

AGENDA
BOARD OF CITY COMMISSIONERS
August 18, 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. Minutes from the August 4, 2014 regular meeting.
 - b. Acknowledge the following reports:
 - Planning Commission minutes from the August 6, 2014 meeting
 - Shawnee Urban Renewal Authority minutes from June 3, 2014
 - License Payment Report July 1-31, 2014
 - Project Payment Report July 1-31, 2014
 - c. Approve Visit Shawnee, Inc. board member replacements for FY 2014-2015
 - d. Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution and Defined Benefit plans for Melody Chancellor.
 - e. Mayor's Appointment:

SURA Board
Wayne O. Jackson Term to expire 2/02/2015 1st Partial Term
Replaces Patty L. Nida
3. Commissioners Comments
4. Citizens Participation

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

5. Mayor's Presentation of Beautification Committee Awards to the following:
 - Cracker Barrel
23 W Interstate Parkway
 - La Quinta Inn
5401 Enterprise CT
 - St. Benedict Church
632 N Kickapoo
 - Luella Hurst
124 N Harrison
6. A public hearing and consideration of an ordinance for a Conditional Use Permit on property zoned R-1; Single Family Residential, located at 2102 East Main Street.
Case No. P10-14 Applicant: Absentee Shawnee Housing Authority
7. Consideration of approval of a Final Plat for Shawnee Marketplace PUD for property located at Interstate 40 and Kickapoo Street, including acceptance of public dedications and a letter of credit in lieu of completion of public improvements, authorizing obtainment of signatures and recording of the final plat.
Case No. S09-14 Applicant: Cates-Clark & Associates
8. Presentation by City Engineer regarding flooding on Buck Drive.
9. Presentation and update on Visit Shawnee, Inc. by Kinlee Farris, Executive Director, Shawnee Convention and Visitors Bureau.
10. Discussion, consideration and possible action on an ordinance for adoption of revised Drought Management Plan.
11. Discussion, consideration and possible action concerning use of city facilities as public tornado shelters.
12. Acknowledge Sales Tax Report received August 2014.
13. City Manager's Report
14. New Business

(Any matter not known about or which could not have been reasonably foreseen prior to the posting of the agenda)
15. Consider an Executive Session to discuss Municipal Judge's performance evaluation and employment contract 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;"
16. Consider matters discussed in Executive Session regarding Municipal Judge's performance evaluation and employment contract 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;"

17. 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: 08/18/2014

Minutes

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Minutes from the August 4, 2014 regular meeting.

Attachments

Minutes

BOARD OF CITY COMMISSIONERS PROCEEDINGS

AUGUST 4, 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, August 4, 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

Absent
Commissioner Ward 2

James Harrod
Commissioner Ward 3-Vice Mayor

Keith Hall
Commissioner Ward 4

John Winterringer
Commissioner Ward 5

Absent
Commissioner Ward 6

ABSENT: Linda Agee, Steve Smith

INVOCATION

Lord's Prayer led by Mayor Mainord

FLAG SALUTE

Commissioner Hall

COMMISSIONER SMITH ARRIVED AT 6:31 P.M.

AGENDA ITEM NO. 1:

Consider approval of Agenda.

A motion was made by Commissioner Hall, seconded by Commissioner Winterringer, to approve the Agenda. Motion carried 6-0.

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

NAY: None

AGENDA ITEM NO. 2:

Consider approval of Consent Agenda:

- a. Minutes from the July 21, 2014 regular meeting.
- b. Acknowledge the following minutes:
 - Traffic Commission minutes from the April 22, 2014 meeting
- c. Budget Amendment Fund 301
Rollover's from last year budget for projects that were not completed before year end. Also rolling over pool money from last year.
- d. Budget Amendment Fund 302
Rollover's from last year budget for projects that were not completed before year end.
- e. Acknowledge denial of Tort Claim No. 137877-BD, R. A. Burns
- f. Approve Resolution Number 6472 casting votes for District 4 Trustee and At-Large Trustee to the Oklahoma Municipal Retirement Fund.
- g. Traffic Commission Recommendations
 - A. Consideration of request by Amanda Harrison, to post stop signs on the East and West bound lanes at the intersection of East Burns and North Hobson.

STAFF RECOMMENDATION: Staff has no recommendation

BOARD RECOMMENDATION: Board recommends denial of request

- h. Mayor's Appointments:
Beautification Committee

Joe Harbeson Term Expires July 2017 1st Term
Replaces Tom Terry

Debi Renegar Term Expires July 2017 1st Term
Replaces Paul Malley

A motion was made by Commissioner Hall, seconded by Vice Mayor Harrod, to approve the Consent Agenda Item Nos. 2(a-h). Motion carried 6-0.

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

NAY: None

AGENDA ITEM NO. 3:

Commissioners Comments

Vice Mayor Harrod wanted to clarify, in light of recent complaints, that the Kickapoo Street Project is an Oklahoma Department of Transportation (ODOT) project and not a City project. Mayor Mainord asked if there was an incentive in the contract for an early completion. City Engineer John Krywicki said he did not know but would check on it. Vice Mayor Harrod also stated that although the concrete is poured on certain sections of the street, it still requires 28 day time period and a strength test before use. Commissioner Winterringer said that Kickapoo Street businesses need support during the construction.

AGENDA ITEM NO. 4:

Citizens Participation

(A three minute limit per person)

(A twelve minute limit per topic)

The following individuals spoke regarding flooding problems on East Buck Drive in Shawnee:

Ms. Yvonne Cox, 922 East Buck stated that streets and homes are being flooded and home values are decreasing.

Mr. Ted Ross lives at 918 East Buck and bought the house four months ago. He said that there has been two feet of water in his yard recently.

Mr. Roland Blake lives at 920 East Buck Drive spoke of the flooding event in the area four years ago when a child died. He also spoke of a submerged vehicle during the most recent flooding.

Dr. Ron Shaw addressed the Commission and stated he believes Commissioner Winterringer is an admirable man but has concerns about him still representing Ward 5 when he no longer lives in the area and no longer owns property there. He said that City Commission should take action regarding this.

AGENDA ITEM NO. 5:

Presentation by City Manager to Employee of the Month, Kenneth Presley, Cemetery Division.

Kenneth Presley was present to accept the Employee of the Month Certificate presented by City Manager Brian McDougal.

AGENDA ITEM NO. 6:

Discussion, consideration and possible action on an ordinance amending Article II

of the City of Shawnee Charter providing for referral of Ordinances of Detachment of Territory under specified circumstances to a vote of the people and reimbursement for public improvements.

A motion was made by Commissioner Hall, seconded by Vice Mayor Harrod, to approve an ordinance amending Article II of the City of Shawnee Charter providing for referral of Ordinances of Detachment of Territory under specified circumstances to a vote of the people and reimbursement for public improvements.

Ordinance No. 2549NS was introduced.

AN ORDINANCE RELATED TO AMENDMENTS TO THE CHARTER OF THE CITY OF SHAWNEE PROVIDING FOR REFERRAL OF ORDINANCES OF DETACHMENT OF TERRITORY FROM THE CITY LIMITS TO A VOTE OF THE PEOPLE UNDER CERTAIN CIRCUMSTANCES; AND FOR REIMBURSEMENT OF THE COSTS OF PUBLIC IMPROVEMENTS LOCATED ON DETACHED PROPERTY; SETTING AN EFFECTIVE DATE AND PROVIDING FOR SEVERABILITY.

Motion carried 5-1.

AYE: Hall, Harrod, Mainord, Winterringer, Smith

NAY: Stephens

Ordinance No. 2549NS was adopted by the City Commission.

AGENDA ITEM NO. 7:

Discussion, consideration and possible action on a resolution calling for a special election to be held November 4, 2014, for a vote on whether Ordinance amending Article II of the Charter of the City of Shawnee should be approved.

Resolution No. 6473 was introduced.

A RESOLUTION AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN THE CITY OF SHAWNEE, OKLAHOMA ON TUESDAY THE 4TH DAY OF NOVEMBER, 2014, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED QUALIFIED VOTERS OF SAID

CITY THE QUESTION OF WHETHER ORDINANCE NO. 2549NS, WHICH AMENDS THE CHARTER OF THE CITY OF SHAWNEE BY ADDITION OF TWO SECTIONS TO ARTICLE II, PROVIDING FOR REFERRAL OF ORDINANCES OF DETACHMENT OF TERRITORY FROM THE CITY LIMITS TO A VOTE OF THE PEOPLE UNDER CERTAIN CIRCUMSTANCES; AND FOR REIMBURSEMENT OF THE COSTS OF PUBLIC IMPROVEMENTS LOCATED ON DETACHED TERRITORY; PROVIDING FOR SAID ELECTION TO BE CONDUCTED BY THE POTTAWATOMIE COUNTY ELECTION BOARD; PROVIDING THAT POLLS SHALL BE OPEN CONTINUOUSLY FROM 7:00 A.M. TO 7:00 P.M.; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Hall, to approve a resolution calling for a special election to be held November 4, 2014, for a vote on whether Ordinance amending Article II of the Charter of the City of Shawnee should be approved. Motion carried 5-1.

AYE: Harrod, Hall, Winterringer, Smith, Mainord

NAY: Stephens

AGENDA ITEM NO. 8: Discussion, consideration and possible action on a settlement of Case No. CJ 2013-377, Pottawatomie County, with Nash Construction.

City Attorney Mary Ann Karns provided background information regarding the lawsuit between the City and Nash Construction. She stated the City had withheld \$40,000.00 from the original contract price due to poor resurfacing work done by Nash Construction on 45th Street. Nash Construction sued the City who then countersued. A settlement was reached at mediation where the City kept the \$40,000.00 and Nash Construction would pay the City an additional \$25,000.00 for a full dismissal of all claims.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Stephens, to approve the settlement of Case No. CJ 2013-377, Pottawatomie County, with Nash Construction as reached in mediation. Motion carried 6-0.

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

NAY: None

AGENDA ITEM NO. 9: Consider Bids:

- a. Splash Pad Boy Scout Park (Open RFQ)

RESPONDENT

Alaback Design Associates, Inc.
Tulsa, Oklahoma

Landplan Consultants, Inc.
Tulsa, Oklahoma

Planning Design Group
Tulsa, Oklahoma

Director of Operations James Bryce read the names of the respondents into the record and requested that the contract award be deferred until Staff reviewed the qualifications, interviewed the respondents and negotiate a contract, if a qualified company is chosen.

A motion was made by Commissioner Winterringer, seconded by Commissioner Hall, to defer the contract award to a future City Commission meeting until Staff reviews the qualifications, interviews the respondents and negotiates a contract, if a qualified company is chosen, and then brings that contract to the City Commission. Motion carried 6-0.

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

AGENDA ITEM NO. 10: New Business (Any matter not known about or which could not have been reasonably foreseen prior to the posting of the agenda)

There was no New Business.

RECESS CITY COMMISSION MEETING BY THE POWER OF THE CHAIR TO CONVENE SHAWNEE AIRPORT AUTHORITY AND SHAWNEE MUNICIPAL AUTHORITY (7:00 P.M.)

RECONVENE CITY COMMISSION MEETING BY THE POWER OF THE CHAIR (7:02 P.M.)

AGENDA ITEM NO. 11: Consider an Executive Session to discuss City Manager's performance evaluation and

employment contract 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."

A motion was made by Vice Mayor Harrod, seconded by Commissioner Winterringer, to enter into Executive Session to discuss City Manager's performance evaluation and employment contract 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." Motion carried 6-0.

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

AGENDA ITEM NO. 12:

Consider an Executive Session to discuss City Attorney's performance evaluation and employment contract 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."

A motion was made by Commissioner Winterringer, seconded by Vice Mayor Harrod, to enter into Executive Session to discuss City Attorney's performance evaluation and employment contract 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." Motion carried 6-0.

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

AGENDA ITEM NO. 13:

Consider an Executive Session to discuss Municipal Judge's performance evaluation and employment contract 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."

A motion was made by Commissioner Hall, seconded by Commissioner Winterringer, to enter into Executive Session to discuss Municipal Judge's performance evaluation and employment contract 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." Motion carried 6-0.

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

COMMISSION ENTERED INTO EXECUTIVE SESSION AT 7:03 P.M. WITH ALL MEMBERS PRESENT.

COMMISSION RECONVENED FROM EXECUTIVE SESSION AT 7:54 P.M. WITH ALL MEMBERS PRESENT.

AGENDA ITEM NO. 14: Consider matters discussed in Executive Session regarding City Manager's performance evaluation and employment contract 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."

A motion was made by Commissioner Winterringer, seconded by Commissioner Hall, to renew the City Manager's contract with a three percent (3%) pay raise retroactive to July 1, 2014. Motion carried 6-0.

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

AGENDA ITEM NO. 15: Consider matters discussed in Executive Session regarding City Attorney's performance evaluation and employment contract 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;"

A motion was made by Commissioner Stephens, seconded by Commissioner Smith, to approve the City Attorney's proposed contract as written retroactive to July 1, 2014. Motion carried 6-0.

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

NAY: None

AGENDA ITEM NO. 16:

Consider matters discussed in Executive Session regarding Municipal Judge's performance evaluation and employment contract 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;"

No action taken.

AGENDA ITEM NO. 17:

Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (7:56 p.m.)

WES MAINORD, MAYOR

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

Regular Board of Commissioners

2. b.

Meeting Date: 08/18/2014

Reports and Various Minutes

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge the following reports:

- Planning Commission minutes from the August 6, 2014 meeting
 - Shawnee Urban Renewal Authority minutes from June 3, 2014
 - License Payment Report July 1-31, 2014
 - Project Payment Report July 1-31, 2014
-

Attachments

Planning Commission

SURA Minutes

License Payment

Project Payment

PLANNING COMMISSION MINUTES

DATE: JULY 2ND, 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, July 2nd, 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, Kerbs, Silvia, Salter, Cowen

Absent: Clinard

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 if the members had a chance to review the minutes and then proceeded to ask for a motion. Commissioner Bergsten made the motion to approve the minutes as listed, seconded by Commissioner Cowen to approve the June 4th, 2014 minutes.

Motion passed:

AYE: Bergsten, Kerbs, Silvia, Salter, Cowen

NAY:

ABSTAIN:

AGENDA ITEM NO. 3: **Swearing in of Robbie Kienzle to the Planning Commission**

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

AGENDA ITEM NO. 4:

Citizen's Participation

(A three minute limit per person)

(A twelve minute limit per topic)

Chairman Silvia opened the public portion and announced that this is an open time for discussion for those with questions on topics not on the Agenda and such individuals 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. 5:

Case #S07-14 – Consideration of approval of a Preliminary Plat for Stone Creek Crossing located at the northwest corner of MacArthur and Acme Rd.

Applicant: Stone Creek Investments, Inc.

Chairman Silvia asked for the staff report. Justin Debruin presented the staff report. Mr. Debruin mentioned the applicant requested a rezone on undeveloped land and proposed a two phase development. There would be a total of 110 lots. Justin Debruin informed the Commissioners that Staff does recommend approval of the Preliminary Plat based on conditions that include approval from the Engineering department regarding storm water plans and also based on approval of construction documentation. Mr. Debruin asked if there were any questions that he could answer. Chairman Silvia also asked if any Commissioners had questions. Vice-Chairman Salter spoke and asked for clarification regarding the number of lots in the development due to the Preliminary plat showing twelve and the report showing sixteen. Mr. Debruin announced the applicant was present at the meeting and could clarify the discrepancy and also stated that he believed the applicant may not be sure on the exact number of lots yet. Chairman Silvia and Vice-Chairman Salter informed the board that they would need to vote on approving either twelve or sixteen lots. Commissioner Kerbs asked what school district this development would fall under. Mr. Debruin and Vice-Chairman Salter informed him it was Shawnee School District. Commissioner Kienzle asked if they knew what Elementary school it would feed into, and Staff announced it would be Will Rogers. Chairman Silvia asked if there were any more questions for staff. Commissioner Cowen asked if the aerobic systems on the far west boundary were the twelve being spoken of. Mr. Debruin affirmed his question and pointed out the lots marked in yellow would have the aerobic systems. Vice-Chairman Salter also asked about the upkeep to the private roads in the cul-de sac and if they were wide enough to be approved by Fire Department standards. Mr. Debruin informed him that they would be kept up to city standards and that there

was a deviation requested regarding the length, and Mr. Debruin commented that there is approval up to a thousand feet. Commissioner Cowen stated that he believed the applicant would accommodate gravity flow for the other four lots if possible and with the condition the city sewer worked. Mr. Debruin agreed. Commissioner Kienzle asked when the board would see this development come before the Planning Commission again and the Commissioners informed her that a hearing for a Final plat would be turned in and Commissioner Kienzle asked if they knew of a possible timeline. Mr. Debruin stated that he believed it was fairly immediate. He also stated that there may be a detention pond added and Commissioner Cowen asked if there was a high pressure or low pressure line. Mr. Debruin was unsure. Commissioner Kerbs asked how many lots were in the flood plain. Mr. Debruin stated that there were none. Chairman Silvia asked if there were any further questions for staff, there were none.

Chairman Silvia proceeded to open the public portion of the hearing and asked if any person that was in favor of the development would like to come forward and answer any questions. Andrew Wilson, engineer for the applicant, came forward and announced that he would be happy to answer any questions the Commissioners had. Mr. Wilson informed the Commissioners that the discrepancy with the number of lots pertained to the area the lots were in would be difficult to attach to sewer. Chairman Silvia asked Mr. Wilson if he would like Staff to vote on twelve lots or sixteen and after brief discussion, Mr. Wilson mentioned twelve. Andrew Wilson informed Commissioners that it would be as quick as they can go and that they hoped to see the board next month for the Final plat. Commissioner Bergsten asked if in order to have a normal sewer system, they would have to have a pump station and that the cost of the pump station would be more. Mr. Debruin agreed and Commissioner Cowen also mentioned the maintenance of a pump station is expensive.

Chairman Silvia informed the Commissioners that the public portion was still open and asked if there was any person there that would like to speak against the proposal, there were none and the public portion closed. Chairman Silvia informed staff could return to their questions and Commissioner Kerbs asked if there was a detention pond and staff stated there was and Commissioner Kerbs proceeded to ask if there would be circulation in the detention pond. Chairman Silvia asked the applicant if they had any information regarding circulating the water and Mr. Wilson stated that he believed there would probably be a fountain to lower any algae growth but haven't discussed the issue yet. Commissioner Cowen asked Mr. Wilson if he

could make that included on the Final plat and he agreed. Chairman Silvia asked if there were any other questions, there were none and asked for a motion.

Motion carries per staff recommendations along with addition of up to 16 lots:

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

NAY:

ABSTAIN:

AGENDA ITEM NO. 6:

Case #S09-14 - Consideration of approval of a Final Plat for Shawnee Marketplace Planned Unit Development located at the SWQ of I-40 and Kickapoo Street

Applicant: Cates-Clark & Associates, LLP

Chairman Silvia announced agenda item number six and Justin Debruin came forward to inform the Commissioners that they were not ready to vote on approval on the Final Plat at this time and to possibly schedule a special meeting around July 16th, 2014, or any time around the 15th through the 17th to make a quorum, if not, it would be pushed to the next meeting in August. Mr. Debruin informed the Commissioners that staff has not received enough information to recommend approval. Chairman Silvia stated he would be out of state and asked for a head count. Mr. Debruin discussed the time of the meeting could be any time that would work for the Commissioners. Commissioner Kerbs stated he would also be out of state. Commissioner Cowen and Commissioner Bergsten would be available. Commissioner Kienzle informed them that it would be difficult to make it during then. Chairman Silvia asked for a motion to entertain a special meeting to be determined after hearing the responses.

Motion recommended for deferment:

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

NAY:

ABSTAIN:

AGENDA ITEM NO. 7:

Case #P09-14 - A public hearing for consideration of approval to rezone property located NW of Terminus of Churchill St., Woodsong Addition, Shawnee, OK from A-1; Rural Agricultural, Planned Unit Development, to R-1; Single Family Residential

Applicant: Rick Austin

Chairman Silvia asked for the staff report. Justin Debruin stated the proposed rezone covered roughly twenty-four acres and would be consistent with the surrounding properties in the area. Mr. Debruin also mentioned that the Planned Unit Development attached served only to reduce the setback from twenty five feet, to twenty feet. Mr. Debruin informed Commissioners that staff recommends approval. Chairman Silvia asked if there were any questions. Commissioner Cowen spoke and asked if there were any issues on removing the temporary cul-de-sac at a later time. Mr. Debruin informed him that he did not believe there would be. Chairman Silvia asked if at the time it is extended, if it would still remain under the thousand square foot maximum and Justin Debruin clarified that it would be around five hundred at that point. Chairman Silvia asked for any further questions, there were none, and opened public portion of the meeting. Chairman Silvia proceeded to ask the applicant to come forward. Rick Austin came forward and informed Commissioners that there would be two ways in and out of the cul-de-sac, from Kellye Green and Churchill and recommended approval. Commissioner Salter received clarification regarding the area of the easement and also asked how many homes would be developed. Rick Austin stated they were looking at two phases with first phase including twenty five to thirty with size of the homes running around the two thousand square foot range but they did not have a Preliminary Plat layout yet. Mr. Austin also stated the second phase would have around the same number of houses for a total of fifty to sixty. Chairman Silvia asked if there were any other questions for the applicant, there were none. 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 of the meeting. Chairman Silvia opened up discussion and entertained a motion.

Motion carries:

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

NAY:

ABSTAIN:

AGENDA ITEM NO. 8: **Planning Director's Report**

Chairman Silvia asked for the report. Justin Debruin stated there was no report. Chairman Silvia asked if Justin Erickson had his baby yet and Mr. Debruin informed him that he had not as of yet and it was just a waiting game.

AGENDA ITEM NO. 9: **Commissioners Comments and/or New Business**

Chairman Silvia asked if there were any comments or business. Chairman Silvia welcomed the newest member to the board and stated he heard she had a lot of experience to bring to the table. Commissioner Kienzle thanked him and mentioned she had urban experience and she would be learning things as well. Commissioner Cowen welcomed her and Commissioner Kienzle thanked him and stated that she looked forward to working with the board. Chairman Silvia discussed for Commissioner Kienzle to contact any of them and that she could get contact information from the board or staff as well. Chairman Silvia asked for any other comments then proceeded to announce that the City Engineer, John Krywicki, was in the audience and that he appreciated his presence and then Chairman Silvia entertained a motion to adjourn. Commissioner Kerbs made a motion to adjourn, followed by Vice-Chairman Salter.

AGENDA ITEM NO. 10: **Adjournment**

Meeting was adjourned.



Chairman/Vice-Chairman

Cheyenne Lincoln
Planning Commission Secretary

SHAWNEE URBAN RENEWAL AUTHORITY

MINUTES OF JUNE 3, 2014

The Board of Commissioners of the *Shawnee Urban Renewal Authority* met for a regular meeting Tuesday, June 3, 2014 at 9:00 a.m. in the 4th Floor Conference Room, Masonic Building, 23 E. 9th, Room 440, Shawnee, Oklahoma.

Chairman Stephen Rice called the meeting to order at 9:02 a.m.

AGENDA ITEM NO. 2

ROLL CALL:

Roll call was taken showing the following members present:

Chairman	Stephen Rice
Commissioner	Monte Cockings
Commissioner	Ron Henderson

Absent:	
Commissioner	Tiffany Barrett
Commissioner	Patty L. Nida

Guest:	Mayor	Wes Mainord
		Caleb Rice
		Hailey Rice

Also present:
Mike Wolf, Program Manager, SURA
Elaine Shrum, Administrative Specialist, SURA

A quorum was declared.

AGENDA ITEM NO. 3

APPROVAL OF MINUTES:

A motion to approve the minutes of April 1, 2014 was made by **Commissioner Henderson** seconded by **Commissioner Cockings**. Motion carried with no abstentions.

VOTING YES: Rice, Cockings, and Henderson
VOTING NO: None

AGENDA ITEM NO. 4

APPROVAL OF CLAIMS:

A motion to approve claims totaling \$ 69,420.86 was made by **Commissioner Cockings**, seconded by **Commissioner Henderson** Motion carried with no abstentions.

VOTING YES: Rice, Cockings, and Henderson
VOTING NO: None

AGENDA ITEM NO. 5
REQUEST FOR APPROVAL:

- a) CDBG FY 2014-2015 One Year Action Plan

Mike Wolf, Program Manager discussed the reason for an Action Plan and reported the funding is down from last year.

A motion to approve the One Year Action Plan was made by **Commissioner Cockings**, seconded by **Commissioner Henderson**. Motion carried with no abstentions.

VOTING YES: Rice, Cockings, and Henderson
VOTING NO: None

- b) Raise Income Level for Emergency Assistance

Mike Wolf, Program Manager explained if we raise the income limits for Emergency Assistance we can help more people.

A motion to approve raising income level was made by **Commissioner Henderson**, seconded by **Commissioner Cockings**. Motion carried with no abstentions.

VOTING YES: Rice, Cockings, and Henderson
VOTING NO: None

- c) Raise Project Limits for Emergency Assistance and Home Repair

Mike Wolf, Program Manager discussed the price of construction has increased in the last few years and it cost more to complete a project.

A motion to approve raising the project limits was made by **Commissioner Henderson**, seconded by **Commissioner Cockings**. Motion carried with no abstentions.

VOTING YES: Rice, Cockings, and Henderson
VOTING NO: None

d) Subordinate Mortgage, William & Maude Pipkin, 509 S. Louisa

Mike Wolf, Program Manager reported that the Pipkin's have paid their portion of the loan and are refinancing at a lower interest rate. SURA's mortgage for the remaining earned portion of the loan will be in second place.

A motion to approve the subordination was made by **Commissioner Henderson**, seconded by **Commissioner Cockings**. Motion carried with no abstentions.

VOTING YES: Rice, Cockings, and Henderson
VOTING NO: None

**AGENDA ITEM NO. 6
REQUEST FOR ASSISTANCE:**

Mike Wolf, Program Manager reported on the following requests and stated they were all income qualified:

a) Emergency Assistance: Linda Gifford, 607 N. Tucker

A motion to approve the request for assistance was made by **Commissioner Cockings**, seconded by **Commissioner Henderson**. Motion carried with no abstentions.

VOTING YES: Rice, Cockings, and Henderson
VOTING NO: None

b) Home Repair: Donna Seebeck, 1609 N. Market

A motion to approve the request for assistance was made by **Commissioner Cockings**, seconded by **Commissioner Henderson**. Motion carried with no abstentions.

VOTING YES: Rice, Cockings, and Henderson
VOTING NO: None

c) Emergency Assistance: David & Claudia Scarbrough, 505 S. Tennessee

A motion to approve the request for assistance was made by **Commissioner Cockings**, seconded by **Commissioner Henderson**. Motion carried with no abstentions.

VOTING YES: Rice, Cockings, and Henderson
VOTING NO: None

d) Emergency Assistance: Cruzita Hernandez, 214 S. Minnesota

A motion to approve the request for assistance was made by **Commissioner Cockings**, seconded by **Commissioner Henderson**. Motion carried with no abstentions.

VOTING YES: Rice, Cockings, and Henderson
VOTING NO: None

e) Emergency Assistance: Robert Hendon, 312 S. Lindale

A motion to approve the request for assistance was made by **Commissioner Cockings**, seconded by **Commissioner Henderson**. Motion carried with no abstentions.

VOTING YES: Rice, Cockings, and Henderson
VOTING NO: None

AGENDA ITEM NO. 6 UPDATE ON INHOUSE BID OPENING:

Mike Wolf, Program Manager reported on the following in-house bid openings:

- a) SURA, 613 N. Dorothy
Awarded to: L G Construction \$36,962.00
- b) SURA, 1120 E. 9th
Awarded to: L G Construction \$7,919.00
- c) David & Claudia Scarbrough, 505 S. Tennessee
Awarded to: Payless Tree Service \$1,350.00
Alternate bid: J & M Tree Service. \$2,400.00
- d) Cruzita Hernandez, 214 S. Minnesota

Awarded to: Randy Curtis/ Personal Plumbing \$1700.00
Alternate Bid: Harold Kuykendall/Southeastern Plumbing \$2750.00

- e) Betty Perrier, 308 N. McKinley
Awarded to: LG Construction \$1,938.00
Alternate Bid: Kingworks \$2,450.00

**AGENDA ITEM NO. 8
OLD BUSINESS:**

Mike Wolf, Program Manager reported that SURA leases two properties to Family Promise for \$1.00 per year. He requested approval of the 2014-2015 leases for 401 S. Chapman and 425 S. Chapman.

A motion to approve the leases was made by **Commissioner Henderson**, seconded by **Commissioner Cockings**. Motion carried with no abstentions.

VOTING YES: Rice, Cockings, and Henderson
VOTING NO: None

**AGENDA ITEM NO. 10
NEW BUSINESS:**

Mayor Wes Mainord said that he would like to see SURA partner with other organizations to try to help more low income families in the city of Shawnee.

**AGENDA ITEM NO. 9
ADJOURNMENT**

There being no further business to come before the Board at this time, a motion to adjourn at 9:40 a.m. was made by **Commissioner Henderson**, seconded by **Commissioner Cockings**. Motion carried with no abstentions.

VOTING YES: Rice, Cockings and Henderson
VOTING NO: None



Secretary, ~~Patty L. Nida~~
Ron Henderson


Chairman, Stephen Rice

** FEE CODE TOTALS **

FEE CODE	DESCRIPTION	FEE	PAYMENT DISTRIBUTION			TOTAL PAI
			PENALTY	TAX	INTEREST	
ALARM	BURGLAR/FIRE ALARM LICENSE	6	150.00CR			150.00
ALARMRENEW	BURGLAR/FIRE ALARM RENEW	10	150.00CR			150.00
BEER1	BEER CONSUMPTION ON PREMISE	9	180.00CR			180.00
BEER2	BEER PACKAGE FEE	7	70.00CR			70.00
BEERWINER	BEER AND WINE RENEWAL	1	450.00CR			450.00
BOATDAILY	BOATING DAILY FEE	1	7.00CR			7.00
BOATREG	BOAT REGULAR PERMIT	54	1,404.00CR			1,404.00
ELEC1	ELECTRICAL CONTRACTOR INITIAL	4	400.00CR			400.00
ELEC2	ELECTRICAL CONTRACTOR RENEW	8	600.00CR			600.00
FISHANNUAL	FISHING ANNUAL FEE	7	105.00CR			105.00
FISHDAILY	FISHING DAILY FEE	3	9.00CR			9.00
IMERC	ITINERANT MERCHANT FEE	2	100.00CR			100.00
LAKELEASE	LAKE LEASE	19	10,604.02CR			10,604.02
LIQR	RETAIL LIQUOR OCCUPATIONAL TAX	3	1,800.00CR			1,800.00
MECH1	MECHANICAL CONTRACTOR INTIAL	3	300.00CR			300.00
MECH2	MECHANICAL CONTRACTOR RENEW	12	925.00CR			925.00
PLUM1	PLUMBING CONTRACTOR INITIAL	3	300.00CR			300.00
PLUM2	PLUMBING CONTRACTOR RENEW	4	325.00CR			325.00
REFUND	REFUND	1	428.98CR			428.98
RESAL	RESIDENTIAL SALE	168	1,680.00CR			1,680.00
SNOWC	SNOW CONE STAND LICENSE FEE	1	25.00CR			25.00
SOLIC	SOLICITOR ANNUAL LICENSE	1	50.00CR			50.00
STORM	STORM CELLAR LICENSE FEE	1	75.00CR			75.00
TOTAL			20,138.00CR			20,138.00

** GENERAL LEDGER DISTRIBUTION **

FUND G/L ACCOUNT	ACCOUNT NAME	AMOUNT
001-2133	UBCC FEE PAYABLE	412.00CR
001-4202	BUILDING PERMITS	22,242.64CR
001-4203	PLUMBING PERMITS	1,360.00CR
001-4204	ELECTRICAL PERMITS	320.00CR
001-4205	ZONING PERMITS & APPLICATIONS	562.00CR
001-4206	HEATING & A/C PERMITS	2,710.00CR
001-4249	OTHER PERMITS	605.00CR
001-4822	OTHER MISC. REVENUE	51.50CR
101-4249	OTHER PERMITS	50.00CR
501-4510	WATER TAPS	1,800.00CR
799-1023	BANCFIRST GENERAL	30,113.14

** SEGMENT CODE TOTALS **

SEGMENT CODE	DESCRIPTION	TOTAL PAID
B1-NEW	BUILDING CONSTRUCTION NEW	16,899.93CR
B3-REMODEL	BUILDING CONSTRUCTION REM	7,518.71CR
B4-CARPORT	BUILDING CARPORT	29.50CR
B4-SHELTER	BUILDING SHELTER	265.50CR
B4-STORAGE	BUILDING STORAGE SHED	277.50CR
E3-REMODEL	ELECTRICAL REMODEL/REPAIR	374.00CR
M3-REMODEL	MECHANICAL REMODEL/REPAIR	2,854.00CR
P3-REMODEL	PLUMBING REMODEL	652.50CR
P5-SEPTIC	SEPTIC PERMIT	20.00CR
X-BORE/CUT	BORING & PAVING CUT PERMI	50.00CR
X-DEMO	DEMOLITION PERMIT	150.00CR
X-PLATREV	PLAT REVIEW PRELIM	282.00CR
X-SIGN	SIGN PERMIT	225.00CR
X-SWIMPOOL	SWIMMING POOL PERMIT	34.50CR
Z-OCCUP	OCCUPANCY PERMIT	200.00CR
Z-REZONING	REZONING REQUEST	280.00CR
TOTAL		30,113.14CR

Regular Board of Commissioners

2. c.

Meeting Date: 08/18/2014

VSI Board

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Approve Visit Shawnee, Inc. board member replacements for FY 2014-2015

Attachments

VSI Board New Aug 2014



Visit Shawnee, Inc

New Board Appointees

<u>Name</u>	<u>Industry Represented</u>	<u>Employer</u>	<u>Term Expires</u>
Kirit (Kelly) Chandra	Lodging	Champion Hotels	06/30/2018
<i>Chris Clark</i>	<i>Financial</i>	<i>Arvest Bank</i>	<i>06/30/2018</i>
Randy Gilbert	County/Expo Trust	Gilbert & Sons Trucking	06/30/2018
Pat Hughes	Retail	Teners	06/30/2015
<i>Bill Mayfield</i>	<i>Arts/Culture</i>	<i>St Gregory's University</i>	<i>06/30/2015</i>
Brian Morris	Education	Oklahoma Baptist University	06/30/2016
Jason O'Connor	Tribal	Citizen Potawatomi Nation	06/30/2016
Jennifer Podest	"Big Business"	Shawnee Mall	06/30/2016
Ken Stafford	Restaurants/Catering	Droffats, Inc	06/30/2015
Suzanne Gilbert	Chamber incoming chair	Tecumseh Tag Agency	voting
David Whitlock	Chamber Chair	Oklahoma Baptist University	voting
Wes Mainord	City of Shawnee	Mayor	voting
Brian McDougal	City of Shawnee	City Manager	voting
Mike Jackson	Operations Manager	Heart of Oklahoma Expo Center	Ex-Officio/non-voting

Recommended addition by VSI Board on 08/13/2014

Nancy Keith President/CEO Shawnee Chamber of Commerce Ex-Officio/non-voting

Recommended Board Replacements – 08/13/2014 – VSI Board

Ed Bolt Arts/Culture Ed Bolt Photography 06/30/2015
Laura Swindell Financial Industry Finley & Cook 06/30/2018

Regular Board of Commissioners

2. d.

Meeting Date: 08/18/2014

OMRF Refund DC and DB Chancellor

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution and Defined Benefit plans for Melody Chancellor.

Regular Board of Commissioners

2. e.

Meeting Date: 08/18/2014

SURA Board

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Mayor's Appointment:

SURA Board

Wayne O. Jackson Term to expire 2/02/2015 1st Partial Term

Replaces Patty L. Nida

Attachments

Application W Jackson

CITY OF SHAWNEE



APPLICATION TO SERVE

Boards, Committees, and Commissions

Name: <u>WAYNE O. JACKSON</u>	Application Date: <u>08-05-2004</u>
Address: <u>721 S. UNION AVE</u>	
Mailing Address: <u>" "</u>	
Daytime Phone: <u>878-0787</u>	Fax: _____ Email: <u>WdeLO909@Yahoo.Com</u>
Profession: <u>Retired</u>	
Business Name: <u>N/A</u>	
Business Address: _____	
Business Phone: _____	Fax: _____ Email: _____

Do you live within the City Limits of the City of Shawnee? Yes or No (please circle)

Do you currently serve on a City board or committee? Yes or No (please circle)

How many years have you lived in Shawnee? 60

Select the Board/Committee/Commission you are interested in serving on: (please check)

<input type="radio"/> Airport Advisory Board	<input type="radio"/> Library Board
<input type="radio"/> Beautification Committee	<input type="radio"/> Oklahoma Baptist University Trust Authority
<input type="radio"/> Board of Adjustment (Zoning)	<input type="radio"/> Planning Commission
<input type="radio"/> Cable TV Advisory Committee	<input type="radio"/> Regional Park Oversight Committee
<input type="radio"/> Civic and Cultural Development Authority	<input type="radio"/> Shawnee Hospital Authority
<input type="radio"/> Community Service Contracts Review Committee	<input checked="" type="radio"/> Shawnee Urban Renewal Authority
<input type="radio"/> Economic Development Foundation, Inc. Board of Trustees	<input type="radio"/> Tourism Advisory Committee
<input type="radio"/> Housing Authority	<input type="radio"/> Traffic Commission
	<input type="radio"/> Building Code Board of Appeals
	<input type="radio"/> Other:

Why are you interested in serving on the Board/Committee/Commission selected above?

I was asked by Mike Wolfe, and I am pleased to help out, if I can.

What will make you a good board member and what skills or knowledge do you have that would be relevant to this board/committee/commission?

I have lived in the community for a long time.

What civic or volunteer activities (if any) are you currently involved in?

N/A

List education, including degree(s) earned:

High School, 1 yr. college

Have you ever served on a City-appointed board/committee/commission before? If so, which ones and for how long did you serve?

N/A

Please include up to three personal or professional references:

Name	Relationship	Phone Number
Susan Conkling	friend	273-7800
Lutleen Hill	friend	
Sid Clarke	friend	

PLEASE READ CAREFULLY:

Appointment by the Commission is for one term and individuals may not serve more than two consecutive full terms. Appointment to a second term remains at the discretion of the City Commission.

My signature affirms that all information contained herein is true to the best of my knowledge, and that I understand that any misstatement of fact or misrepresentation of credentials may result in disqualification from further consideration.

Signature

Wayne Jackson

Date

02-05-2004

Applications are retained on file for one (1) year. Applicants are encouraged to include a letter of interest with this application. Thank you for your interest in serving Shawnee.

Send application form to:

Shawnee City Clerk
PO Box 1448
Shawnee, OK 74802
878-1605 (phone)
878-1581 (fax)
dmayo@ShawneeOK.org

Regular Board of Commissioners

5.

Meeting Date: 08/18/2014

Beautification Awards

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Mayor's Presentation of Beautification Committee Awards to the following:

- Cracker Barrel
23 W Interstate Parkway

 - La Quinta Inn
5401 Enterprise CT

 - St. Benedict Church
632 N Kickapoo

 - Luella Hurst
124 N Harrison
-

Attachments

Beautification Awards

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
www.ShawneeOK.org

Commissioners

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

Date: 8/13/2014
To: Mayor and City Commissioners
From: James Bryce, Director of Operations
RE: **City of Shawnee Beautification Committee Awards**

Mayor's Presentations

The City of Shawnee Beautification Committee twice a year takes nominations on yards and businesses and considers them for an award. The winners for the First round are:

1. Cracker Barrel
23 W. Interstate Parkway
2. La Quinta Inn
5401 Enterprise CT.
3. St. Benedict Church
632 N. Kickapoo
4. Luella Hurst
124 N. Harrison

Regular Board of Commissioners

6.

Meeting Date: 08/18/2014

Ordinance Conditional Use Permit P10-14

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

A public hearing and consideration of an ordinance for a Conditional Use Permit on property zoned R-1; Single Family Residential, located at 2102 East Main Street.

Case No. P10-14 Applicant: Absentee Shawnee Housing Authority

Attachments

Conditional Use Permit P10-14

Ordinance

RECOMMENDATION TO: MAYOR
 BOARD OF CITY COMMISSIONERS
 CITY OF SHAWNEE

RECOMMENDATION FROM: CITY OF SHAWNEE
 PLANNING COMMISSION

SUBJECT: APPLICANT: Absentee Shawnee Housing Authority
 FOR: Conditional Use Permit
 LOCATION: 2102 E. Main St., Shawnee, OK
 PROJECT#: 140738 Case# P10-14

LEGAL DESCRIPTION:

SEE OWNERSHIP LIST

CURRENT CLASSIFICATION: R-1; Residential Single Family
REQUESTED CLASSIFICATION: R-1; Residential Single Family w/ Conditional Use Permit
PROPOSED PROPERTY USE: Community Center

PLANNING COMMISSION MEETING DATE: August 6th, 2014

PLANNING COMMISSION RECOMMENDATION: Motion carries with following condition:

1. All off-street parking requirements listed in Section 22-185.11 for commercial uses shall apply.

VOTE OF THE PLANNING COMMISSION: **MEMBERS PRESENT:** 6

MEMBERS:	1ST	2ND	AYE	NAY	ABSTAIN	COMMENTS
BERGSTEN						Absent
CARTER			X			
HOSTER			X			
TURNER (CHAIRMAN)			X			
SILVIA (VICE-CHAIRMAN)			X			
COWEN		X	X			
SALTER	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
CONDITIONAL USE PERMIT
CASE #P10-14

TO: Shawnee Planning Commission

AGENDA: August 6, 2014

RE: Consideration of a *Conditional Use Permit* to allow a community center in an R-1, Single Family Residential, zoning district.

PROPOSAL

The applicant, Absentee Shawnee Housing Authority, is requesting approval for a Conditional Use Permit to allow a vacant residential home to become a community center. The property is located at 2102 East Main Street and is zoned R-1 (Single Family Residential). The community center will be used for Tribal activities and events. All activities will be private and no public use will be permitted.

GENERAL INFORMATION

Applicant	Absentee Shawnee Housing Authority
Owner	Absentee Shawnee Housing Authority
Site Location/Address	2102 East Main Street
Current Site Zoning	R-1: Single Family Residential
Proposed Zoning	R-1: Single Family Residential (w/ CUP)
Property Area	1.36 Acres (Approximate)
Current Use	Single Family Residence
Proposed Use	Community Center

Comprehensive Plan Designation	Residential
Surrounding Zoning	Residential (R-1)

STAFF REVIEW AND ANALYSIS

The applicant is requesting a conditional use permit to allow for a community center use on a property zoned R-1, Single Family Residential.

For a little background, the Absentee Shawnee Housing Authority owns a large sum of the land in the immediate area with several plans in the works. The Rolling Hills Addition (Exhibit 1), which gained final plat approval for 26 lots in May of 2012, is located directly west of the subject property (Figure 4). Twenty-three lots will be developed north of Main Street, while three lots will be developed south. In addition, a large two-acre common area will be developed with a walking trail and community features, including a community storm shelter. If approved, the community center will serve Tribal community upon completion of the Rolling Hills Addition.

The residential home located on the subject property will be renovated and used for the community center. Currently, there are no plans to expand the home. Most of the remodeling will be on the interior where the general layout will be altered, making it more conducive for a community center use.

The property and surrounding areas are all zoned R-1 (Single Family Residential). According to the Shawnee Comprehensive plan, for residentially designated areas such as this, “Public uses such as places of worship, schools, parks, and other neighborhood-oriented public facilities are acceptable throughout the area, assuming that they are designed to respect and enhance the character of the community.”

Due to the currently low density in the immediate area and future growth planned adjacent to the property, a community center would benefit the growing Absentee Shawnee community in the area.

STAFF RECOMMENDATION

Based on the current zoning and consistency with the Shawnee Comprehensive Plan, staff recommends **approval** of the requested Conditional Use Permit to allow a community center in an R-1, Single Family Residential district, with the following condition:

1. All off-street parking requirements listed in Section 22-185.11 for commercial uses shall apply.

Attachments

1. Figure 1: Zoning map

2. Figure 2: Aerial view of site
3. Figure 3: Absentee Shawnee Housing Authority request letter
4. Figure 4: Picture – 2102 E. Main St.
5. Exhibit 1: Rolling Hills Addition Final Plat

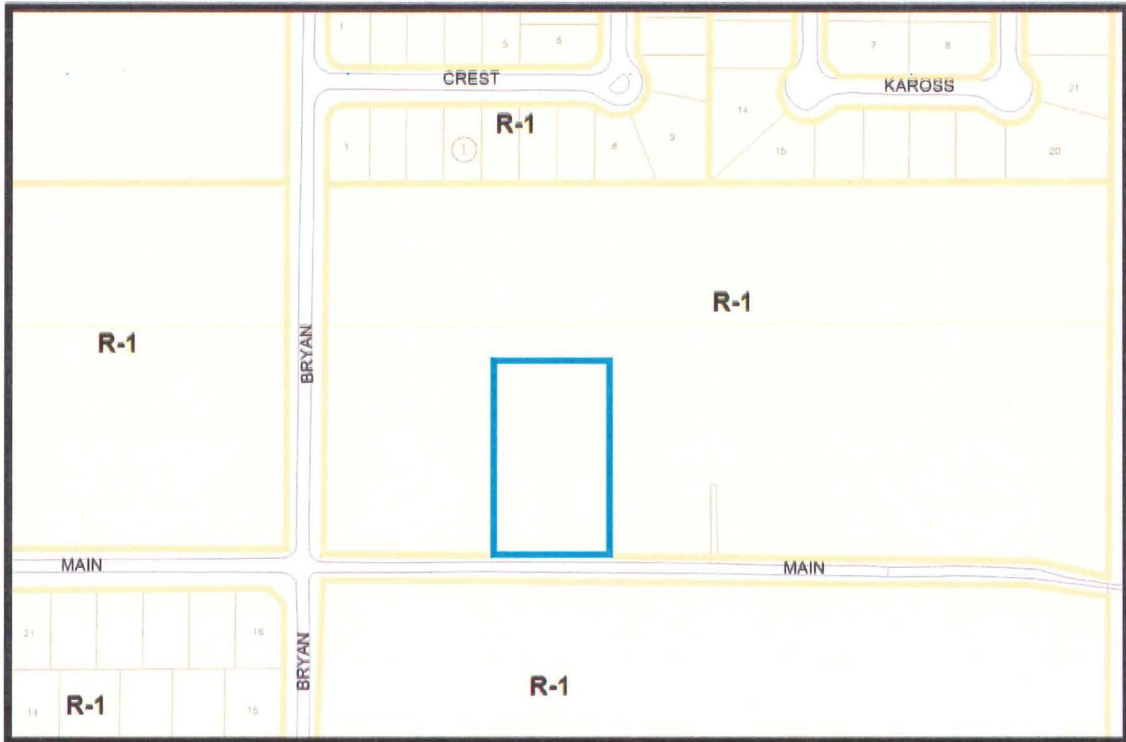


Figure 1: Zoning Map of site – approximate total area outlined in blue.



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



ABSENTEE SHAWNEE HOUSING AUTHORITY

107 N Kimberly • P.O. Box 425 • Shawnee, OK 74801

July 23, 2014

To whomever it concerns:

The Absentee Shawnee Housing Authority has requested a conditional use permit for the property located at 2102 E. Main Street, Shawnee to be used as a community center. The center's main purpose is to service Housing Authority functions for Tribal related activities and community outreach. At times, the Absentee Shawnee Tribe may host events for the Tribe. All activities will be private and no public use will be permitted.

Don't hesitate to contact our office if you any have further questions on the matter.

Sincerely,

Sherry Drywater
Executive Director
Absentee Shawnee Housing Authority

Phone (405) 273-1050 • Fax (405) 275-0678

Figure 3: Absentee Shawnee Housing Authority request letter



Figure 4: 2102 E. Main St.

CITY OF SHAWNEE
222 N. BROADWAY
SHAWNEE, OK 74801

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

PLANNING COMMISSION APPLICATION
PROJECT NO. 140738 CASE NO. P10-14

REQUEST:

Rezoning _____ 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 R1 District to R1P District, as hereinafter requested, and in support of this application, the following facts are shown:

PROPERTY LOCATION (STREET ADDRESS): 1202 E. Main St., Shawnee

LEGAL DESCRIPTION: (see attached) 202

PROPERTY OWNER (S): Absentee Shawnee Housing Authority

PROPERTY AGENT (APPLICANT): Absentee Shawnee Housing Authority

APPLICANT'S ADDRESS: 107 N. Kimberly

CITY: Shawnee **STATE:** OK **ZIP:** 74801

EMAIL ADDRESS: rshppard@ashousingauthority; aramirez@ashousingauthority or cont

TELEPHONE NUMBER: (405) 273-1050 **CONTACT NUMBER:** ()

DIMENSIONS OF PROPERTY: AREA 59,400 WIDTH _____ LENGTH _____ FRONTAGE _____ (see Mortgage Inspection attached)

CURRENT ZONING: R1 **CURRENT USE:** vacant / residence

PROPOSED ZONING: R1P **PROPOSED USE:** Neighborhood Community Center

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 13th day of, June 2014


PLANNING COMMISSION SECRETARY

REZONING &/OR C.U.P FEE \$ 280.00
RECEIPT NO. 01615973

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

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

PLANNING COMMISSION ACTION: _____ DATE: 8/6/14
CITY COMMISSION ACTION: _____ DATE: 8/18/14
PLACE ON ZONING MAP: _____ ORDINANCE NO.: _____

CITY OF SHAWNEE
PUBLIC HEARING NOTICE
CASE #P10-14

Notice is hereby given that the City of Shawnee, Oklahoma, will conduct a public hearing on an application for a Conditional Use Permit on property located within the City of Shawnee.

The applicant requests a conditional use permit for the following described property:

A tract of land described as Beginning at a point 1980 feet South and 330 feet East of the Northwest Corner of the Northwest Quarter (NW/C NW/4) of Section Twenty-one (21), Township Ten (10) North, Range Four (4) East of the Indian Meridian, Pottawatomie County, Oklahoma; thence North 330 feet; thence East 180 feet; thence South 330 feet; thence West 180 feet to the Point of Beginning.

General Location Known As:	<u>2102 E. Main Street, Shawnee, OK</u>
Current Zoning Classification:	<u>R-1; Residential Single Family</u>
Requested Zoning Classification:	<u>R-1; with Conditional Use Permit</u>
Proposed Use of Property	<u>Neighborhood Community Center</u>
Applicant:	<u>Absentee Shawnee Housing Authority</u>

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

August 6 th , 2014	AT 1:30 P.M.:	CITY OF SHAWNEE PLANNING COMMISSION
August 18 th , 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 conditional use permit. The Commission reserves the right to limit discussion and debate on the proposed conditional use permit in the public hearing, in which event those persons appearing in support or opposition of the proposed conditional use permit will be allotted equal time. 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 14th day of July, 2014.


Phyllis Loftis, City Clerk



CERTIFICATE OF BONDED ABTRACTOR
(300 FEET RADIUS REPORT)

STATE OF OKLAHOMA)
) §:
COUNTY OF POTTAWATOMIE)

The undersigned bonded abstractor in and for Pottawatomie County, State of Oklahoma, does hereby certify that the following Ownership is true and correct according to the current year's tax rolls in the office of the County Treasurer of Pottawatomie County, Oklahoma, as updated by the records of the County Clerk of Pottawatomie County, Oklahoma; that the owners, as reflected by said records, are based on the last conveyance or final decree of record of certain properties located within 300 feet in all directions of the following described land:

A tract of land described as Beginning at a point 1980 feet South and 330 feet East of the Northwest Corner of the Northwest Quarter (NW/4) of Section Twenty-one (21), Township Ten (10) North, Range Four (4) East of the Indian Meridian, Pottawatomie County, Oklahoma; thence North 330 feet; thence East 180 feet; thence South 330 feet; thence West 180 feet to the Point of Beginning.

and find the following owners, addresses and brief legal descriptions on the attached pages numbered from (1) to (2), both inclusive.

NOTICE TO CUSTOMERS: This report is released with the understanding that the information is strictly confidential. This report contains information from public land records only and is not to be construed as an abstract of title, opinion of title, title commitment, title insurance policy, or environmental research report. As used herein, the term "public land records" means those land records which under the recording laws of the applicable state, impart constructive notice to the third parties with respect to recorded, unreleased or record instruments memorializing legal interests in real estate. The company suggests that you contact your attorney for matters of a legal nature or legal opinion. We have exercised due care and diligence in preparing this report, however, the Abstractor does not guarantee validity of the title and acceptance of this report by the Company or person(s) for whom this report is made, constitutes agreement and confirmation of the limitation of this report.

Dated: June 19, 2014 at 7:30 AM

First American Title & Trust Company

By: Bobbie Jo Kopepasah
Bobbie Jo Kopepasah
Abstractor License No. 3389
OAB Certificate of Authority # 49
File No. 1944703-SH99

RECEIVED

JUL 10 2014

PLANNING / CODE

OWNERSHIP LIST

ORDER NO. 1944703

DATE PREPARED: July 1, 2014
EFFECTIVE DATE: June 19, 2014 at 7:30 AM

OWNER	LOT	BLK	ADDITION
ABSENTEE SHAWNEE HOUSING AUTH PO BOX 425 SHAWNEE, OK 74802-0425			29-SU BEG 1980'S & 330'E NW/C NW N330' E180' S330' W180' POB.
DAVID RODGERS & JULIE RENEE SMOTHERS 2153 E MAIN ST SHAWNEE, OK 74801			29-SU BEG 990'E & 660'N SW/C NW W100' S140' E100' N140' POB.
CANNATA LIVING TRUST 2200 E MAIN SHAWNEE, OK 74801			BEG 198'E SW/C W1/2 NE SW NW E132' N660' W198' S330' E66' S330' POB LESS 1.63AC BEG 198'E & 300'N SW/C W/2 NE/4 NW/4 N260' W198' S330' E66' S30' POB
JUANITA J & RYAN ADRIAN PHELPS LARRY COTTON & CURTIS EAGLES & PAMELA PRITCHARD PAUL BENGLE DWIGHTS TRUST 2104 E MAIN SHAWNEE, OK 74801			29-SU BEG 1980'S & 510'E NW/C NW N182.6' E150' S182.6' W150' POB
ABSENTEE SHAWNEE HOUSING AUTH PO BOX 425 SHAWNEE, OK 74802-0425 <i>Duplicate</i>			29-SU BEG. NW/C SW NW E660' S477.4' W150' N147.4'W180' S330' W80' N138' W250' N522' POB
RONALD L & KAREN S NEASE 2110 E MAIN SHAWNEE, OK 74801			29-SU BEG 1980'S & 660'E NW/C NW N330' E198' S330' W198' POB.
ABSENTEE SHAWNEE HOUSING AUTH PO BOX 425 SHAWNEE, OK 74802-0425 <i>Duplicate</i>			29-SU BEG 1980'S NW/C E250' N138' W250' S138' POB
JACK HOHENSTEIN TRUST FLAT 16 50 WELL STREET LONDON E 97PX UK - 0			BEG NW/C NE SW NW S 330' E 132' N330' W132' POB
JR & JAMIE CUPP 35310 EW 1280 SEMINOLE, OK 74868			29-SU E1/2 SW SW NW
RICHARD T & CHATERINE SHANAWAY 2107 E MAIN SHAWNEE, OK 74801			29-SU BEG 660'E SW/C NW N660' E230' S140' E100' S520' W330' POB
ABSENTEE SHAWNEE HOUSING AUTH PO BOX 425 SHAWNEE, OK 74802-0425 <i>Duplicate</i>			29-SU BEG 264'N SW/C NW E330' N396' W330' S396' POB.
LINDA S BROWN TRUST 1314 SHERRY LN SHAWNEE, OK 74801	1	1	CRESTLINE HEIGHTS
WAYNE KNIGHT 2303 CREST DR SHAWNEE, OK 74801	2	1	CRESTLINE HEIGHTS

STEPHEN A & MAURA D PETERSON 2305 CREST DR SHAWNEE, OK 74801	3	1	CRESTLINE HEIGHTS
WILLIAM BRYANT & DEBORAH ELLIS 2307 CREST DR SHAWNEE, OK 74801	4	1	CRESTLINE HEIGHTS
CLAVIN WAYNE & AGNES L NORWOOD 2309 CREST DR SHAWNEE, OK 74801	5	1	CRESTLINE HEIGHTS
REBECCA DORROUGH 2311 CREST DR SHAWNEE, OK 74801	6	1	CRESTLINE HEIGHTS
HOUSING AUTH OF ABST PO BOX 425 SHAWNEE, OK 74802-0425 <i>Duplicate</i>	7	1	CRESTLINE HEIGHTS
SHAUN CALLAHAN PO BOX 624 SHAWNEE, OK 74802	8	1	CRESTLINE HEIGHTS
ARTHUR C & CINDY L TOLLISON 201 N EASTERN AVE SHAWNEE, OK 74801	9	1	CRESTLINE HEIGHTS

CITY OF SHAWNEE
PUBLIC HEARING NOTICE
CASE #P10-14

Notice is hereby given that the City of Shawnee, Oklahoma, will conduct a public hearing on an application for a Conditional Use Permit on property located within the City of Shawnee.

The applicant requests a conditional use permit for the following described property:

A tract of land described as Beginning at a point 1980 feet South and 330 feet East of the Northwest Corner of the Northwest Quarter (NW/C NW/4) of Section Twenty-one (21), Township Ten (10) North, Range Four (4) East of the Indian Meridian, Pottawatomie County, Oklahoma; thence North 330 feet; thence East 180 feet; thence South 330 feet; thence West 180 feet to the Point of Beginning.

General Location Known As:	<u>2102 E. Main Street, Shawnee, OK</u>
Current Zoning Classification:	<u>R-1; Residential Single Family</u>
Requested Zoning Classification:	<u>R-1; with Conditional Use Permit</u>
Proposed Use of Property	<u>Neighborhood Community Center</u>
Applicant:	<u>Absentee Shawnee Housing Authority</u>

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

August 6 th , 2014	AT 1:30 P.M.:	CITY OF SHAWNEE PLANNING COMMISSION
August 18 th , 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 conditional use permit. The Commission reserves the right to limit discussion and debate on the proposed conditional use permit in the public hearing, in which event those persons appearing in support or opposition of the proposed conditional use permit will be allotted equal time. 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.

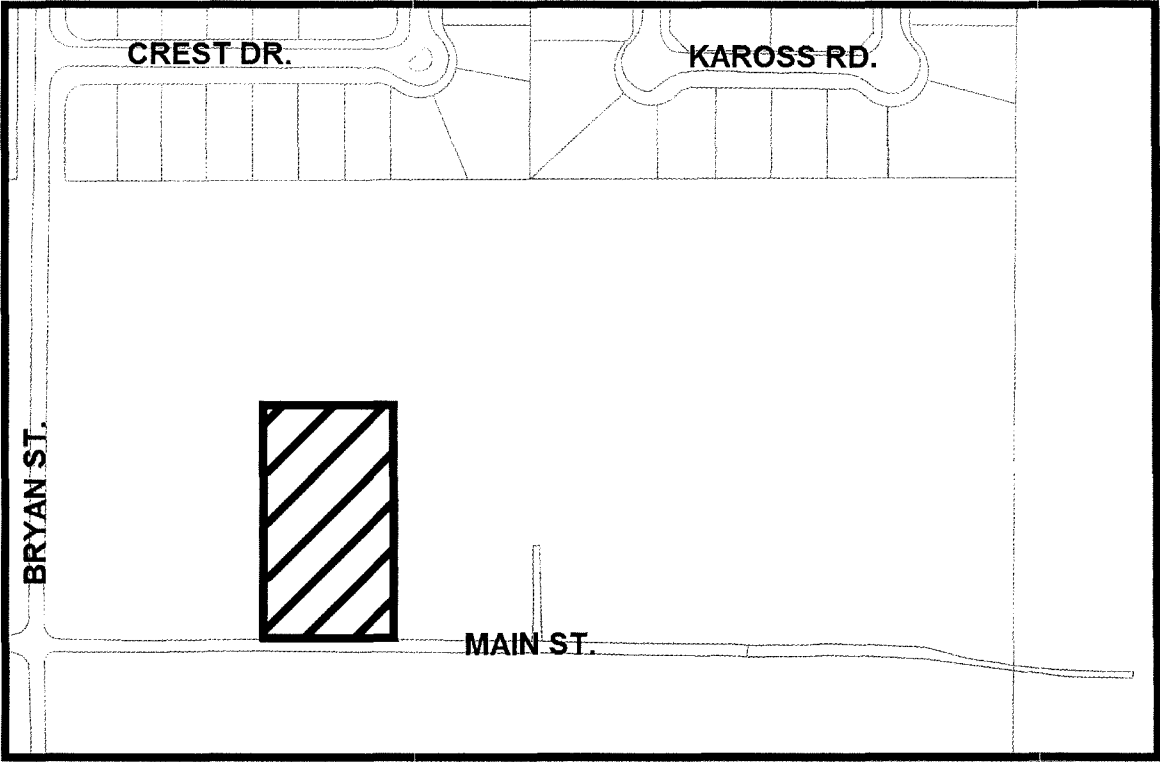
Witness my hand this 14th day of July, 2014.




Phyllis Loftis, City Clerk

Location Map

Case P10-14



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 AT A POINT 1980 FEET SOUTH AND 330 FEET EAST OF THE NORTHWEST CORNER OF THE NORTHWEST QUARTER (NW/C NW/4) OF SECTION TWENTY-ONE (21), TOWNSHIP TEN (10) NORTH, RANGE FOUR (4) EAST OF THE INDIAN MERIDIAN, POTTAWATOMIE COUNTY, OKLAHOMA; THENCE NORTH 330 FEET; THENCE EAST 180 FEET; THENCE SOUTH 330 FEET; THENCE WEST 180 FEET TO THE POINT OF BEGINNING, ACCORDING TO THE RECORDED PLAT THEREOF: FROM R-1; SINGLE FAMILY RESIDENTIAL TO R-1P; SINGLE FAMILY RESIDENTIAL WITH CONDITIONAL USE PERMIT; 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 18th day of August, 2014, upon an application to rezone certain property and grant a permissive use permit on property located in the City of Shawnee, Oklahoma from R-1; Single Family Residential to R-1P; Single Family Residential with a Conditional Use Permit.

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 at a point 1980 feet South and 330 feet East of the Northwest Corner of the Northwest Quarter (NW/C NW/4) of Section Twenty-one (21), Township Ten (10) North, Range Four (4) East of the Indian Meridian, Pottawatomie County, Oklahoma; Thence North 330 feet; thence East 180 feet; thence South 330 feet; thence West 180 feet to the Point of Beginning, be rezoned R-1P; Single Family Residential with a Conditional Use Permit and the official zoning map heretofore adopted is hereby amended as to include said property R-1P; Single Family Residential with a Conditional Use Permit.

PASSED AND APPROVED this 18th day of August, 2014.

WES MAINORD, MAYOR

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

Regular Board of Commissioners

7.

Meeting Date: 08/18/2014

Final Plat Shawnee Marketplace PUD

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consideration of approval of a Final Plat for Shawnee Marketplace PUD for property located at Interstate 40 and Kickapoo Street, including acceptance of public dedications and a letter of credit in lieu of completion of public improvements, authorizing obtainment of signatures and recording of the final plat. Case No. S09-14 Applicant: Cates-Clark & Associates

Attachments

Final Plat S09-14

RECOMMENDATION TO:

MAYOR
BOARD OF CITY COMMISSIONERS
CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE
PLANNING COMMISSION

SUBJECT:

APPLICANT: Cates-Clark & Associates – Daniel Stewart, P.E
FOR: Shawnee Marketplace
LOCATION: SWC I.H. -40 & Kickapoo St., Shawnee, OK
PROJECT NUMBER 140740 CASE NUMBER S09-14

PLANNING COMMISSION MEETING DATE:

August 6th, 2014

PLANNING COMMISSION RECOMMENDATION:

Motion carries with 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. Traffic signal plans need to be submitted and approved by the City Engineering Department for signals at the Main Entrance (between lot 4 and lot 5) with Kickapoo and signal plan upgrades for the existing signal at Lowes' entrance with Kickapoo.
6. Traffic signal (poles, mast arms, ped crossings, controller box, etc.) at Main Entrance with Kickapoo to match the decorative style signals being currently installed on the Kickapoo Paving Project.
7. Street lighting along Main Entrance and Marketplace Boulevard to be decorative style (selected by City) at an appropriate spacing to provide satisfactory illumination.
8. The access, utility and sign easements provided to Shawnee Marketplace by the Commissioners of the Land Office (CLO) shall be noted (including book and page) and shown on the final plat.
9. All other applicable City standards apply.

VOTE OF THE PLANNING COMMISSION:

MEMBERS PRESENT: 6

MEMBERS:	1ST	2ND	AYE	NAY	ABSTAIN	COMMENTS
BERGSTEN						Absent
CLINARD			X			
KERBS			X			
SILVIA (CHAIRMAN)			X			
SALTER (VICE-CHAIRMAN)			X			
COWEN		X	X			
KIENZLE	X		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: August 6, 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 eight (8) 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 approval to rezone 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 seven development lots and one temporary 2.21 acre detention pond on lot 3. Staff has reviewed the final plat request and finds that the plat does meet 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. Traffic signal plans need to be submitted and approved by the City Engineering Department for signals at the Main Entrance (between lot 4 and lot 5) with Kickapoo and signal plan upgrades for the existing signal at Lowes' entrance with Kickapoo.
6. Traffic signal (poles, mast arms, ped crossings, controller box, etc.) at Main Entrance with Kickapoo to match the decorative style signals being currently installed on the Kickapoo Paving Project.
7. Street lighting along Main Entrance and Marketplace Boulevard to be decorative style (selected by City) at an appropriate spacing to provide satisfactory illumination.
8. The access, utility and sign easements provided to Shawnee Marketplace by the Commissioners of the Land Office (CLO) shall be noted (including book and page) and shown on the final plat.
9. All other applicable City standards apply.

Attachments

1. Figure 1: Approximate development area
2. Exhibit 1: Shawnee Marketplace Final Plat

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

LEGAL DESCRIPTION:

TRACT 1:

A tract of land lying in the Southeast Quarter (SE/4) of Section Thirty-six (36), Township Eleven (11) North, Range Three (3) East of the Indian Meridian, City of Shawnee, Pottawatomie County, Oklahoma, and being more particularly described as follows:

COMMENCING at the northeast corner of said Southeast Quarter;

THENCE South 00°05'03" West, along the east line of said Southeast Quarter, a distance of 575.06 feet to a point, said point being 2064.74 feet North 00°05'03" East of the southeast corner of said Southeast Quarter;

THENCE North 89°54'57" West a distance of 291.56 feet to the POINT OF BEGINNING;

THENCE continuing North 89°54'57" West a distance of 8.44 feet;

THENCE South 00°05'03" West a distance of 566.08 feet;

THENCE North 89°54'57" West a distance of 677.26 feet;

THENCE North 00°05'03" East a distance of 1,020.20 feet to a point on the southerly right-of-way line of Interstate Highway 40 as established by the EASEMENT in favor of the Oklahoma Department of Highways recorded in Book 427, Page 159, Pottawatomie County records;

THENCE southeasterly, along said southerly right-of-way line of Interstate Highway 40, the following two courses:

- 1. South 79°28'06" East a distance of 369.51 feet,*
- 2. South 71°56'10" East a distance of 338.87 feet;*

THENCE South 00°05'03" West, parallel with the east line of the said Southeast Quarter, a distance of 282.51 feet to the POINT OF BEGINNING.

Said tract of land containing 644,148 square feet or 14.7876 acres more or less.

AND

TRACT 2:

A tract of land lying in the Southeast Quarter (SE/4) of Section Thirty-six (36), Township Eleven (11) North, Range Three (3) East of the Indian Meridian, City of Shawnee, Pottawatomie County, Oklahoma, and being more particularly described as follows:

COMMENCING at the southeast corner of said Southeast Quarter;

THENCE North 00°05'03" East, along the east line of said Southeast Quarter, a distance of 370.00 feet to the POINT OF BEGINNING;

THENCE South 89°59'11" West, parallel with the south line of said Southeast Quarter, a distance of 370.00 feet;

THENCE North 00°05'03" East, parallel with the east line of said Southeast Quarter, a distance of 988.89 feet;

THENCE South 89°54'57" East a distance of 370.00 feet to a point on the east line of said Southeast Quarter;

THENCE South 00°05'03" West, along said east line, a distance of 988.26 feet to the POINT OF BEGINNING.

Said tract of land containing a gross area of 365,772 square feet or 8.3970 acres more or less, and an area net of easements for streets of 297,274 square feet or 6.8245 acres more or less.

Regular Board of Commissioners

8.

Meeting Date: 08/18/2014

Buck Drive Flooding

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Presentation by City Engineer regarding flooding on Buck Drive.

Regular Board of Commissioners

9.

Meeting Date: 08/18/2014

VSI Update

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Presentation and update on Visit Shawnee, Inc. by Kinlee Farris, Executive Director, Shawnee Convention and Visitors Bureau.

Regular Board of Commissioners

10.

Meeting Date: 08/18/2014

Ordinance Drought Management Plan

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Discussion, consideration and possible action on an ordinance for adoption of revised Drought Management Plan.

Attachments

Memo Drought Management

Drought Management Plan Changes

Ordinance Drought Management

Steve Nelms
Utility Director
405-273-1960

Lyndsay Pickens
Administrative Assistant
Phone: 405-273-1960
Fax: 405-878-1550

Mayor
WES MAINORD



111 S. Kickapoo, Shawnee, OK 74801

Greg Price
Plant Manager
405-878-1662

Brad Schmidt
Maintenance Manager
405-878-1513

Commissioners
Pam Stephens
Linda Agee
James Harrod
Keith Hall
John Winterringer
Steve Smith

MEMORANDUM

To: Brian McDougal, City Manager.
From: Steve Nelms, Utility Director
CC: Mayor and City Commission Cindy Sementelli, Finance Director
Date: 8/14/2014
Re: Drought Management Plan Ordinance Revised. (August 18th)

Nature of the Request: Staff is respectfully asking that the City Commission allow the current drought management ordinance to be revised. This revision will include increasing the drought management plan elevation trigger numbers by 2.0 ft. Switching from the current NGVD29 (National Geodetic Vertical Datum) values to NAVD88 (National American Vertical Datum) values. The NGVD 29 datum is not being used by USGS as the controlling vertical datum for our lake elevations; USGS uses the NAVD 88 datum.

Staff Analysis, Considerations: The revision will ensure the trigger elevations are correct in the City's Drought Management Plan, and aligned with USGS.

Recommendation: Staff recommends that the City approve the request.

Budget Consideration: N/A

Shawnee Municipal Authority

Drought Management Plan Revised 5/21/2014

The drought management plan presented in this section was developed by the City Staff using data CDM Smith developed through the yield analysis. **This plan has since been revised using recommendations from the Utility Master Plan to better suit the needs of the Shawnee Municipal Authority as well as its customers. This includes adjusting the elevation numbers to reflect the 1988 National American Vertical Datum (NAVD 88) values as opposed to the NGVD 29 values.** The purpose of this plan is to define actions that will be taken when certain conditions develop from which water supply capabilities are negatively impacted. Variance from the recommendations that follow should also consider conditions that may be specific and unforecastable, such as infrastructure being unavailable, future climate patterns, and droughts worse than historic, etc. It is the intent of this plan to use both Twin Lakes and Wes Watkins until the Wes Watkins recreational pool elevation (1062 feet) is reached. At this point, Twin Lakes will become the primary water supply source.

When an elevation of **10571059** feet is reached at Twin Lakes, withdrawals from the Wes Watkins recreational pool may become necessary, after receiving appropriate approvals.

In an emergency situation, the City Manager, or his designee, may immediately implement any Level in this plan.

Requirements for all levels of restrictions:

- Prohibit excess irrigation runoff or overspray onto impervious surfaces.
- Irrigation systems with visible leaks will not be used until leak is repaired.
- Hand watering is defined as handheld watering with shutoff nozzle.
- Be cautious of installing new sod or seeding in the extreme heat season and be aware of what watering restrictions exist, if any.
- As level restrictions progress, they also include the restrictions of the previous level (s). For example, Level 2 will include the restrictions for Level 1 as well as the restrictions for Level 2. The exemption would be when the allowable days and times in the next Level change, then the highest level would take precedence on days and time schedule.

Voluntary Restrictions

At Elevation ~~1064~~ 1066, 46% storage remaining = 19,825 AcFt= 6,459,976,250 Gal.

At 3.5 mgd* use that would be 1,845 days supply.

***million gallons per day**

It is important to be constantly aware of water needs and understand that there are times when it is necessary to conserve water. Prudent use of this essential natural resource is the responsibility of every citizen. We must all take voluntary steps to conserve our water and this must be reinforced each summer, when the need for water becomes the greatest.

Voluntary restrictions ~~begin when either Twin Lakes or Wes Watkins reach an elevation of 1064 feet~~ are requested from all customers year round regardless of the demand or lake levels as a permanent conservation measure and include, but are not limited to, the following:

~~Voluntary restrictions are include the following:~~

- Turn off the tap while shaving or brushing teeth.
- Showers use less water than baths.
- Plug up the sink or use a wash basin if washing dishes by hand.
- Use a dishwasher, and, when you do, make sure it is fully loaded.
- Keep a pitcher of drinking water in the refrigerator instead of letting the faucet run until the water gets cool.
- Wash only full loads of laundry or use appropriate water level or load size selection on washing machine.
- When replacing fixtures, look for water saving features **that include the EPA WaterSense endorsements. They will have the WaterSense Logo:**



- **Voluntarily limit outdoor watering to the Level 1 odd/even schedule or voluntarily water at most 3 days a week.**
- **For more water saving tips go to – www.shawneeok.org or www.epa.gov/watersense**
- **For lawn watering information and calculation estimates go to <http://sip.mesonet.org>**
- **For more information contact the Water Treatment Plant Supervisor at 405-273-0890**
- **To view this document online go to: www.shawneeok.org/savewater**

Level 1 – Mandatory Restrictions

At Elevation ~~1058~~ 1060, 29% storage remaining = 12,527 AcFt= 4,081,922,950 Gal.

At 3.5 mgd* use that would be 1,166 days supply.

***million gallons per day**

Level 1 Mandatory Restrictions begin when Twin Lakes reaches an elevation of ~~1058~~ 1060 – 1988 National American Vertical Datum- (NAVD 88) feet and ~~or~~ the average weekly water treatment plant production exceeds 6.0 mgd. It is assumed that Wes Watkins remains at an elevation of 1062 feet. Mandatory restrictions include the following:

- Residential, ~~other than household purposes~~: Outside water usage restricted to 7:00 pm to 10:00 am on the odd/even system defined as odd-numbered houses utilizing water on Monday and Thursday and even-numbered houses utilizing water on Tuesday and Friday during the above hours.
- Commercial: Outside water usage restricted in the same manner as residential customers.

Level 2 – Mandatory Restrictions

At Elevation ~~1057~~ 1059, 27% storage remaining = 11,691 AcF= 3,809,512,350 Gal.

At 3.5 mgd* use that would be 1,088 days supply.

*million gallons per day

Level 2 Mandatory Restrictions begin when Twin Lakes reaches an elevation of ~~1057~~ 1059 (NAVD 88) feet and/or the average weekly water treatment plant production exceeds 6.5 mgd. It is assumed that Wes Watkins remains at an elevation of 1062 feet. Mandatory restrictions include the following:

- Residential, ~~other than household purposes~~: Outside water usage restricted to 7:00 pm to midnight am on the odd/even system defined as odd-numbered houses utilizing water on Monday and Thursday even-numbered houses utilizing water on Tuesday and Friday during the above hours.
- Commercial: ~~Users are required to reduce water usage by 10 percent as compared to the previous year's usage figures.~~ Outside water usage restricted in the same manner as residential customers as well as these additional measures:
 - Commercial car washes to employ best management practices.
 - Restaurants: serve water only upon request.
 - Lodging: Have signage in rooms reflecting; Change linens every 3 days for multiple night guests unless otherwise requested by guest.
- Other:
 - Consider whether to start the process of obtaining permission to draw below recreational level in Wes Watkins Reservoir.
 - Power washing or spraying of water for washing impervious surfaces prohibited in this level.

Note, during Level 2 Mandatory Restrictions, it may be necessary to make withdrawals from the Wes Watkins recreational pool, after receiving appropriate approvals.

Level 3 – Mandatory Restrictions

At Elevation ~~1056~~ 1058, 25% storage remaining = 10,902 AcF= 3,552,416,700 Gal.

At 3.5 mgd* use that would be 1,015 days supply.

*million gallons per day; the calculation assumes that Wes Watkins remains at elevation 1062 feet

Level 3 Mandatory Restrictions begin when Twin Lakes reaches an elevation of ~~1056~~ 1058 (NAVD 88) feet and/or the average weekly water treatment plant production exceeds ~~4.0~~ 4.5 mgd. Mandatory restrictions include the following:

- Residential, other than household purposes: Outside water usage restricted to 7:00 pm to 8:00 pm on the odd/even system defined as odd-numbered houses utilizing water on Monday and even-numbered houses utilizing water on Friday during the above hours.

Water usage is limited to handheld watering with shutoff nozzle of watering shrubs and young trees only.

- Commercial: ~~Users required to reduce water usage by 15 percent as compared to the previous year's usage figures.~~ Outside water usage restricted in the same manner as residential customers as well as well as Level 2 Commercial restrictions with these additional measures:
- Other: Lawn watering, refilling or adding water to public and private swimming pools and automobile washing forbidden.
- Installation of new sod, seeding, and landscaping prohibited.
- Filling and operation of non-recirculating fountains and decorative water features prohibited.
- Filling of outdoor and indoor pools and hot tubs prohibited.
- Washing automobiles at non-commercial facilities prohibited.

Note, during Level 3 Mandatory Restrictions, it may be necessary to make withdrawals from the Wes Watkins recreational pool, after receiving appropriate approvals.

Level 4 – Mandatory Restrictions

At Elevation ~~1055~~ 1057, 23% storage remaining = 10,160 AcFt= 3,310,636,000 Gal.

At 3.5 mgd* use that would be 946 days supply.

*million gallons per day; the calculation assumes that Wes Watkins remains at elevation 1062 feet

Level 4 Mandatory Restrictions begin when Twin Lakes reaches an elevation of ~~1055~~ 1057 (NAVD 88) feet and the average weekly WTP production exceeds ~~3.5~~ 4 mgd. ~~Alternative triggers are when Twin Lakes reaches an elevation of 1054 feet and/or the average weekly water treatment plant production exceeds 3.0 mgd.~~ Mandatory restrictions include the following:

- Residential, ~~other than household purposes~~: There will be no usage authorized, other than for indoor household purposes.
- Commercial: ~~Users required to reduce water usage by 25 percent as compared to the previous year's usage figures.~~ Outside water usage restricted in the same manner as residential customers as well as Level 2 and Level 3 Commercial restrictions with these additional measures:
 - Prohibit use of water for construction purposes.
 - All vehicle washing prohibited.
- Other: Lawn watering, refilling or adding water to public and private swimming pools and automobile washing forbidden.

Note, during Level 4 Mandatory Restrictions, it may be necessary to make withdrawals from the Wes Watkins recreational pool, after receiving appropriate approvals.

City Code Reference

The City Code, Section 26-67 (b) (4), provides for penalties for violation of a proclamation proclaiming a water emergency:

Any person violating any provision of the proclamation, upon conviction, shall be fined as follows:

(i) First Violation - Warning

(ii) Second Violation - \$150.00 fine plus costs

(iii) Third Violation - \$250.00 fine plus costs

(iv) Fourth and Subsequent Violation - \$500.00 fine plus costs

In addition to such penalties, the water, sewer, and garbage services furnished by the City to such person who violates any of the provisions of such proclamation shall be subject to suspension summarily and without notice.

9.7 Summary

This plan is not designed to place any individual or firm under an undue hardship but rather to ensure that the City of Shawnee has water for domestic use available throughout the year to its citizens. It is hoped that no more than steps one or two would ever be required. It is necessary, however, to have a plan in place that will permit everyone to be aware of the necessary precautions to ensure that water for domestic use is available in the City of Shawnee.

ORDINANCE NO. _____

AN ORDINANCE RELATING TO A DROUGHT MANAGEMENT PLAN FOR THE CITY OF SHAWNEE, OKLAHOMA, REPEALING AND AMENDING SECTIONS 26-67 AND 26-67.1 OF THE SHAWNEE MUNICIPAL CODE, SETTING FORTH VOLUNTARY AND MANDATORY RESTRICTIONS FOR WATER USE IN CASE OF WATER SHORTAGES, PROVIDING FOR PENALTIES, PROVIDING FOR REPEALER, PROVIDING FOR CODIFICATION, PROVIDING FOR SEVERABILITY, AND DECLARING AN EMERGENCY.

WHEREAS, from time to time conditions develop which cause a negative impact on the ability of the City of Shawnee to supply water to its citizens; and

WHEREAS, the City of Shawnee has performed a comprehensive analysis of the capability of its water supply and distribution capabilities; and

WHEREAS, it is necessary for the City of Shawnee to have the right and power in case of emergency to regulate the use of water to all consumers by resolution, proclamation, or ordinance as it may deem necessary for the public health, safety, and welfare:

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

SECTION 1: IMPLEMENTATION OF PLAN. Whenever either Twin Lakes or Wes Watkins reaches an elevation of 1,060 feet, the Drought Management Plan set forth herein shall be implemented by the method deemed appropriate by the Mayor and City Commission, or by the City Manager, until such time as approval can be ratified by the Mayor and City Commission.

Requirements for all levels of restrictions:

- Prohibit excess irrigation runoff or overspray onto impervious surfaces.
- Irrigation systems with visible leaks will not be used until leak is repaired.
- Hand watering is defined as handheld watering with shutoff nozzle.
- Be cautious of installing new sod or seeding in the extreme heat season and be aware of what watering restrictions exist, if any.
- As level restrictions progress, they also include the restrictions of the previous level (s). For example, Level 2 will include the restrictions for Level 1 as well as the restrictions for Level 2. The exemption would be when the allowable days and times in the next Level change, then the highest level would take precedence on days and time schedule.

SECTION 2: VOLUNTARY RESTRICTIONS. It is important to be constantly aware of water needs and understand that there are times when it is necessary to conserve water. Prudent use of this essential natural resource is the responsibility of every citizen, We must all take voluntary steps to conserve our water and this must be reinforced each summer, when the need for water becomes the greatest. Voluntary restrictions are requested from all customers year round regardless of the demand or lake levels as a permanent conservation measure and include, but are not limited to, the following:

- Turn off the tap while shaving or brushing teeth.
- Shower use less water than baths,
- Plug up the sink or use a wash basin if washing dishes by hand,
- Keep a pitcher of drinking water in the refrigerator instead of letting the faucet run until the water gets cool.
- Wash only full loads of laundry or use appropriate water level or load size selection in washing machine.
- When replacing filters, look for water saving features that include the EPA WaterSense endorsements. They will have the EPA WaterSense logo.

- Voluntarily limit outdoor watering to the Level 1 odd/even schedule or voluntarily water at most 3 days a week.
- For more water saving tips go to – www.shawneeok.org or www.epa.gov/watersense
- For lawn watering information and calculation estimates go to <http://sip.mesonet.org>
- For more information contact the Water Treatment Plant Supervisor at 405-273-0890
- To view this document online go to: www.shawneeok.org/savewater

SECTION 3: MANDATORY RESTRICTIONS.

A. Level 1 Mandatory Restrictions

Level 1 Mandatory Restrictions begin when Twin Lakes reaches an elevation of 1,060 feet -1988 National American Vertical Datum- (NAVD 88) and/or the average weekly water treatment plant production exceeds 6.0 mgd. It is assumed that Wes Watkins remains at an elevation of 1,062 feet. Mandatory restrictions include the following:

- Residential: Outside water usage restricted to 7:00 pm to 10:00 am on the odd/even system defined as odd-numbered houses utilizing water on Monday and Thursday and even-numbered houses utilizing water on Tuesday and Friday during the above hours.
- Commercial outside water usage restricted in the same manner as residential customers.

B. Level 2 Mandatory Restrictions

Level 2 Mandatory Restrictions begin when Twin Lakes reaches an elevation of 1,059 (NAVD 88) feet and/or the average weekly water treatment plant production exceeds 6.5 mgd. It is assumed that Wes Watkins remains at an elevation of 1,062 feet. Mandatory restrictions include the following:

- Residential: Outside water usage restricted to 7:00 pm to midnight am on the odd/even system defined as odd-numbered houses utilizing water on Monday and Thursday even-numbered houses utilizing water on Tuesday and Friday during the above hours.

- Commercial:

Outside water usage restricted in the same manner as residential customers as well as these additional measures:

- Commercial car washes to employ best management practices.
- Restaurants: serve water only upon request.
- Lodging: Have signage in rooms reflecting; Change linens every 3 days for multiple night guests unless otherwise requested by guest.
- Other:
 - Consider whether to start the process of obtaining permission to draw below recreational level in Wes Watkins Reservoir.
 - Power washing or spraying of water for washing impervious surfaces prohibited in this level.

Note, during Level 2 Mandatory Restrictions, it may be necessary to make withdrawals from the Wes Watkins recreational pool, after receiving appropriate approvals.

C. Level 3 Mandatory Restrictions

Level 3 Mandatory Restrictions begin when Twin Lakes reaches an elevation of 1058 (NAVD 88) feet and/or the average weekly water treatment plant production exceeds 4.5 mgd. Mandatory restrictions include the following:

- Residential, other than household purposes: Outside water usage restricted to 7:00 pm to 8:00 pm on the odd/even system defined as odd-numbered houses utilizing water on Monday and even-numbered houses utilizing water on Friday during the above hours. Water usage is limited to handheld watering with shutoff nozzle of shrubs and young trees only.
- Other: Lawn watering, refilling or adding water to public and private swimming pools and automobile washing forbidden.
- Installation of new sod, seeding, and landscaping prohibited.
- Filling and operation of non-recirculating fountains and decorative water features prohibited.
- Filling of outdoor and indoor pools and hot tubs prohibited.
- Washing automobiles at non-commercial facilities prohibited.

Note, during Level 3 Mandatory Restrictions, it may be necessary to make withdrawals from the Wes Watkins recreational pool, after receiving appropriate approvals.

D. Level 4 Mandatory Restrictions

Level 4 Mandatory Restrictions begin when Twin Lakes reaches an elevation of 1057 (NAVD 88) feet and the average weekly WTP production exceeds 4 mgd. Mandatory restrictions include the following:

- Residential: There will be no usage authorized, other than for indoor household purposes.
- Commercial: Outside water usage restricted in the same manner as residential customers as well as Level 2 and Level 3 Commercial restrictions with these additional measures:
 - Prohibit use of water for construction purposes.
 - All vehicle washing prohibited.
- Other: Lawn watering, refilling or adding water to public and private swimming pools and automobile washing forbidden.

Note, during Level 4 Mandatory Restrictions, it may be necessary to make withdrawals from the Wes Watkins recreational pool, after receiving appropriate approvals.

SECTION 4: PENALTY.

The City Code, Section 26-67(b)(4), provides for penalties for violation of a proclamation proclaiming a water emergency.:

Any person violating any provision of the proclamation, upon conviction, shall be fined as follows:

- (i) First Violation – Warning
- (ii) Second Violation - \$150.00 plus costs
- (iii) Third Violation - \$250.00 plus fine costs
- (iv) Fourth and Subsequent Violation - \$500.00 fine plus costs

In addition to such penalties, the water, sewer, and garbage services furnished by the City of Shawnee to such person who violates any of the provisions of such proclamation shall be subject to suspension summarily and without notice.

SECTION 5: REPEALER. All sections, subsections, clauses, and sentences of existing law in conflict with this ordinance are repealed.

SECTION 6: CODIFICATION. This Ordinance shall be codified in the Shawnee Municipal Code as Section(s) _____, unless a duplication of numbering would occur, in which case the codifier is authorized to set out the ordinance as it deems appropriate.

SECTION 7: 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.

SECTION 8: EMERGENCY. Because it is necessary for the protection of the public's health, safety, and welfare, an emergency is declared to exist. This ordinance shall be effective immediately upon its passage and publication.

PASSED AND APPROVED this _____ day of _____, 2014.

WES MAINORD, MAYOR

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

EMERGENCY SEPARATELY MOVED AND APPROVED this _____ day of _____, 2014.

WES MAINORD, MAYOR

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

APPROVED AS TO FORM AND LEGALITY ON _____ DAY OF _____, 2014,
BY CITY ATTORNEY MARY ANN KARNS

MARY ANN KARNS, CITY ATTORNEY

Regular Board of Commissioners

11.

Meeting Date: 08/18/2014

Public Tornado Shelters

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Discussion, consideration and possible action concerning use of city facilities as public tornado shelters.

Attachments

Public Tornado Shelters

City of Shawnee Memorandum

To: Honorable Mayor and City Commissioners
Through: Brian McDougal, City Manager *A. L.*
From: Donald D. Lynch, Emergency Management Director
Date: August 13, 2014
Re: Use of City Facilities as Public Shelters



NATURE OF THE REQUEST:

I am writing to request your consideration of terminating the use of Shawnee City Hall and Fire Station # 3 as public tornado shelters.

STAFF ANALYSIS /CONSIDERATIONS:

At the April 2, 2012 City Commission meeting a discussion was held concerning the use of City facilities as public Tornado Shelters. The direction we received at that time was to keep the facilities open but look for alternative substitute locations.

An agreement has been signed with North Rock Creek School to use the safe rooms at their Middle School as public shelters when school is not in session.

We have tried diligently to locate a substitute facility near Downtown to no avail. We have looked at 2 church locations that do not meet the FEMA standards for community shelters. We asked a downtown merchant to intercede on our behalf to ask building owners of 2 locations to use their basements but the attempts were unsuccessful.

During shelter operations we have experienced the following incidents with shelter occupants:

- Because we advertise public shelters, people from outside Shawnee showed up to occupy our shelters
- A few people come to the shelter locations when a Tornado Watch is issued demanding to gain access. On May 31, 2013, a lady showed up 3 hours early, beat her fists on the glass door at the end of the EOC hallway and demanded to be let

in. When staff refused and explained that at the rate the storm was traveling, it was 3 hours away and that it might change course, and suggested she was welcome to sit in her car in the parking lot until the shelter needed to be opened, she refused and continued to beat on the door until she was escorted out by the Police. Similar instances have been reported from personnel at Fire Station # 3.

- People brought their pets which were not service animals into the facilities.
- People left trash throughout the facilities and performed minor damage to the facilities
- People behaved in a poor manner, refusing to follow instructions of staff, control the behavior of their children, and occupied areas that were prohibited.
- Following one event, we found both urine and excrement on the floors.
- During the May 19, 2013 event at Fire Station # 3, a lady became ill. Because EMS and Fire personnel were responding to other incident locations, the lady had to be carried upstairs by shelter occupants and taken for medical treatment by personal vehicle.

Because the Police Station and 9-1-1 center occupy the western part of the basement of City Hall and the Emergency Operations Center (EOC) occupies part of the eastern section of the basement, the only usable space in the basement is the hallway between the Police Station and the EOC. FEMA Community Shelter standards require 5 square feet per person (wheel chair occupants require 9 square feet). Meeting this standard the occupancy limit would be 98 people. We have always exceeded that number of people seeking shelter at City Hall. Therefore, the hallway becomes packed with people impeding our operations because:

- Responders and EOC staff cannot maneuver down the hall to access the Police Station or the EOC
- EOC personnel cannot get to the printer/copier to retrieve printouts because the hallway is packed with people.
- People frequently ring the doorbell or knock on the doors inquiring about the situation status.

The following meteorological factors affect shelter operations:

- Violent tornadoes, the EF4 and EF5 rated tornadoes are only 2% of all tornadoes occurring in the United States in a year.

- The National Weather Service recommends that if no underground or engineered shelter is available, protection should be taken on the lowest floor in the center portion of a substantially constructed building. We observed during the May 2013 tornadoes that these instructions proved correct. People who followed these instructions even in paths of EF4 and EF5 tornadoes survived.
- The 2 places you do not want to be during a tornado are in a car and outside. Because many people wait until a warning is issued to travel to a community shelter. That potentially places them in harm's way.

All of the other communities in Central Oklahoma except Newcastle do not have public shelters. Since 2012, Norman, Midwest City, and Edmond have closed their public shelters citing concerns for people traveling to a shelter when they should already be in a safe place.

There are currently 784 individual storm shelters registered with our department. This is up from approximately 370 in 2012. The Community Development Department issued 26 permits for new storm shelter construction in the last month.

RECOMMENDATION:

Staff recommends terminating the use of the facilities as public tornado shelters.

BUDGET CONSIDERATION:

The only expense will be the minimal cost for the production and posting of signs notifying the public that the facilities are no longer being used as public tornado shelters. Funding is available through the current Emergency Management budget to cover that expense.

Thank you for your favorable attention to this request.

Regular Board of Commissioners

12.

Meeting Date: 08/18/2014

Sales Tax

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge Sales Tax Report received August 2014.

Attachments

Sales Tax August

City of Shawnee Memorandum

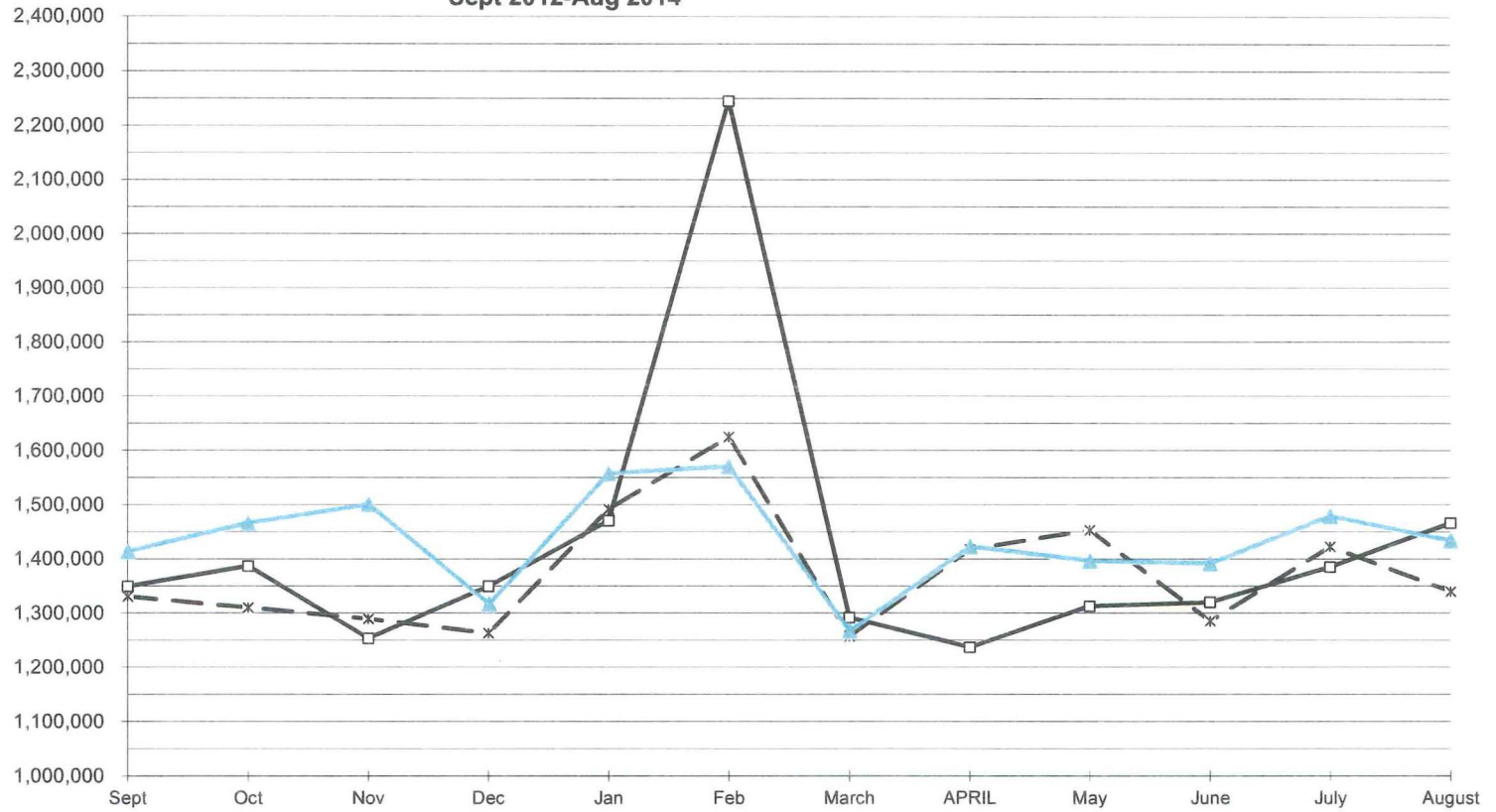


To: Mayor and City Commissioners
CC: Brian McDougal, City Manager
From: Cynthia R Sementelli, Finance Director
Date: August 14, 2014
Re: City Sales Tax Report

August Sales Tax collected this month was \$1,432,227 compared to last year's we are down \$34,023 or 2.32%. Compared to 2012 we are up \$92,688.



**CITY OF SHAWNEE
SALES TAX COLLECTIONS
Sept 2012-Aug 2014**



-x- September 2011 through August 2012
 -□- September 2012 through August 2013
 -△- September 2013 through August 2014

	September 2011	September 2012	September 2013	Increase (Decrease)	
	through	through	through	Over Prior Year	
Month	August 2012	August 2013	August 2014	Amount	Percentage
Sept	1,330,420	1,349,282	1,412,708	63,426	4.70%
Oct	1,309,924	1,386,657	1,465,063	78,406	5.65%
Nov	1,289,143	1,253,140	1,499,183	246,043	19.63%
Dec	1,262,401	1,349,459	1,315,025	(34,433)	(2.55%)
Jan	1,491,647	1,470,565	1,556,616	86,051	5.85%
Feb	1,624,568	2,245,070	1,569,453	(675,618)	(30.09%)
March	1,256,806	1,291,532	1,265,687	(25,845)	(2.00%)
APRIL	1,417,533	1,236,564	1,421,540	184,976	14.96%
May	1,452,759	1,312,710	1,394,972	82,262	6.27%
June	1,284,872	1,319,813	1,390,155	70,342	5.33%
July	1,422,363	1,385,055	1,477,552	92,498	6.68%
August	1,339,539	1,466,250	1,432,227	(34,023)	(2.32%)
Total	16,481,976	17,066,096	17,200,181	75,610	0.44%
		Prior Year	Current Year	Increase (Decrease)	
Period		Actual	Actual	Over Prior Year	
Fiscal Year to Date		2,851,304	2,909,779	\$58,475	2.05%

Regular Board of Commissioners

13.

Meeting Date: 08/18/2014

City Manager Report

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

City Manager's Report

Regular Board of Commissioners

15.

Meeting Date: 08/18/2014

Executive Session - Municipal Judge

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consider an Executive Session to discuss Municipal Judge's performance evaluation and employment contract 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

16.

Meeting Date: 08/18/2014

Possible Action Exec Session Municipal Judge

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consider matters discussed in Executive Session regarding Municipal Judge's performance evaluation and employment contract 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;"
