
NAY: NONE
ABSTAIN: BELL

AGENDA ITEM NO. 13-18

IFYR UPDATE, COMMITTEE REPORTS,
ADMINISTRATIVE REPORTS, OLD BUSINESS, NEW
BUSINESS, PUBLIC & TRUSTEE COMMENTS-

IFYR -ENTRIES ARE OPEN AND RUNNING GOOD AT TIS TIME- NO COMMITTEE REPORTS - ADMINIDTRATIVE
REPORTS - COMFORT STATION REMODELS ARE FINISHED - TRUSTEE COMMENTS -NONE

AGENDA ITEM NO. 17

NEW BUSINESS: CAMPING AT IFYR NEEDS A NEW
DEADLINE SET WHICH IS NOON ON MONDAY JULY 7TH - IF YOU ARE NOT IN YOUR SPACE BY NOON ON MONDAY OF THE IFYR
YOU LOST YOUR PRIME SPOT. IF YOU SHOW UP LATE YOU WILL BE OFFERED AN ALTERNATIVE SPOT BUT YOUR PRIME
LOCATION WILL BE USED BY ANOTHER CONTESTANT. MOTION PASSED

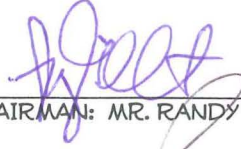
AYE: GILBERT, BELL, HAYENS, BARRICK, HARMON, KOZEL
NAY: NONE
ABSTAIN:

AGENDA ITEM NO.19

ADJOURNMENT

THE MOTION MADE BY TRUSTEE MCDUGAL, SECONDED BY TRUSTEE HAVENS TO ADJOURN MEETING.
MOTION CARRIED.

AYE: GILBERT, HAVENS, BARRICK, HARMON, MCDUGAL, KOZEL
NAY: NONE
ABSTAIN: NONE



CHAIRMAN: MR. RANDY GILBERT



SECRETARY: MR. BRIAN MCDUGAL

Regular Board of Commissioners

2. e.

Meeting Date: 07/07/2014

Workers Comp renewal policy

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Approve renewal of excess liability policy for Workers' Compensation with Safety National Casualty Corp. for July 1, 2014, through June 30, 2015.

Attachments

Memo Workers Comp

Workers Comp Risk Review

Workers Comp AUJ Letter

Workers Comp Quote



City of Shawnee
Human Resources Department

Tamera Johnson
Human Resources Director

16 West 9th Street
Shawnee, OK 74801
Office (405) 878-1626 *Fax (405) 878-1734
Email: TJohnson@Shawneeok.org

Tamera Johnson
HR Director

Terry Cook
Mgr. Safety and Risk
Management

Jennifer Dawson
HR Assistant

Date: July 7, 2014
To: Mayor and City Commissioners
From: Tamera Johnson, HR Director
RE: Excess Liability quote for Workman's Compensation

Nature of the Request:

The City of Shawnee is self-insured for Workers' Compensation which means that 100% of the claim is borne by the employer unless there is a stop-loss policy in place. Years ago, we had a police officer shot in the line of duty and at that time we did not have a stop-loss policy so the City was and is still responsible for all expenses on that claim until it can be closed. If there had been a stop-loss policy we would have been only liable up to a certain amount. In light of this, we now have a stop-loss policy in place to protect the city from any future large claims. Currently there are only three companies that will quote cities for excess liability mainly due to police and fire departments risk.

Staff Analysis, Considerations:

The current quote represents an increase from the previous year's policy of \$9,140. This seems like a lot but we have increased our payroll during fiscal year 2013-2014 and rates are based on that. During this fiscal year we added 6 firefighters that are currently paid for by a grant. With this stop loss policy in place the City would be responsible for the first \$750,000 for police and fire and \$500,000 for all other employees. After this threshold Safety would then come in and pay until the claim could be closed.

City of Shawnee
Human Resources Department

Recommendation:

Our recommendation is to contract with Safety National Casualty Corporation. We have been with Safety for the last several years and have only seen moderate increases and they also provide online safety programs to our employees.

Budget Consideration:

This has already been budgeted for in the 601 fund for fiscal year 2014-2015. If we were to have a catastrophic event that involved one or several employees, the most that the City would be out for the event would be \$750,000 for police and fire employees or \$500,000 for other employees. Without this coverage, we would bear the entire claim.



CITY OF SHAWNEE, OKLAHOMA

SELF-INSURED WORKERS' COMPENSATION PROGRAM

Specific Workers' Compensation Risk Review

Effective Date: July 1, 2014

Policy Period: 12 months

Renewal Period: Beginning year 5

Excess Carrier: Safety National Casualty Corp.
AM Best Rating: A+ (Superior)
Standard & Poors: A+ (Strong)

Coverage Summary:

Each specific occurrence may include one or more employers injured at the same time during the above policy period, i.e., auto accidents, explosions, crane accidents, bridge collapse. Reimbursed payments by the excess carrier begins when the insurance claim payments exceed the policy retentions. Most excess claims are paid over the life of the injured employee.

Retentions:

City of Shawnee: **\$750,000** each claim for policemen and firemen.

\$500,000 each claim for all other employees.

Annual Estimated Premiums:

\$90,537. based on estimated Payrolls. Payroll Audit by class code after Policy terminates.





Associated Underwriters Inc.

June 21, 2014

Tammy Johnson, Human Resources
City of Shawnee
Post Office Box 1448
Shawnee, OK 74802

RE: Self-Funded Workers' Compensation Program
Excess of Risk

Dear Tammy,

Safety National Casualty Corporation has offered renewal terms for the City of Shawnee workers' compensation program. Midwest Employers Casualty Corporation and New York Marine and General Insurance Company either declined the risk or indicated terms which were not competitive. In today's market, at a premium size of less than \$400,000 annually, no other carriers are available. This is a specialty insurance line of coverage.

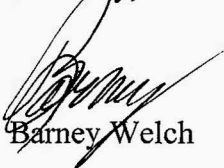
Attached is a brief spreadsheet outlining the excess workers' compensation coverage from Safety National Casualty Corporation.

Police and Firefighters retention of risk to the City has increase beyond all other employees. This increase is primarily due to the high hazard jobs police and firefighters perform. Many other Oklahoma municipalities have had split retentions for years.

Premiums have increased with the Risk! In this insurance market segment, excess workers' compensation claims are so large due to the claimant lifetime medical exposure.

I appreciate the opportunity to serve.

Sincerely,



Barney Welch

City of Shawnee
Excess Workers Compensation Quote
Policy Period 7/1/2014-7/1/2015

CARRIERS	Safety National Casualty Corporation AM Best Rating A+ Expiring 7/1/2014	Safety National Casualty Corporation AM Best Rating A+ # 1
Estimated Annual Payroll	\$13,638,965	\$13,843,550
Length of Policy	1 year	1 year
Manual Premium	\$650,875	\$701,202
SPECIFIC		
Specific Limit	Statutory	Statutory
Specific Retention-Firefighters/Police	\$500,000	\$750,000
Specific Retention/All Others	\$500,000	\$500,000
Employer Liability		
Employers Liability Limit	\$1,000,000	\$1,000,000
Employers Liability Retention-Firefighters/Police	\$500,000	\$750,000
Employers Liability Retention-All others	\$500,000	\$500,000
AGGREGATE		
Aggregate Limit	N/A	N/A
PREMIUM		
Rate per \$100. of Payroll	0.5968	0.654
Estimated Policy Premium	\$81,397	\$90,537
Estimated Policy Premium Minimum	77,327,	\$86,010
Deposit Premium	\$70,740	\$90,537
**Aircraft is excluded		
**Payroll is subject to annual audit		

Barney Welch
Associated Underwriters, Inc.
7620 N. Council Road
Oklahoma City, OK 73132

6/26/2014

Regular Board of Commissioners

2. f.

Meeting Date: 07/07/2014

Request 2 police vehicles

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Authorize police department to purchase two 2014 Ford police interceptor SUV's from Bob Hurley Ford dealership at a cost of \$26,706 each, from 2014-15 capital funds.

Attachments

Police Vehicle Request



Shawnee Police Department

Chief Russell Frantz

P.O. Box 1448

Shawnee, Oklahoma 74802

Office (405)878-1680 or 1681 *Fax (405)878-1520



TO : Brian McDougal
City Manager

FROM : Russell Frantz
Chief of Police

SUBJECT : **Vehicle Request**

DATE : June 30, 2014

Request permission to purchase two (2) 2014 Ford police interceptor SUV's from the Bob Hurley Ford dealership. Vehicles can be purchased at State bid cost of \$26,706.00 each, making the total cost \$53,412.00. Vehicles will be paid out of 2014-15 capital funds. If you have any further question please don't hesitate to contact my office.

Regular Board of Commissioners

2. g.

Meeting Date: 07/07/2014

Authorize application for FEMA grant

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Authorize staff to apply for a continuing training grant from FEMA.

Attachments

FEMA Grant Request

City of Shawnee Memorandum

To: Honorable Mayor and City Commissioners
CC: James Bryce, Acting City Manager
From: Donald D. Lynch, Emergency Management Director
Date: July 2, 2014
Re: Permission to apply for FEMA Continuing Training Grant



I am writing to request permission for staff to apply for a continuing training grant from the Federal Emergency Management Agency.

Grant applications are due July 16, 2014.

We are anticipating requesting \$50,000 to support training for our responders in the areas of Hazardous Materials and Mass Fatalities Planning.

There is no matching requirement for this grant. If awarded, the grant will be a cooperative agreement between the City and FEMA directly.

Attached is a copy of the grant announcement for your review.

Thank you for your favorable consideration of this request.



Homeland Security

FY 2014 Homeland Security National Training Program (HSNTP) Continuing Training Grants (CTG) Program

Overview

As appropriated by the *Department of Homeland Security Appropriations Act, 2014* (Public Law 113-76); and authorized by the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53) (hereafter "9/11 Act") and the *Homeland Security Act of 2002* (6 U.S.C. § 101 et seq.); the Fiscal Year (FY) 2014 Homeland Security National Training Program Continuing Training Grants (CTG) program provides funding via cooperative agreements to training partners to develop and deliver training to prepare whole communities to prevent, protect against, mitigate, respond to, and recover from acts of terrorism, and natural, man-made, and technological hazards.

In Fiscal Year 2013, DHS awarded \$7,811,256 through the CTG to enhance the ability of whole communities and responders to prevent, protect against, mitigate, respond to, and recover from potential terrorist acts and other hazards

The FY 2014 CTG plays an important role in the implementation of the National Preparedness System by supporting the building, sustainment, and delivery of core capabilities essential to achieving the National Preparedness Goal of a secure and resilient Nation. FY 2014 CTG focus areas support Presidential, Legislative, and Departmental priorities for improving security and resilience.

Funding

For FY 2014, the total amount of HSNTP funds available under the CTG program is \$11,000,000, to be used for training in the following focus areas:

- Hazardous Materials (HazMat)/Weapons of Mass Destruction (WMD)
 - Cybersecurity
 - Countering Violent Extremism (CVE)
 - Maturing the Role of Private-Public Partnerships
 - Medical Readiness/Immediate Victim Care
 - Rural Training
-

Eligibility

The FY 2014 CTG is an open and competitive funding opportunity, available to entities with existing programs or demonstrable expertise relevant to the focus areas in the funding opportunity announcement to include: State, local, tribal, and territorial entities, nonprofit national associations

and organizations; non-profit higher education institutions; and non-profits, including community and faith-based organizations. Multi-State/multi-jurisdictional applicants are strongly encouraged to apply.

Funding Guidelines

DHS grant funds may only be used for the purpose set forth in the grant and must be consistent with the statutory authority for the award. Grant funds may not be used for matching funds for other Federal grants/cooperative agreements, lobbying, or intervention in Federal regulatory or adjudicatory proceedings. In addition, Federal funds may not be used to sue the Federal government or any other government entity.

Federal employees are prohibited from serving in any capacity (paid or unpaid) on any proposal submitted under this program. Federal employees may not receive funds under this award.

Key Changes

The FY 2013 FOA contained the following focus areas:

- Hazardous Materials/Weapons of Mass Destruction
- Cybersecurity
- Rural Training
- Medical Readiness/Immediate Victim Care at Mass Casualty Events
- Countering Violent Extremism
- Emergency Management Leadership

The FY 2014 FOA contains the following focus areas:

- Hazardous Materials/Weapons of Mass Destruction
- Cybersecurity
- Rural Training
- Medical Readiness/Immediate Victim Care at Mass Casualty Events
- Countering Violent Extremism
- Maturing the Role of Public-Private Partnerships

The key change between FY 2013 and FY 2014 is the addition of *Maturing the Role of Public-Private Partnerships* and moving *Emergency Management Leadership* off the 2014 CTG focus area list. *Emergency Management Leadership* was determined to be a relative priority but analysis concluded that T&E requirements for this focus area are satisfied through other FEMA training programs at the Naval Postgraduate School Center for Homeland Defense and Security and through FEMA's Emergency Management Institute.

The key changes regarding the topic of *Rural Training* are as follows:

In FY 2013 rural training topics included:

- Isolation and Quarantine
- Environmental Health

The FY 2014 rural training topics include:

- Hazardous Materials
 - Mass Fatality Planning and Response
 - Crisis Management for School Based Incidents
 - Development of Emergency Operations Plans
 - Bioterrorism Awareness
 - Media Engagement Strategies for First Responders
-

Application Process and Evaluation Criteria

Applicants are restricted to one application per focus area but may apply for more than one focus area. Applications are evaluated in the following three areas:

Eligibility check: Applications will be evaluated based on the Eligibility Criteria in the FOA. Applicants that do not meet eligibility requirements will be removed from consideration.

Subject Matter Expert (SME) Review and Scoring: Applications will be scored by SMEs from Federal, State, Local, Tribal, and Territorial sectors using requirements contained in the FOA. Results of this process will be used to inform a Federal Review.

Federal Review. Federal program offices with responsibility for each focus areas, along with FEMA, will review, evaluate, and score all applications.

Complete applications must clearly demonstrate the applicant's ability to design, develop, and deliver training programs of national scope which provides tailored, specialized training to whole communities with appropriate emphasis on first responders where suitable. The CTG funds must enhance the nation's capability to prevent, protect against, mitigate, respond to, or recover from risks posed by incidents of national significance, including acts of terrorism and/or catastrophic events in accordance with program guidelines, and guidance from DHS/FEMA.

HSNTP CTG Resources

There are a variety of resources available to address programmatic, technical, and financial questions which can assist with CTG.

- The FY 2014 CTG FOA is located online at: <http://www.fema.gov/grants> as well as on <http://www.grants.gov>. CFDA 97.005
- For additional program-specific information, please contact the Centralized Scheduling and Information Desk (CSID) help line at (800) 368-6498 or AskCSID@dhs.gov. CSID hours of operation are from 9:00 a.m. to 5:30 p.m. EST, Monday through Friday.
- For financial-related questions, including pre-and post-award administration and technical assistance, applicants may contact the FEMA Grant Programs Directorate Call Center at (866) 927-5646 or via e-mail to ASK-GMD@dhs.gov.

Regular Board of Commissioners

2. h.

Meeting Date: 07/07/2014

Wes Watkins Reservoir Minutes and Budget

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Approve Wes Watkins Reservoir Oversight Committee meeting minutes from March 6, 2014 and City of McCloud Budget (7-01-13 through 5-31-14) for Wes Watkins Reservoir.

Attachments

Wes Watkins

City Of McLoud (TOW)
Budget Revenue & Expense Statement
Fund Lake -North Deer Creek Res.(41)

Current: 05/01/2014 to 05/31/2014
YTD: 07/01/2013 to 05/31/2014

06/05/2014 12:22:16

Page 1

	Actual Current	Actual YTD	Budget YTD	Variance YTD
Fund: 41				
Lake -North Deer Creek Res.				
Revenue				
41-4001-00 Lake - Bed Tax Revenue	316.00	2,762.00	3,800.00	1,038.00
41-4002-00 Lake- Fishing/Boating	2,423.00	11,560.00	9,700.00	(1,860.00)
41-4003-00 LAKE - Pavillion rental	175.00	975.00	1,000.00	25.00
41-4004-00 Lake - Permits ANNUAL	1,429.00	6,463.00	4,500.00	(1,963.00)
41-4007-00 Lake - Hunting/Duck Blind FEes	0.00	4,950.00	4,950.00	0.00
41-4008-00 Lake - REIMB/Shawnee/Tec	0.00	27,272.85	50,000.00	22,727.15
41-4025-00 Lake - Overnight RV/TENTS	4,879.00	42,450.00	40,000.00	(2,450.00)
41-9007-00 LAKE - REFUNDS/NSF	0.00	(510.00)	0.00	510.00
Total Revenue	\$9,222.00	\$95,922.85	\$113,950.00	\$18,027.15
Expenses				
41-5001-00 Lake - salaries	7,012.25	44,834.32	49,038.00	4,203.68
41-5011-00 Lake - taxes	619.99	4,131.22	4,133.30	2.08
41-5021-00 Lake - Benefits	651.02	7,884.31	8,840.95	956.64
Administrative Expenses				
41-5101-00 Lake - Supplies/materials	283.69	5,955.61	6,076.00	120.39
41-5102-00 Lake - Gas for Vehicles	422.06	4,896.15	5,135.00	238.85
41-5103-00 Lake - Uniforms	0.00	562.89	600.00	37.11
41-5104-00 Lake - maintenance	55.44	5,417.80	5,700.00	282.20
41-5301-00 Lake - utilities	2,904.69	35,697.01	38,602.00	2,904.99
41-5303-00 Lake - vehicle repair	15.00	4,074.48	4,200.00	125.52
41-5304-00 Lake - legal	0.00	0.00	500.00	500.00
Total Expenses	\$11,964.14	\$113,453.79	\$122,825.25	\$9,371.46
Excess Revenue Over Expenses	(\$2,742.14)	(\$17,530.94)	(\$8,875.25)	\$8,655.69

WES WATKINS RESERVOIR OVERSIGHT COMMITTEE MEETING MINUTES

For THURSDAY, March 6, 2014 @ 9:00 a.m.

408 West Broadway, McLoud, OK. 74851

1. Chairman James Bryce opened the meeting at 8:55 ~~am~~ ^{am}.
2. ROLL CALL – Members present: Kylee Finley, James Bryce, Mike Taylor. Members absent were Linda Praytor. A quorum was declared.
3. The committee reviewed the minutes from September 5, 2013.
4. REPORTS and DISCUSSION:
 - a. Lake Activities for the Summer
Construction workers stayed in RV Park through the winter, helped revenues.
New lake ranger, Ben Henderson – experience working around lakes, encourages safety classes and projects for lake,
June 8 – Triathlon from 7-10am (Sunday) open to the public for activities – waive permit fees for Special Event – Lake pavilions have been rented for the event, Cody is coordinating preparations at the lake
Volunteer working at lake – Mike Sloan –
 - b. Lake Budget FY 13-14 – review expenses and revenues through Feb 28, 2014:
Revenues: \$78,976.85; Expenses \$84,538.48 (\$5,561.63)
 - c. Lake Count – 640 since January, 2014
 - d. Security issues – surveillance camera – Security camera was adjusted because a vehicle drove in, was able to readjust camera away for their view, broke into honor box – very little was taken.
 - e. Lake Fees – Council will change the Duck and deer hunting back to \$150.00 by resolution.
 - f. Insurance coverage for lake buildings – see lake agreement – Kylee said the PCDA wants the city to pay the insurance premium for lake property as of FY 14-15 of an estimated \$8293.00, city waiting for a new bill. Kylee also asked James if Shawnee would reimburse the PCDA for prior years' premiums, since July 2010. James will take it to the commissioners.
 - g. Fence Line Mowing Issue – see lake agreement - McLoud to maintain fence line and lagoon – needs an inspection – contact Shawnee DEQ for the inspection. Cody said they can't do all the mowing; there are trees along fence line that are too large to be mowed. Also, lake property below dam of 20 acres on each side of area has not been mowed. Kylee said someone mows but not sure what area will let the committee know.
 - h. Personnel changes - Skeeter of Experience Works will be leaving as of September 2014, David Paasch was hired for part time lake maintenance and mowing.

Other repair items - Lake purchased a new Stihl Chainsaw; maintenance building has been cleaned out.

Kylee said someone built a pond near the lake on the South side of the Road at 59th street; also, check to see if people are still dumping around the Harrah side of the lake.

- i. Other - Mike Taylor would like information on land south of damn.

5. QUESTIONS OR COMMENTS as discussed

6. ADJOURNMENT – The meeting was adjourned at 10:00 am.

ATTEST:

REVIWED:

A Kay Heinz
McLoud City Clerk/Secretary

James Bryce
Committee Chairman

Regular Board of Commissioners

5.

Meeting Date: 07/07/2014

P09-14 Rezone Woodsong Addition

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

A public hearing and consideration of an ordinance to rezone property located northwest of Terminus of Churchill Street, Woodsong Addition, Shawnee, Oklahoma, from A-1; Rural Agricultural and Planned Unit Development to R-1; Single Family Residential.

Case # P09-14 Applicant: Rick Austin

Attachments

P09-14 Woodson Addition

Revised Ordinance

RECOMMENDATION TO:

MAYOR
BOARD OF CITY COMMISSIONERS
CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE
PLANNING COMMISSION

SUBJECT:

APPLICANT: Rick Austin
FOR: Rezone
LOCATION: NW of Terminus of Churchill St., Woodsong Addition
PROJECT#: 140681 Case# P09-14

LEGAL DESCRIPTION:

SEE OWNERSHIP LIST

CURRENT CLASSIFICATION: A-1; Rural Agricultural & Planned Unit Development

REQUESTED CLASSIFICATION: R-1; Single Family Residential

PROPOSED PROPERTY USE: Single Family Housing Development

PLANNING COMMISSION MEETING DATE: July 2nd, 2014

PLANNING COMMISSION RECOMMENDATION: Approval

VOTE OF THE PLANNING COMMISSION: MEMBERS PRESENT: 6

MEMBERS:	1ST	2ND	AYE	NAY	ABSTAIN	COMMENTS
BERGSTEN			X			
CLINARD						ABSENT
KERBS			X			
SILVIA (CHAIRMAN)			X			
SALTER (VICE-CHAIRMAN)		X	X			
COWEN			X			
KIENZLE	X		X			

RESPECTFULLY SUBMITTED,
Cheyenne Lincoln
SECRETARY, PLANNING COMMISSION

ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: _____

DATE OF ACTION: _____

ADOPTED _____ DENIED _____

ORDINANCE NO. _____



City of Shawnee
Community Development Department
222 N. Broadway
Shawnee, OK 74801
(405) 878-1665 Fax (405) 878-1587
www.ShawneeOK.org

STAFF REPORT
REZONE
CASE #P09-14

TO: Shawnee Planning Commission

AGENDA: July 2, 2014

RE: Rezone Request from A-1 (Rural Agricultural) & PUD (Planned Unit Development) to R-1 (Single Family Residential)

PROPOSAL

The applicant is requesting to rezone the subject site of 23.88 acres (approximately) to facilitate the construction of single family homes. The property is located one-half mile east of Harrison Street on 45th Street. The site is currently zoned A-1 (Rural Agricultural) and PUD (Planned Unit Development). The requested zoning classification is R-1 (Single Family Residential). The property is currently undeveloped.

GENERAL INFORMATION

Applicant	Rick Austin
Owner	Austin Trust (2008)
Site Location/Address	4608 Kellye Green
Current Site Zoning	A-1 and PUD
Proposed Zoning	R-1
Property Area	23.88 Acres (approximate)
Current Use	Undeveloped
Proposed Use	Single Family Housing Development
Comprehensive Plan	Residential

Designation	
Surrounding Land Use	North – Planned Unit Development (PUD) South – Planned Unit Development (PUD) West – Agricultural (A-1) East – Residential (R-1)
Surrounding Zoning	Varies – please see zoning map. (<i>Figure 1</i>)

STAFF REVIEW AND ANALYSIS

The applicant, Rick Austin, is requesting a rezone to R-1 (Single Family Residential) to facilitate the construction of a single family housing development. This proposed development would connect, from the south, to the current Woodsong Addition, developed in 2006 and the Woodsong Garden Addition, developed in 2008. Both additions were developed by Bryant Builders. The remaining undeveloped property zoned PUD was, at a time, intended future development for the Woodsong Addition.

According to the Comprehensive Plan (Figure 4.2), this immediate area is designated for residential use, allowing the requested zoning to be consistent with future land use plans. Also, as the neighboring properties are single family residential, such development would remain consistent with the current uses in the surrounding area.

Staff does hereby recommend the proposed zone change from A-1 (Rural Agricultural) and PUD (Planned Unit Development) to R-1 (Single Family Residential) as it is consistent with both the Shawnee Comprehensive Plan and current development in the immediate area.

STAFF RECOMMENDATION

Staff recommends **approval** of the proposed rezone from *A-1 (Rural Agricultural) and PUD (Planned Unit Development)* to *R-1 (Single Family Residential)* for the subject property.

Attachments

1. Figure 1: Zoning map
2. Figure 2: Aerial view of site
3. Figure 3: Future Land Use Map



Figure 1: Zoning Map of site – approximate total area outlined in blue.



Figure 2: Aerial view of the site – approximate total area outlined in red.

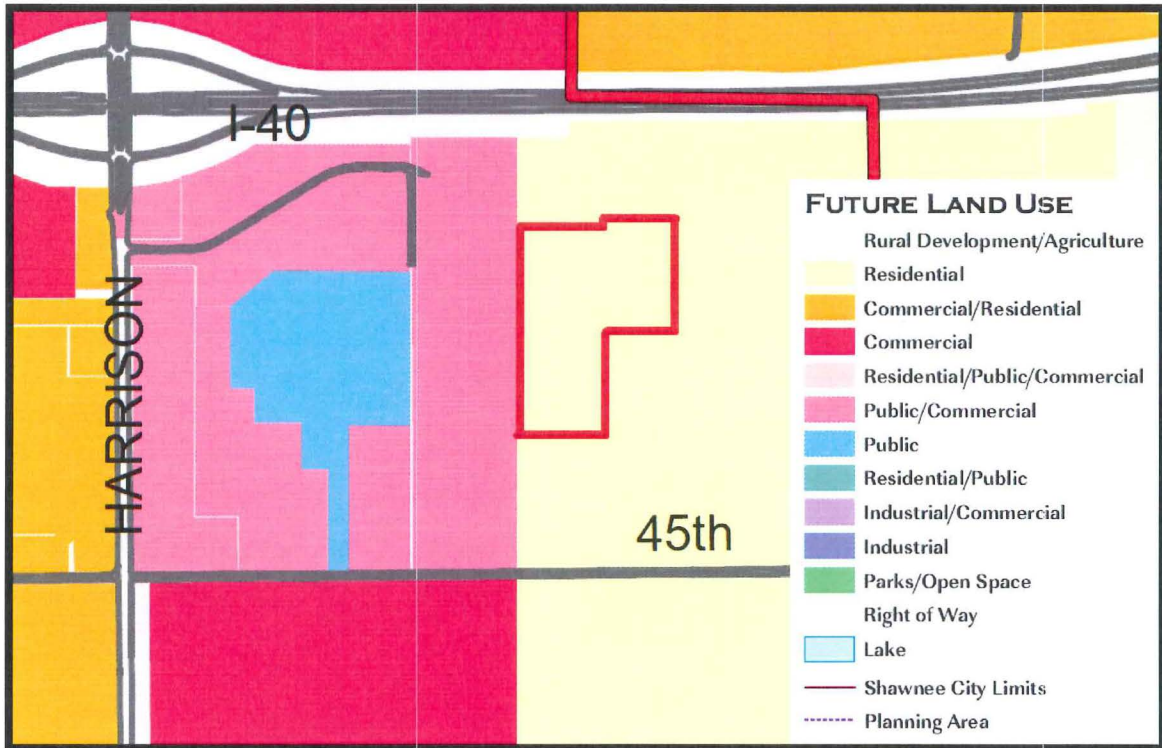


Figure 3: Shawnee Comprehensive Plan: Future Land Use Map (Figure 4.2).
Approximate area outlined in red.

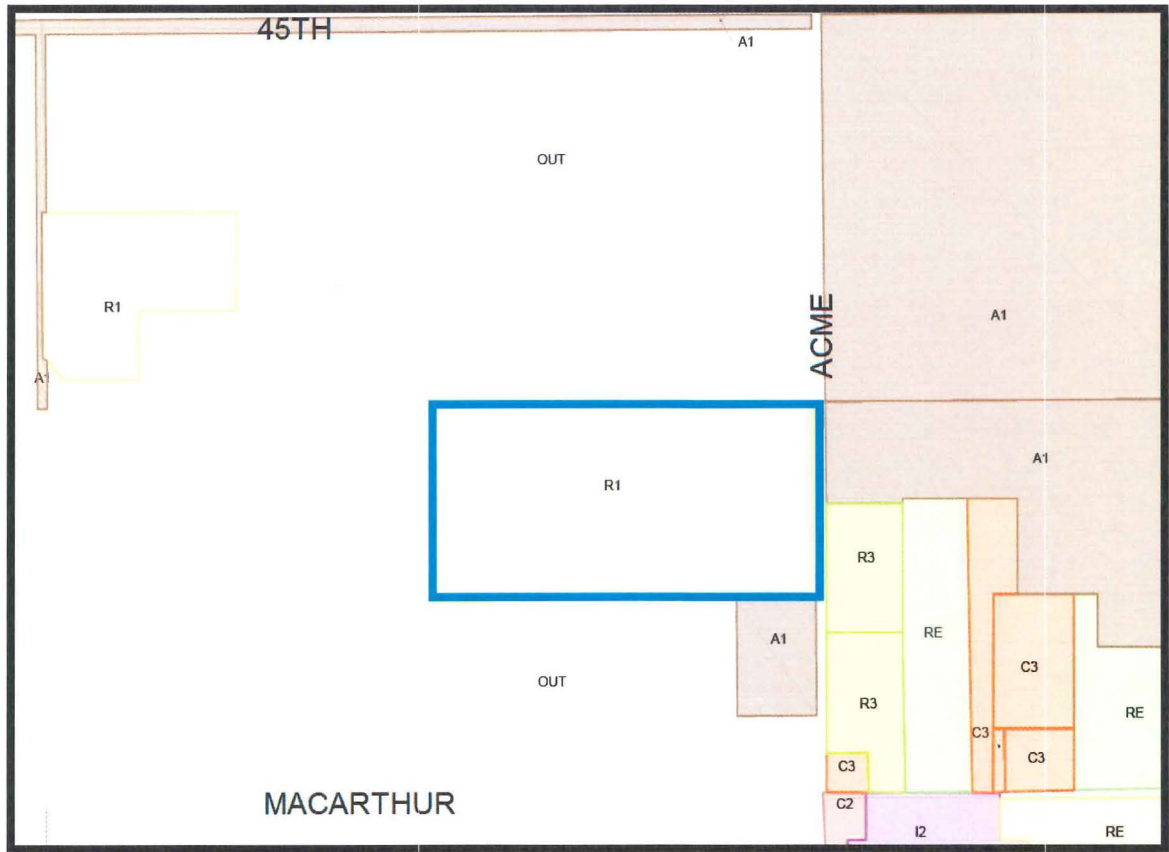


Figure 2: Zoning Map of site – approximate total area outlined in blue.



Figure 3: Floodplain Map of site – approximate total area outlined in red.

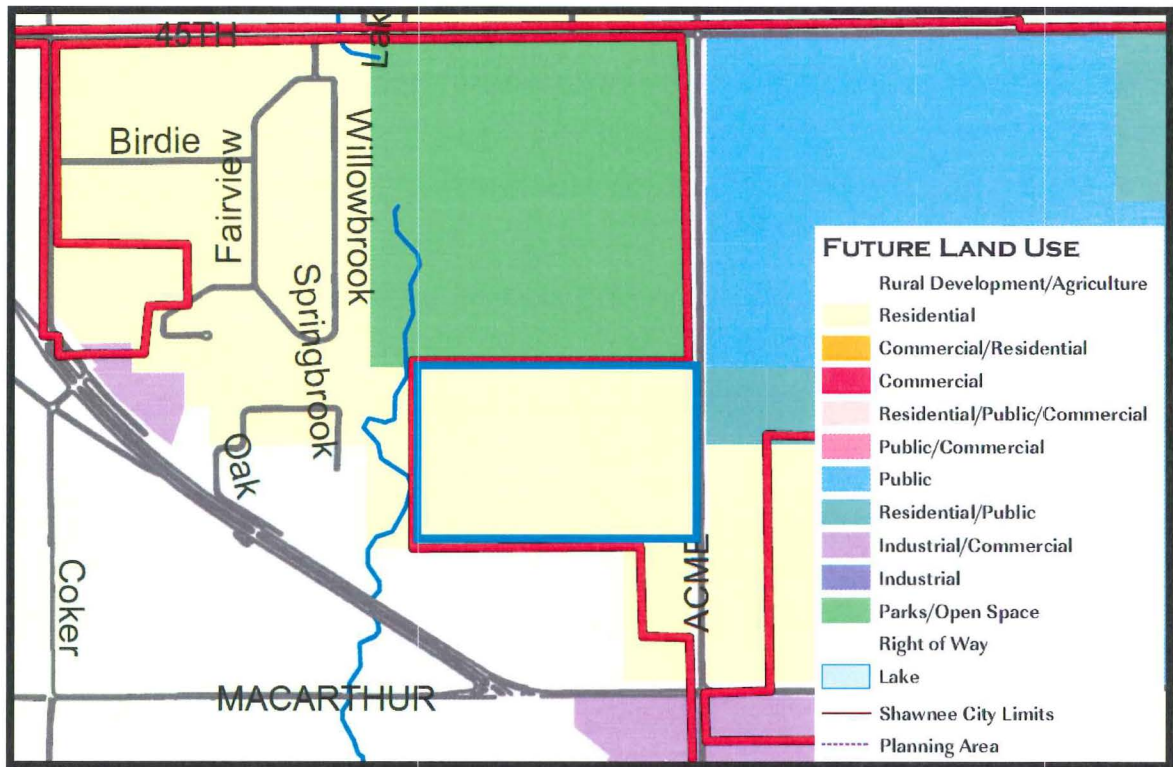


Figure 4: Shawnee Comprehensive Plan: Future Land Use Map (Figure 4.2).
Approximate area outlined in blue.

CITY OF SHAWNEE
PUBLIC HEARING NOTICE
CASE #P09-14

Notice is hereby given that the City of Shawnee, Oklahoma, will conduct a public hearing on a proposed Rezone of property located within the City of Shawnee.

The property requesting rezoning is described as follows:

A tract of land described as beginning 625.40 feet NOo034'34"E of the Southeast Corner of the Southwest Quarter (SE/C SW/4) of Section Thirty-two (32), Township Eleven (11) North, Range Four (4) East of the Indian Meridian, Pottawatomie County, Oklahoma; thence NOo034'34"E a distance of 1324.33 feet; thence N89°4~'29"W a distance of 548.32 feet; thence SOo06'12"E a distance of 1955.77 feet (MEASURED SOo05'29"E it distance of 1957.25 feet) to the South Section line; thence N89°28'29"E a distance of 126 feet (MEASURED 125.60 feet); thence NOo034'34"E a distance of 625.40 feet; thence N89°28'29"E a distance of 400.03 fAiet (MEASURED 400.00 feet) to the point of beginning.

AND

A tract of land lying in the Southeast Quarter (SE/4) of Section Thirty-two (32), Township Eleven (II) North, Range Four (4) East of the Indian Meridian, Pottawatomie County, Oklahoma, being further described as Commencing at the Southwest Corner of said Southeast Quarter (SW IC SE/4); thence N 00°34'34" E a distance of 1340.18 feet to the Point of Beginning; thence N 90°00'00" E a distance of 175.43 feet; thence along a curve to the left having a radius of 725.00 feet, a chord distance of 10.08 feet, a chord bearing of S 06°49'52" E and an arc distance of 10.08 feet; thence N 90°00'00" E a distance of 131.28 feet; thence S 07°35'41" E a distance of 61.38 feet; thence N 79°55'00" E a distance of 160.61 feet /thence N 00°34'34" E 701.20 feet; thence 89°38'26" W a distance of 474.62 feet; thence S 00°34'34" W a distance of 655.49 feet to the point of beginning.

General Location Known As:	<u>NW of Terminus of Churchill St., Woodsong Addition</u>
Current Zoning Classification:	<u>A-1; Rural Agricultural, Planned Unit Development</u>
Requested Zoning Classification:	<u>R-1; Single-family Residential</u>
Proposed Use of Property:	<u>Single-family Residential</u>
Applicant:	<u>Rick Austin</u>

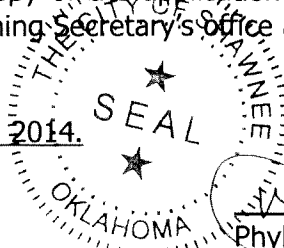
The "Zoning Map of the City of Shawnee, Oklahoma" will be amended accordingly to reflect such change if approved by the City Commission.

The public hearings will be held in the City Commission Chambers in City Hall, 16 W. 9th St. Shawnee, Oklahoma, as follows:

July 2nd, 2014 AT 1:30 P.M.: CITY OF SHAWNEE PLANNING COMMISSION
July 7th, 2014 AT 6:30 P.M.: CITY OF SHAWNEE CITY COMMISSION

At this time any interested citizen of Shawnee, Oklahoma will have the opportunity to appear and be heard with regard to the rezone. The Commission reserves the right to limit discussion and debate on the proposed rezone in the public hearing, in which event those persons appearing in support or opposition of the proposed rezone will be allotted equal time. Any formal protest must be filed in writing with the City Clerk during normal working hours before 5:00 p.m. a minimum of three (3) days prior to the hearing. If there are any questions about the proposal, or you need additional information prior to the public hearing, please contact the Planning Department at 878-1616. A copy of the Application is available for public inspection during normal working hours in the Planning Secretary's Office at 222 N. Broadway.

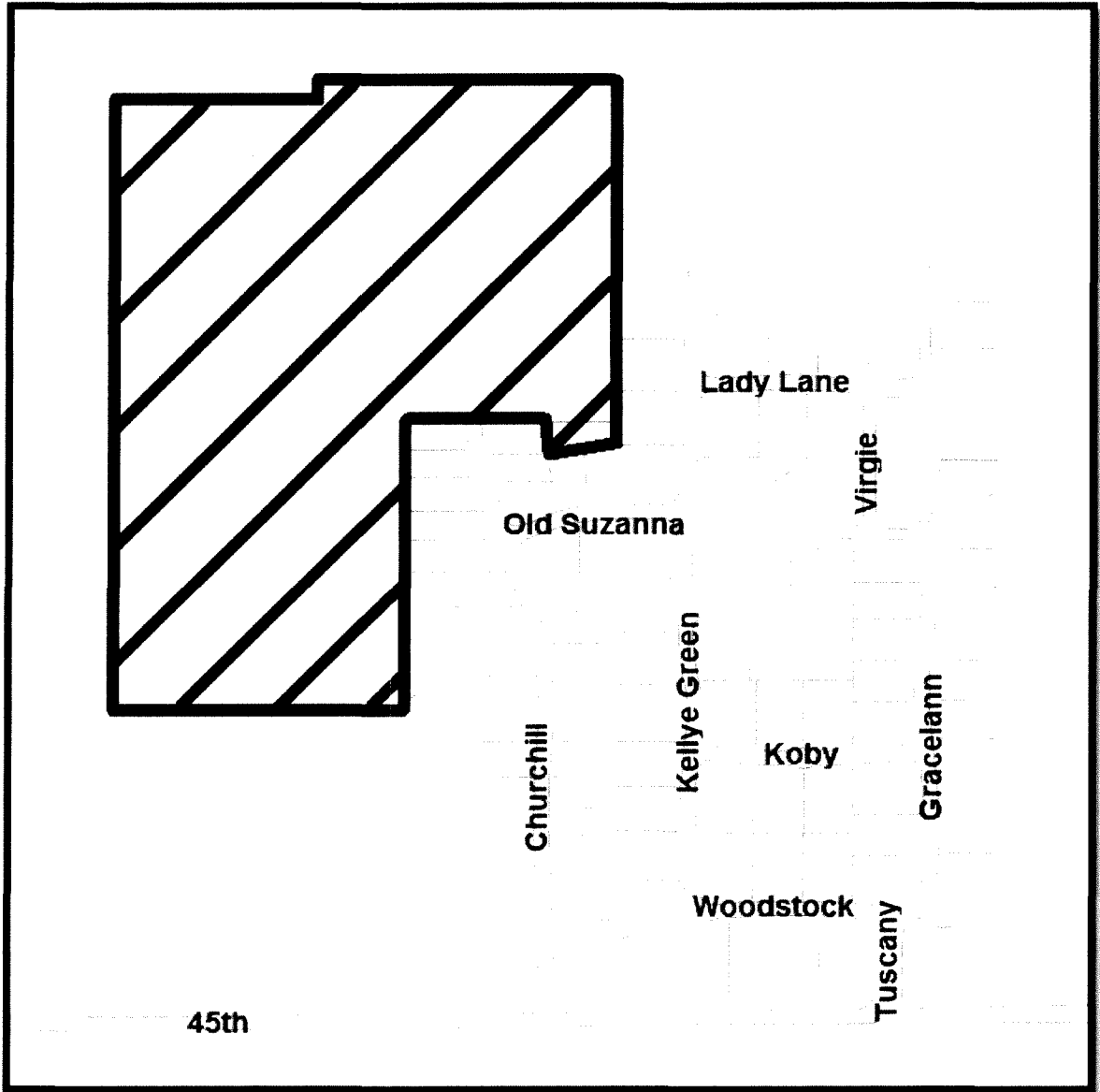
Witness my hand this 9th day of June, 2014.



Phyllis Loftis, City Clerk

Location Map

CASE P09-14



CITY OF SHAWNEE
222 N. BROADWAY
SHAWNEE, OK 74801

PLANNING DEPARTMENT
PHONE: (405) 878-1666
FAX: (405) 878-1587

PLANNING COMMISSION APPLICATION
PROJECT NO. 401681 CASE NO. P09-14

REQUEST:

Rezoning X Rezoning w/Conditional Use Permit _____ Conditional Use Permit _____
Planned Unit Development _____

I, the undersigned, do hereby respectfully make application and petition to the City Commission to amend the zoning map, and to change the zoning district of the Shawnee area, from PUD & A1 District to R-1 District, as hereinafter requested, and in support of this application, the following facts are shown:

PROPERTY LOCATION (STREET ADDRESS): North of Churchill St & West

LEGAL DESCRIPTION: Attached

PROPERTY OWNER (S): Austin Trust dated 2008

PROPERTY AGENT (APPLICANT): Rick Austin

APPLICANT'S ADDRESS: 4606 Kellye Green

CITY: Shawnee **STATE:** OK **ZIP:** 74804

EMAIL ADDRESS: raustin@rickaustinhome.com

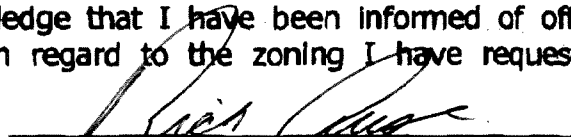
TELEPHONE NUMBER: () _____ **CONTACT NUMBER:** (405) 590-6776

DIMENSIONS OF PROPERTY: AREA see attached. WIDTH _____
LENGTH _____ FRONTAGE _____

CURRENT ZONING: PUD & A1 **CURRENT USE:** Vacant land

PROPOSED ZONING: R-1 **PROPOSED USE:** Homeing Development.

With the filing of this application, I acknowledge that I have been informed of off-street parking, fencing and paving requirements in regard to the zoning I have requested as witnessed by my signature.


SIGNATURE OF APPLICANT

(FOR STAFF USE ONLY)

Filed in the office of the Planning Department, 222 N. Broadway, this 4th day of June 2014


PLANNING COMMISSION SECRETARY

REZONING &/OR C.U.P FEE \$ 280.00
RECEIPT NO. 5161142

PLANNED UNIT DEVELOPMENT FEE \$ 550.00
SIGN DEPOSIT \$ 50.00

(Refundable if Applicant returns 48 hrs. after City Commission Meeting)

PLANNING COMMISSION ACTION: _____ **DATE:** _____
CITY COMMISSION ACTION: _____ **DATE:** _____
PLACE ON ZONING MAP: _____ **ORDINANCE NO.:** _____

EXHIBIT 'A'

File No.: 1936501-SH99 ()
Property: *, Shawnee, OK 74801

A tract of land described as beginning 625.40 feet N00°34'34"E of the Southeast Corner of the Southwest Quarter (SE/C SW/4) of Section Thirty-two (32), Township Eleven (11) North, Range Four (4) East of the Indian Meridian, Pottawatomie County, Oklahoma; thence N00°34'34"E a distance of 1324.33 feet; thence N89°42'29"W a distance of 548.32 feet; thence S00°06'12"E a distance of 1955.77 feet (MEASURED S00°05'29"E a distance of 1957.25 feet) to the South Section line; thence N89°28'29"E a distance of 126 feet (MEASURED 125.60 feet); thence N00°34'34"E a distance of 625.40 feet; thence N89°28'29"E a distance of 400.03 feet (MEASURED 400.00 feet) to the point of beginning.

AND

A tract of land lying in the Southeast Quarter (SE/4) of Section Thirty-two (32), Township Eleven (11) North, Range Four (4) East of the Indian Meridian, Pottawatomie County, Oklahoma, being further described as Commencing at the Southwest Corner of said Southeast Quarter (SW/C SE/4); thence N 00°34'34" E a distance of 1340.18 feet to the Point of Beginning; thence N 90°00'00" E a distance of 175.43 feet; thence along a curve to the left having a radius of 725.00 feet, a chord distance of 10.08 feet, a chord bearing of S 06°49'52" E and an arc distance of 10.08 feet; thence N 90°00'00" E a distance of 131.28 feet; thence S 07°35'41" E a distance of 61.38 feet; thence N 79°55'00" E a distance of 160.61 feet ; thence N 00°34'34" E 701.20 feet; thence 89°38'26" W a distance of 474.62 feet; thence S 00°34'34" W a distance of 655.49 feet to the point of beginning.

A.P.N. 000-32-011-004-0-031-09 and 0000-32-011-004-0-031-06

OWNERSHIP LIST

ORDER NO. 1936501

DATE PREPARED: June 2, 2014
EFFECTIVE DATE: May 23, 2014 at 7:30 AM

OWNER	LOT	BLK	ADDITION
PRESTIGE DEV CONSTRUCTION 37311 45 TH ST SHAWNEE, OK 74804	5	5	WOODSONG GARDEN ADDITION PHASE 2
FLEMING REVOCABLE LIVING TRUST 4707 CHURCHILL SHAWNEE, OK 74804	4	5	WOODSONG GARDEN ADDITION PHASE 2
CRYSTAL BROOKE MARTIN ROBERT D & RONDA J MARTIN 4703 CHURCHILL SHAWNEE, OK 74804	3	5	WOODSONG GARDEN ADDITION PHASE 2
WAUNDA MARIE DOUGLAS TRTEE ROBERT ERVIN DOUGLAS & WAUNDA MARIE DOUGLAS REV TRUST 1504 O'SUSANNA SHAWNEE, OK 74804	2	5	WOODSONG GARDEN ADDITION PHASE 2
GARY W & WANDA R LOGAN 1508 O'SUSANNA SHAWNEE, OK 74804	1	5	WOODSONG GARDEN ADDITION PHASE 2
TEDDY C & SUSAN D MCILWAIN 1507 O'SUSANNA SHAWNEE, OK 74804	15	4	WOODSONG GARDEN ADDITION PHASE 2
PRESTIGE DEV & CONSTRUCITON INC 37311 45 TH ST SHAWNEE, OK 74804	14	4	WOODSONG GARDEN ADDITION PHASE 2
TERRY J PETERS 4617 CHURCHILL SHAWNEE, OK 74804	13	4	WOODSONG GARDEN ADDITION PHASE 2
DONALD WAYNE & DEBRA ANN HAIR 4613 CHURCHILL SHAWNNE, OK 74804	12	4	WOODSONG GARDEN ADDITION PHASE 2
RANDY & BEVERLY ANN SWINSON 4609 CHURCHILL SHAWNEE, OK 74804	11	4	WOODSONG GARDEN ADDITION PHASE 2
RONALD A & CONNIE L JOHNSON 4605 KELLYE GREEN SHAWNEE, OK 74804	10	4	WOODSONG GARDEN ADDITION PHASE 2
PRESTIGE DEV & CONSTRUCTION INC 37311 45 TH ST SHAWNEE, OK 74804	20	3	WOODSONG GARDEN ADDITION PHASE 2
PRESTIGE DEV & CONSTRUCTION INC 37311 45 TH ST SHAWNEE, OK 74804	19	3	WOODSONG GARDEN ADDITION PHASE 2
BELINDA COLLINS 4704 CHURCHILL SHAWNEE, OK 74804	18	3	WOODSONG GARDEN ADDITION PHASE 2

PRESTIGE DEV & CONSTRUCTION INC 37311 45 TH ST SHAWNEE, OK 74804	17	3	WOODSONG GARDEN ADDITION PHASE 2
DAWNNA & ANDREW ABERNATHY WILIAM JONES 4622 CHURCHILL SHAWNEE, OK 74804	16	3	WOODSONG GARDEN ADDITION PHASE 2
PRESTIGE DEV & CONST INC 37311 45 TH ST SHAWNEE, OK 74804	15	3	WOODSONG GARDEN ADDITION PHASE 2
JAMES O & THELMA LOU BROWN 4614 CHURCHILL SHAWNEE, OK 74804	14	3	WOODSONG GARDEN ADDITION PHASE 2
CHARLES JR & REGINA MORTON 1404 MIA SHAWNEE, OK 74804	13	3	WOODSONG GARDEN ADDITION PHASE 2
PRESTIGE DEV & CONSTRUCTION INC 37311 45 TH ST SHAWNEE, OK 74804		3	WOODSONG GARDEN ADDITION PHASE 2 BLK 3 PART OF LOT 12 BEG SW/C NORTH ALONG THE WEST LINE OF LOT 12 151.4' S69*08'25"E125.13'TO THE EAST LINE OF LOT 12 SOUTHWESTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 50' A DISTANCE OF 35' S25*50'18"W25.74' S76*25'47"9.76' S57*50'14"W103.54' POB
THOMAS & PATRICIA LEACH 1401 MIA SHAWNEE, OK 74804		3	WOODSONG GARDEN ADDITION PHASE 2 BLK 3 LOT 11 & PART OF LOT 12 BEG SE/C OF LOT 12 S61*40'27"W137.64' N57*52'14"E103.54' N76*25'47"E9.76' N53*50'18"E25.74' SOUTHEASTERLY ON A CURVE TO THE LEFT A DIST OF 7.92' POB
DOLORES DENSON LIVING TRUST 4604 CHURCHILL SHAWNEE, OK 74804	10	3	WOODSONG GARDEN ADDITION PHASE 2
MICHAEL J & LINDA S PRESLEY 4516 KELLYE GREEN SHAWNEE, OK 74804	9	1	WOODSONG ADDN PHASE I
JEANNETTE AUTRY & ROBERT O'CONNOR 4512 KELLYE GREEN SHAWNEE, OK 74804	8	1	WOODSONG ADDN PHASE I
DEANNA J WILSON 1610 WOODSTOCK SHAWNEE, OK 74804	9	2	WOODSONG ADDN PHASE I
JIMMY D ANDREWS 1606 WOODSTOCK SHAWNEE, OK 74804	8	2	WOODSONG ADDN PHASE I
PATRICK & CHERYLE O'CONNOR 4504 KELLYE GREEN SHAWNEE, OK 74804	7	2	WOODSONG ADDN PHASE I

STEVE R & MICHELLE R WALLACE 4509 KELLYE GREEN SHAWNEE, OK 74804	6	2	WOODSONG ADDN PHASE I
MAHCEL & HEIDI PRESLEY 1607 SIR JAKE SHAWNEE, OK 74804	5	2	WOODSONG ADDN PHASE I
JEREMY J HARRIS 1611 SIR JAKE SHAWNEE, OK 74804	4	2	WOODSONG ADDN PHASE I
DEL & PEGGY KINSLOW 106 SHAYLA LN MEEKER, OK 74855	1	8	WOODSONG ADDN PHASE II
DONALD KENTY & BEVERLY CALDWELL 4713 KELLYE GREEN SHAWNEE, OK 74804	2	8	WOODSONG ADDN PHASE II
BRYANT FRANK DUKE TRUST 4612 KELLYE GREEN SHAWNEE, OK 74804	13	1	WOODSONG ADDN PHASE II
KALEY A & JOSPEH HENTRY III COX 4712 KELLYE GREEN SHAWNEE, OK 74804	4	5	WOODSONG ADDN PHASE II
DONALD L & REBECCA L O'CONNOR 4708 KELLYE GREEN SHAWNEE, OK 74804	3	5	WOODSONG ADDN PHASE II
JOSHUA P & KENDALL ROGERS 4704 KELLYE GREEN SHAWNEE, OK 74804	2	5	WOODSONG ADDN PHASE II
GARY & KRYSTAL SMITH 4700 KELLYE GREEN SHAWNEE, OK 74804	1	5	WOODSONG ADDN PHASE II
JAMES ORIN & AMY RENEE PRICE 120 W FRANKLIN ST SHAWNEE, OK 74804	4	6	WOODSONG ADDN PHASE II
LEEDS M & DORIS D CHESSHIRE REVOCABLE TRUST 4701 KELLYE GREEN SHAWNEE, OK 74804	6	6	WOODSONG ADDN PHASE II
ROBERT W & MYRA E NEWTON 1052 ROCK CREEK RD HOT SPRINGS, AR 71913	5	6	WOODSONG ADDN PHASE II
RICHARD K & SHARON D ELLWANGER 4604 KELLYE GREEN SHAWNEE, OK 74804		1	WOODSONG ADDN PHASE II LOT 11 & S5FT LOT 12
RICHARD A & DANA M AUSTIN 2008 REVOCABLE RUST 4608 KELLYE GREEN SHAWNEE, OK 74804-2278		1	WOODSONG ADDN PHASE II LOT 12 LESS THE S5FT & BEG AT NW/C LOT 12 BLK 1 WOODSONG ADD PH I N10FT E 127.97FT S10FT W128.23FT TO POB
MEDHI AZIMI & CAROL A AZIMI BOLOURIAN PO BOX 1420 NORMAN, OK 73070			THE EAST HALF OF LOT 4 & THE WEST HALF OF LOT 3 LESS 10.98 ACRES PLATTED INTO HYATT ADDITION & LESS 5.19 ACRES PLATTED INTO HYATT ADDITION SEC 2 23.83 Acres

FORTY FIFTH STREET CONTRE LLC PO BOX 1447 SHAWNEE, OK 74802			EH NE NW 5-10N-4E
HOMES BY RICK AUSTIN LLC 4608 KELLYE GREEN SHAWNEE, OK 74804			SE 32-11N-4E BEG 150.03'E SW/C SE/4 N625.4' W150.03' N1970.27' E474.62' S2594.29' W324.61' POB LESS 5.14AC PLATTED INTO WOODSONG GARDEN ADDITION & LESS 7.03AC PLATTED INTO WOODSONG GARDEN ADDITION PHASE 2 & LESS 6.54AC REC 2009-5600 7.41 Acres
HOMES BY RICK AUSTIN LLC 4608 KELLYE GREEN SHAWNEE, OK 74804			SW 32-11N-4E BEG 625.4'N SE/C SW/4 N1324.33' W548.32' S1955.77' E126' N625.4' E400.03' POB 18.30 Acres
JERALD A & PHYLLIS J OCONNOR JOINT REV TRUST 5 CROWN POINT SHAWNEE, OK 74804			SE 32-11N-4E BEG 150.03' E & 625.4'N & 150.03'W & 1370.27'N SW/C SE/4 N600' E474.62' S600' W474.62' POB
JOHN A & DORIS E TOWNSEND 46505 GARRETT'S LAKE RD SHAWNEE, OK 74804			SW 32-11N-4E BEG 200'W SE/C SW/4 W200' N625.40' E200' S625.4' POB
GORDON COOPER AREA VOCATIONAL/TECHNICAL SCHOOL ONE JOHN C. BRUTON BLVD SHAWNEE, OK 74804			W15 AC OF PRO DES AS BEG SE/C E/2 SW W831.4' N2554.3' E861' S2550.4' POB 15.00 Acres 27-SR BEG 482'E & 660'N SW/C E1320' N1320' W1320' S1320' POB BLK 347 PG 393 27-SR TR 1 BEG 482'E & 1980'N SW/C SW N428.7' TO PT ON ST R/W OF I-40 NELY ON A CURVE TO LEFT RADIUS 1550.39' A DIST OF 232' N64'E153.47' S89'E968'
CHARLES J BOWLES 1502 E 45 TH SHAWNEE, OK 74804			27-SU BEG 335'N SW/C SW SE E150' N290.4' W150' S290.4' POB. AND BEG SW/C W/2 SE N335' E150' S335' W150'POB
BILL B TOWNSEND 9209 SW 23 RD OKLAHOMA CITY, OK 73128			BEG SE/C SW W200' N625.40' E200' S625.50' POB

<p>DP KINSLOW INC 4438 N HARRISON SHAWNEE, OK 74804</p>		<p>COMMENCING SW/C SE/4 E474.64' N1639.96' TO POB N954.33' E773.14' NORTHEASTERLY ON A CURVE 61.06' S900.12' W429.66' S13.24' 260.26' SOUTHWESTERLY ON A CURVE 46.47' W144.51' POB 17.51 Acres</p>
<p>JARALD A & PHYLLIS J JOINT REV TRUST 5 CROWNPOINT SHAWNEE, OK 74804</p>		<p>27-SU BEG SW/C SE N335' E150' N290.4' E198.2' S625' W348.2' POB. & BEG SE/C W/2 SE W969.5' N625.4' W348.2' N1973' E1331' S2597' POB & BEG SE/C E/2 SW W831.4' N2554.3' E861' S2550.4' TO POB LESS 15 AC IN BK 2882 PG 18 LESS BEG SW/C W/2 SE N335' E150' S335' W150' POB & LESS 50 AC TO BRYANT BUILDERS REC 2002-4495 & LESS 2.87 AC REC2002-8169 & LESS 2.87AC WD 2005-17985 (WD 2005-15833 2005- 17986) & LESS 26.12AC 2006-2235 & LESS 18.3AC REC 2009-5599 9.81 Acres</p>

ORDINANCE NO. _____

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 DESCRIBED AS BEGINNING 625.40 FEET N00°34'34"E OF THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SE/C SW/4) OF SECTION THIRTY-TWO (32), TOWNSHIP ELEVEN (11) NORTH, RANGE FOUR (4) EAST OF THE INDIAN MERIDIAN, POTTAWATOMIE COUNTY, OKLAHOMA; THENCE N00°34'34"E A DISTANCE OF 1324.33 FEET; THENCE N89°42'29"W A DISTANCE OF 548.32 FEET; THENCE S00°06'12"E A DISTANCE OF 1955.77 FEET (MEASURED S00°05'29"E A DISTANCE OF 1957.25 FEET) TO THE SOUTH SECTION LINE; THENCE N89°28'29"E A DISTANCE OF 126 FEET (MEASURED 125.60 FEET); THENCE N00°34'34"E A DISTANCE OF 625.40 FEET; THENCE N89°28'29"E A DISTANCE OF 400.03 FEET (MEASURED 400.00 FEET) TO THE POINT OF BEGINNING.

AND

A TRACT OF LAND LYING IN THE SOUTHEAST QUARTER (SE/4) OF SECTION THIRTY-TWO (32), TOWNSHIP ELEVEN (11) NORTH, RANGE FOUR (4) EAST OF THE INDIAN MERIDIAN, POTTAWATOMIE COUNTY, OKLAHOMA, BEING FURTHER DESCRIBED AS COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER (SW/C SE/4); THENCE N00°34'34" E A DISTANCE OF 1340.18 FEET TO THE POINT OF BEGINNING; THENCE N90°00'00" E A DISTANCE OF 175.43 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 725.00 FEET, A CHORD DISTANCE OF 10.08 FEET, A CHORD BEARING OF S06°49'52" E AND AN ARC DISTANCE OF 10.08 FEET; THENCE N 90°00'00" E A DISTANCE OF 131.28 FEET; THENCE S07°35'41" E A DISTANCE OF 61.38 FEET; THENCE N79°55'00" E A DISTANCE OF 160.61 FEET; THENCE N00°34'34" E 701.20 FEET; THENCE S89°38'26" W A DISTANCE OF 474.62 FEET; THENCE S00°34'34" W A DISTANCE OF 655.49 FEET TO THE POINT OF BEGINNING, FROM A-1 RURAL AGRICULTURAL AND PUD; PLANNING UNIT DEVELOPMENT TO R-1; SINGLE FAMILY RESIDENTIAL; AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

WHEREAS, pursuant to notice duly given as required by law, a public hearing was conducted by the Board of Commissioners of the City of Shawnee, Oklahoma on the 7th day of July 2014, upon an application to rezone certain property from A-1; Rural Agricultural and Planned Unit Development to R-1; Single Family Residential.

WHEREAS, the Planning Commission of the City of Shawnee has conducted one or more public hearings on said application pursuant to notice as required by law and has submitted its final report and recommendation upon said application to the Board of Commissioners; and

WHEREAS, it appears to be in the best interest of the City of Shawnee and the inhabitants thereof for said property to be rezoned as considered.

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

Section 1: That the following described property located in the City of Shawnee, Oklahoma, to-wit: A tract of land described as beginning 625.40 feet N00°34'34"E of

the Southeast Corner of the Southwest Quarter (SE/C SW/4) of Section Thirty-two (32), Township Eleven (11) North, Range Four (4) East of the Indian Meridian, Pottawatomie County, Oklahoma; thence N00°34'34"E a distance of 1324.33 feet; thence N89°42'29"W a distance of 548.32 feet; thence S00°06'12"E a distance of 1955.77 feet (MEASURED S00°05'29"E a distance of 1957.25 feet) to the South Section line; thence N89°28'29"E a distance of 126 feet (MEASURED 125.60 feet); thence N00°34'34"E a distance of 625.40 feet; thence N89°28'29"E a distance of 400.03 feet (MEASURED 400.00 feet) to the point of beginning.

AND

A tract of land lying in the Southeast Quarter (SE/4) of Section Thirty-two (32), Township Eleven (11) North, Range Four (4) East of the Indian Meridian, Pottawatomie County, Oklahoma, being further described as Commencing at the Southwest Corner of said Southeast Quarter (SW/C SE/4); thence N00°34'34" E a distance of 1340.18 feet to the Point of Beginning; thence N90°00'00" E a distance of 175.43 feet; thence along a curve to the left having a radius of 725.00 feet, a chord distance of 10.08 feet, a chord bearing of S06°49'52" E and an arc distance of 10.08 feet; thence N90°00'00" E a distance of 131.28 feet; thence S07°35'41" E a distance of 61.38 feet; thence N79°55'00" E a distance of 160.61 feet; thence N00°34'34" E 701.20 feet; thence S89°38'26" W a distance of 474.62 feet; thence S00°34'34" W a distance of 655.49 feet to the point of beginning, be rezoned R-1; Single Family and the official zoning map heretofore adopted is hereby amended as to include said property as R-1; Single Family Residential.

PASSED AND APPROVED this 7th day of July 2014.

WES MAINORD, MAYOR

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

Regular Board of Commissioners

6.

Meeting Date: 07/07/2014

Prelim Plat Stone Creek Crossing

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consideration of approval of a Preliminary Plat for Stone Creek Crossing located at the north corner of MacArthur and Acme Road.

Case #S07-14 Applicant: Stone Creek Investments, Inc.

Attachments

Prelim Plat Stone Creek Crossing

RECOMMENDATION TO:

MAYOR
BOARD OF CITY COMMISSIONERS
CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE
PLANNING COMMISSION

SUBJECT:

APPLICANT: Stone Creek Investments, LLP

FOR: Preliminary Plat

LOCATION: North corner of MacArthur and Acme Rd.
PROJECT NUMBER 140662 **CASE NUMBER** S07-14

PLANNING COMMISSION MEETING DATE:

July 2nd, 2014

PLANNING COMMISSION RECOMMENDATION:

Approval subject to following 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. Approval of the following deviations:
 - a. The proposed cul-de-sacs are approved as shown.
 - b. A private street network may be utilized provided the street is built to City Standards. The final plat shall clearly denote "private" on the street.
 - c. Aerobic septic system may be utilized for up to 16 lots, as approved by the City Engineer. Also, all septic systems shall be approved by and meet the standards of both the Health Department and Department of Environmental Quality (DEQ). Lots on septic systems shall be no smaller than 0.50 acres in size.
4. All other applicable City standards apply.

VOTE OF THE PLANNING COMMISSION:

MEMBERS PRESENT: 6

MEMBERS:	1ST	2ND	AYE	NAY	ABSTAIN	COMMENTS
BERGSTEN			X			
CLINARD						ABSENT
KERBS		X	X			
SILVIA (CHAIRMAN)			X			
SALTER (VICE-CHAIRMAN)			X			
COWEN	X		X			
KIENZLE			X			

RESPECTFULLY SUBMITTED,

Cheyenne Lincoln

SECRETARY, PLANNING COMMISSION

ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: _____

DATE OF ACTION: _____

ADOPTED _____ DENIED _____



City of Shawnee
Community Development Department
222 N. Broadway
Shawnee, OK 74801
(405) 878-1665 Fax (405) 878-1587
www.ShawneeOK.org

STAFF REPORT
Stone Creek, Preliminary Plat
Case #S07 -14

TO: Shawnee Planning Commission
AGENDA: July 2, 2014
RE: Stone Creek, Preliminary Plat

PROPOSAL

The applicant is requesting Preliminary Plat approval for 101 Lots on approximately eighty (80) acres of undeveloped land to facilitate the construction of a housing development. The property is located on Acme Rd., one-quarter (1/4) mile north of MacArthur St and directly south of the Elks Golf Course. The subject property is zoned R-1 (Single Family Residential), which is consistent with the proposed land use.

GENERAL INFORMATION

Applicant	Stone Creek Investments, inc.
Owner(s)	Stone Creek Investments, inc. (c/o Randy Beller)
Site Location/Address	Acme Road, north of Macarthur Street
Current Site Zoning	R-1 (Single Family Residential)
Parcel Size	80.00 Acres (approximate)
Proposed Use	Single family housing
Comprehensive Plan Designation	Residential
Existing Land Use	Vacant
Surrounding Zoning	North – Not incorporated (Elks Golf Course) South – Agricultural (A-1) West – Not incorporated



Figure 1: Aerial view of site – approximate total area outlined in red.

STAFF REVIEW AND ANALYSIS

As the subject site is currently zoned R-1 (Single Family Residential), the construction of a single family housing development would be consistent with both the current zoning and the Shawnee Comprehensive Plan for the immediate area (Figure 4.2).

The property is roughly eighty (80) acres in size and the applicant proposes 101 lots developed in two phases. The western most ten (10) acres (approximate) is a designated floodplain area (see Figure 4) and two common areas are labeled on the Preliminary Plat to a total of 1.63 acres.

The proposed development will consist of the following:

1. A total of 101 lots.

2. Two (2) common areas totaling 1.63 acres.
3. Private, gated road built to City standards for Phase 1.
4. Twelve (12) lots requesting aerobic sewer system (based on City Engineer approval).
5. Two (2) gas easements traversing the property.
6. Ten (10) acres of dedicated floodplain area.

Primary City requirements:

1. Waterline and sewer extension.
2. Six (6') foot sidewalk along Acme Rd. is required, or pay a fee-in-lieu of (as approved by the Planning Commission).
3. Dedication of all required City utility easements.
4. Updated stormwater drainage plan.

Deviations from City standards requested:

1. The allowance of cul-de-sac lengths greater than the current City allowance. According to the Shawnee Subdivision Regulations, Section 40.2.1(T)(1), "A cul-de-sac shall not exceed five hundred (500') feet in length measured from the entrance to the center of the turnaround." Due to the semi-rural nature of the development, the larger lot sizes, and the overall improbability of connecting to any public road, such a deviation is justifiable. Also, There are certain design constraints, including the floodplain issues and large gas easements, making alternatives difficult.
2. A private road built to City standards for Phase 1. Such a request has been made to allow for Phase 1 to be a gated community. Gates would not otherwise be allowed. Staff finds no objection to the allowance of a private road, only that the road be built to City specifications in the event such road be dedicated to the City at a future date.
 - a. Precedence set with at least three (3) City subdivisions:
 - i. Enchanted Gardens (2001)
 - ii. The Bridges II of Shawnee Country Club (1999)
 - iii. The Bridges III – The Cottages (2008)
3. Approximately twelve (12) lots to use aerobic septic system, instead of City sewer connection. This request has been made due to a potential lack of feasibility to increase the elevation and incorporate a sewage lift station for twelve (12) lots. A lift station would be limited to those twelve lots with little potential for any further expansion of use. Between such a reduced amount of lots to be served by a lift station and the level of maintenance for such an improvement, septic systems would seem appropriate.

According to Section 40.2.6(B)(5) of the Shawnee Subdivision Regulations, Lots with septic tanks require a minimum lot size of one (1) acre. However, the City

adheres to State regulations, and they have changed since the approval of the current Subdivision Regulations (1999). According to Title 252, Chapter 641 of the DEQ Rules and Regulations (updated: 2012), the minimum allowable size for a lot using an aerobic septic system, but also provided with City water utilities, is one-half (0.5) acres. All lots proposing septic systems must meet said standard before recording of the final plat.

STAFF RECOMMENDATION

The technical aspects of the Preliminary Plat have been reviewed by the City Engineer and other appropriate staff. Staff does recommend approval of the Preliminary Plat, with the following 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. Approval of the following deviations:
 - a. The proposed cul-de-sacs are approved as shown.
 - b. A private street network may be utilized provided the street is built to City Standards. The final plat shall clearly denote “private” on the street.
 - c. Aerobic septic system may be utilized for approximately 12 lots, as approved by the City Engineer. Also, all septic systems shall be approved by and meet the standards of both the Health Department and Department of Environmental Quality (DEQ). Lots on septic systems shall be no smaller than 0.50 acres in size.
4. All other applicable City standards apply.

Attachments

1. Figure 1: Aerial view of site
2. Figure 2: Zoning Map
3. Figure 3: Floodplain Map
4. Figure 4: Future Land Use Map
5. Exhibit 1: Variance justification letter
6. Exhibit 2: Preliminary Plat

June 25, 2014

City of Shawnee
Attn: Justin Erickson
222 N Broadway
Shawnee, OK 74801

EXHIBIT

1



Re: Revised Variance Justification Letter, Stone Creek

Mr. Erickson:

The applicant, Stone Creek Investments, inc, requests certain variances from the City Ordinances, needed in order to develop the property referenced above (originally applied for on June 2). The proposed development involves the construction of a residential subdivision. Specifically, the variances requested for the aforementioned development are as follows:

- 1) Neighborhood Streets – section of Stone Creek Dr. to be gated and made private:
 - a. Buyer interest reliant on gated section, understood that HOA will maintain street.
 - b. Streets shall be constructed to City standard.
 - c. Precedent in the area. Similar residential areas are in place inside City Limits that have private gated drives. Examples include Lilly valley, The Bridges, and Enchanted Garden.

- 2) Temporary cul-de-sac turnaround allowance– waive maximum length requirement for main street until final buildout:
 - a. Phase 1 of construction will engage the northern half of the property.
 - b. Requirement to complete the main development drive during phase 1 would mean finishing out the vast majority of the paving to serve roughly half of the properties
 - c. Request that a cul-de-sac turnaround at the end of the drive of Phase 1 be temporarily allowed, to be removed when the remainder of the pavement is constructed during Phase 2 of development.

- 3) Use of aerobic onsite sanitary treatment – allowed for 16 hardship lots on the west side of the site:
 - a. The area west of the onsite natural gas line generally drains away from the existing lift station that was constructed to service the regional basin of the subject site. It is part of the overall basin, but does not naturally drain toward the lift station. By this reasoning, it stands that the development of public sewer system could be excused from the classification of ‘reasonably accessible’ by City regulation Section 60.10.B:

“For purposes of this section a public sewer system is considered “reasonably accessible” if an existing or funded sewer main serves the watershed into which the subdivision naturally drains...”
 - b. Approximately 16 Western lots would require a practically infeasible amount of fill to be able to access the sanitary infrastructure for the remainder of the site.
 - i. These western sites would need to be raised between 3’ and 15’ to gravity feed to the rest of the site.

- ii. The anticipated volume of fill necessary to raise the 16 lots enough to reach the sanitary lines would be on the order of 113,015 cubic yards (volume obtained by taking the difference in fill requirement between the proposed condition and a hypothetical condition with houses at elevation to be serviced by public sewer. This did not account for excessive slopes or potential drainage complications that may be caused by raising the ground elevation).
 - iii. The location of the sanitary lines for the affected lots would need to be located on the front side of the lots in order to minimize the amount of fill required. This arrangement is not favored by the Oklahoma Department of Environmental Quality.
 - c. Constructing a lift station for the 16 unreachable lots would not be a practically feasible option.
 - i. Constructing a new lift station would result in added public maintenance cost for running and maintaining the station. The benefit of the new station would only extend to serve 16 properties, with no potential for extending service beyond the property.
 - ii. A cost estimate for construction for a generic lift station of the size used by this site is estimated by the EPA to be on the order of magnitude of \$100,000 for equipment, plus installation fees. Further, a lot would need to be converted from a sellable residential lot to allow placement of the lift station. Also, the most practical discharge point for the lift station would be at a manhole that is not planned for construction until Phase two of development.
 - iii. All costs associated with the lift station would be incurred up front to service 7 Phase 1 lots. The remaining 9 lots that would use the lift station would not be developed until the future phase of the project.
 - d. Onsite individual aerobic treatment presents itself as the most practical sanitary solution for the lots that are unable to connect to the existing sewer system.
 - i. Affected lot sizes are adequate for usage of aerobic treatment method.
 - ii. Onsite aerobic treatment of sanitary sewer will not increase the demand on the City's water treatment facilities and utility infrastructure, and will result in both a reduction in water demand for landscaping needs and a contribution to the water supply (via treated water runoff).
 - iii. The City would be relieved of the outsized costs associated with maintaining a lift station to benefit a small number of houses.
 - iv. Permitting the installation of an aerobic system would allow the builder to distribute cost based on construction need, rather than ultimate design requirement of the neighborhood.

The applicant further requests that each requested variance be considered individually, such that the denial of any individual variance does not prohibit the acceptance of the remainder of the requested variances.

These extraordinary conditions of the site provide certain hardships to the developer that would require partial relief from portions of the current City Ordinances in order to develop the land. It is the applicant's opinion that the proposed development and requested variances would not cause any detriment to the public and would maintain the spirit of the City Ordinances.

Thank you,

A handwritten signature in dark ink, appearing to read 'Andrew Wilson', with a stylized flourish at the end.

Andrew Wilson, PE

PRELIMINARY PLAT OF STONE CREEK

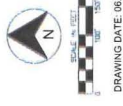
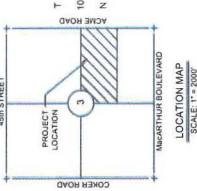
BEING A PART OF THE SE1/4, OF SEC. 3, T. 10 N., R. 3 E., I. M.
SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA

EXHIBIT

OWNER:
STONE CREEK INVESTMENTS
1000 WEST 10TH STREET
CONTRACT: RANDY BELLER
PHONE: (405) 401-3001

COAL ENGINEER:
CEDAR CREEK CONSULTING, LLC
1000 WEST 10TH STREET
OKLAHOMA CITY, OK 73113
PHONE: (405) 401-3001

SURVEYOR:
DTN, P.L.L.C. - SURVEY
OKLAHOMA CITY, OKLAHOMA 73105
PHONE: (405) 811-7402



DRAWING DATE: 08.20.14

Curve #	Radius	Length	Chord	Stationing
C1	125.00	93.85	147.07	0+0.00
C2	300.00	150.80	181.36	2+31.67
C3	1000.00	504.47	518.07	74.89
C4	300.00	150.80	181.36	108.89
C5	125.00	93.85	147.07	123.87
C6	125.00	93.85	147.07	138.85
C7	125.00	93.85	147.07	153.83
C8	125.00	93.85	147.07	168.81
C9	125.00	93.85	147.07	183.79
C10	125.00	93.85	147.07	198.77
C11	125.00	93.85	147.07	213.75
C12	125.00	93.85	147.07	228.73
C13	125.00	93.85	147.07	243.71
C14	125.00	93.85	147.07	258.69
C15	125.00	93.85	147.07	273.67
C16	125.00	93.85	147.07	288.65
C17	125.00	93.85	147.07	303.63

LEGAL DESCRIPTION:

A line of land lying in the Southeast Quarter of Section 3, Township 10 North, Range 3 East, of the City of Shawnee, Pottawatomie County, Oklahoma being more particularly described as follows:

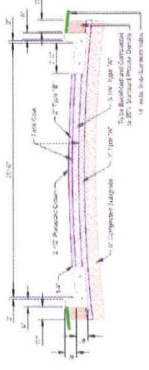
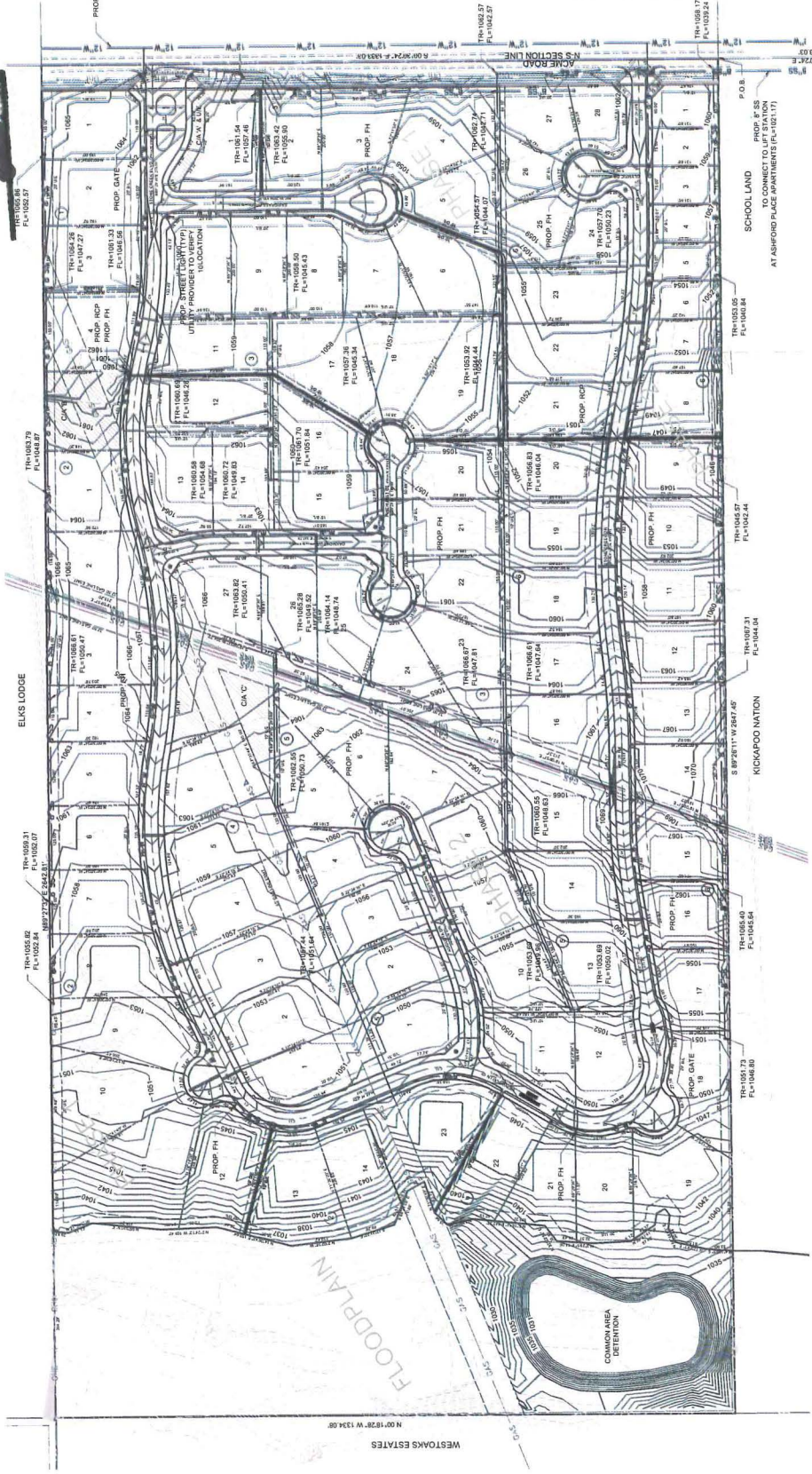
THENCE North 00°30'24" East a distance of 1,333.03 feet to the

THENCE South 89°28'11" West a distance of 2,647.45 feet

THENCE North 00°30'24" West a distance of 1,333.03 feet

THENCE South 00°30'24" East a distance of 1,333.03 feet to the

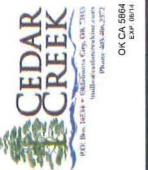
Point of Beginning, 3,527.412 x 7.1 square feet, of 80.08 acres ±.



LOTS TO BE SERVED BY AEROBIC SYSTEM:

- PHASE 1:
BLOCK 2, LOTS 10-14
- PHASE 2:
BLOCK 5, LOTS 1-2
BLOCK 6, LOTS 18-23

STATISTICAL DATA:	
TOTAL NUMBER OF GROSS ACRES:	80.08 ACRES
ZONING:	R-1
TOTAL NUMBER OF PHASE 1 LOTS:	50 LOTS
TOTAL NUMBER OF PHASE 2 LOTS:	51 LOTS
TOTAL NUMBER OF LOTS:	101 LOTS
TOTAL COMMON AREA ACREAGE:	1.83 ACRES
TOTAL COMMON AREA FOOTAGE OF LOCAL STREETS:	6,440.02 L.F.



1000 WEST 10TH STREET
OKLAHOMA CITY, OK 73105
Phone: (405) 401-3001
Fax: (405) 401-3002
OKLA 5864
EXP. 06/14

PRELIMINARY PLAT APPLICATION FOR THE CITY OF SHAWNEE

Please provide a submittal letter, 6-24 X 36 maps, 1-8 1/2 x 14 map, 1 electronic map and filing fees upon submitting this application. Please call 878-1665 with any questions.

APPLICANT Stone Creek Investments, inc. (c/o Randy Beller)

APPLICANT ADDRESS 29205 Lake Dr, Meland, OK 74851

APPLICANT PHONE NUMBERS 405-401-3001

EMAIL ADDRESS beller.randy@yahoo.com

NAME OF PLAT Stone Creek Crossing

LOCATION N/2 SE/4 Section 3, T-10-N, R-3-E of I.M.

NUMBER OF ACRES 80 NUMBER OF LOTS _____

FOR 2 ACRE LOTS OR GREATER DEVELOPMENTS: FEE: \$225.00

PLUS \$3.00 PER LOT UP TO FIFTY (50) LOTS NUMBER OF LOTS _____

PLUS \$1.00 PER LOTS OVER FIFTY (50) LOTS NUMBER OF LOTS _____

TOTAL COST _____

FOR LESS THAN 2 ACRE LOTS: FEE: \$225.00

PLUS \$2.00 PER LOT UP TO FIFTY (50) LOTS NUMBER OF LOTS 50 100.00

PLUS \$1.00 PER LOTS OVER FIFTY (50) LOTS NUMBER OF LOTS 52 52.00

TOTAL COST \$377.00

OWNER/DEVELOPER INFORMATION:

NAME Stone Creek Investments, inc. (c/o Randy Beller)

ADDRESS _____

CONTACT NUMBERS 405-401-3001

EMAIL ADDRESS beller.randy@yahoo.com

PROJECT ENGINEER INFORMATION:

NAME Cedar Creek Consulting (c/o Andrew Wilson)

ADDRESS 5400 NW Grand, Ste 525

CONTACT NUMBERS 405-778-3385

EMAIL ADDRESS awilson@cedarcreekinc.com

RECEIVED

JUN 27 2014

PLAT # 1 / CODE

FOR STAFF USE ONLY

PROJECT NUMBER: 140662

CASE NUMBER: 507-14

DATE: 6-2-14 AMOUNT PAID: 377.00 RECEIPT NO. 01609798

Regular Board of Commissioners

7.

Meeting Date: 07/07/2014

Final Plat Shawnee Marketplace

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consideration of approval of a Final Plat for Shawnee Marketplace Planned Unit Development located at the southwest quarter of Interstate 40 and Kickapoo Street.

Case #S09-14 Applicant: Cates-Clark & Associates, LLP

Deferred by Planning Commission to a special called meeting.

Attachments

Final Plat Shawnee Marketplace

RECOMMENDATION TO:

MAYOR
BOARD OF CITY COMMISSIONERS
CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE
PLANNING COMMISSION

SUBJECT:

APPLICANT: Cates-Clark & Associates, LLP

FOR: Final Plat

LOCATION: SWQ of I-40 and Kickapoo St.
PROJECT NUMBER 140740 CASE NUMBER S09-14

PLANNING COMMISSION MEETING DATE:

July 2nd, 2014

PLANNING COMMISSION RECOMMENDATION:

Staff recommends deferment to a special meeting in

July with date to be announced

VOTE OF THE PLANNING COMMISSION:

MEMBERS PRESENT: 6

MEMBERS:	1ST	2ND	AYE	NAY	ABSTAIN	COMMENTS
BERGSTEN		X	X			
CLINARD						ABSENT
KERBS			X			
SILVIA (CHAIRMAN)			X			
SALTER (VICE-CHAIRMAN)			X			
COWEN	X		X			
KIENZLE			X			

RESPECTFULLY SUBMITTED,

Cheyenne Lincoln

SECRETARY, PLANNING COMMISSION

ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: _____

DATE OF ACTION: _____

ADOPTED _____ DENIED _____



City of Shawnee
Community Development Department
222 N. Broadway
Shawnee, OK 74801
(405) 878-1665 Fax (405) 878-1587
www.ShawneeOK.org

STAFF REPORT
Shawnee Marketplace, Final Plat
Case #S09-14

TO: Shawnee Planning Commission

AGENDA: July 2, 2014

RE: Shawnee Marketplace, Final Plat

PROPOSAL

The applicant is requesting Final Plat approval for Phase 1 of the Shawnee Marketplace development, a two phase project consisting of approximately 42 acres. Phase 1 contains nine (9) lots, on 23.2 acres, and includes approximately 144,500 square feet of commercial (retail and restaurant) development. The property is currently zoned as a PUD (Planned Unit Development), which generally allows mixing of uses and/or density while also providing increased administrative discretion. Adjacent land along Kickapoo Street includes a variety of commercial uses. The project site is located along the 4500 block of North Kickapoo Street, south of Interstate 40, west of Kickapoo Street and north of 45th Street.

The property received both Preliminary Plat approval (Case #S01-14) and was rezoned from C-3 (Automotive and Recreational) to PUD (Case #P04-14) on the March 17, 2014 City Commission agenda.

GENERAL INFORMATION

Property Owner	Hunt Properties, Inc., Dallas, TX (Phase 1)
Project Engineer/Applicant	Cates-Clark & Associates, LLP, Dallas, TX.
Site Location/Address	North / Northwest of the Intersection of 45 th Street and Kickapoo, south of I-40, west of Kickapoo See Figure 1

Current Site Zoning	PUD (Planned Unit Development)
Parcel Size	Phase 1: 23.2 acres (approximate)
Proposed Use	Commercial (retail, restaurant, etc.)
Comprehensive Plan Designation	Commercial, Commercial/Residential
Existing Land Use	Vacant/Undeveloped
Surrounding Land Use	<u>North</u> : Interstate 40, Commercial <u>South</u> : Residential, Commercial <u>West</u> : Undeveloped, vacant <u>East</u> : Commercial
Surrounding Zoning	<u>North</u> : C-3, A-1 <u>South</u> : C-3, R-1 <u>West</u> : C-3 <u>East</u> : C-3



Figure 1: Approximate development area outlined in red, with Phase 1 in yellow.

STAFF REVIEW AND ANALYSIS

The applicant is seeking final plat approval for Phase 1 of the Shawnee Marketplace development, which includes Lots 1-2 and Lots 4-8. Staff has reviewed the final plat request and finds that the plat will meet all City requirements.

The technical aspects of the Final Plat have been reviewed by the City Engineer and other appropriate staff. Because of the conditioned changes required during the Preliminary Plat approval, Staff does recommend approval of the final Plat, with a few minor conditions.

STAFF RECOMMENDATION

Staff recommends **approval** of the Shawnee Marketplace Final Plat, subject to the following conditions:

1. The conditions set forth in the Shawnee Marketplace Preliminary Plat and PUD approvals by the City Commission (February 18, 2014) shall continue to apply.
2. Final improvement plans shall be approved by the City Engineer prior to construction.
3. Prior to filing (recording) the final plat, the applicant shall commence with making the required public site improvements in accordance with construction plans approved by the City Engineer or otherwise bond the project or provide other financial assurances in accordance with City code. This requirement shall also apply to Marketplace Boulevard, provided that the street may be phased as noted in the conditions adopted by the City Commission on February 18, 2014.
4. Construction of public and other site improvements shall be in accordance with the engineering plans reviewed and approved by the City Engineer.
5. All other applicable City standards apply.

Attachments

1. Final Plat

NOTICE

A FINAL PLAT MAP

WILL BE SENT UNDER SEPARATE COVER

FINAL PLAT APPLICATION FOR THE CITY OF SHAWNEE

Please provide a submittal letter, 6-24 X 36 maps, 1-8 1/2 x 14 map, 1 electronic map and filing fees upon submitting this application. Please call 878-1665 with any questions.

APPLICANT Cates-Clark & Associates - Daniel Stewart, P.E.

APPLICANT ADDRESS 14800 Quorum Drive, Suite 200, Dallas, Texas 75254

APPLICANT PHONE NUMBERS (972)385-2272

EMAIL ADDRESS dstewart@cates-clark.com

NAME OF PLAT Shawnee Marketplace

LOCATION SWC I.H.-40 & Kickapoo Street

NUMBER OF ACRES 19.64 NUMBER OF LOTS 8

FOR 2 ACRE LOTS OR GREATER DEVELOPMENTS: FEE: \$325.00

PLUS \$3.00 PER LOT UP TO FIFTY (50) LOTS NUMBER OF LOTS 8 \$24.00

PLUS \$1.00 PER LOTS OVER FIFTY(50) LOTS NUMBER OF LOTS _____

TOTAL COST \$349.00

FOR LESS THAN 2 ACRE LOTS: FEE: \$325.00

PLUS \$2.00 PER LOT UP TO FIFTY (50) LOTS NUMBER OF LOTS _____

PLUS \$1.00 PER LOTS OVER FIFTY (50) LOTS NUMBER OF LOTS _____

TOTAL COST _____

OWNER/DEVELOPER INFORMATION:

NAME Shawnee Marketplace Investors, LP - Jeff Williams

ADDRESS 8235 Douglas Avenue, Suite 1300, Dallas, Texas 75225

CONTACT NUMBERS (214)360-9600

EMAIL ADDRESS _____

RECEIVED

JUN 16 2014

PROJECT ENGINEER INFORMATION:

NAME Daniel Stewart, P.E.

PLANNING / CODE

ADDRESS 14800 Quorum Drive, Suite 200, Dallas, Texas 75254

CONTACT NUMBERS (972)385-2272

EMAIL ADDRESS dstewart@cates-clark.com

FOR STAFF USE ONLY

PROJECT NUMBER: 140740

CASE NUMBER: 509-14

DATE: 6-16-14 AMOUNT PAID: 349.00 RECEIPT NO. 01616120

Regular Board of Commissioners

8.

Meeting Date: 07/07/2014

Alley Closing between 10th and 11th St

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

A public hearing and consider an ordinance closing alley between 10th Street and 11th Street and between N. Pesotum Avenue and N. Florence Avenue.

Attachments

Memo Alley Closure

Public Hearing Notice

Ordinance



City of Shawnee
Community Development Department
222 N. Broadway
Shawnee, OK 74801
(405) 878-1665 Fax (405) 878-1587
www.ShawneeOK.org

MEMORANDUM

DATE: July 2, 2014
TO: Shawnee Planning Commission
FROM: Justin DeBruin, Assistant City Planner
RE: **Alley Closure – 300 Block of N. Pesotum**

The applicant, Cross Connection Church, is requesting an alley closure on the 300 block of N. Pesotum Ave. The alley runs North and South between 10th St. and 11th St., and between N. Pesotum Ave. and N. Florence Ave. It is located on Block 7 of the Oak Park Addition. The alley is adjacent to lots 1-12 and 17-28.

The primary concern is the occurrence of criminal activity and loitering in and around the church parking lots.

Cross Connection Church owns three buildings and three parking lots along the subject alley, primarily on the northern half of the block. There seems to be a shared concern with foot traffic, day and night, in the alley among neighbors in the square block. The church would like an alley closure and the ability to put a fence on the south end to close traffic to the parking lots from 10th Street.

There is a sewer main, electric overhead lines, and cable lines running down the alley. The City has given public notice and, though not required, the City has mailed notice to all residents in the square block. Also, the City has contacted all utility companies concerned with an alley closure. One letter was received from ONG stating that they have no objections to such an alley closure.

An alley closure is temporary, not permanent, and can be reversed at any time. All costs of such closure will be the responsibility of the applicant and access shall remain available for all utility companies.

Staff does hereby recommend **approval** of the proposed alley closure.

Attachments:

1. Cross Connection Church – letter of request.
2. Oklahoma Natural Gas – letter of no objection.
3. Proposed alleyway closure map
4. Public hearing notice



P.O. Box 1202 Shawnee, Oklahoma 74802-1202

April 9, 2014

Justin Erickson
City Hall
16 W 9th
Shawnee OK 74801

Dear Community Development Director:

It is our desire as a part of Shawnee to serve the neighborhood where we are located as well as the entire community. We are in an area where there are a lot of drug sales taking place. Some of those transactions are being accomplished on our church property due to the large parking lot. There are many others who park on our church property and walk to particular houses in the neighborhood to purchase the drugs, and then return to their parked cars. The majority of those use the alley through our parking lot as the trail to accomplish their task. This particular alley runs North and South between 10th and 11th Streets, and between Pesotum and Florence Streets. In talking to the neighbors in this square block they have complained of the foot traffic in the alley, day and night. Our church has paved parking lots attached to the alley and we have paved about half of the alley as well.

Cross Connection Church respectfully petitions the City of Shawnee to close the alley as a first plan of action to detour some of the drug trafficking taking place in the neighborhood. By putting a fence across the alley on the South end close to 10th Street, it will detour the traffic out to the main streets and maybe stop some of the drug sales from happening.

Cross Connection Church will also close our parking lots to vehicle traffic except during service times and normal business hours. This will keep people from parking and walking to the specific sales location.

The alley has the main sewer line running down the middle of it, and the electric and cable lines also run down the alley. The North end of the alley would be available for entry to any vehicles that need to service those particular utilities.

Cross Connection Church would like to thank you in advance for considering this petition. If we can be of any assistance or you need any further information, please contact us at (405)275-4330.

Sincerely,

Ken Kerbo
Lead Pastor



4901 N. Santa Fe, Oklahoma City, OK 73118-7911
P.O. Box 401, Oklahoma City, OK 73101-0401

May 29, 2014

Ms. Phyllis Loftis
City Clerk, City of Shawnee
222 N. Broadway
Shawnee, OK. 74801

RE: Oak Park Addition, Block 7 Public Alleyway

Dear Ms. Loftis:

Oklahoma Natural Gas Company **has no objection** to closing the alleyway in Oak Park Addition, Block 7, between Pesotum Street and Florence Avenue and 10th and 11th streets. Oklahoma Natural Gas Company has no pipelines or facilities in the area to be closed. The above mentioned location is in a part of the NE/4 Section 20, Township 10 North, Range 4 East of the Indian Meridian.

A handwritten signature in blue ink, appearing to read "Henry Bluejacket".

Henry Bluejacket
ONE Gas Real Estate Services
Oklahoma Natural Gas

HB/A.P 30 Shawnee

CC: file/Russell Weathers/Dana Egli

RECEIVED
JUN 02 2014
PLANNING / CODE



**CITY OF SHAWNEE
PUBLIC HEARING NOTICE**

Notice is hereby given that the City of Shawnee, Oklahoma, will conduct a Public Hearing to consider an Ordinance to close part of the public alleyway (public way) located in Block 7 of the Oak Park Addition. This request was made by Cross Connection Church. The area proposed for closure includes that portion of the alleyway in Block 7 of the Oak Park Addition that is adjacent to Lots 1-12 and Lots 17-28.

The Shawnee City Commission will hold a Public Hearing in the City Commission Chambers in City Hall located at 16 W. 9th St. Shawnee, OK on **July 7, 2014 at 6:30 PM** or shortly thereafter.

At this time, any interested citizen of Shawnee, Oklahoma will have the opportunity to appear and be heard with regard to the proposed public way closure. The Commission reserves the right to limit discussion and debate on the proposed ordinance during the public hearing, in which event those persons appearing in support or opposition of the proposal will be allotted equal time. If there are any questions about the proposal, or you need additional information prior to the meeting, you may contact the Planning Department at 878-1666.

Copies of all materials pertaining to this request are available for review in the Planning Department, City Hall Annex, 222 N. Broadway, Monday through Friday between 8:00 AM and 5:00 PM.

Witness my hand this 26th day of May, 2014.


Phyllis Loftis, City Clerk



**CITY OF SHAWNEE
PUBLIC HEARING NOTICE**

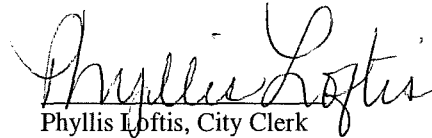
Notice is hereby given that the City of Shawnee, Oklahoma, will conduct a Public Hearing to consider an Ordinance to close part of the public alleyway (public way) located in Block 7 of the Oak Park Addition. This request was made by Cross Connection Church. The area proposed for closure includes that portion of the alleyway in Block 7 of the Oak Park Addition that is adjacent to Lots 1-12 and Lots 17-28.

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Copies of all materials pertaining to this request are available for review in the Planning Department, City Hall Annex, 222 N. Broadway, Monday through Friday between 8:00 AM and 5:00 PM.

Witness my hand this 26th day of May, 2014.


Phyllis Loftis, City Clerk



ORDINANCE NO. _____

AN ORDINANCE CLOSING PART OF THE PUBLIC ALLEYWAY LOCATED IN BLOCK 7, OAK PARK ADDITION AND PROVIDING FOR SEVERABILITY

WHEREAS, the City received a written request dated April 9, 2014 requesting closure of part of the alleyway located in Block 7, Oak Park Addition;

WHEREAS, the City provided public notice as required by Oklahoma Statute and also notified all property owners in Block 7 of the Oak Park Addition; and

WHEREAS, the Shawnee City Commission held a public hearing on July 7, 2014 to take testimony and consider the proposed alley closure.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE BOARD OF COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA THAT THE FOLLOWING PUBLIC WAY IS HEREBY CLOSED:

THAT PORTION OF THE ALLEYWAY LOCATED IN BLOCK 7, OAK PARK ADDITION, THAT IS ADJACENT TO LOTS 1-12 AND LOTS 17-28.

BE IT FURTHER RESOLVED THAT THE CITY OF SHAWNEE DOES NOT CONVEY TITLE TO THIS AREA IN ANYWAY. FURTHER, THE CITY SHALL RETAIN THE ABSOLUTE RIGHT TO REOPEN THE PUBLIC WAY. CLOSING OF THE PUBLIC WAY SHALL NOT AFFECT THE RIGHT TO MAINTAIN, REPAIR, CONSTRUCT, RECONSTRUCT, OPERATE OR REMOVE UTILITY, PUBLIC SERVICE CORPORATION, OR TRANSMISSION COMPANY FACILITIES OF SERVICE THEREIN.

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 court so holding shall not affect or impair any of the remaining parts or provisions of this ordinance.

PASSED AND APPROVED this ____ day of _____, 2014.

WES MAINORD, MAYOR

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

APPROVED AS TO FORM AND LEGALITY ON THIS ____ DAY OF _____, 2014.

MARY ANN KARNs, CITY ATTORNEY

Regular Board of Commissioners

9.

Meeting Date: 07/07/2014

Resolution support of CSY Investors

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consideration of a resolution in support of tax credits for CSY Investors, LLC, for rehabilitation of Ashford Place Apartments.

Attachments

Ashford Place Apartments

Resolution

Ashford Place Acquisition Narrative

Our development proposal is to utilize 4% Low Income Housing Tax Credits (LIHTC), Tax-Exempt Bonds, and an FHA 221(d)4 mortgage to acquire and substantially rehabilitate Ashford Place Apartments in Shawnee, OK.

Ashford Place Apartments is located at 3105 Acme Road, Shawnee, OK. It is comprised of 6 buildings that make up a total of 101 apartment units. Additionally, the complex has a community building, a swimming pool, a playground area, and on-site management and maintenance. The project has a 100% project based Section 8 contract directly with HUD. The complex has 32 One Bedroom, 60 Two Bedroom, and 8 Three Bedroom apartments.

The complex's physical condition is deteriorating, and it is in need of a substantial rehabilitation. While the buildings are structurally sound, the interior and exterior finishes and the mechanical systems are all beyond their useful life and need replaced.

Our proposed development project would rehabilitate the complex inside and out. Exterior work will consist of new roofs, tuck pointing of brick as needed, new windows, new gutters and downspouts, updates to playground and pool areas, and updated landscaping throughout the complex.

Our interior renovations will include all new flooring, trim and doors, hardware, paint, wall repairs as needed, cabinets, countertops, energy efficient appliances and HVAC, toilets, vanities, sinks, mirrors, plumbing fixtures and new blinds.

Construction Financing will come from cash equity provided by the LIHTC, Tax-Exempt Bonds structured as a construction loan, and an FHA 221(d)4 loan. Permanent financing will come from cash equity provided by the LIHTC and the FHA 221(d)4 loan.

CSY Investors, LLC will own and develop the complex. Comprise Community Development Company will be the development Consultant. Marco Management will manage the property. Polsinelli Shughart will serve as legal counsel. The entire development team has extensive experience with HUD and LIHTC projects like Ashford Place Apartments.

RESOLUTION NO. _____

A RESOLUTION SUPPORTING THE ACQUISITION AND REHABILITATION OF A HOUSING DEVELOPMENT KNOWN AS ASHFORD PLACE APARTMENTS, LOCATED IN THE CITY OF SHAWNEE, OKLAHOMA; SUPPORTING FAVORABLE CONSIDERATION BE GIVEN FOR TAX CREDIT AWARD FOR THIS PROJECT.

BE IT RESOLVED:

WHEREAS, CSY Investors, LLC, is proposing to acquire and rehabilitate a 100 unit housing development to be located in the limits of the city of Shawnee, Oklahoma at 3105 Acme Road, Shawnee, Oklahoma ; and

WHEREAS, the city of Shawnee, Oklahoma supports economic development and promotes affordable housing for the benefit of the citizens of the city of Shawnee.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS for the City of Shawnee, Oklahoma, supports favorable consideration to be given for a tax credit award for this Development.

BE IT FURTHER RESOLVED, it is noted that the proposed development is consistent with the city of Shawnee's affordable housing strategies and comprehensive plan.

APPROVED AND PASSED this _____ day of _____, 20__

WES MAINORD, MAYOR

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

Regular Board of Commissioners

10.

Meeting Date: 07/07/2014

Resolution to surplus vehicle

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consideration of a resolution to surplus a vehicle to recycle.

Attachments

Resolution to Surplus

RESOLUTION NO. _____

A RESOLUTION DECLARING A VEHICLE ASSIGNED TO THE POLICE DEPARTMENT AS SURPLUS PROPERTY AND NO LONGER USABLE FOR CITY OR ANY OTHER PURPOSES; DESCRIBING SAID ITEM; AND AUTHORIZING STAFF TO PROCEED WITH REMOVAL OF SAID VEHICLE AND DISPOSING OF SAID PROPERTY TO A RECYCLING FACILITY.

WHEREAS, the City of Shawnee owns the following property:

2009 FORD CROWN VIC SERIAL NUMBER 2FAHP71VX9X117011 UNIT #3479

WHEREAS, this vehicle was burned, rendering the vehicle unsafe and is no longer usable and surplus to the City of Shawnee; and is not usable for parts or any other purposed.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA:

That the above-described item is hereby declared to be surplus and unsafe and no longer usable for city purposes.

That city staff is hereby authorized to proceed with removal of the said vehicle and taking it to a recycling facility.

ADOPTED this 7th day of July, 2014.

WES MAINORD
MAYOR

(SEAL)

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

Regular Board of Commissioners

11.

Meeting Date: 07/07/2014

Charter Change Motion

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Discussion, consideration and possible action on a proposal for a charter amendment requiring a vote of the people to approve detachment of territory under specific circumstances.

Continued from the June 16, 2014 meeting with the following motion and second remaining on the floor for discussion.

A motion made by Commissioner Hall, seconded by Vice Mayor Harrod, to direct staff to move forward in preparation of ballot language on a proposal for a charter amendment requiring a vote of the people to approve detachment of territory under specific circumstances.

Attachments

Memo from last meeting Charter Change

LEGAL Opinion Charter Change

MEMORANDUM

To: Mayor and City Commissioners

From: Mary Ann Karns, City Attorney

Date: June 12, 2014

Re: Charter Amendment related to detachment of territory

Commissioner Hall has requested that I draft a proposal for a Charter amendment that would require a vote of the people before an ordinance detaching a tract from the City limits would be effective.

There is no mention in the current Charter of detachment. The ordinance is 2-247:

- (a) Territory may be detached from the corporate limits of the city by the city commission when:
 - (1) An ordinance of the city commission so directs; or
 - (2) A petition requesting detachment, signed by at least three-fourths of the registered voters and by the owners of at least three-fourths (in value) of the property to be detached, is filed with the city commission.
- (b) Only land which is within the city limits and upon its border and not laid out in lots and blocks or land which had been annexed to the city may be detached by petition. Notice of any city commission action on a petition requesting detachment and appeal to the district court shall be in the same manner provided for petitions requesting annexation.

The last two ordinances for detachment were for small tracts on the border of the City. If the Commission desires to place this item on the ballot, staff recommends that the vote take place only when there are other factors such as:

1. The City has had infrastructure in place (water, sewer, roads) for some fixed period of time.
2. The land is zoned higher than agricultural or residential.

3. There are more than five residents living on the tract (or five residences).
4. There is at least one retail business on the site.

These are samples of the restrictions. The Commission may want to add others, or eliminate some of these.

The proposed amendment would go on the November ballot.

We would need to make some slight adjustments in the ordinance and probably put a reference in the Charter amendment to procedural ordinances.

Mayor
WES MAINORD



CITY ATTORNEY
MARY ANN KARNS

The City of Shawnee

16 W. 9th St.
P.O. Box 1448
Shawnee, Oklahoma 74802-1448
Tel: (405) 878-1686
Fax: (405) 214-4249

maryann.karns@shawneeok.org
www.ShawneeOK.org

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

July 3, 2014

City Commissioners:

At your meeting June 16, you asked for a legal opinion regarding the City's ability to submit to the voters a Charter amendment that would mandate a vote of the people before a de-annexation of land (under specific circumstances) would be valid.

I

Question submitted:

Does the City Commission have the authority to submit a Charter amendment that would require a vote of the electorate before a detachment of land could become effective?

Discussion:

Article 5, Section 1 of the Oklahoma Constitution provides:

“The Legislative authority of the State shall be vested in a Legislature, consisting of a Senate and a House of Representatives; but the people reserve to themselves the power to propose laws and amendments to the Constitution and to enact or reject the same at the polls independent of the Legislature; and also reserve power at their own option to approve or reject at the polls any act of the Legislature.”

These powers are the initiative (proposing a new law) and the referendum (approving or rejecting any act of the Legislature). This same power is reserved to the people of a municipality with reference “to all legislative authority which it may exercise and amendments to municipal charters.” 11 O.S. 15-101.

The Charter of the City of Shawnee provides: “The powers of the initiative and referendum reserved by the constitution of the State to the people thereof, and the respective counties and districts therein, are hereby reserved to the people of this city and the same shall be held to apply to all legislative authority which the said board may exercise, and to amendments to this Charter.” Article XIV, Section 16.

Clearly, the citizens of Shawnee have a right, guaranteed by the Oklahoma Constitution, Oklahoma statutes, and the City Charter, to not only propose laws but also to reject or approve laws passed by the Commission.

Before the people can avail themselves of this right, they must circulate a petition and obtain a fixed number of signatures in order to bring the issue to a vote. In Shawnee, the number required is 25% of the vote at the municipal general election immediately preceding the time the petition is circulated. (Charter, Article XIV, Section 17).

In order to keep an ordinance from going into effect, the petition must be circulated and filed within thirty days of its passage. It is then termed a referendum petition, since it refers the ordinance to a vote of the people.

If the ordinance is passed with an emergency clause, this option is foreclosed and a rejection has to occur by virtue of an initiative petition seeking repeal. If citizens want to propose a law independent of any action previously taken, their initiative petition is first submitted to the commission. If the commission does not enact the measure, then it is put before the voters.

Only legislative acts are subject to this process. Administrative and executive acts are not subject to the initiative or referendum. *Brazell v. Zeigler*, Okla., 26 Okla.826, 110 P. 1052 (1910). They cannot be delegated or referred to the people. Submitting this measure to a vote is not a delegation of power; the power is already reserved to the voters via the initiative and referendum.

There are numerous cases addressing what actions are legislative and subject to the referendum. De-annexation has specifically been determined to be subject to the referendum. *Matter of Referendum Petition Filed with City Clerk of Norman*, 610 P.2d 243 (1980).

The issue put before you by Commissioner Hall is whether to give voters an opportunity to amend the Charter from an option to vote on de-annexation when set by a referendum petition, to a mandate for voting, under certain circumstances.

Such a measure amending the Charter to require a vote of the people on a certain issue would be permissible under *In re Initiative Petition No. 348, State Question 640*, Okl., 820 P.2d 772 (1991). (State Question 640 provided for amendment of the Oklahoma Constitution to require approval of revenue-raising bills by voters at the next general election.)

Although this opinion does not address these issues in great detail, the law is very clear on this point: the citizens have the right, under existing law, to file a referendum petition seeking to vote whether or not a particular de-annexation action by the Commission should be approved.

This provision is not inconsistent with existing Oklahoma law or Shawnee ordinances on the procedure prior to the vote on the question or on appeal rights should a petition of landowners be rejected. (See 11 O.S. 21-105 and 11 O.S. 21-110 as well as Section 2-427 of the Shawnee Municipal Code, which addresses detachment only). Annexation and detachment can both be sought by the City (with limited circumstances) as well as by petition of property owners within

the subject area. In either event, an ordinance must be passed by the Commission to effect the annexation or de-annexation. If the Commission fails to grant a petition, the petitioners have an appeal to district court. If the Commission grants the petition, passes an ordinance and that goes to a vote of the people, the petitioners would have the same right of appeal should the voters reject the ordinance.

Answer:

Based on my review of the Oklahoma Constitution and laws of the State of Oklahoma, the Charter and ordinances of the City of Shawnee, and the case law interpreting such laws, it is my legal opinion that there is no prohibition that would preclude the submission of a proposal to amend the charter to require a vote of the people on a de-annexation measure.

II

You also asked whether there were possible alternatives to amending the Charter to require a vote.

Three options come to mind.

- A. Adopt a charter provision that prohibits the use of the emergency clause on ordinances related to de-annexation (and perhaps annexation as well). If there is no emergency clause attached, the ordinance does not become effective for thirty days, which would allow citizens to circulate a referendum petition before the ordinance became effective. This amendment could go in Article IV, Section 1 of the Charter or become a new section.
- B. Combine the idea of submission by the Commission with a provision for the initiative provision and guarantee that the initiative option would be available and citizens notified of that option with this language:

“De-annexation (and perhaps Annexation) of property which (here insert the qualifying conditions) may only be accomplished:

(1)

By authority of an ordinance approved or enacted at an election by an affirmative vote of a majority of the qualified voters of the city who vote on the question of approving or enacting the ordinance (the ordinance being submitted to the voters by the City Commission or by initiative of the voters); or

(2)

By authority of a non-emergency ordinance passed by the City Commission, which shall be published in full in a newspaper authorized

by law to publish legal publications within ten (10) days after its passage, and which shall include a section reading substantially as follows:

"Section _____. If one or more petitions with signatures of registered qualified voters of the city equal to at least twenty-five (25) percent of the total number of votes cast in the last scheduled general municipal election are filed with the city clerk within thirty (30) days after passage and publication of this ordinance, this ordinance shall not go into effect until the petition or petitions are finally found to be illegal and/or insufficient, or, if any such petition is found legal and sufficient, until the ordinance is approved at an election by a majority of the qualified voters voting on the question. If no petition with signatures is filed, this ordinance shall go into effect thirty (30) days after its passage and publication."

This Amendment could also go in Article IV, Section 1, or be a new section.

- C. Amend the ordinance to require a vote or to require the process as set out in B. above. The ordinance would go somewhere in Chapter 2, Article VII of the Code of Ordinances.

III

Although the motion from Commissioner Hall was for staff to prepare specific ballot language, given the nature of the discussion, and the requests for options, I have drafted that language in accordance with the comments made. If you approve of that option (or any other suggested here), you would need to ask staff to prepare a resolution calling for an election on the measure in November along with a ballot title. Commissioner Hall's suggestion would also go in Article IV, Section 1 of the Charter, or would be a new section.

"Whenever the Commission determines that territory should be detached from the City limits, it shall submit the question to the voters no later than the next available municipal election, if the territory:

1. Is zoned higher than agricultural; or
2. Has infrastructure, including without limitation utility services and roads, constructed by the City and in place for less than 20 years; or
3. Has infrastructure that produces revenue pledged to payment of indebtedness, or
4. There are more than five occupied residences on the tract; or
5. There is at least one retail business on the site."

If the property is detached, whether by vote of the people or by city ordinance, the City is entitled to reimbursement for public improvements. The current state statute on this subject (11

O.S. 21-111) makes the owners of the detached properly liable to the City “only for the cost of public improvements which may have been constructed on the detached lands at the expense of the municipality. The municipality shall have no claim upon nor collect any tax from the detached territory for any public debt or the cost of any public improvements which have not been directly upon the detached lands.”

There are no cases that interpret this statute. There is an Attorney General’s opinion that holds detached property is still subject to assessments for bonds passed. (Op. Atty. Gen. No. 79-344). As such, there is no standard upon which to value the property and set the reimbursement. Another Charter amendment would be necessary for that.

One option would be to look at the original costs as the value; another would be to take those costs and depreciate them; and determine whether to cap the depreciation at either a percentage or maximum time for depreciation.

To the extent revenues from the infrastructure are pledged to payment of debt, the determination must be pro-rata.

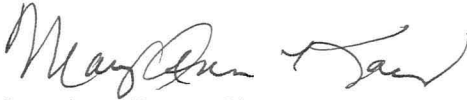
The setting of the value could also be done by ordinance. It is my recommendation that at some point the Commission enact these valuation measures whether by ordinance or Charter amendment.

Summary:

Present Oklahoma law allows citizens to vote on a de-annexation by circulating a petition to do so. Accordingly, there is no improper delegation or a reduction of the power of the commission.

Options available to you are:

1. Do nothing. Voters keep power under initiative/referendum and can choose to vote on the measure if they successfully complete the petition process.
2. Amend the Charter to require a vote under certain circumstances.
3. Amend the Charter to forestall the effective date of the ordinance until there has been time for a petition to circulate. (Essentially eliminates emergency clause).
4. Change ordinance to do either (2) or (3). (Ordinance can be changed at any time by Commission.)


Mary Ann Karns, City Attorney

Regular Board of Commissioners

12.

Meeting Date: 07/07/2014

Disability Retirement - C. Clemons

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consider approval of Disability Retirement for Carla Clemons from the Oklahoma Municipal Retirement Fund.

Regular Board of Commissioners

13.

Meeting Date: 07/07/2014

Easements Kickapoo Widening Project

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consider approval of acquiring a Permanent Easement for Public Highway at Independence and Kickapoo for parcel 11 and Temporary Easement on parcel 11.2 and 11.3, as necessary for the Kickapoo Street widening project.

Attachments

Permanent Easement

Temporary Easement

Temporary Easement

EASEMENT for Public Highway

22908(06)

SEC117-163A(227)SG

Parcel 11

KNOW ALL MEN BY THESE PRESENTS:

That JASON D. HUDSON of POTTAWATOMIE County, State of Oklahoma, hereinafter called Grantors (whether one or more), for and in consideration of the sum of ONE DOLLARS (\$ 1.00)

and other good, valuable and sufficient considerations, do hereby grant, bargain, sell, convey and dedicate unto the City of Shawnee, Oklahoma hereinafter called the Grantee, a perpetual easement over, under, and across the following described lots or parcels of land, to-wit:

A strip, piece or parcel of land lying in part of Lots 27, Block 4, Campbell's Addition to Shawnee of Section 18, T10N, R4E, in Pottawatomie County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

The North 9.00 feet of the East 50.00 feet of said Lot 27, Block 4, Campbell's Addition to Shawnee, Pottawatomie County, Oklahoma

Containing 0.01 acres, more or less, of permanent roadway easement.

For the same consideration hereinbefore recited, this easement is granted for the purpose of enabling said Grantee, its officers, agents, contractors, and employees, now or at any time in perpetuity and at its discretion, to go upon, construct, build, maintain, and regulate a public highway of facilities necessary and incidental thereto, including the airspace above and removal of any and all kind of dirt, rock, gravel, sand and other road building materials, reserving and excepting unto said Grantors the mineral rights therein provided, however, that any explorations or development of said reserved mineral rights shall not directly or indirectly interfere with the use of said land for the purposes herein granted; and reserving unto said Grantors the right of ingress and egress to said public highway from remaining lands of the Grantors.

To have and to hold said above described premises unto the said City of Shawnee, Oklahoma free, clear and discharged from any and all claims of damages or injury that may be sustained directly or indirectly to the remaining lands of the Grantors by reason of the construction and maintenance of a public highway and all highway excavations, embankments, structures, bridges, drains, sight distance of safety areas and other facilities that may now or hereafter be, in the discretion of the Grantee, necessary for the construction and maintenance of a public highway and incidental facilities over, across or along the above described tract of land; the supervision and control of said public highway to be in such municipality, county or other agency of the State of Oklahoma as has or may have jurisdiction thereof by the laws of the State of Oklahoma; and said Grantee, its officers, agents, contractors and employees are hereby granted free access to said property for the purpose of entering upon, construction, maintaining or regulating the use of said public highway and incidental facilities.

Said Grantors hereby covenant and warrant that at the time of the delivery of these presents they are the owners in fee simple of the above described premises and that same are free and clear of all liens and claims whatsoever, except, _____

The undersigned Grantors hereby designate and appoint _____ as agent to execute the claim and receive the compensation herein named.

IN WITNESS WHEREOF, the Grantors herein named have hereunto set this hands and seals this the 18th day of June, 2014.

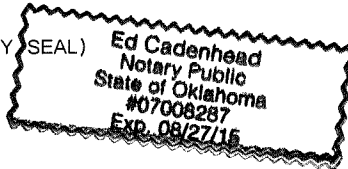
Jas. H. D. S.

STATE OF OKLAHOMA)
) ss.
Sevigne COUNTY)

Before me, in and for this State, on this 18th day of June, 2014, personally appeared Jason Hudson, to me known to be the identical person(s) who executed this instrument, and acknowledged to me that he/she/they executed the same as his/her/ their free and voluntary act for the uses and purposes therein set forth, and witness my hand and seal the day and year last above written.

[Signature]
Notary Public, Comm. # _____

My Commission Expires: _____ (NOTARY SEAL)



TEMPORARY EASEMENT

22908(06)

SEC117-163A(227)SG

Parcel 11.2

KNOW ALL MEN BY THESE PRESENTS:

THAT Jason D.Hudson
of _____ County, State of
Oklahoma, for and in consideration of the sum of One
DOLLARS (\$ 1.00)

and other good, valuable and sufficient consideration, has/have sold to the City of
Shawnee, Oklahoma a temporary easement over the following
described land, to-wit:

A strip, piece or parcel of land lying in part of Lots 27 thru 37, Block 4, Campbell's
Addition to Shawnee of Section 18, T10N, R4E, in Pottawatomie County, Oklahoma.
Said parcel of land being described by metes and bounds as follows:

The South 3.00 feet of the North 12.00 feet of the East 50.00 feet of Lot 27, Block
4, Campbell's Addition to Shawnee, Pottawatomie County, Oklahoma.

Containing 0.07 ²ares, more or less, of temporary construction easement.

It is a condition of this easement that it shall not be filed for record and that all rights
conveyed of the City of Shawnee, Oklahoma and the Transportation
Commission by this instrument shall terminate upon
_____.

Grantor(s) hereby covenant(s) and warrant(s) that at the time of execution of this
easement, _____
_____ owner(s) in fee simple of the above described tract that said
tract is free and clear of all liens of any nature whatsoever except

TEMPORARY EASEMENT

22908(06)

SEC117-163A(227)SG

Parcel 11.3

KNOW ALL MEN BY THESE PRESENTS:

THAT _____ Jason D. Hudson
_____ of _____
_____ County, State of Oklahoma, for and in consideration of the sum
of _____ One
_____ DOLLARS (\$ 1.00)

and other good, valuable and sufficient consideration, has/have sold to the City of
Shawnee, Oklahoma _____ a temporary easement over the following
described land, to-wit:

A strip, piece or parcel of land lying in part of Lots 27, 28, 33-37, Block 4,
Campbell's Addition to Shawnee of Section 18, T10N, R4E, in Pottawatomie County,
Oklahoma. Said parcel of land being described by metes and bounds as follows:

Commencing at the Southwest corner of said Lot 37, thence N 89°26'24" E on the
South line of said Lot 37 for a distance of 22.00 feet to the point of beginning, thence
N 0°10'36" E and parallel with the West line of said addition for a distance of 147.00
feet, thence N 89°26'24" E for a distance of 15.00 feet, thence S 0°10'36" W for a
distance of 147.00 feet, thence S 89°26'24" W on the South line of said Lot 37 for a
distance of 15.00 feet to the point of beginning.

AND

The South 21.39 feet of the North 33.39 feet of the East 50.00 feet of Lots 27 and
28, Block 4, Campbell's Addition to Shawnee, Pottawatomie County, Oklahoma.

Containing 0.08 acres, more or less, of temporary drive easement.

It is a condition of this easement that it shall not be filed for record and that all rights
conveyed of the City of Shawnee, Oklahoma and the Transportation
Commission by this instrument shall terminate upon
_____.

Grantor(s) hereby covenant(s) and warrant(s) that at the time of execution of this

Regular Board of Commissioners

14. a.

Meeting Date: 07/07/2014

Rehab Concrete Streets Bid Open

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Rehab Concrete Streets Project (Various Locations) FY13-14 Contract No. COS-PW-13-02 (Open)

Attachments

Notice and Bidders List

NOTICE TO BIDDERS

Sealed bids will be received by the City of Shawnee, Oklahoma, City Hall, 16 West 9th – P.O. Box 1448, Shawnee, OK 74802-1448 up to 4:00 p.m., **Monday, July 7, 2014**, for:

BID: CONTRACT NO. COS-PW-13-02
FY 13-14 REHAB CONCRETE STREETS PROJECT (VARIOUS LOCATIONS)

Bidding Documents, Plans and Specifications are available to qualified bidders at the office of City Engineer, 222 North Broadway, Shawnee, OK 74802-1448. The fee for Plans and Specifications is \$50.00 per contract set and is non-refundable. No documents will be mailed unless the request is accompanied by an additional \$10.00 per set to cover mailing cost. **A Pre-Bid Conference is scheduled for Wednesday, June 25, 2014, at 11:00 a.m. in the Engineering Conference Room, 222 North Broadway, Shawnee, OK.**

Each bid shall be filed in a sealed envelope. On the front of each envelope shall be written the following words to the left of the address:

BID: CONTRACT NO. COS-PW-13-02
FY 13-14 REHAB CONCRETE STREETS PROJECT
(VARIOUS LOCATIONS)
July 7, 2014

This project shall include approximately **removal and replacement of concrete roadway**. BIDDERS must obtain Bid Documents directly from the City of Shawnee in order for Bids to be acknowledged. The ORIGINAL COPY of each bid shall be filed with the City Clerk of the City of Shawnee, Oklahoma, together with a sworn anti-collusion affidavit in writing that the bidder has not entered into any agreement, expressed or implied, with any other bidder, or bidders, for the purpose of limiting the bid, or bidders, or parcel out to any bidder, or bidders or any other persons, any part of the contract or subject matter of the bid.

Each BIDDER shall attach to his/her BID filed with the City of Shawnee either a bidder's bond, a certified check, or a cashier's check made payable to the City of Shawnee, in an amount not less than five percent (5%) of the amount of bid as a guarantee of delivery of the service in full compliance with the specifications as issued by the City of Shawnee. Should the successful BIDDER fail to deliver the service in full compliance with the specifications within forty-five (45) days after acceptance of his/her bid, the bidder's bond, certified check or cashier's check deposited with his/her bid will be retained as and for liquidated damages. The deposit of each unsuccessful bidder will be returned when his/her bid is rejected.

The bids filed with the City Clerk will be opened and considered by the Board of Commissioners at a Public Meeting in the City Hall, Shawnee, Oklahoma, at 6:30 p.m., **Monday, July 7, 2014**. The City of Shawnee reserves the right to reject any and all bids.



Phyllis Loftis
Phyllis Loftis, CMC, City Clerk

CITY OF SHAWNEE, OKLAHOMA
a Municipal Corporation

BY: 
Brian E. McDougal, City Manager

CITY OF SHAWNEE
PLAN HOLDER'S LIST
CONTRACT NO. COS-PW-13-02
FY 13-14 REHAB CONCRETE STREETS PROJECT
(VARIOUS LOCATIONS)

Business Name: MTZ Construction Inc
Contact: Joe Martinez
Address: 3545 SW 33rd Street
OKC, OK 73119
Telephone: 405-802-0494
Fax: 405-686-0716
Cell: 405-593-1395
E-Mail: mtzconstruction2012@hotmail.com
Paid for & Picked Up Specs: 6/25/14 credit card

Business Name: Rudy Construction
Contact: Phil Pratt
Address: PO Box 14575
OKC, OK 73113
Telephone: 405-478-9900
Fax: 405-478-9901
Cell: _____
E-Mail: info@rudyconstruction.com
Paid for & Picked Up Specs: check #57243 6/25/14

Business Name: S&J Construction Specialists LLC
Contact: Eric Subia
Address: PO Box 2543
Sapulpa, Ok 74066
Telephone: 918-247-7997
Fax: 918-247-6459
Cell: 918-906-8898
E-Mail: esubia.sjc@gmail.com
Paid for & Picked Up Specs: 6/25/14 credit card

Business Name: C-3 Construction
Contact: Michael Summers
Address: 1012 N. Mississippi Ste A
Ada, Ok 74820
Telephone: 580-310-0888
Fax: 580-310-0008
Cell: 580-320-8958
E-Mail: Michael@c3construction.us
Paid for & Picked Up Specs: 7/1/14 ck #12261

Business Name: _____
Contact: _____
Address: _____

Telephone: _____
Fax: _____
Cell: _____
E-Mail: _____
Paid for & Picked Up Specs: _____

Business Name: _____
Contact: _____
Address: _____

Telephone: _____
Fax: _____
Cell: _____
E-Mail: _____
Paid for & Picked Up Specs: _____

Regular Board of Commissioners

16.

Meeting Date: 07/07/2014

Executive Session Arnett

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consider an Executive Session to discuss potential claims, litigation or other options regarding Case No. CV-2014-6, Pottawatomie County, City of Shawnee v. International Union of Police Associations, Local No. 3 and Jon Arnett, as authorized by 25 O.S. §307(B)(4)

Regular Board of Commissioners

17.

Meeting Date: 07/07/2014

Executive Session Eval CM and CA

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consider an Executive Session to discuss evaluations of City Manager and City Attorney pursuant to 25 O.S. §307(B)(1) "Discussing the employment, hiring, appointment, demotion, disciplining or resignation of any individual salaried public officer or employee;"

Regular Board of Commissioners

18.

Meeting Date: 07/07/2014

Consider Action Exec Session - Arnett

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consider matters discussed in Executive Session regarding potential claims, litigation or other options regarding Case No. CV-2014-6, Pottawatomie County, City of Shawnee v. International Union of Police Associations, Local No. 3 and Jon Arnett, as authorized by 25 O.S. §307(B)(4)

Regular Board of Commissioners

19.

Meeting Date: 07/07/2014

Consider Action Exec Session Eval - CM and CA

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consider matters discussed in Executive Session regarding discussion of evaluations of City Manager and City Attorney pursuant to 25 O.S. §307(B)(1) "Discussing the employment, hiring, appointment, demotion, disciplining or resignation of any individual salaried public officer or employee;"
