

AGENDA  
BOARD OF CITY COMMISSIONERS  
November 17, 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 November 3, 2014 regular meeting
  - b. Acknowledge the following minutes:
    - Shawnee Urban Renewal Authority minutes from the September 9, 2014 meeting
    - Planning Commission minutes from the September 3, 2014 meeting
  - c. Acknowledge Commission and Related Authorities meeting schedule for 2015
  - d. Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan for Moses Ramirez.
  - e. Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan for Ben Walker.
  - f. Partial release of public easement in the Shawnee Marketplace Plat
3. Commissioners Comments
4. Citizens Participation

(A three minute limit per person)  
(A twelve minute limit per topic)
5. Resolution of support for Avedis Foundation and partnership in their Community Renewal International Pilot Program.
6. Consider a resolution of support for the construction of a 26 single unit housing development and supporting favorable consideration for tax credit award for Excel Development Group.
7. Consider a resolution to declare certain items surplus property and authorizing the sale of said items at auction.

8. Consider a resolution to surplus certain Shawnee Police Department vehicles and donate to the City of McLoud Police Department.
9. Consider a resolution to surplus certain Shawnee Police Department vehicles and donate to the Oklahoma Baptist University Police Department.
10. Consideration of approval of a Preliminary Plat for Woodsong located NE of Woodsong Garden, Shawnee, Oklahoma. Case No. S11-14. Applicant: Austin 2008 Revocable Trust.
11. Consideration of approval of a Final Plat for Deer Field Estates located in the 1400-1500 block of East Bradley, Shawnee, Oklahoma. Case No. S12-14. Applicant: Kishwaukee Enterprises LLC
12. Discussion, consideration and possible action of an ordinance amending the employee retirement system, defined benefit plan of the City of Shawnee, Oklahoma, to incorporate the definition of spouse; providing for effective date, providing for repealer and severability; and declaring an emergency.
13. Discussion, consideration and possible action of an ordinance amending the employee retirement system, Defined Benefit plan for City of Shawnee, Oklahoma; providing retirement benefits for eligible employees of City of Shawnee, Oklahoma; pertaining to definition of employee; pertaining to eligibility; providing for employer pickup of mandatory contributions; providing for the determination of vesting for City Manager; providing for repealer and severability; and declaring an emergency. (DBO-w/a)
14. Discussion, consideration and possible action of an ordinance amending the employee retirement system, Defined Contribution plan for the City of Shawnee, Oklahoma; providing retirement benefits for eligible employees of the City of Shawnee, Oklahoma; pertaining to definition of employee; pertaining to the definition of compensation; pertaining to plan design; pertaining to allocation of forfeitures; providing for repealer and severability; and declaring an emergency. (DCO-w/a)
15. Discussion, consideration and possible action of an ordinance amending the employee retirement system, Defined Contribution plan for the position of Department Head or City Manager for the City of Shawnee, Oklahoma; providing retirement benefits for eligible employees of the City of Shawnee, Oklahoma; providing for the determination of vesting for City Manager; providing for repealer and severability; and declaring an emergency. (CMO-SI)
16. Discussion, consideration and possible action to authorize staff to apply for a splash pad grant and designation of funds.
17. Acknowledge Sales Tax Report received November 2014.
18. City Manager's Report.
19. New Business  

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

Respectfully submitted

Phyllis Loftis, CMC, City Clerk

The City of Shawnee encourages participation from its citizens in public meetings. If participation is not possible due to a disability, notify the City Clerk, in writing, at least forty-eight hours prior to the scheduled meeting and necessary accommodations will be made. (ADA 28 CFR/36)

**Regular Board of Commissioners**

**2. a.**

**Meeting Date:** 11/17/2014

CC Minutes 11-03-2014

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

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Information

Title of Item for Agenda

Minutes from the November 3, 2014 regular meeting

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Attachments

CC Minutes 11-03-2014

**BOARD OF CITY COMMISSIONERS PROCEEDINGS**  
**NOVEMBER 3, 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, November 3, 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

Gary Vogel  
Commissioner Ward 1

Linda Agee  
Commissioner Ward 2

James Harrod  
Commissioner Ward 3-Vice Mayor

Keith Hall  
Commissioner Ward 4

Lesa Shaw  
Commissioner Ward 5

Micheal Dykstra  
Commissioner Ward 6

ABSENT: None

INVOCATION

Lord's Prayer

FLAG SALUTE

Led by Commissioner Hall

AGENDA ITEM NO. 1:

Consider approval of Agenda.

A motion was made by Commissioner Hall, seconded by Vice Mayor Harrod, to remove Agenda Item No. 4 (Citizens Participation) and to approve the remaining items on the Agenda. Motion carried 4-3.

AYE: Hall, Harrod, Mainord, Vogel

NAY: Shaw, Dykstra, Agee

AGENDA ITEM NO. 2:

Consider approval of Consent Agenda:

- a. Minutes from the October 20, 2014 regular meeting and Amended Minutes from the October 6, 2014 regular meeting and October 27, 2014 special call meeting
- b. Acknowledge the following minutes:
  - Civil and Cultural Development Authority minutes from the September 18, 2014 meeting
  - Traffic Commission minutes from the September 23, 2014 meeting
- c. Traffic Commission Recommendations
  - A. Consideration of request by staff, to install stop signs for east bound and north bound lanes at the intersection of Pennsylvania Ave. and Emmett St.  
  
STAFF RECOMMENDATION: Staff recommends approval of request  
BOARD RECOMMENDATION: Board recommends approval of request
- d. Budget Amendment – Capital Fund 302  
*To allocate Avedis Foundation Grant Money*
- e. Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution and Defined Benefit plans for Jared Reddin.
- f. Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution and Defined Benefit plans for Francene Soap.
- g. Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution and Defined Benefit plans for Jordan Haney.
- h. Acknowledge City of Shawnee Holiday Schedule for 2015.
- i. Authorize staff to apply for Emergency Management Performance Grant from Oklahoma Department of Emergency Management.

Commissioner Shaw requested that the City Manager provide her with information showing the \$1 million in savings with the changing of the City

employee retirement system referenced in the minutes from the October 27, 2014 special call meeting. Mr. McDougal stated he would provide her with that information.

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

AYE: Hall, Harrod, Mainord, Shaw, Dykstra, Vogel, Agee

NAY: None

AGENDA ITEM NO. 3: Commissioners Comments

Commissioner Shaw made a point of clarification regarding ordinance preparation.

AGENDA ITEM NO. 4: Citizens Participation  
(A three minute limit per person)  
(A twelve minute limit per topic)

This item was pulled from the Agenda in Agenda Item No. 1 above.

AGENDA ITEM NO. 5 Mayor's Proclamation's:  
  
"America Recycles Day"  
November 15, 2014

Steve Nelms, Public Works Director, accepted the Mayor's Proclamation for "America Recycles Day" presented by Mayor Mainord.

"Winter Weather Preparedness Day"  
November 12, 2014

Don Lynch, Emergency Management Director, accepted the Mayor's Proclamation for "Winter Weather Preparedness Day" presented by Mayor Mainord.

AGENDA ITEM NO. 6 Presentation by Michelle Briggs,  
President/CEO of the Avedis Foundation  
regarding Community Renewal  
International and upcoming workshops.

Ms. Michelle Briggs, President of Avedis Foundation, discussed the Community Renewal International Team. She identified Shreveport, Louisiana as a city where the Community Renewal International “We Care” program has been a success. The renewal initiative enlists individuals, faith groups, businesses, civic clubs, schools and government to make positive community changes. Ms. Briggs requested that the City of Shawnee partner with the Avedis Foundation for the Community Renewal pilot program. She also invited Commissioners to travel with them to Shreveport, Louisiana at a future time to witness the changes in that community and speak with community leaders.

AGENDA ITEM NO. 7: Public hearing and consideration of an ordinance to deannex the property located at the North Half of the Southeast Quarter (N ½ SE ¼) of Section Three (3), Township Ten (10) North, Range Three (3) East of the Indian Meridian, Pottawatomie County, Oklahoma. Applicant: Randy Beller, Brian Click

Community Development Director Justin Erickson provided a Staff report regarding the deannexation request. Staff recommended denial of the deannexation.

Mayor Mainord declared a public hearing in session to consider an ordinance to deannex the property located at the North Half of the Southeast Quarter (N ½ SE ¼) of Section Three (3), Township Ten (10) North, Range Three (3) East of the Indian Meridian, Pottawatomie County, Oklahoma. Mr. Allan Grubb, attorney for applicants, spoke in favor of the deannexation. No one appeared against said deannexation. The public hearing was closed.

A motion was made by Commissioner Hall, seconded by Vice Mayor Harrod, to deny the deannaxation request. Motion carried 6-1.

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

NAY: Dykstra

AGENDA ITEM NO. 8: Discussion, consideration and possible action to set deadline for submission of items for agenda.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Vogel, to set the deadline for submission of items for the agenda at 12:00 p.m. on the Thursday prior to the City Commission meeting. Motion carried 6-1.

AYE: Harrod, Hall, Dykstra, Vogel, Agee, Mainord

NAY: Shaw

AGENDA ITEM NO. 9: Discussion, consideration and possible action on a resolution instructing City Clerk to report to appropriate authorities the failure of any party to make reports of campaign spending as required by law.

Resolution No. 6481 was introduced.

A RESOLUTION OF THE MAYOR AND CITY COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA, INSTRUCTING THE CITY CLERK OF SHAWNEE WITH REGARD TO OBTAINING CAMPAIGN FINANCING REPORTS AND AUTHORIZING THE FILING OF NOTICE OF FAILURE TO FILE WITH PROPER AUTHORITIES.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Hall, to approve a resolution instructing the City Clerk to report to appropriate authorities the failure of any party to make reports of campaign spending as required by law. Motion carried 6-1.

AYE: Harrod, Hall, Dykstra, Vogel, Agee, Mainord

NAY: Shaw

AGENDA ITEM NO. 10: Presentation by Finance Director Cynthia Sementelli of financial update.

Finance Director Cynthia Sementelli presented a financial review of the city budget. She outlined the top revenue categories of the general fund, stating that 98-99% of all sales tax collected fall within these categories.

AGENDA ITEM NO. 11:

Consider Bids

a. Dispatch Center City of Shawnee (Award)

Police Chief Russell Frantz announced that two bids were received and after review and consideration it was staff's recommendation to award the bid to Sagemill Construction, LLC of Meeker, Oklahoma, in the total amount of \$218,000.00.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Hall, to accept staff's recommendation and award the bid to Sagemill Construction, LLC in the total amount of \$218,000.00. Motion carried 7-0.

AYE: Harrod, Hall, Shaw, Dykstra, Vogel, Agee, Mainord

NAY: None

b. COEDD Roofing Project (Award)

Director of Operations James Bryce announced that four bids were received and after review and consideration it was staff's recommendation to award the bid to Robbins Roofing of Mustang, Oklahoma in the total amount of \$42,554.00, which would include an add alternate of \$22,979.79 to include the City Hall roof.

A motion was made by Commissioner Dykstra, seconded by Commissioner Shaw, to accept staff's recommendation and award the bid to Robbins Roofing in the total amount of \$42,554.00. Motion carried 7-0.

AYE: Dykstra, Shaw, Vogel, Agee, Harrod, Mainord, Hall

NAY: None

AGENDA ITEM NO. 12:

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

There was no New Business.

AGENDA ITEM NO. 13:

Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (7:47 p.m.)

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WES MAINORD, MAYOR

ATTEST:

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PHYLLIS LOFTIS, CMC, CITY CLERK

**Regular Board of Commissioners**

**2. b.**

**Meeting Date:** 11/17/2014

Acknowledge Minutes

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

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Information

Title of Item for Agenda

Acknowledge the following minutes:

- Shawnee Urban Renewal Authority minutes from the September 9, 2014 meeting
- Planning Commission minutes from the September 3, 2014 meeting

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Attachments

SURA Minutes 9-9-2014

Planning Minutes 9-3-2014

# **SHAWNEE URBAN RENEWAL AUTHORITY**

## **MINUTES OF SEPTEMBER 9, 2014**

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

**Vice-Chairman Monte Cockings** called the meeting to order at 9:00 a.m.

### **AGENDA ITEM NO. 2**

#### **ROLL CALL:**

Roll call was taken showing the following members present:

Commissioner	Tiffany Barrett
Commissioner	Monte Cockings
Commissioner	Ron Henderson

Absent:

Chairman	Stephen Rice
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Guest: Wayne Jackson

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 August 5, 2014 was made by **Commissioner Henderson** seconded by **Commissioner Barrett**. Motion carried with no abstentions.

VOTING YES: Cockings, Barrett and Henderson

VOTING NO: None

**AGENDA ITEM NO. 4  
APPROVAL OF CLAIMS:**

A motion to approve claims totaling \$ 23,457.95 was made by **Commissioner Barrett**, seconded by **Commissioner Henderson** Motion carried with no abstentions.

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

**AGENDA ITEM NO. 5  
SWEAR IN BOARD MEMBER:**

**Mike Wolf, Program Manager** swore in new **Commissioner Wayne Jackson**.

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

**Mike Wolf, Program Manager** reported that Habitat for Humanity wishes to obtain some lots to build new homes. They are owned by the County and need to be deeded to SURA, then to Habitat.

A motion to approve donating the lots to Habitat was made by **Commissioner Henderson** seconded by **Commissioner Barrett**. Motion carried with no abstentions.

VOTING YES: Cockings, Barrett, Henderson and Jackson  
VOTING NO: None

**AGENDA ITEM NO. 7  
REQUEST FOR ASSISTANCE:**

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

- a) First Time Home Buyer: John & Brenda Terry, 1120 E. 9th

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

VOTING YES: Cockings, Barrett, Henderson and Jackson  
VOTING NO: None

**AGENDA ITEM NO. 8  
UPDATE ON INHOUSE BID OPENING:**

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

- a) Tree Removal: SURA, 1120 E. 9th  
2 Bids: Payless Tree Service \$1,450.00  
Buckmaster \$ 3,500.00

Awarded to: Payless Tree Service

**AGENDA ITEM NO. 9  
OLD BUSINESS:**

There was no old business.

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

**Mike Wolf, Program Manager** gave the Board members copies of the Consolidated Annual Performance and Evaluation Report (CAPER), a report that will be submitted to HUD this month.

**AGENDA ITEM NO. 11  
ADJOURNMENT**

There being no further business to come before the Board at this time, a motion to adjourn at 9:14 a.m. was made by **Commissioner Henderson**, seconded by **Commissioner Barrett**. Motion carried with no abstentions.

VOTING YES: Cockings, Barrett, Henderson and Jackson  
VOTING NO: None

  
Secretary, Ron Henderson

  
~~Vice-Chairman, Monte Cockings~~  
Stephen Rice

## PLANNING COMMISSION MINUTES

DATE: SEPTEMBER 3<sup>RD</sup>, 2014

The Planning Commission of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in the Commission Chambers, at City Hall, 9<sup>th</sup> and Broadway, on Wednesday, September 3<sup>rd</sup>, 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, Clinard, Kerbs, Silvia, Salter, Cowen, Kienzle

**Absent:**

The meeting was called to order.

### AGENDA ITEM NO. 2:                      Approval of the minutes from the August 6<sup>th</sup>, 2014 Planning Commission Meeting

Chairman Silvia asked that the members take a few moments to review the minutes and ask any questions or comments. When there were none, he then proceeded to ask for a motion. Commissioner Kienzle made the motion to approve, seconded by Commissioner Kerbs to approve the August 6<sup>th</sup>, 2014 minutes.

Motion passed:

**AYE:** Clinard, Kerbs, Silvia, Salter, Cowen, Kienzle

**NAY:**

**ABSTAIN:** Bergsten

### AGENDA ITEM NO. 3:                      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. 4:

Case #P11-14 - A Public Hearing for Consideration of approval of a Rezone located NE I-40 Service Rd. & Union St. from A-1; Agricultural to C-3; Automotive and Commercial Recreation District.

Applicant: Cooper Shawnee Investments, LLC

Chairman Silvia asked for the staff report. Justin Erickson presented the staff report. Mr. Erickson informed the Commissioners that the property is immediately adjacent to an additional property that was previously rezoned to commercial for a car dealership. Justin Erickson noted that the applicant before them today was the same applicant for the previous rezoning and that they were requesting an additional five (5) acres to the north. Justin Erickson discussed the area utilized commercial development and the Comprehensive Plan designates the proposed area as an intense commercial area and therefore recommended approval of the rezone. Mr. Erickson offered to answer any questions the Commissioners may have and also informed them that the applicant has not submitted a permit or site plan as of yet but they had started grading the area. Justin Erickson discussed the applicant would be available to answer any questions on timing of the development. Vice-Chairman Salter asked if the proposed area was where the pond was previously located. Justin Erickson agreed and noted that it also went a little north as well. Chairman Silvia mentioned there were no conditions listed and asked if there were any issues regarding storm water or similar items. Mr. Erickson discussed that at this time he did not see any issues and that the applicant has pulled a permit with State. Justin Erickson also informed the Commissioners that the land is not currently platted and will be required to do so and relayed that the Planning Commission could see development concept in the near future. Chairman Silvia asked if there were any other questions for Staff. There were none and Justin Erickson was seated.

Chairman Silvia opened the public portion of the meeting and invited the representative of Cooper Shawnee Investments to come forward to answer any questions the Board may have. Bobby Dolatabadi introduced himself as an Attorney with Phillips Murrah P.C. and stated that he believed Justin Erickson stated the applicant's intent with his staff report. Commissioner Cowen asked if the applicant had a schedule in mind as to when applicant may pull permit with the City. Mr. Dolatabadi informed Commissioner Cowen they did not have a specific time frame as of yet. Chairman Silvia asked if there were any further questions from the Commissioners. There were none and Chairman Silvia proceeded to ask if there was anyone who would like to speak against the proposed rezone to come forward. There were none and Chairman Silvia closed the public portion.

Chairman Silvia opened for any discussions or motions from the Commissioners. Commissioner Bergsten made a motion to approve, seconded by Commissioner Cowen.

Motion carries:

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

NAY:

ABSTAIN:

**AGENDA ITEM NO. 5:** Case #S10-14 – Consideration of approval of a Preliminary Plat for Deer Field Estates located in the 1400-1500 block of E. Bradley St., Shawnee, OK

**Applicant: Kishwaukee Enterprises, LLC**

Chairman Silvia asked for the staff report. Justin Debruin presented the staff report. Mr. Debruin informed the Commissioners that the applicant was requesting approval on a Preliminary Plat for nineteen (19) lots, on roughly ten (10) acres and the property is currently zoned residential which is appropriate for the development. Justin Debruin also relayed the Comprehensive Plan called for residential and with these facts, Staff recommends approval with the conditions set forth. Mr. Debruin noted that a variance will be required for the cul-de-sac setback. Chairman Silvia asked if any issues could arise from deviating from the required setback. Justin Debruin and Justin Erickson both informed the Commissioners that the purpose of the requirement is to protect the property to the north so as to not cause any negative impact towards them. Chairman Silvia discussed the possibility of an issue with headlights shining towards the resident to the north and asked if the resident was notified of the proposal. Justin Erickson stated they were not due to plats not having a requirement to notify the surrounding property owners in a three hundred foot radius. And also mentioned that with the degree of vegetation and the height of the fences on Lots 6 & 7 for the new residences, he did not believe there would be any potential problems. Commissioner Kerbs asked if there could be a requirement applied for Lots 6 & 7 to install fences. Justin Erickson agreed if the Commissioners felt such requirement was necessary. Commissioner Cowen discussed the elevation of the property to the north was high enough to where he did not believe it would cause any issues. And the existing fence was quite tall as well. Vice-Chairman Salter asked if the cul-de-sac was approved by the fire department in order to house any fire apparatus needed. Justin Erickson confirmed this. Chairman Silvia asked if there were any other questions for Staff. There were none.

Chairman Silvia opened the public portion of the meeting and asked any representative of the proposed development to come forward. Keith Cook came forward to represent the applicant and answer any questions the Commissioners may have. Chairman

Silvia discussed the fencing questions brought up earlier by the Commissioners and Mr. Cook stated the existing fence was around six foot to six and a half. He also discussed the proposed development would downgrade at least another two feet. There were no further questions.

Chairman Silvia asked if there were any one who would like to speak against the proposal. There were none and he proceeded to close the public portion.

Chairman Silvia asked if there were any other discussions, if not, he would ask that they entertain a motion. Vice-Chairman Salter made a motion to approve with staff conditions, seconded by Commissioner Clinard.

Motion carries with staff conditions:

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

NAY:

ABSTAIN:

**AGENDA ITEM NO. 6:** Case #S08-14 – Consideration of approval of a Final Plat for Stone Creek Crossing located at the North Corner of MacArthur and Acme Rd., Shawnee, OK

**Applicant: Stone Creek Investments, LLP**

Justin Erickson informed the Commissioners that Staff was contacted earlier that day by the applicant who requested deferment on the proposal until the October 1, 2014 Planning Commission meeting due to engineering challenges related to the sewer and gas lines on property and that Staff concurs with the request. Chairman Silvia proceeded to move this item to the October 1, 2014 meeting.

**AGENDA ITEM NO. 7:** Update on Downtown Streetscape Project

Justin Erickson introduced Michael Ludi to the Commissioners as the Assistant Engineer who would be going over the projects related to Downtown Streetscape. Michael Ludi informed the Commissioners that the project included Beard Street down to Oklahoma Street. Construction would include sidewalks being removed, water lines being replaced, stoplights being removed at four of the intersections and replaced with decorative stop signs. Bell Street is not included in this project. The intersections would mimic the current design on Bell Street with bump outs on the street that include bike racks and landscaping. Planters would go along the street. Mr. Ludi discussed that Robert Cash would be assisting

with the landscaping designs. There would be an irrigation system in each planter for less maintenance upkeep. Michael Ludi informed the Commissioners these plans were not final and the preliminary estimates were between 2-2 ½ million. Mr. Ludi stated plans were submitted to ODOT but they are waiting for their approval before starting work hopefully in Spring of 2015. Michael Ludi asked if there were any questions he could answer. Chairman Silvia asked if where they were replacing the stop lights with stop signs that it was due to the traffic counts not requiring such. Michael Ludi agreed and stated they did a traffic count on each intersection. Chairman Silvia commented that he agreed this was a good idea. Mr. Ludi explained how the stop signs would help slow traffic flow and also discussed the amount of money saved by replacing the stop lights that ran \$125,000 a piece for the less expensive, decorative stop signs. Commissioner Kienzle asked what the time line for construction would be. Michael Ludi commented that Staff had not configured that yet but estimated around 210 days. Commissioner Kerbs asked if the island planters only included trees. Justin Erickson agreed and stated they wanted to lower maintenance upkeep. Commissioner Kerbs also asked if there was water flow between the islands and sidewalk. Michael Ludi agreed and stated they would be irrigated. Commissioner Cowen asked how much the City was paying for and how much were matching funds. Justin Erickson and Michael Ludi informed him the grant from ODOT was for \$400,000, improvement district downtown was around \$400,000 and the utility department would be paying for water lines and street department would be participating as well. Commissioner Clinard asked if while the streets were open if Staff had discussed putting fiber wiring downtown. Michael Ludi expressed that he had briefly addressed that with the IT department at one point but believed they were not in the plans. Commissioner Kerbs went on to address the electrical wiring as well and Mr. Ludi informed him that he met with OG&E regarding lighting and they have not been able to agree on anything yet. Commissioner Kienzle addressed stressing the importance to OG&E about planning for the future and what downtown could flourish to be. Michael Ludi explained how OG&E had previous issues with the discussed electrical plans and did not have great success. Commissioner Kienzle asked who would be in charge of informing the downtown merchants about which street they would be working on and when. Mr. Ludi relayed it would be himself or Justin. Commissioner Kienzle also expressed the pushing of information out to the merchants by email or text to help make it easier for the merchants. Michael Ludi informed the Commissioners he believed work would be done one block at a time and to help with placing signs for the businesses during the construction. Chairman Silvia asked if there were any other questions for the Assistant Engineer. There were none.

**AGENDA ITEM NO. 8:**

**Planning Director's Report**

Justin Erickson discussed the Oklahoma Planning Conference is October 2<sup>nd</sup> & 3<sup>rd</sup> in Norman and that staff would be emailing information out to the Commissioners.

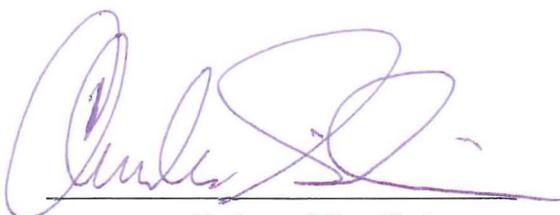
Mr. Erickson proceeded to update the Commissioners on ongoing projects including the Hobby Lobby permit being released and work beginning shortly. The Aldi food permit is hoping to be going out later in the week for the Shawnee Marketplace. Staff has been busy also with other smaller commercial projects and activities including some work downtown. Mr. Erickson also discussed residential building construction is still really strong as well. Commissioner Clinard asked if Justin Erickson could explain what work was going on downtown. Mr. Erickson informed her that the Main Street market was expanding, there is a new photography studio and there has been interest on their façade grant program to improve facades for downtown buildings. Commissioner Kerbs asked how many applicants were approved. Justin Erickson stated they typically did around three or four per cycle with possibly more depending on funding availability. Mr. Erickson discussed the Shawnee Marketplace had most of the occupants for Phase 1 and Phase 2 could include a bigger store than Hobby Lobby potentially. Chairman Silvia asked if there were any other questions. There were none.

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

Chairman Silvia asked for any comments or new business. Vice-Chairman Salter mentioned making a recommendation for reducing the speed limits on Kickapoo by Interstate 40 and was unsure if it was ODOT or the Street department who could address this with Shawnee Marketplace bringing increased traffic to the area. Vice-Chairman Salter also expressed how he would like the developer of the Shawnee Marketplace to put in a road behind the east bound businesses that come out on 45<sup>th</sup> Street. Justin Erickson stated he would discuss this with the engineering department. Elizabeth Smith with the City of Shawnee spoke forward and addressed that the topic of the speed limit on Kickapoo Street did come up while she was working for the traffic department and explained that ODOT denied the request and that a petition is required. Chairman Silvia also mentioned how the City has no control over the speed limit there.

**AGENDA ITEM NO. 10:**                      **Adjournment**

Meeting was adjourned.



Chairman/Vice-Chairman

*Cheyenne Lincoln*  
Planning Commission Secretary

**Regular Board of Commissioners**

**2. c.**

**Meeting Date:** 11/17/2014

CC 2015 Schedule

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

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Information

Title of Item for Agenda

Acknowledge Commission and Related Authorities meeting schedule for 2015

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Attachments

CC 2015 Meetings

**2015 CALENDAR YEAR**  
**SCHEDULE OF REGULAR MEETINGS**  
**CITY COMMISSION & RELATED AUTHORITIES**

DATE		TIME	PLACE OF
1/05/2015	Monday	6:30 p.m.	Commission Chambers-City Hall
1/20/2015	Tuesday	"	16 West 9 <sup>th</sup> , Shawnee, OK
2/02/2015	Monday	"	"
2/17/2015	Tuesday	"	"
3/02/2015	Monday	"	"
3/16/2015	"	"	"
4/06/2015	"	"	"
4/20/2015	"	"	"
5/04/2015	"	"	"
5/18/2015	"	"	"
6/01/2015	"	"	"
6/15/2015	"	"	"
7/06/2015	"	"	"
7/20/2015	"	"	"
8/03/2015	"	"	"
8/17/2015	"	"	"
9/08/2015	Tuesday	"	"
9/21/2015	Monday	"	"
10/05/2015	"	"	"
10/19/2015	"	"	"
11/02/2015	"	"	"
11/16/2015	"	"	"
12/07/2015	"	"	"
12/21/2015	"	"	"

NAME: PHYLLIS LOFTIS

TITLE: City Clerk

ADDRESS: P. O. Box 1448  
Shawnee, OK 74802-1448

TELEPHONE: (405) 878-1604

Filed in the office of the Municipal Clerk at \_\_\_\_\_ a.m./p.m. on \_\_\_\_\_, 2014.

Signed: \_\_\_\_\_  
Clerk/Deputy Clerk

**Regular Board of Commissioners**

**2. d.**

**Meeting Date:** 11/17/2014

OMRF Ramirez

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

---

Information

Title of Item for Agenda

Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan for Moses Ramirez.

---

**Regular Board of Commissioners**

**2. e.**

**Meeting Date:** 11/17/2014

OMRF Walker

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

---

Information

Title of Item for Agenda

Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan for Ben Walker.

---

**Regular Board of Commissioners**

**2. f.**

**Meeting Date:** 11/17/2014

SMP Partial Easement Release

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

---

Information

Title of Item for Agenda

Partial release of public easement in the Shawnee Marketplace Plat

---

Attachments

SMP Release & Memo



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

**MEMORANDUM**

AGENDA: November 17, 2014

TO: Shawnee City Commission

FROM: Justin Erickson, Planning Director

RE: Partial Release of Easement

---

As part of the installation of public infrastructure improvements at the Shawnee Marketplace development, the developer has installed a new sewer line and abandoned the old line that existed in the vicinity of Lots 5-8 (Shawnee Marketplace Final Plat). The abandoned line was in an easement granted to the City of Shawnee by the State of Oklahoma, Commissioners of the Land Office (CLO) in 1981. The old line had to be relocated to facilitate development of the site. Now that the new line is complete, there is no need for the easement and the easement must be released so that lot owners can achieve clear title to the property.

Staff recommends release of the easement and authorization of the Mayor to sign said partial release.

Attachments



BII  
#13

EXHIBIT "A"

16018 BUCK 786 PAGE 560  
COMMISSIONERS OF THE LAND OFFICE  
STATE OF OKLAHOMA  
EASEMENT

Typed \_\_\_\_\_ RC  
Proofed act  
Approved \_\_\_\_\_

Easement No. 6789  
Account No. CS 296

KNOW ALL MEN BY THESE PRESENTS:

THIS INDENTURE, made and entered into this, the 5th day of May, 1981, by and between the Commissioners of the Land Office of the State of Oklahoma, hereinafter designated as the parties of the first part, and City of Shawnee, P. O. Drawer 1448, Shawnee, Oklahoma 74801 hereinafter designated as the party of the second part:

WITNESSETH: That in consideration of the sum of Four Thousand Three Hundred Ten & 00/100 Dollars (\$ 4,310.00), the receipt of which is hereby acknowledged, the parties of the first part, by power vested in them by the Constitution and laws of the State of Oklahoma, hereby grant and convey unto the party of the second part, the full and free right to the uninterrupted access and enjoyment of a permanent Easement for sewage purposes only, covering the following described land situate in Pottawatomie County, State of Oklahoma.

To construct, maintain, operate, remove and relay, if necessary, a pipeline and 4 manholes not to exceed 8 inches in diameter, 79.45 rods in length and to be contained within a 20 foot right-of-way, in, through, and across the SE/4 of Section 36, 11N, 3E1M for the transportation of sewage said pipeline is to be constructed and maintained at least 36 inches beneath the surface of said land and 10

feet on either side of centerline of said pipeline which is described as follows:  
BEGINNING at a point 1184.08 feet North of the Southeast Corner of Section 36, 11N, 3E, run N89°49'18"W, a distance of 99.53 feet; thence S17°03'05"W, a distance of 587.03 feet; thence S02°20'39"E, for a distance of 326.91 feet; thence S04°04'59"E, a distance of 297.48 feet; to a point 250 feet, more or less, West of the Southeast Corner of Section 36, less 67 feet of street right-of-way.

Plus a Temporary Easement lying 35 feet to the left and 15 feet to the right, excluding a certain spillway, of the above described Permanent Easement, on the first two legs of said easement, and lying 15 feet to the left and 35 feet to the right of the above described Permanent Easement, on the last two legs of the easement.



State of Oklahoma, Pottawatomie County, SS:  
Filed for record JUL 13 1981 at 2:27 O'clock P.M.  
By Pete Austin County Clerk, Cyl. W. Williams Deputy

all as described and shown on the plat attached hereto, referred to and made a part hereof as completely as if set out in full herein at length, being 79.45 lineal rods in length.

SEE PLAT ATTACHED, WHICH IS HEREBY ADOPTED IN AID OF THIS DESCRIPTION.

NOTICE: No structures other than the pipeline and manholes hereinabove described, and line markers in fence rows may be placed upon or beneath the surface of said land, under the terms and conditions of this Easement. Party of the first part, its successors and assigns, reserves the right to use the surface in the area granted by this Easement for all purposes not inconsistent with the necessary servicing of the pipeline by the party of the second part. Party of the second part shall see that the pasture land is revegetated according to the specifications of the field technician of parties of the first part.

PROVIDED, however that it is expressly agreed and understood and agreed by the party of the second part that the granting of this easement does not in any way permit the party of the second part to interfere with the party of the first part, its successors and assigns, in the exercise of its free and uninterrupted access, use and enjoyment of the whole of the premises covered by the above described easement. It is further understood by the party of the second part that interference with party of the first part's its successors and assigns, free use and enjoyment of the premises shall constitute forfeiture of all of the party of the second part's right, title and interest in the above described property. Upon failure to show due cause as to why this agreement should not be cancelled for such interference, party of the second part agrees to remove all of its property, whether real, personal or mixed, within thirty (30) days from the date of receipt of notice to remove its property.

This Easement shall not be transferred in whole or in part, except by operation of law, while legal title to said land remains in the State, without filing the transfer or copy thereof in the office of the Commissioners of the Land Office, payment of transfer fee and written approval of parties of the first part. Should party of the second part, its successors, heirs or assigns, cease to use said land for the purposes herein granted, for a period of not more than one (1) year the same shall revert to the State of Oklahoma or its assigns, and all rights and privileges herein granted shall thereupon cease and terminate. It is understood and agreed by and between the parties hereto that such cessation of usage of the above described premises and use thereof for a period of One (1) year or more shall constitute abandonment of this easement, and in consideration of the execution of this easement, party of the second part does grant, bargain, sell and convey all of its right, title and interest in the premises to party of the first part, its successors and assigns, in the event of abandonment as above stated.

It is hereby expressly understood and agreed that the party of the second part shall settle with the surface lessee of said land for any damages that may be sustained to improvements and/or crops, by reason of construction or use of said right-of-way or Easement, with the further understanding that party of the first part is neither entitled to nor responsible for payment of the proceeds of such settlement.

IN WITNESS WHEREOF, the Commissioners of the Land Office of the State of Oklahoma have caused these presents to be executed by their Secretary, on the date first above written.

By [Signature]  
Secretary

COMMISSIONERS OF THE LAND OFFICE  
STATE OF OKLAHOMA  
JUL 13 1981

Form No. 187  
Revised 8/80



**EXHIBIT "B"**

**LEGAL DESCRIPTION**

A portion of that certain Easement in favor of the City of Shawnee, Pottawatomie County, Oklahoma, for a sewage pipeline, recorded in Book 786, Page 560 in the records of the Pottawatomie County Clerk, said portion to be released being described as:

A strip of land 20 feet in width being a part of the Southeast Quarter of Section 36, Township 11 North, Range 3 East of the Indian Meridian, Pottawatomie County, Oklahoma, with the centerline of said strip of land being more particularly described as:

BEGINNING at a point 1184.08 feet north of the southeast corner of the Southeast Quarter of said Section 36;

THENCE North 89°49'18" West a distance of 99.53 feet;

THENCE South 17°03'05" West a distance of 587.03 feet;

THENCE South 02°20'39" East a distance of 253.44 feet to the POINT OF ENDING.

# EXHIBIT "B"

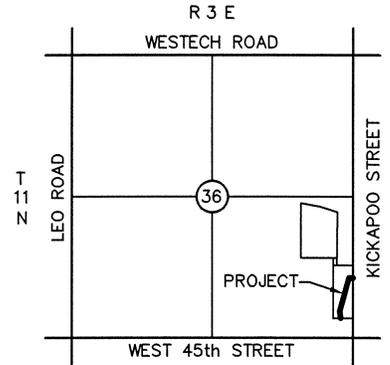


N 89°49'18" W  
99.53'

POINT OF BEGINNING

S 17°03'05" W  
587.03'

PORTION OF EASEMENT  
TO BE RELEASED



LOCATION MAP  
NOT TO SCALE

S 02°20'39" E  
253.44'

POINT OF  
ENDING

KICKAPOO STREET  
1184.08'

46th STREET -  
PUBLIC STREET  
(PER PLAT OF I-40 & KICKAPOO  
COMMERCIAL CENTER, SECTION 1)

LOT 1, BLOCK 1  
I-40 & KICKAPOO  
COMMERCIAL CENTER, SECTION 1  
INSTRUMENT No. 200700001604

W. 45th STREET

POINT OF  
COMMENCEMENT

FND. 3/8" I.P.  
S.E. CORNER, S.E. QUARTER  
SECTION 36, T11N, R3E, I.M.

NOT TO SCALE

ENGINEERS SURVEYORS PLANNERS  
**SMITH ROBERTS BALDISCHWILER, LLC**  
100 NE 5th STREET - OKLAHOMA CITY, OKLAHOMA 73104  
TELEPHONE (405) 840-7094

**Regular Board of Commissioners**

**5.**

**Meeting Date:** 11/17/2014

Avedis Resolution

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

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Information

Title of Item for Agenda

Resolution of support for Avedis Foundation and partnership in their Community Renewal International Pilot Program.

---

Attachments

Avedis Resolution

# *City of Shawnee*



## *Resolution No. 6482*

### **A Resolution of the City of Shawnee in Support of Community Renewal of Pottawatomie County**

**Whereas**, Community Renewal of Pottawatomie County is an international organization to bring partners together, restore hope, rebuild caring community and renew the spirit of cooperation in every segment of the community; and

**Whereas**, Community Renewal inspires residents to come together to turn neighborhoods into safe havens of friendship and support; and

**Whereas**, Avedis Foundation is the local sponsor, based on an international model; and

**Whereas**, the Mayor and City Commissioners find that Community Renewal of Pottawatomie County will provide the citizens of Shawnee with many benefits toward improvement of the city;

#### **NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COMMISSIONERS OF THE CITY OF SHAWNEE THAT:**

1. The City lends its support to the efforts for establishment and success of Community Renewal of Pottawatomie County.
2. The City authorizes Community Renewal of Pottawatomie County to make such use of this endorsement as it determines may be of assistance to the organization.

**PASSED AND APPROVED** this 17<sup>th</sup> day of November, 2014.

---

WES MAINORD, MAYOR

**ATTEST:**

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PHYLLIS LOFTIS, CMC, CITY CLERK

(SEAL)

**Regular Board of Commissioners**

**6.**

**Meeting Date:** 11/17/2014

Resolution Tax Credit

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

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Information

Title of Item for Agenda

Consider a resolution of support for the construction of a 26 single unit housing development and supporting favorable consideration for tax credit award for Excel Development Group.

---

Attachments

Resolution of Tax Support

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION SUPPORTING THE CONSTRUCTION OF A 26 UNIT HOUSING DEVELOPMENT BY EXCEL DEVELOPMENT GROUP LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, OKLAHOMA; AND SUPPORTING FAVORABLE CONSIDERATION BE GIVEN FOR TAX CREDIT AWARD FOR THIS DEVELOPMENT.

LOCAL RESOLUTION OF SUPPORT

BE IT RESOLVED:

WHEREAS, Excel Development Group is proposing construction of a 26 unit housing development to be located in the limits of the City of Shawnee, at 648 N. Cleveland Avenue; and

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

NOW THEREFORE BE IT RESOLVED BY THE CITY COMMISSIONS OF THE CITY OF SHAWNEE, that the City Commissioners support favorable consideration to be given for a tax credit award for this Development.

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

APPROVED AND PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Wes Mainord, Mayor

Attest:

(SEAL)

\_\_\_\_\_  
Phyllis Loftis, City Clerk

**Regular Board of Commissioners**

7.

**Meeting Date:** 11/17/2014

Surplus Auction

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

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Information

Title of Item for Agenda

Consider a resolution to declare certain items surplus property and authorizing the sale of said items at auction.

---

Attachments

Surplus Memo

Surplus Resolution

Surplus Ex A

Surplus Ex A-Vehicles

**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](http://www.ShawneeOK.org)

**Commissioners**  
GARY VOGEL  
LINDA AGEE  
JAMES HARROD  
KEITH HALL  
LESA SHAW  
MICHEAL DYKSTRA

**Date:** November 12, 2014  
**To:** Mayor and City Commissioners  
**From:** James Bryce, Director of Operations

**RE:** Equipment/vehicle surplus

---

**Nature of the Request:**

City Staff requests that items on the attached list be declared surplus and sent to auction.

**Staff Analysis, Considerations:**

City staff has went through and listed out by department items that are no longer needed, useful, or do not work and have requested that they be declared surplus and auctioned off.

**Recommendation:**

It is staff's recommendation to declare items surplus.

**Budget Consideration:**

Any item that sells for more than \$1000.00 is not charged a 10% fee. The 10% fee for items selling for less than \$1000.00 will be deducted from the sale revenue before the auction company issues the City a check.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION DECLARING CERTAIN ITEMS OF PERSONAL PROPERTY SURPLUS AND NO LONGER NEEDED FOR CITY PURPOSES; DESCRIBING SAID ITEMS; AND AUTHORIZING THE SALE OF SAID ITEMS BY PUBLIC AUCTION.

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

That the items of personal property are described as set out in attached Exhibit "A".

Said property is hereby declared city owned items which are surplus items no longer needed for city purposes; that the City of Shawnee is authorized to sell said items to the public by auction.

Adopted this 17<sup>th</sup> day of November, 2014.

\_\_\_\_\_  
WES MAINORD, MAYOR

(SEAL)

ATTEST:

\_\_\_\_\_  
PHYLLIS LOFTIS, CMC, CITY CLERK

Approved as to form and legality on the 17<sup>th</sup> day of November, 2014, by the City Attorney, Mary Ann Karns.

\_\_\_\_\_  
MARY ANN KARNS, CITY ATTORNEY

## Emergency Management

### Auction Items 2014

- 1 electric pencil sharpener
- 1 rolodex
- 1 dry erase board with dry erase marker-un-opened
- 6 stackable paper trays
- 2 standing paper trays
- 3 metal desk dividers
- 1 plastic desk divider
- 1 Dell OptiPlex computer CPU F755z01
- 1 Dell OptiPlex computer CPU 3855z01
- 1 Dell OptiPlex computer CPU 5755z01
- 1 Dell OptiPlex computer SN # IRW4Z01
- 1 Dell Precision 390 SN # 00045-675-575-558
- 1 HP Pro-Curve Switch JH81380099
- Motorola test set panel Micor/Motrac
- Applied Design weather station
- 1 Motorola Acphamate SN # 516EWA24R7
- 1 Sylvania TV model SRT 2319 SN#v46364736
- 1 Heath ID-5001 advanced weather computer
- 1 box misc warning lights
- 1 box radio speakers-Motorola, GE Uniden
- 2 small plastic frames
- 5 large plastic frames
- 1 large plastic frame with pen holder
- Picture frame
- Adtran Modem
- 2 outdoor electrical boxes, pole mounted
- 4 external electrical cabinets
- 1 Gateway 2000 COS # 1281 SN 0008021023

## Auction Items for Parks Department

NAME	ASSET #	MODEL #	SERIAL #
Kawasaki Weed eater		KTF27A-A1	006678
Kawasaki Weed eater		KTF27A-A3	008419
Kawasaki Weed eater		GT27A-A1	011116
Lincoln Electric Welder	2356	Ranger 8	9974-U1940718476
Stihl Chainsaw		MS170	295803508
Stihl Chainsaw		MS170	
Stihl Chainsaw		MS250C	
Stihl		MS160C	
Weed eater that was found on side of the road			
123 4-Bulb fluorescent light fixtures			
Whirlpool Refrigerator w/freezer model# ETOMSRXTL00 Serial # VSW0617025			
Westinghouse Deep Freezer			
3 Stainless Steel Toilets wall mounted (jail cell didn't know if we needed to list them or if police were)			

## Northside STP

Lincoln Electric Motor	20hp Electric Motor	U3950401005	NA
Lincoln Electric Motor	20hp Electric Motor	U3950401006	NA
Lincoln Electric Motor	20hp Electric Motor	1094H93	NA
Lincoln Electric Motor	20hp Electric Motor	564H93	NA
Lincoln Electric Motor	20hp Electric Motor	565H93	NA
Hoffman Blower	Centrifugal Blower and Frame	181069	NA
U S Electric Motor	200hp Electric Motor	CG0480311 293	NA
Frigidaire Airconditioner	8000 BTU Window Airconditioner	KK90662182	NA
ABS Pump	17 hp Submersible Pump	A7421	NA
Lab Line Incubator	Lab Incubator	306-1081	1129

## SOUTHSIDE AUCTION LIST 2014

Kubota lawn mower, model 2006, Serial #14437, City ID#3309

1996 Chevrolet half ton pickup, City ID#1995, 1GCEC14W2TZ169762

John Deere Gator 4X2, City ID#1997, W004X2X045030

International Box Dump, City ID#1828, 1HTSAZRM3MH366206

14 Old Firehoses that leak

3 old SCBA air tanks

2 Teco VFD drive's

Model #CIMRVU4A0038FAA

Serial #1W10Y2663280085

Model #MA7200-04020-N1

Serial#B9A604-018

2 Yaskawa VFD drive's

Model#CIMRP7U4011

Serial#1W0882235030046

Model#CIMRP7U4011

Serial#1W0882235030058

2 Plastic SCBA cases that are empty no#'s

Craftsman 18v drill w/charger and two batteries Model #973.113051

Serial#G0050

Craftsman Weedeater, can't read serial #'s

## Utilities Department

### Waterline Approx. Footage

17' of 20" C900

20' of 14" C900

150' of 12" C900

160' of 10" C900

50' of 8" C900

### Wastewater Line Approx. Footage

45' of 10" SDR35

12' of 12" SDR35

10' of 14" SDR35

### Attachments for a Caterpillar backhoe.

430 – F IT

Forklift Attachments.

Lifting boom Attachments.

16" bucket.

430 – D IT

16" Bucket.

Lifting boom Attachment.

2 – Hose reels w/50' ¾" hydraulic hose.

1 – 12' Tracker jon boat.

**No serial or City I.D. found on these items**

**CITY OF SHAWNEE ASSET REMOVAL FORM**

**ITEMS TO BE REMOVED**

**SHAWNEE POLICE DEPT. C.I.D.**

LOVEX TIME LAPSE RECORDER-1

REMOTES-3

CYBER HOME DVD VIDEO-1

SYLVANIA 19 INCH TV-1

TOSHIBA VHS/DVD 19 INCH TV-1

VICTOR CALCULATOR-1

CANON CALCULATOR-1

SAMSUNG MONITOR 19 INCH-1

STAPLES SHREDDER-1

DELL MONITOR-1

DELL KEYBOARD-1

DELL CPU UNIT-1

HP CPU UNIT -1

**CITY OF SHAWNEE ASSET REMOVAL FORM**

**ITEMS TO BE REMOVED**

**POLICE DEPT.**

**PALLET #1**

TRANSPORT PARTITION -15

PUSH BAR-1

FORD EXPLORER HALF CAGE TRANSPORT PARTITION-1

K-9 INSERT-1

MISC. BRACKETS FOR TRANSPORT PARTITION-1

SCISSOR JACK-2

**PALLET #2**

CODE 3 VCON SIREN/PA-1

3M LIGHT WHITE-1

SHO ME 100 W SIREN-1

CHARGER BLACK AND DECKER VERSA PACK-1

SVP SIREN D60-1

SHO ME LIGHT PATTERN-1

SHOE ME 100W SIREN-1

GALLS STREET LIGHTING-1

SIREN SD370A 100W-1

FLASH BACK STROBE POWER SUPPLY-1

FEDERAL SIGNAL SIREN-1

HEAD LIGHT FLASHER WHELEN BI DIRECT-1

DISCREET LIGHTING KIT-1

BATTERY CHARGER PORTA POCKET-1

METAL MONEY BOX-1

SIREN /PA -1

GALLS IMPALA FLASHER-1

ROADRUNNER RELAY-1

EVER FOCUS IN CAR CAMERA SYSTEM-1

6 PORT BATTERY CHARGER-4

SINGLE PORT BATTERY CHARGER-1

LIGHT CONTROL SIGNAL SIREN CONTROL PA-1

ELECTRIC LIGHT FLASH CONTROL-1

WHELEN UPS 158 POWER SUPPLY-1

METAL TOOL BOX-1

FEDERAL SIGNAL 6 SWITCH LIGHT CONTROL BOX-1

STALKER RADAR-1

GENIS RADAR COUNTING LIGHT-1

POLAROID ONE STEP FLASH-1

FLASHBACK-1

GALLS REMOTE STROBE POWER SUPPLY-1

6 SWITCH LIGHT CONTROL-1

NOVA STROBE POWER SUPPLY-1

STAR FLASHER LIGHT-1

BOSCH RELAY BLACK-1

IMPALA PLUGIN FLASHER-1

SVP D60 SIREN-1

5100 SIREN-1

SERIES A3 SIREN FEDERAL SIGNAL-1

**PALLET #3**

METAL FILE BOX-1

METAL INDEX CARD BOX-1

CODE 3 LIGHT BAR-1

RED/BLUE DASH LIGHT-1

STREET LIGHTING GALLS RED LIGHT-1

TRUCK LITE RED LIGHT-2

SHO ME RED LIGHT-2 UNITY RED SPOT LIGHT-1

TRUCK LITE BLUE LIGHT-2

SHO ME BLUE LIGHT-2

GALLS BLUE LIGHT-1

UNKNOWN BLUE LIGHT-1

UNKNOWN BLUE LIGHTW/BACKET-1

RED LIGHT HOUSING-1

1 PAIR OF MIRROR STOBES-1

3M PRIORITY CONTROL SYSTEM-1

NOVA STROBE HEAD OUTLET-1

CODE 3 VCON SIREN CONTROL/PA-1

FEDERAL SIGNAL PA300 1142-1

FEDERAL SIGNAL PA300 8225-1

SVP SIREN CONTROL PA-1

WHELEN COMPETITOR SERIES PLUS-1

CODE 3 VCON SIREN CONTROL PA-1

CENTER CONSOLE W/ LIGHTING CHARGER-1

CENTER CONSOLE DESK-1

CENTER CONSOLE W/ ARMREST-1  
FEDERAL SIGNAL CODE 3 VCON STEWART PRODUCTS CENTER  
CONSOLE-1

**PALLET #4**

PROGARD EXTENTION-2

TRANSPORT EXTENTION-4

PUSHBAR KIT-1

1 PAIR WINDOW BARS-7

PADDED TRANSPORT EXTENTION-1

1 PAIR PLASTIC TRANSPORT EXTENTION-6

SINGLE PLASTIC TRANSPORT EXTENTION-1

**PALLET #5**

NATURAL GAS HEATER-1

WHIRLPOOL WINDOW AC-1

SAMSUNG MICROWAVE-1

RUBBERMAID ICE CHEST-2

IGLOO 2 GAL WATER CAN-1

GARDEN RAKE-2

**PALLET #6**

SET IN A WINDOW BARS IN BOX-1

IN BOX-CROWN VIC 2PC LOWER EXTENTION PANEL-2

1 PAIR WINDOW BARS-4

VEST LOCKER-1

BLK PLASTIC APOLLO AUDIO VISUAL CART-1

AUDIOVISUAL CART METAL-1

3M 9100 OVERHEAD PROJECTOR-1

PORTA-SCRIBE OVERHEAD PROJECTOR-1

DESK LAMP-1

VHS PLAYER SHINTOM-1

TOSHIBA VHS-1

RCA TV/VCR-1

PROJECTOR SCREEN-1

RUBBERMAID FOOTREST-1

POLYGRAPH CHAIR-1

EASEL-FLIP CHART-1

BOX OF 5 EASEL PADS-1

22 INCH 4HP MURRAY LAWNMOWER-1



City of Shawnee Asset Removal Form

Dept #: 0920

ID #	Item to be Removed	Reason
	HUSQVARNA K750 Concrete Saw	BROKE
	LINCOLN WELDER	PART OF IT DOES NOT WORK
	COMPACTION TAMPER	BROKE
	TROY BUILT GENERATOR	BROKE
	CABLE	NOBODY KNOWS WHAT ITS FOR
	BERGER TRANSIT	BROKE
	HYDRAULIC JACKHAMMER	NOT NEEDED
	HAMMER DRILL	BROKE
	CONCRETE SCREED	NOT NEEDED
	HITACHI HAMMER DRILL	BROKE
	JACK	NEVER USED
	MISC POWER TOOLS	BROKE
	GAS POWERED POLE SAW	BROKE
	MEASURING TOOL	NOT SURE WHAT IT IS FOR NEVER USED
	STENSIL CUTTING TOOL	OLD - NEVER USED
	TIRE CHAINS	NEVER USED
	TOOL BOX	NOT NEEDED - OLD







**Additional Parks item**

3 – Flail mowers	Interstater	Alamo Group
1 – Hustler Mower Deck	serial# 8090263	
1 – Woods Mower Deck	serial# 704233	
1 – John Deere Brush Hog	part# DE19104	Asset# 2898
1 – Craftsman Riding Mower	6 speed 19 hp	
Slope mower deck, arms, and hydraulic tank and parts		Alamo

DEPARTMENT	ASSET ID	ASSET TYPE	MANUFACTURER	MODEL
POLICE - PATROL - 0620	3234	IMPALA POOL	CHEVROLET	2004
	3284	CHEROKEE 4X4	JEEP	1997
FIRE - TRAINING - 0730	1622	1/2 TON PICK UP	CHEVEROLET	2000
EMERGENCY MANAGEMENT - 0740	3295	2 TON TRUCK	GMC	1994
STREET - 0920	1484	BOX DUMP TRUCK	CHEVROLET	1992
PARKS - 0940	1497	1/2 TON PICK UP	CHEVROLET	1996
	2427	AEROSTAR AN	FORD	1997
	3293	SWAT TEAM	CHEVROLET	1994
EQUIPMENT SERVICES	2421	CROWN VICTORIA	FORD	2001
SMA - NSWW - 1050	1996	1/2 TON PICK UP	CHEVROLET	1996
SMA - SSWW - 1060	1828	BOX DUMP TRUCK	INTERNATIONAL	1991
	1995	ROCKY	CHEVROLET	1996
	3356	CH613	MACK	2001
SMA - SEWER COLLECTION - 1070	3235	RO TRUCK	INTERNATIONAL	1995
AIRPORT - 0120	2397	LUMINA	CHEVROLET	1997
CDBG	1726	VAN	CHEVROLET	1996

SERIAL NUMBER	TAG NUMBER	NOTES
2G1WF55K349299522 1J4FJ2855VL564736	3-55525 3-57374	On Police Chief memo also IT
1GCEC14W7YZ370323	3-49463	PARKED AT CITY HALL
1GDM7H1M5RJ522753	3-60288	PARKED AT POLICE FIRING RANGE
1GDM7H1J524394	3-34809	
1GCEC14W9TZ163943 1FMDA31U1VZC25141 1GAGG39K3RF164121	3-40383 3-55521 CI-15918	
2FAFP71W91X180945	3-52157	
1GCEU14W4T2170377	3-41807	
1HTSAZRMH366206 1GCEC14W2TZ169762 1M1AA13YX1W136031	3-29935 3-41806 3-61047	
2HSFAER6SC014407	3-55523	
2G1W152M7V1111048	3-42680	
1GNDM19W5TB119889	3-40382	

**Regular Board of Commissioners**

**8.**

**Meeting Date:** 11/17/2014

Surplus to McLoud

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

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Information

Title of Item for Agenda

Consider a resolution to surplus certain Shawnee Police Department vehicles and donate to the City of McLoud Police Department.

---

Attachments

Surplus to McLoud Memo

Resolution to Surplus to McLoud



# Shawnee Police Department

*Chief Russell Frantz*

16 W 9th

Shawnee, Oklahoma 74801

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

E-Mail: rfrantz@shawneeok.org



FROM : Russell Frantz  
Chief of Police

TO : Brian McDougal, City Manager

CC : Mayor and Commissioners

SUBJECT : Recommendation to Surplus Police Units to McLoud PD

DATE : 12 November 2014

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## Surplus Police Unit Recommendation List to McLoud PD

Unit 2412.....1999 Oldsmobile Cutlass.....Surplus to McLoud Police

Unit 2418.....2001 Ford Crown Victoria.....Surplus to McLoud Police

Unit 2932.....2002 Ford Crown Victoria.....Surplus to McLoud Police

---

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION DECLARING CERTAIN ITEMS OF PERSONAL PROPERTY SURPLUS AND NO LONGER NEEDED FOR CITY PURPOSES; DESCRIBING SAID ITEMS; AND AUTHORIZING THE DONATION OF SAID ITEMS TO THE CITY OF MCLLOUD POLICE DEPARTMENT.

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

That the items of personal property are described as:

1. 1999 Oldsmobile Cutlass  
COS Unit No. 2412  
VIN 1G3NB52M7X6317004
2. 2001 Ford Crown Victoria  
COS Unit No. 2418  
VIN 2FAFP71W71X180944
3. 2002 Ford Crown Victoria  
COS Unit No. 2932  
VIN 2FAFP71W41X175541

Said property is hereby declared city owned items which are surplus and no longer needed for city purposes; that the City of Shawnee is authorized to donate these items to the City of McLoud Police Department.

Adopted this 17<sup>th</sup> day of November, 2014

\_\_\_\_\_  
WES MAINORD, MAYOR

(SEAL)

ATTEST:

\_\_\_\_\_  
PHYLLIS LOFTIS, CMC, CITY CLERK

**Regular Board of Commissioners**

**9.**

**Meeting Date:** 11/17/2014

Surplus to OBU

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

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Information

Title of Item for Agenda

Consider a resolution to surplus certain Shawnee Police Department vehicles and donate to the Oklahoma Baptist University Police Department.

---

Attachments

Resolution Memo to Surplus OBU

Resolution to Surplus to OBU



# Shawnee Police Department

*Chief Russell Frantz*

16 W 9th

Shawnee, Oklahoma 74801

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

E-Mail: rfrantz@shawneeok.org



FROM : Russell Frantz  
Chief of Police

TO : Brian McDougal, City Manager

CC : Mayor and Commissioners

SUBJECT : Recommendation to Surplus Police Units to OBU Police

DATE : 12 November 2014

---

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## Surplus Police Unit Recommendation List to OBU Police

Unit 2426.....2003 Chevy Impala.....Surplus to OBU Police

Unit 3231.....2004 Chevy Impala.....Surplus to OBU Police

---

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION DECLARING CERTAIN ITEMS OF PERSONAL PROPERTY SURPLUS AND NO LONGER NEEDED FOR CITY PURPOSES; DESCRIBING SAID ITEMS; AND AUTHORIZING THE DONATION OF SAID ITEMS TO THE OKLAHOMA BAPTIST UNIVERSITY POLICE DEPARTMENT.

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

That the items of personal property are described as:

1. 2003 Chevy Impala  
COS Unit No. 2426  
VIN 2G1WF55K039201383
  
2. 2004 Chevy Impala  
COS Unit No. 3231  
VIN 2G1WF55K749283260

Said property is hereby declared city owned items which are surplus and no longer needed for city purposes; that the City of Shawnee is authorized to donate these items to the Oklahoma Baptist University Police Department.

Adopted this 17<sup>th</sup> day of November, 2014

\_\_\_\_\_  
WES MAINORD, MAYOR

(SEAL)

ATTEST:

\_\_\_\_\_  
PHYLLIS LOFTIS, CMC, CITY CLERK

**Regular Board of Commissioners**

**10.**

**Meeting Date:** 11/17/2014

Preliminary Plat Woodsong

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

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Information

Title of Item for Agenda

Consideration of approval of a Preliminary Plat for Woodsong located NE of Woodsong Garden, Shawnee, Oklahoma. Case No. S11-14. Applicant: Austin 2008 Revocable Trust.

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Attachments

Woodsong Prelim Plat

**RECOMMENDATION TO:**

MAYOR  
BOARD OF CITY COMMISSIONERS  
CITY OF SHAWNEE

**RECOMMENDATION FROM:**

CITY OF SHAWNEE  
PLANNING COMMISSION

**SUBJECT:**

APPLICANT: Austin Revocable Trust  
FOR Woodsong Preliminary Plat  
LOCATION: 45<sup>TH</sup> Street, East of Harrison, Shawnee, OK  
PROJECT NUMBER 141222 CASE NUMBER S11-14

PLANNING COMMISSION MEETING DATE:

November 5<sup>th</sup>, 2014

PLANNING COMMISSION RECOMMENDATION:

Motion carries with following conditions:

1. Final construction documents must be approved by the City Engineer concurrent with Final Plat approval.
2. The final engineered drainage plan must be approved by the City Engineer concurrent with Final Plat approval.
3. The following offsite improvement is required concurrent with Phase 1 infrastructure construction:
  - a. A public roadway shall be constructed to connect Madison Avenue (proposed) with Kellye Green Street (existing). The proposed roadway is indicated on the preliminary plat and shown within a 50-foot road and utility easement.
4. All other applicable City standards apply.

**VOTE OF THE PLANNING COMMISSION:**

**MEMBERS PRESENT: 7**

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

RESPECTFULLY SUBMITTED,

*Cheyenne Lincoln*

SECRETARY, PLANNING COMMISSION

**ACTION BY CITY COMMISSION:**

PUBLIC HEARING SET: \_\_\_\_\_

DATE OF ACTION: \_\_\_\_\_

ADOPTED \_\_\_\_\_ DENIED \_\_\_\_\_



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

**STAFF REPORT**  
**Woodsong Phase III, Preliminary Plat**  
**Case #S11 -14**

TO: Shawnee Planning Commission

AGENDA: November 5, 2014

RE: Woodsong Phase III, Preliminary Plat

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**PROPOSAL**

The applicant is requesting Preliminary Plat approval for a two-phase development consisting of 68 lots on 23.88 acres of undeveloped land to facilitate the construction of a single-family housing development. The property is located one-half mile east of Harrison Street on 45<sup>th</sup> Street. The site was recently rezoned to R-1 (Single Family Residential) on July 7, 2014.

**GENERAL INFORMATION**

<b>Applicant</b>	Austin 2008 Revocable Trust
<b>Owner(s)</b>	Richard Allen Austin and Dana Austin Trustees
<b>Site Location/Address</b>	45 <sup>th</sup> Street, East of Harrison St.
<b>Current Site Zoning</b>	R-1 (Single Family Residential)
<b>Parcel Size</b>	23.88 Acres (approximate)
<b>Proposed Use</b>	Single family housing
<b>Comprehensive Plan Designation</b>	Residential
<b>Existing Land Use</b>	Vacant
<b>Surrounding Zoning</b>	North – Planned Unit Development (PUD) South – Planned Unit Development (PUD) West – Agricultural (A-1)



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

## STAFF REVIEW AND ANALYSIS

If approved, the subject development would connect to the current Woodsong Addition, developed in 2006, and the Woodsong Garden Addition, developed in 2008. Both existing additions were developed by Bryant Builders. The requested development space was, at a time, intended for future development for the existing Woodsong Addition.

The property is approximately 23.88 acres in size and the applicant proposes 68 residential lots and one common area representing 0.867 acres in size.

Primary access to the site will be from an existing local street, Churchill Drive. The secondary access point, Kellye Green Drive, is also an existing local road with a terminus east of the subject development. A 50-foot roadway easement has been included on the preliminary plat for eventual roadway construction and an access agreement has been indicated allowing connection of Madison Avenue to Kellye Green. Staff will require such offsite road improvements be completed concurrent with Phase I infrastructure construction.

Based on review of the application, the plan for sanitary sewer appears infeasible for many lots due to topographic constraints. This issue will need to be addressed to the satisfaction of the City Engineer concurrent with Final Plat submittal and detailed grading plan will need be submitted.

As the subject site is currently zoned R-1 (Single Family Residential), the construction of a single family housing development would be consistent with both the current zoning and the Shawnee Comprehensive Plan designation for the immediate area (Figure 4.2). All lots conform to the zoning standards for R-1 (Single Family Residential) and no deviations from the code are necessary at this time.

### **STAFF RECOMMENDATION**

The technical aspects of the Preliminary Plat have been reviewed by the City Engineer and other appropriate staff. Staff does recommend approval of the Preliminary Plat, with the following conditions:

1. Final construction documents must be approved by the City Engineer concurrent with Final Plat approval.
2. The final engineered drainage plan must be approved by the City Engineer concurrent with Final Plat approval.
3. The following offsite improvement is required concurrent with Phase 1 infrastructure construction:
  - a. A public roadway shall be constructed to connect Madison Avenue (proposed) with Kellye Green Street (existing). The proposed roadway is indicated on the preliminary plat and shown within a 50-foot road and utility easement.
4. All other applicable City standards apply.

### **Attachments**

1. Figure 1: Aerial view of site
2. Figure 2: Zoning Map
3. Figure 3: Future Land Use Map
4. Exhibit 1: Preliminary Plat

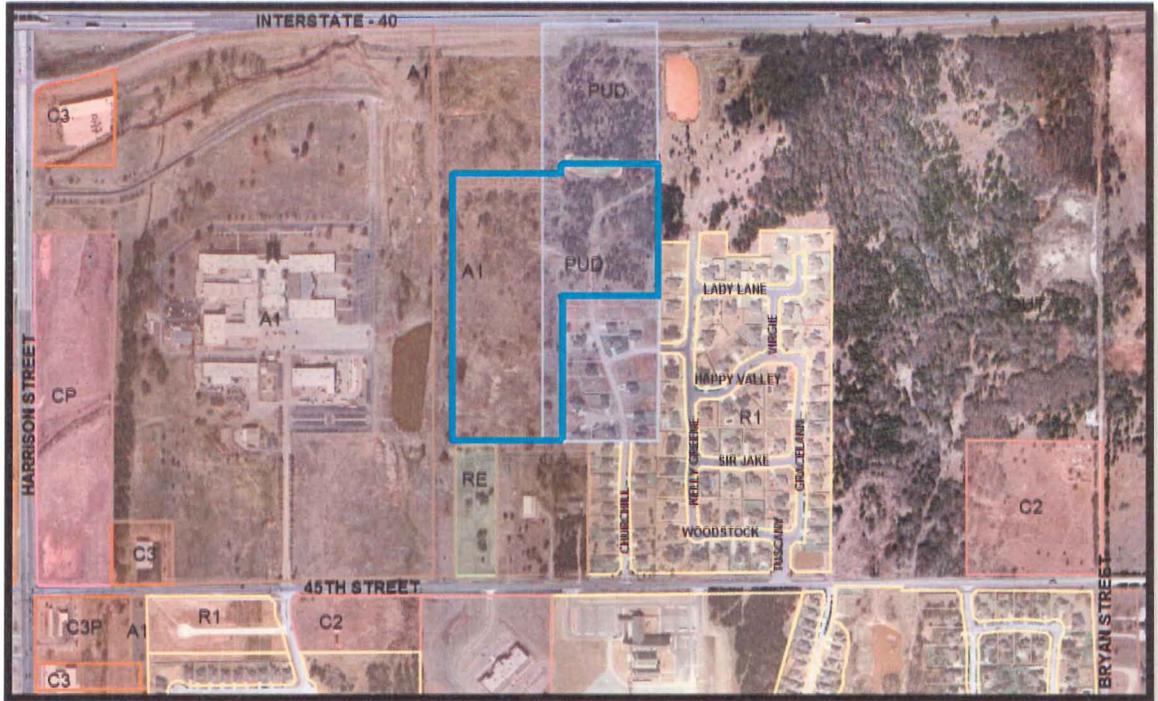


Figure 2: Zoning Map of site – approximate total area outlined in blue.

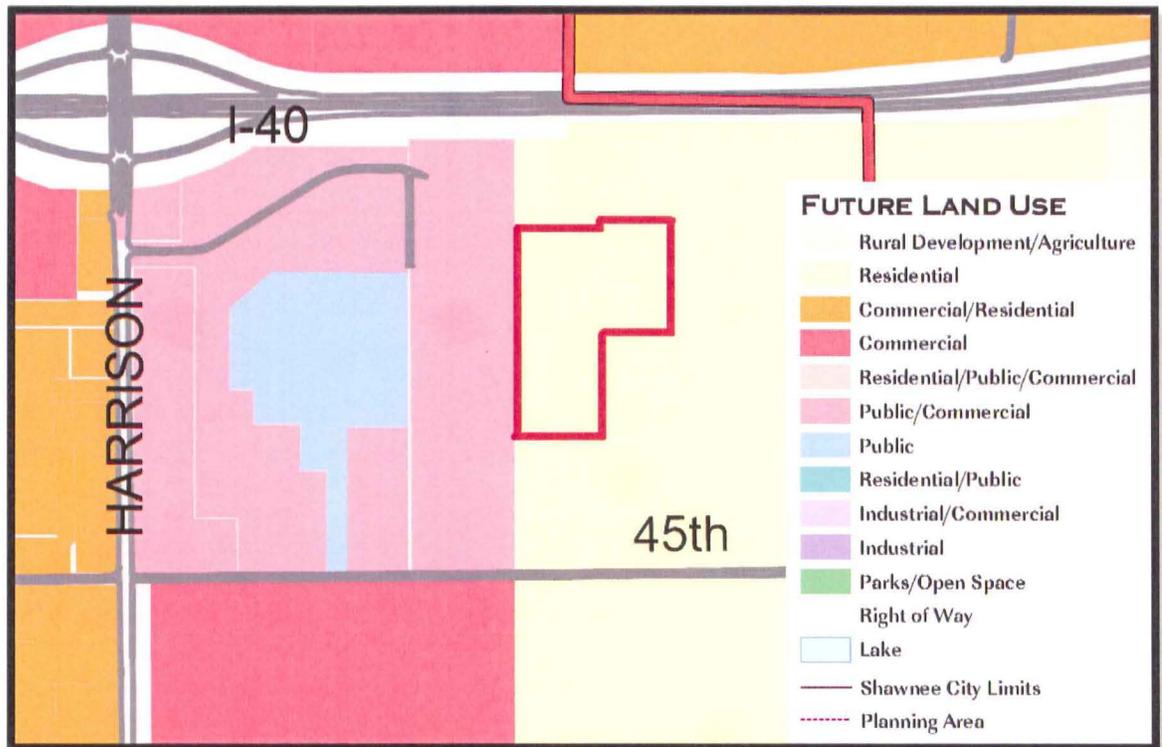


Figure 3: Shawnee Comprehensive Plan: Future Land Use Map (Figure 4.2). Approximate area outlined in blue.

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 Austin 2005 Revocable Trust dated July 16, 2005  
Richard Allen Austin and Dana Austin Trustees

APPLICANT ADDRESS 4608 Kellye Green Shawnee OK 74804

APPLICANT PHONE NUMBERS 405-590-6796 405-273-6852

EMAIL ADDRESS raustin@rickaustinhomes.com

NAME OF PLAT Woodson

LOCATION N 9 NE of woodson garden.

NUMBER OF ACRES 23.88 NUMBER OF LOTS 68

**FOR 2 ACRE LOTS OR GREATER DEVELOPMENTS: FEE: \$225.00**  
PLUS \$3.00 PER LOT UP TO FIFTY (50) LOTS NUMBER OF LOTS \_\_\_\_\_  
PLUS \$1.00 PER LOTS OVER FIFTY (50) LOTS NUMBER OF LOTS \_\_\_\_\_  
TOTAL COST \_\_\_\_\_

**FOR LESS THAN 2 ACRE LOTS: FEE: \$225.00**  
PLUS \$2.00 PER LOT UP TO FIFTY (50) LOTS NUMBER OF LOTS 100.00  
PLUS \$1.00 PER LOTS OVER FIFTY (50) LOTS NUMBER OF LOTS 18.00  
TOTAL COST 343.00

**OWNER/DEVELOPER INFORMATION:**

NAME Same as Applicant  
ADDRESS "  
CONTACT NUMBERS "  
EMAIL ADDRESS "

**PROJECT ENGINEER INFORMATION:**

NAME Crafton Tell - Phillip Hagan  
ADDRESS 214 E. Main OKC, OK 73104  
CONTACT NUMBERS T- 787-6270 M- 830-0507 Fax- 787-6276  
EMAIL ADDRESS phil.hagan@craftontell.com

FOR STAFF USE ONLY

PROJECT NUMBER: 141222 CASE NUMBER: 511-14

DATE: 10-8-14 AMOUNT PAID: \$343.00 RECEIPT NO. 11658179

**Regular Board of Commissioners**

**11.**

**Meeting Date:** 11/17/2014

Deer Field Final Plat

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

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Information

Title of Item for Agenda

Consideration of approval of a Final Plat for Deer Field Estates located in the 1400-1500 block of East Bradley, Shawnee, Oklahoma. Case No. S12-14. Applicant: Kishwaukee Enterprises LLC

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Attachments

Deer Field Final Plat

**RECOMMENDATION TO:**

MAYOR  
BOARD OF CITY COMMISSIONERS  
CITY OF SHAWNEE

**RECOMMENDATION FROM:**

CITY OF SHAWNEE  
PLANNING COMMISSION

**SUBJECT:**

APPLICANT: Kishwaukee Enterprises, LLC  
FOR: Deer Field Estates Final Plat  
LOCATION: 1400 East Bradley, Shawnee, OK  
PROJECT NUMBER 141262 CASE NUMBER S12-14

PLANNING COMMISSION MEETING DATE:

November 5<sup>th</sup>, 2014

PLANNING COMMISSION RECOMMENDATION:

Motion carries with following conditions:

1. Final construction documents must be approved by the City Engineer prior to construction.
2. Prior to filing the final plat, the applicant shall commence with making the required and proposed public site improvements in accordance with construction plans approved by the City Engineer or otherwise bond the project in accordance with City code.
3. A four (4' ) foot sidewalk shall be installed along Bradley Street prior to recording of the final plat.
4. All other applicable City standards apply.

**VOTE OF THE PLANNING COMMISSION:**

**MEMBERS PRESENT: 7**

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

RESPECTFULLY SUBMITTED,

*Cheyenne Lincoln*

SECRETARY, PLANNING COMMISSION

**ACTION BY CITY COMMISSION:**

PUBLIC HEARING SET: \_\_\_\_\_

DATE OF ACTION: \_\_\_\_\_

ADOPTED \_\_\_\_\_ DENIED \_\_\_\_\_



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

**STAFF REPORT**  
**Deer Field Estates, Final Plat**  
**Case #S12-14**

TO: Shawnee Planning Commission  
AGENDA: November 5, 2014  
RE: Deer Field Estates, Final Plat

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**PROPOSAL**

The applicant is requesting Final Plat approval for 19 lots on approximately ten (10) acres of mostly undeveloped land. Currently, two residential properties exist on site and are located on lots 4 and 5. The property is located on the north-west corner of East Bradley Street and North Elm Street. The site is currently zoned R-1 (Single Family Residential) which is appropriate for the proposed housing development.

**GENERAL INFORMATION**

<b>Applicant</b>	Kishwaukee Enterprises LLC
<b>Owner(s)</b>	Kishwaukee Enterprises, LLC and James E Smith Family Trust
<b>Site Location/Address</b>	1400 East Bradley Street
<b>Current Site Zoning</b>	R-1 (Single Family Residential)
<b>Parcel Size</b>	10.00 Acres (Approximate)
<b>Proposed Use</b>	Single family housing
<b>Comprehensive Plan Designation</b>	Residential
<b>Existing Land Use</b>	Residential and Vacant
<b>Surrounding Zoning</b>	R-1 (Single Family Residential)



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

## **STAFF REVIEW AND ANALYSIS**

Preliminary Plat approval for Deer Field Estates was granted by the City Commission on September 15, 2014. A total of nineteen (19) lots are proposed to facilitate a housing development. Lots 4 and 5 are currently occupied by residential properties (Exhibit 1). The following conditions were to be addressed before Final Plat approval:

1. A four (4') foot sidewalk shall be required along Bradley Street.
2. Approval from the Commission for the allowance of the cul-de-sac's terminus to be sixty-four (64') feet from the property line, as opposed to the required one-hundred (100') feet.
3. The addition of a limits-of-no-access along Bradley Street.

Though not shown on the final plat, addition of the four (4') foot sidewalk will be included concurrent with the installation of other public improvements.

Staff has reviewed the proposed Final Plat for Deer Field Estates and recognizes that the listed conditions have been addressed. The proposed development is consistent with current land use in the area, the designated zoning, and the Shawnee Comprehensive Plan for this area (Figure 4.2). It is for these reasons that Staff does recommend approval of the Final Plat of Deer Field Estates.

## **STAFF RECOMMENDATION**

The technical aspects of the Final Plat have been reviewed by the City Engineer and other appropriate staff. Staff does recommend approval of the Final Plat, with the following conditions:

1. Final construction documents must be approved by the City Engineer prior to construction.
2. Prior to filing the final plat, the applicant shall commence with making the required and proposed public site improvements in accordance with construction plans approved by the City Engineer or otherwise bond the project in accordance with City code.
3. A four (4') foot sidewalk shall be installed along Bradley Street prior to recording of the final plat.
4. All other applicable City standards apply.

#### Attachments

1. Figure 1: Aerial view of site
2. Figure 2: Zoning Map of site
3. Exhibit 1: Preliminary Plat
4. Exhibit 2: Final Plat



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

# 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 KISHWAUKEE ENTERPRISES LLC

APPLICANT ADDRESS 1400 E. BRADLEY ST., SHAWNEE

APPLICANT PHONE NUMBERS 405-227-4479

EMAIL ADDRESS mathchr@juno.com

NAME OF PLAT DEER FIELD ESTATES

LOCATION 1400-1500 E. BRADLEY ST,

NUMBER OF ACRES 10+/- NUMBER OF LOTS 19

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

PLUS \$3.00 PER LOT UP TO FIFTY (50) LOTS NUMBER OF LOTS 19 57

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

**TOTAL COST** 382.00

**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** 382.00

## OWNER/DEVELOPER INFORMATION:

NAME KISHWAUKEE ENTERPRISES LLC

ADDRESS 1400 E BRADLEY ST, SHAWNEE

CONTACT NUMBERS 405-227-4479

EMAIL ADDRESS mathchr@juno.com

## PROJECT ENGINEER INFORMATION:

NAME KEITH COOK

ADDRESS WOLVERINE RD, SHAWNEE

CONTACT NUMBERS \_\_\_\_\_

EMAIL ADDRESS \_\_\_\_\_

FOR STAFF USE ONLY

PROJECT NUMBER: 141262 CASE NUMBER: 312-14

DATE: 10-23-14 AMOUNT PAID: 382.00 RECEIPT NO. 11664253

**Regular Board of Commissioners**

**12.**

**Meeting Date:** 11/17/2014

OMRF Ordinance Windsor

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

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Information

Title of Item for Agenda

Discussion, consideration and possible action of an ordinance amending the employee retirement system, defined benefit plan of the City of Shawnee, Oklahoma, to incorporate the definition of spouse; providing for effective date, providing for repealer and severability; and declaring an emergency.

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Attachments

Windsor COS Memo

Windsor OMRF Memo

Windsor Update

Windsor Ordinance



*City of Shawnee*  
*Human Resources Department*

*Tamera Johnson*  
*Human Resources Director*

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

**Date:** November 11, 2014  
**To:** Mayor and City Commissioners  
**From:** Tamera Johnson, HR Director

*Tamera Johnson*  
*HR Director*

**RE: WINDSOR AMENDMENT TO THE OMRF DEFINED  
BENEFIT PLAN**

*Terry Cook*  
*Mgr. Safety and Risk  
Management*

*Nature of the Request:*

*Jennifer Dawson*  
*HR Assistant*

To amend the OMRF Defined Benefit plan to update the definition of “spouse” to be in line with the Internal Revenue Code ruling 2013-17. Due to the 10th Circuit Court of Appeals mandate to lift the stay that was previously in place regarding same sex marriages in Oklahoma, OkMRF and our Defined Benefit plan are now legally obligated to recognize same-sex marriages for Joint & Survivor and Death Benefits as well as for Federal taxation purposes. Please refer also to OMRF Memo dated September, 8, 2014 and the email update dated October 10, 2014.

*Staff Analysis, Considerations:*

The IRS Revenue Ruling requires qualified plans (i.e. OkMRF) to recognize same sex spouses for Federal tax purposes and would affect the sections on Required Minimum Distribution Rules and Rollover Rules in the master plan. All other spousal provisions are not affected by the Windsor decision because these provisions are not required by specific code sections. Therefore, on these plan provisions, the definition of spouse will be controlled by Oklahoma law to the extent it is not preempted by federal law. These provisions are:

- Death benefits
- Survivor annuity distribution options
- Beneficiary designations
- Qualified domestic relations orders (“QDROs”)

*Recommendation:*

I recommend that we approve the amendment. This is critical to keep our plan in compliance with the Internal Revenue Code (IRC). If we do not pass the amendment prior to 12/31/14, the IRS could deem our plan out of compliance with the IRC. The consequence could be as severe as the entire retirement benefit becoming taxable income to each of our employees. This would be an undue tax burden to our employee group.

*Budget Consideration:*

None.



**To: OkMRF Defined Benefit Plans**

**From: Jodi S. Cox, Executive Director & CEO**

**Date: September 8, 2014**

**RE: Windsor Amendment**

The OkMRF Board of Trustees, during their July 25, 2014, meeting, approved the Windsor Amendment to the Defined Benefit (DB) master plan. This amendment adds a new definition, "Spouse" and is noted as item 2.1 (mm). All subsequent definitions in the Master Plan are to be renumbered accordingly.

The attached plan amendment was prepared in accordance with the Internal Revenue Code (IRC) Revenue Ruling 2013-17 resulting from the United States vs. Windsor Supreme Court decision. The Windsor Amendment has to do with domestic partners, federal law and the definition of spouse. This plan amendment now needs to be approved by OkMRF members, individually, with a DB plan by **December 31, 2014**, to keep your plan in compliance with the IRC.

The IRS Revenue Ruling requires qualified plans (i.e. OkMRF) to recognize same sex spouses for Federal tax purposes and would affect the sections on **Required Minimum Distribution Rules** and **Rollover Rules** in the master plan. All other spousal provisions are not affected by the Windsor decision because these provisions are not required by specific code sections. Therefore, on these plan provisions, the definition of spouse will be controlled by Oklahoma law to the extent it is not preempted by federal law. These provisions are:

- Death benefits
- Survivor annuity distribution options
- Beneficiary designations
- Qualified domestic relations orders ("QDROs")

**Bottom-line:** Spouse, for Federal tax purposes, will be defined as same sex if the individuals were lawfully married under a state with laws to validate, recognize and authorize same sex marriages. Spouse, for all other provisions, will be defined as a spouse legally recognized in the State of Oklahoma (today as it stands that is opposite sex).

If the decision is overturned and Oklahoma law changes to recognize same sex marriages, your plan will still be in compliance with Federal law, State law and the master plan document.

As stated above, this amendment must be approved by your council/board by December 31, 2014. Please print 2 copies of the Amendment and after your board approves, then, return one signed original to our offices and keep the other original for your files. We appreciate your assistance with this matter. Please give Kari Baser, Chris Whatley or myself a call if you have any questions in regards at 1-888-394-6673 ext. 104, 103 or 102, respectively.

## Tamera Johnson

---

**From:** Gloria Cudjoe [GCudjoe@okmrf.org]  
**Sent:** Tuesday, October 07, 2014 11:04 AM  
**To:** Gloria Cudjoe  
**Cc:** Jodi Cox; Chris Whatley; Rhnea Stewart; Jeanette Howard; Lindsay Porter; Jody Elliott; Cathy McCartney; Cindy Shattuck; Kari Baser  
**Subject:** Update on Windsor Amendment and same-sex marriages  
**Importance:** High

Defined Benefit Members of OkMRF:

This is a follow up to the Windsor Amendment email sent from our office, dated September 8, 2014, requesting your City Council or Town Board to approve the Windsor Amendment **on or by 12/31/14**. Despite the recent court developments on October 6, 2014, the Windsor Amendment is still applicable and is required by Federal law.

The only change is in the actual operation of your plan: After yesterday's 10<sup>th</sup> Circuit Court of Appeals mandate to lift the stay that was previously in place regarding same sex marriages in Oklahoma, OkMRF and your Defined Benefit plan are now legally obligated to recognize same-sex marriages for Joint & Survivor and Death Benefits as well as for Federal taxation purposes.

Additional information below is provided to help regarding the proposed amendment. Please remind your governing body they do not have to agree with the law, but as plan fiduciaries they must comply with it.

This is critical to keep your plan in compliance with the Internal Revenue Code (IRC). If for some reason, your governing body should choose not to pass the amendment, after 12/31/14, the IRS could deem your plan out of compliance with the IRC. The consequence could be as severe as the entire retirement benefit becoming taxable income to each of your employees. This would be an undue tax burden to your employee group. OkMRF makes every effort to keep your plan in compliance with these laws to avoid this from happening.

I have spoken with our attorneys and we do not see a problem with any Member passing the amendment "under protest" if that is what your Council should decide to do.

The bottom-line: The amendment needs to go on an upcoming council agenda to remain in compliance with the Internal Revenue Code and Federal laws **on or by 12/31/14**. Briefly summarized, the amendment accomplishes the following:

- ✓ Plan would be amended to recognize the definition of spouse as defined for Federal purposes (today Federal law recognizes same sex marriages) on Rollover and Required Minimum Distributions rules
- ✓ Plan would be amended to recognize the definition of spouse as defined for State purposes (as of yesterday State law recognizes same sex marriages) on Spousal Death benefits and Joint & Survivor benefits
- ✓ Plan remains in compliance with the Internal Revenue Code and the mandatory Windsor Amendment
- ✓ Complies with both Federal AND State law

### **For administrative purposes:**

**As of yesterday:** OkMRF and your Defined Benefit plan are now legally obligated to recognize same-sex marriages. As before, a legal marriage license will be necessary, for proof of spouse for Joint & Survivor and Death Benefit purposes.

**Bottom-line:** Same-sex marriages are now given all the rights and privileges as opposite sex marriages for all purposes.

If you should have any questions in regards, please feel free to contact me, Chris Whatley or Kari Baser in regards at ext 102, 103 or 104, respectively.



525 Central Park Drive  
Oklahoma City, OK 73105

Ph: 888-394-6673

Fax: 405-606-7879

[www.okmrf.org](http://www.okmrf.org)

**Make it a great day!! :)**

*It is amazing what you can accomplish if you do not care who gets the credit.  
-- Harry S Truman*

**Jodi S. Cox, CPA**

Executive Director & CEO

Oklahoma Municipal Retirement Fund

525 Central Park Drive, Suite 320

Oklahoma City, OK 73105

☎ Phone: 405-606-7880 ext. 102 ☎ Fax: 405-606-7879

☎ Mobile: 405-833-1318

✉ Email: [jcox@okmrf.org](mailto:jcox@okmrf.org)

**This information provided herein (including any attachments) is not intended to constitute legal, investment or tax advice.** The information is offered solely in explanation of general concepts and principles which may be of assistance in your stated concerns. Legal, investment or tax information is not intended as advice. Although we have endeavored to provide accurate information, it is recommended that you consult your legal counsel, investment advisor or tax accountant if you want professional assurance that this information and your interpretation thereof are appropriate to your particular situation.

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AN ORDINANCE AMENDING THE EMPLOYEE RETIREMENT SYSTEM, DEFINED BENEFIT PLAN OF THE CITY OF SHAWNEE, OKLAHOMA, TO INCORPORATE THE DEFINITION OF SPOUSE; PROVIDING FOR EFFECTIVE DATE, PROVIDING FOR REPEALER AND SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SHAWNEE, OKLAHOMA:

Section 1. **AMENDATORY.** The Employee Retirement System, Defined Benefit Plan of the City of Shawnee, is hereby amended, which is incorporated herein by reference.

Pursuant to the authority vested in the undersigned, Subsection 2.1(mm) of the Oklahoma Municipal Retirement Fund Master Defined Benefit Plan (the "Plan") is hereby amended to read as follows and to renumber the current Subsection (mm) and the subsequent Subsections accordingly:

“(mm) **Spouse:** Effective as of June 26, 2013 and in accordance with Revenue Ruling 2013-17 and IRS Notice 2014-19, for Federal tax purposes which may apply to qualified retirement plans under Code Section 401(a), the terms ‘spouse,’ ‘husband,’ and ‘wife’ include an individual married to a person of the same sex if the individuals are lawfully married under state law, and the term “marriage” includes such marriage between individuals of the same sex, and a marriage of same-sex individuals that was validly entered into in a state whose laws authorize the marriage of two individuals of the same sex even if the married couple is domiciled in a state that does not recognize the validity of same-sex marriages. For all other Plan purposes and which are not required for Federal tax purposes as described in the preceding sentence, the term ‘spouse’ will be defined as a spouse which is legally recognized in the State of Oklahoma.”

Except as otherwise provided in this Windsor Amendment to the Oklahoma Municipal Retirement Fund Master Defined Benefit Plan (“Amendment”), the Plan is hereby ratified and confirmed in all respects. This Amendment shall be effective as of June 26, 2013.

Section 2. **REPEALER.** All ordinances in conflict herewith are hereby repealed.

Section 3. **SEVERABILITY.** If any part, article, section, or subsection of this ordinance shall be held invalid or unconstitutional for any reason, such holding shall not be construed to impair or invalidate the remainder of this ordinance, notwithstanding such holding.

Section 4. **EMERGENCY.** It being immediately necessary for the preservation of the public peace, health, safety, and welfare of the City of Shawnee and the inhabitants thereof that this ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall be in full force and effect from and after its passage and approval.

The foregoing ordinance was introduced before the City of Shawnee Board of Commissioners on the \_\_\_\_\_ day of 2014, and was duly adopted and approved by the Mayor and City Commission of the City of Shawnee on the

The foregoing ordinance was introduced before the City of Shawnee City Commission on the \_\_\_\_\_ day of, 20\_\_\_\_\_, and was duly adopted and approved by the Mayor and City

Commission of the City of Shawnee on the \_\_\_ day of \_\_\_\_\_, 2014, after compliance with notice requirements of the Open Meeting Law (25 OSA, Sections 301, et seq.).

ATTEST:

\_\_\_\_\_  
WES MAINORD, MAYOR

\_\_\_\_\_  
PHYLLIS LOFTIS, CMC, CITY CLERK

Approved as to form and legality on \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
MARY ANN KARNs, CITY ATTORNEY

**Regular Board of Commissioners**

**13.**

**Meeting Date:** 11/17/2014

OMRF DBO wA

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

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Information

Title of Item for Agenda

Discussion, consideration and possible action of an ordinance amending the employee retirement system, Defined Benefit plan for City of Shawnee, Oklahoma; providing retirement benefits for eligible employees of City of Shawnee, Oklahoma; pertaining to definition of employee; pertaining to eligibility; providing for employer pickup of mandatory contributions; providing for the determination of vesting for City Manager; providing for repealer and severability; and declaring an emergency. (DBO-w/a)

---

Attachments

OMRF Memo CM

OMRF DB wA



*City of Shawnee*  
*Human Resources Department*

*Tamera Johnson*  
*Human Resources Director*

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

**Date:** November 11, 2014  
**To:** Mayor and City Commissioners  
**From:** Tamera Johnson, HR Director  
**RE:** **Immediate Vesting for City Manager in all OMRF Plans**

*Tamera Johnson*  
*HR Director*

*Terry Cook*  
*Mgr. Safety and Risk*  
*Management*

*Jennifer Dawson*  
*HR Assistant*

---

*Nature of the Request:*

At the time that Brian McDougal was hired, his contract stated:

The City shall contribute to the Oklahoma Municipal Retirement Fund (OMRF) on behalf on the Manager, solely for his benefit, a percentage of his salary equal to that of other department heads, in addition to the salary provided for in Sections 3A. The retirement for the Manager vests immediately upon his commencing employment with the City.

The current OMRF vesting for the Defined Benefit plan and Defined Contribution 5-10-15 plan allow vesting after seven (7) years of service. The Defined Contribution Special Incentive plan allows for vesting after 5 years service. This is not what was agreed to at the time of the City Manager's contract.

*Staff Analysis, Considerations:*

In order to rectify the discrepancy between OMRF vesting requirements and the City Manager's contract, we need to amend the Defined Benefit, Defined Contribution 5-10-15 and the Defined Contribution Special incentive plans.

*Recommendation:*

I recommend that we adopt the amendments prepared by OMRF to correct the discrepancy between the City Manager's contract and the current plan documents. This will only affect Brian McDougal—not any future City Managers. This way the commission will have the ability to negotiate this with any future City Managers that are hired for the City.

*Budget Consideration:*

Technically there is no budget impact. The City will continue to pay the current percentages of pay for the City Manager as they are now. The only impact would be on the OMRF plans—but this would be minimal. The City

*City of Shawnee*  
*Human Resources Department*

Manager currently has 5 years service, so would be vested in the Defined Benefit and the Defined Contribution 5-10-15 plans after 2 more years. The Defined Contribution Special Incentive plan would have normal vesting after 5 years from July 1, 2013.



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE EMPLOYEE RETIREMENT SYSTEM, **DEFINED BENEFIT PLAN FOR CITY OF SHAWNEE**, OKLAHOMA; PROVIDING RETIREMENT BENEFITS FOR ELIGIBLE EMPLOYEES OF **CITY OF SHAWNEE**, OKLAHOMA; PERTAINING TO DEFINITION OF EMPLOYEE; PERTAINING TO ELIGIBILITY; PROVIDING FOR EMPLOYER PICKUP OF MANDATORY CONTRIBUTIONS; PROVIDING FOR THE DETERMINATION OF VESTING FOR CITY MANAGER; PROVIDING FOR REPEALER AND SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY CITY COMMISSION OF THE **CITY OF SHAWNEE**, OKLAHOMA.

**Section 1. AMENDATORY.** The Employee Retirement System, **Defined Benefit Plan, of the City of Shawnee**, Oklahoma, is hereby amended as reflected on the attached Exhibit "A", which is incorporated herein and adopted by reference. These amendments shall become effective on **November 1, 2014**.

**Section 2. EXECUTION AUTHORIZATION.** The City Clerk and Mayor be and they are hereby authorized and directed to execute the amended Retirement System Plan documents and to do all the other acts necessary to put said amendment into effect and to maintain IRS qualification of the Plan. The executed amended document attached hereto as Exhibit "A" is hereby ratified and confirmed in all respects.

**Section 3. SPECIAL INCOME TAX TREATMENT FOR CONTRIBUTIONS UNDER IRC414.** The Plan contains provisions which are intended to constitute a pick-up program by the Employer which satisfies the requirements of section 414(h)(2) of the Internal Revenue Code of 1986 (the "Code"); and the Plan, be, and it is, approved and adopted as of the date therein stated; and Mandatory Contributions (as defined in the Plan) are designated "picked-up" by the employer so as to not be included in Plan Participants' gross income for Federal income tax purposes as provided in Section 414(h)(2) of the Code. All Mandatory Contributions are to be paid by the employer in lieu of contributions by the Plan Participant. No Participant in the Plan shall have the option of choosing to receive the amounts of Mandatory Contributions directly in lieu of having such amounts paid by the employer to the Trustees of the Plan.

**Section 4. SEVERABILITY.** If, regardless of cause, any section, subsection, paragraph, sentence, or clause of this ordinance, including the System as set forth in Exhibit "A" is held invalid or to be unconstitutional, the remaining sections, subsections, paragraphs, sentences, or clauses shall continue in full force and effect and shall be construed thereafter as being the entire provisions of this ordinance.

**Section 5. REPEALER.** Any ordinance inconsistent with the terms and provisions of this ordinance is hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be

cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

**Section 6. EMERGENCY.** Whereas, in the judgment of the City Commission of the **City of Shawnee**, Oklahoma, the public peace, health, safety, and welfare of the **City of Shawnee**, Oklahoma, and the inhabitants thereof demand the immediate passage of this ordinance, an emergency is hereby declared, the rules are suspended, and this ordinance shall be in full force and effect on its passage and approval.

The foregoing ordinance was introduced before the City Commission of the City of Shawnee on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and was duly adopted and approved by the Mayor and City Commission on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, after compliance with notice requirements of the Open Meeting Law (25 OSA, Section 301, et seq.).

**City of Shawnee**

\_\_\_\_\_  
WES MAINORD, MAYOR

ATTEST:

\_\_\_\_\_  
PHYLLIS LOFTIS, CMC, CITY CLERK

Emergency separately passed and approved this \_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_.

\_\_\_\_\_  
WES MAINORD, MAYOR

\_\_\_\_\_  
PHYLLIS LOFTIS, CMC, CITY CLERK

Approved as to form and legality on \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
MARY ANN KARNS, CITY ATTORNEY

**OKLAHOMA MUNICIPAL RETIREMENT FUND  
MASTER DEFINED BENEFIT PLAN  
JOINDER AGREEMENT**

**City of Shawnee**, a city, town, agency, instrumentality, or public trust located in the State of Oklahoma, with its principal office at Shawnee, Oklahoma, hereby establishes a Defined Benefit Plan to be known as **City of Shawnee Plan** (the "Plan") in the form of The Oklahoma Municipal Retirement Fund Master Defined Benefit Plan.

Except as otherwise provided herein, the definitions in Article II of the Plan apply.

**1. Dates.**

- This instrument is a new Plan effective \_\_\_\_\_.
- This instrument is an amendment, restatement and continuation of the Previous Plan, which was originally effective July 1, 1966. The effective date of this Joinder Agreement is November 1, 2014, except as otherwise stated in the Plan and the Joinder Agreement.

**2. Employee.**

The word "Employee" shall mean:

- Any person other than a Leased Employee who, on or after the Effective Date, is considered to be a regular full-time employee in accordance with the Employer's standard personnel policies and practices, and is receiving remuneration for such services rendered to the Employer (including any elected official and any appointed officer or employee of any department of the Employer, whether governmental or proprietary in nature), including persons on Authorized Leave of Absence. Employees shall not include independent contractors. Elected members of the City Council shall not be considered to be Employees solely by reason of their holding such office.
- Any person other than a Leased Employee who, on or after the Effective Date, is considered to be a regular employee in accordance with the Employer's standard personnel policies and practices (including part-time, seasonal and temporary employees), and is receiving remuneration for such services rendered to the Employer (including any elected official and any appointed officer or employee of any department of the Employer, whether governmental or proprietary in nature), including persons on Authorized Leave of Absence. Employees shall not include independent contractors. Elected members of the City Council shall not be considered to be Employees solely by reason of their holding such office.
- Any person who, on or after the Effective Date, is an employee of the Employer and is .

The word "Employee" shall not include:

- Any person who is currently accruing benefits under any other state retirement system.
- Any person who has an Employment Commencement Date after June 30, 2013.
- Any person hired before July 1, 2013, and who makes the one-time election as of September 1, 2013, to cease participation in this Plan and who elects to participate in the City of Shawnee Defined Contribution Plan.

**3. Eligibility.**

Eligible Employees shall commence participation in the Plan: (Select only one)

- \_\_\_\_\_ month(s) (any number of months up to twelve consecutive) after the Employee's Employment Commencement Date.
- On the Employee's Employment Commencement Date if such date is prior to July 1, 2013.

**4. Definition of Compensation.**

Compensation shall exclude the item(s) listed below:

- No exclusions.
- Overtime pay.
- Bonuses.
- Commissions.
- Severance pay.
- Fringe benefits, expense reimbursements, deferred compensation and welfare benefits.
- Other: Accrued vacation or sick leave paid upon termination of employment and moving expenses.

**5. Average Monthly Compensation.**

The considered period for purposes of the definition of "Average Monthly Compensation" in Section 2.1 of The Oklahoma Municipal Retirement Fund Master Defined benefit Plan is:

- sixty (60) consecutive months.
- thirty-six (36) consecutive months.

**6. The Employer hereby elects the following Plan design:**

- Mandatory Contribution Option.** An Employee shall be required to contribute to the Plan for each Plan Year the percentage of his Compensation ("Mandatory Contributions") required by the Plan. Mandatory Contributions shall be made by payroll deductions. An Employee shall authorize such deductions in writing on forms approved by, and filed with, the Committee.

**If the Employee's contributions are to be taxed deferred:**

- Pick-Up Option.** The Employer hereby elects to have the provisions of Section 3.4 of the Plan apply. The Employer shall pick-up and pay the percentage of each Participant's Compensation required to be contributed as of September 1, 2013, in lieu of contributions by the Participant. No Participant shall have the option of receiving the contributed amounts directly as Compensation.
- Non-Contributory Option.** Participants shall not be required nor permitted to contribute to the Plan.

**7. A. Payment Options.** The Employer hereby elects the following minimum number of payments for employees eligible to receive benefits under Article IV of the Plan:

- Sixty (60) monthly payments.
- One hundred and twenty (120) monthly payments.

**B. Plan Options.** The Employer hereby elects the following plan designation and percentage used in calculating benefits under Section 5.1 of the Plan.

- Plan AAA - 3% with no maximum Years of Service
- Plan AAA - 3% recognizing a maximum of 22 Years of Service
- Plan AA - 2.625%
- Plan BB - 2.25%
- Plan CC - 1.875%
- Plan A - 1.5%
- Plan B - 1.125%
- Plan C - .75%

- C. Normal Retirement Age.** Normal retirement age shall be:
- Age 65
  - The earlier of (i) and (ii) as follows:
    - (i) age 65
    - (ii) the later of age 62 and the age at which the Participant has completed 30 years of service.

Examples: An employee hired at age 20 who worked for 30 years and terminated at age 50 would be entitled to unreduced payments at age 62.  
An employee hired at age 30 who worked for 25 years and terminated at age 55 would be entitled to unreduced payments at age 65.
  - Modified Rule of 80:
 

The earlier of (i) and (ii) as follows:

    - (i) age 65
    - (ii) the later of age 55 and the age at which the sum of the Participant's age in completed years and the participant's number of completed years of credited service total 80 or greater. To be eligible, the Participant's age plus service must be at least 80 prior to termination of employment.

**Examples:**

    1. An employee hired at age 30 who worked for 25 years and terminated at age 55 would be entitled to unreduced payments immediately. Age 55 plus 25 years equals 80.
    2. An employee hired at age 20 who worked for 30 years and terminated at age 50 would be entitled to unreduced payments at age 55. The employee has age plus service points at age 50 but the minimum age for payment is 55.
    3. An employee hired at age 25 who worked for 25 years and terminated at age 50 would be entitled to unreduced payments at age 65. Age 50 plus 25 years is less than 80, so the Normal Retirement Age is 65.
- D. Vesting Options.** The Employer hereby elects the following vesting option to determine an Employee's eligibility to receive retirement benefits.
- Ten Year Cliff Vesting Schedule
  - Seven Year Cliff Vesting Schedule
  - Five Year Cliff Vesting Schedule
- E. Service Credit Prior to Original Plan Effective Date.** The Employer hereby elects to include the following limitation of service prior to the original Plan effective date.
- No limitation if the Employee's Employment Commencement Date is prior to July 1, 2013.
  - Service credit prior to the original Plan effective date shall not exceed \_\_\_ years.
- F. Service Buyback.** The Employer hereby elects
- No service buyback pursuant to Section 10.13 of the Plan
  - The service buyback provisions of Section 10.13 of the Plan
- G. Service for Worker's Compensation Period.** If a Participant is on an Authorized Leave of Absence and is receiving worker's compensation during such Authorized Leave of Absence, such Participant
- shall be credited with Service for such period for purposes of vesting only and not for purposes of benefits, but no Employee contributions shall be made with respect to the Participant for such period.
  - shall not be credited with Service for such period.
- H. Determination of Service for City Manager.** Any Participant in the position of City Manager for the City of Shawnee and who was hired prior to February 1, 2004, shall receive an additional five (5) years of credited Service for purposes of calculating benefits under Section 5.1 of the Plan. No early retirement reduction shall apply.

- I. Cessation of Benefit Accruals under Retirement Plan.** Effective September 1, 2013, all Participants who elect to cease participation in this Plan by making the one-time election to participate in the City of Shawnee Defined Contribution Plan shall cease accrual of Service for purposes of calculating Pension benefits under the Plan. Any such Plan Participant who was an active Participant prior to July 1, 2013, may continue to earn Years of Service for vesting purposes and satisfying Modified Rule of 80 after August 31, 2013, under this Plan but will not continue to earn Years of Service for calculating Pension Benefits under Section 5.1 of the Plan.
- J. Limitation of Average Monthly Compensation under Retirement Plan.** Effective September 1, 2013, all Participants who elect to cease participation in this Plan by making the one-time election to participate in the City of Shawnee Defined Contribution Plan shall have their benefit calculation under 5.1 of the plan consider Average Monthly Compensation as defined in 2.1 of the Plan using Compensation reported through August 31, 2013.
- K. Determination of Vesting for City Manager.** Any Participant in the position of City Manager for the City of Shawnee as of November 1, 2014, shall receive an additional one and one-half (1.50) years of vesting credit for purposes of calculating benefits under Section 5.1 of the Plan.

**8. Contributions by Employees.**

If Employees are required to contribute to the cost of providing benefits under this Plan, such contributions shall be based on the plan designation selected in Section 7B above and shall apply to pay periods commencing on and after.

- a.  The Employee contribution formula in Section 3.3 of the Plan shall use the following maximum percentage for the Plan Option selected in Section 7B of this Joinder Agreement:
- Plan AAA – 6.0%
  - Plan AA - 5.25%
  - Plan BB - 4.5%
  - Plan CC - 3.75%
  - Plan A - 3%
  - Plan B - 2.25%
  - Plan C - 1.5%

- b.  The contribution formula shall be 4.25% of compensation. (Not to exceed the percentages in above paragraph).

- c.  The contribution as annually determined each year shall be shared by the Employee and Employer as follows:
- Employee portion %
  - Employer portion %

(Employee plus Employer percentages must total 100%.)  
 The contribution will be actuarially determined based on Plan assets and liabilities as of January 1 of each year as a percent of payroll, which will then be shared between the Employer and Employee as noted above. These contribution rates will be in effect from July 1 of that year until June 30 of the subsequent year.

**9. Cost-of-Living Option.**

For purposes of adjusting retiree and beneficiary pensions, the Employer hereby elects the following:

- No Cost-of-Living Option on Future Service Benefits effective August 31, 2013.  
 "Future Service Benefits" refer to pension benefit accruals after August 31, 2013.
- Cost-of-Living Option. This election applies to Sections 5.1 (Normal Pension), 5.2 (Early Pension), 5.3 (Disability Pension), 5.4 (Deferred Vested Pension), 6.2 (Death Prior to Commencement of Pension), 6.3A and 6.3B (Death After Commencement of Pension), and 6.4 (Spouse's Pension) and provides annual benefit increases of the smaller of three percent (3%) or the percentage change in the Consumer Price Index.  
 The effective date of the Cost-Of-Living Option shall be July 1, 1976 (the original date that the Employer elected the Cost-of-Living Option) through August 31, 2013 and shall apply for benefit accruals earned through August 31, 2013.

**10. Retiree Plan Improvement Option.**

Benefits payable to or on behalf of a former Employee under Article V, Article VI, or Article VII of the Plan, which are due or in the course of payment of the Effective Date of this Joinder Agreement, shall

- be increased according to the Plan Option elected herein. Such increased benefits shall be reflected in any periodic payments due or paid on or after the Effective Date of the Joinder Agreement. It is not intended for this change to be retroactive and any periodic payments due prior to such date shall not be affected.
- be increased by   %   effective   . Such increased benefits shall be reflected in any periodic payments due or paid after such date. It is not intended for this change to be retroactive and any periodic payments due prior to such date shall not be affected.
- not be increased, but shall continue to be paid under the terms of the Previous Plan.

**11. Limitations on Optional Benefit Forms.**

Section 7.2 of the Plan provides for a lump sum payment form, an installment payment form that would be payable over a fixed number of years (at which time all payments would cease), or the purchase of an insured annuity. The Employer hereby elects the following:

- Optional benefit forms under Section 7.2 of the Plan will not be permitted.
- Optional benefit forms under Section 7.2 of the Plan will be permitted, subject to Retirement Committee approval for any such elections by an Employee, subject to the following limitation(s):

NONE

(The above election has no effect on the joint and survivor optional benefit forms under Section 7.1).

**12. Defined Contribution Option.**

- Not applicable as of September 1, 2013.  
(All prior balances under the Defined Contribution Option will remain in place as described below, but no additional employee contributions will be added as of September 1, 2013.)

- Participant shall be entitled to the benefit under this option, in addition to the benefit determined according to Section 7B.

An account shall be created for each active Participant as of the effective date of the option. The beginning balance of the account shall be the Participant's Contribution Accumulation. The account shall be credited with:

- (1) Mandatory Contributions made by the Participant after the effective date of the option.
- (2) Investment earnings at same rate as earned by the Oklahoma Municipal Retirement Fund (OMRF) Defined Benefit Fund.

As soon as administratively possible after termination of employment or death, the administrator shall pay the Participant or Beneficiary if applicable, the account balance. The Participant may elect to receive the benefit in any of the Benefit options permitted under the plan. The benefit shall be the Actuarial Equivalent of the account balance at the time the benefit commences.

The administrator shall determine the method of determining the investment earnings and the date such investment earnings are credited.

This option shall be effective July 1, 1995.

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**13. The Employer has consulted with and been advised by its attorney concerning the meaning of the provisions of the Plan and the effect of entry into the Plan.**

IN WITNESS WHEREOF **City of Shawnee** has caused its corporate seal to be affixed hereto and this instrument to be duly executed in its name and behalf by its duly authorized officers this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

City of Shawnee

By: \_\_\_\_\_

Attest:

Title: \_\_\_\_\_

\_\_\_\_\_

Title: \_\_\_\_\_

(SEAL)

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**14. The foregoing Joinder Agreement is hereby approved by the Oklahoma Municipal Retirement Fund this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.**

OKLAHOMA MUNICIPAL RETIREMENT FUND

By: \_\_\_\_\_

Title: Chairman \_\_\_\_\_

Attest:

\_\_\_\_\_  
Secretary

(SEAL)

**Regular Board of Commissioners**

**14.**

**Meeting Date:** 11/17/2014

OMRF DCO wA

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

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Information

Title of Item for Agenda

Discussion, consideration and possible action of an ordinance amending the employee retirement system, Defined Contribution plan for the City of Shawnee, Oklahoma; providing retirement benefits for eligible employees of the City of Shawnee, Oklahoma; pertaining to definition of employee; pertaining to the definition of compensation; pertaining to plan design; pertaining to allocation of forfeitures; providing for repealer and severability; and declaring an emergency. (DCO-w/a)

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Attachments

OMRF DCO wA

ORDINANCE NO. \_\_\_\_\_

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

**BE IT ORDAINED BY CITY COMMISSION OF THE CITY OF SHAWNEE, OKLAHOMA.**

**Section 1. AMENDATORY.** The Employee Retirement System, Defined Contribution Plan, of the **City of Shawnee**, Oklahoma, is hereby amended as reflected on the attached Exhibit "A", which is incorporated herein and adopted by reference. These amendments shall become effective on **July 1, 2013**.

**Section 2. EXECUTION AUTHORIZATION.** The City Clerk and Mayor be and they are hereby authorized and directed to execute the amended Retirement System Plan documents and to do all the other acts necessary to put said amendment into effect and to maintain IRS qualification of the Plan. The executed amended document attached hereto as Exhibit "A" is hereby ratified and confirmed in all respects.

**Section 3. SEVERABILITY.** If, regardless of cause, any section, subsection, paragraph, sentence, or clause of this ordinance, including the System as set forth in Exhibit "A" is held invalid or to be unconstitutional, the remaining sections, subsections, paragraphs, sentences, or clauses shall continue in full force and effect and shall be construed thereafter as being the entire provisions of this ordinance.

**Section 4. REPEALER.** Any ordinance inconsistent with the terms and provisions of this ordinance is hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

**Section 5. EMERGENCY.** Whereas, in the judgment of the City Commission of the **City of Shawnee**, Oklahoma, the public peace, health, safety, and welfare of the **City of Shawnee**, Oklahoma, and the inhabitants thereof demand the immediate passage of this ordinance, an emergency is hereby declared, the rules are suspended, and this ordinance shall be in full force and effect on its passage and approval.

The foregoing ordinance was introduced before the City Commission of the City of Shawnee on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and was duly adopted and approved by the Mayor and City Commission on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, after compliance with notice requirements of the Open Meeting Law (25 OSA, Section 301, et seq.).

**City of Shawnee**

\_\_\_\_\_  
WES MAINORD, MAYOR

ATTEST:

\_\_\_\_\_  
PHYLLIS LOFTIS, CMC, CITY CLERK

Emergency separately passed and approved this \_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_.

\_\_\_\_\_  
WES MAINORD, MAYOR

ATTEST:

\_\_\_\_\_  
PHYLLIS LOFTIS, CMC, CITY CLERK

Approved as to form and legality on \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
MARY ANN KARNS, CITY ATTORNEY

**OKLAHOMA MUNICIPAL RETIREMENT FUND  
MASTER DEFINED CONTRIBUTION PLAN  
JOINDER AGREEMENT**

**City of Shawnee**, a city, town, agency, instrumentality, or public trust located in the State of Oklahoma, with its principal office at Shawnee, Oklahoma, hereby establishes a Defined Contribution Plan to be known as the **City of Shawnee Plan** (the "Plan") in the form of the Oklahoma Municipal Retirement Fund Master Defined Contribution Plan.

Except as otherwise provided herein, the definitions in Article II of the Plan apply.

**1. Dates.**

- This instrument is a new Plan effective \_\_\_\_\_.
- This instrument is an amendment, restatement and continuation of the Previous Plan, which was originally effective October 1, 2001. The effective date of this Joinder Agreement is November 1, 2014, except as otherwise stated in the Plan and the Joinder Agreement.

**2. Employee.**

The word "Employee" shall mean:

- Any person, other than a Leased Employee, who, on or after the Effective Date, is considered to be a regular full-time employee in accordance with the Employer's standard personnel policies and practices, and is receiving remuneration for such services rendered to the Employer (including any elected official and any appointed officer or employee of any department of the Employer, whether governmental or proprietary in nature), including persons on Authorized Leave of Absence. Employees shall not include independent contractors. Elected members of the City Council shall not be considered to be Employees solely by reason of their holding such office.
- Any person, other than a Leased Employee, who, on or after the Effective Date, is considered to be a regular employee in accordance with the Employer's standard personnel policies and practices (including part-time, seasonal and temporary employees), and is receiving remuneration for such services rendered to the Employer (including any elected official and any appointed officer or employee of any department of the Employer, whether governmental or proprietary in nature), including persons on Authorized Leave of Absence. Employees shall not include independent contractors. Elected members of the City Council shall not be considered to be Employees solely by reason of their holding such office.
- Any person who, on or after the Effective Date.

The word "Employee" shall not include:

- Any person who is currently accruing benefits under any other state retirement system.
- Any person hired before July 1, 2013, who makes the one-time election as of September 1, 2013, to continue participation in the City of Shawnee Defined Benefit Plan.

**3. Entry Date.**

Eligible Employees shall commence participation in the Plan: (Select only one)

- \_\_\_ months (any number of months up to twelve) after the later of the Employee's Employment Commencement Date or the date the definition of Employee shown above was met.
- On the Employee's Employment Commencement Date. (If the Employer has opted out of Old Age and Disability Insurance (OADI), this option must be elected).

**4. Definition of Compensation.**

Compensation shall exclude the item(s) listed below:

- No exclusions.
- Overtime pay.
- Bonuses.
- Commissions.
- Severance pay.
- Fringe benefits, expense reimbursements, deferred compensation and welfare benefits.
- Other: Accrued vacation or sick leave paid upon termination of employment and moving expenses.

**5. Plan Design.**

The Employer hereby elects the following Plan design:

- Pick-up Option.** Each Employee shall be required to contribute to the Plan 4.25% of his or her Compensation. These contributions shall be picked up and assumed by the Employer and paid to the Fund in lieu of contributions by the Participant. No Participant shall have the option of receiving the contributed amounts directly as Compensation.
- Thrift Plan Option.**
  - A Participant may elect to contribute to the Plan for each Valuation Period an amount which is at least 1%, but no more than 1% of his Compensation ("Mandatory Contributions"). Mandatory Contributions shall be made by payroll deductions. A Participant shall authorize such deductions in writing on forms approved by, and filed with the Committee.
  - The Employer shall contribute to the Fund an amount equal to 1% of the total Mandatory Contributions contributed by Participants. The Employer contribution together with amounts forfeited, if any, shall be allocated in the proportion which the Mandatory Contributions of each such Participant for such Valuation Period bear to the total Mandatory Contributions contributed by all such Participants for such Valuation Period.
  - The Employer shall not contribute to the Fund a percentage of the total Mandatory Contributions contributed by Participants.
- Fixed Contribution.** With respect to each Participant, for each payroll period during the Plan Year the Employer will make an Employer Contribution in an amount equal to the applicable percentage of the Participant's Compensation for the payroll period in accordance with the following table:

Effective September 1, 2013, Service and Employer Contribution Tiers for Participants hired prior to July 1, 2013:

<u>Years of Service</u>	<u>Employer Contribution Percentage</u>
Less than 5	5%
at least 5 but less than 10	10%
10 or more	15%

Effective July 1, 2013, Service and Employer Contribution Tiers for Participants hired on or after July 1, 2013:

<u>Years of Service</u>	<u>Employer Contribution Percentage</u>
Less than 5	3%
at least 5 but less than 10	6%
10 or more	9%

- Variable Funding Option.
- The Employer intends to make a contribution to the Plan for the benefit of the Participants for each Valuation Period. The contribution may be varied from year to year by the Employer. (Select one option below)
- Option A: The Employer contribution together with Amounts Forfeited, if any, shall be allocated in the proportion that each such Participant's total points awarded bear to the total points awarded to all Participants with respect to such year. A Participant shall be awarded one point for each Year of Service.
- Option B: The Employer contribution together with Amounts Forfeited, if any, shall be allocated in the proportion which the Compensation of each such Participant for such Valuation Period bears to the Compensation paid to all such Participants for such Valuation Period.
- Option C: A combination of Options A and B in the following ratios: % for Option A, and % for Option B.
- 401(k) Funding Option.  
(This Option available only if elected prior to May 1, 1986)
- Participant Deferral Elections shall be allowed under the provisions of Section 4.9 of the Plan. Participants shall be allowed to defer no more than % of their Compensation for each election period. The election period shall be the one month period preceding each  Valuation Period  calendar quarter of the Valuation Period.
- Section 4.9(c) of the Plan ("Roth Elective Deferrals") shall apply to contributions after (enter a date later than January 1, 2006), and the Plan will accept a direct rollover from another Roth elective deferral account under an applicable retirement plan as described in Code Section 402A(e)(1).
- No Employer Contribution Option.

**6. Other Participant Contribution Options.**

- Voluntary Nondeductible Contributions by Participants shall be allowed under the provisions of Section 4.5 of the Plan.
- A Participant may not withdraw Voluntary Nondeductible Contributions.
- Participants shall not contribute to the Plan.

**7. Self-Directed Investments.**

- Are permitted.
- Are not permitted.

**8. Allocation of Forfeitures Available.**

- Shall be added to Employer contribution.
- Shall reduce the Employer contribution.

**9. Service for Worker's Compensation Period.**

- If a Participant is on an Authorized Leave of Absence and is receiving worker's compensation during such Authorized Leave of Absence, such Participant
- shall be credited with Service for such period for purposes of vesting only and not for purposes of allocations of Employer Contributions.
- shall not be credited with Service for such period.

**10. Vesting.**

For purposes of vesting under Section 6.4 of the Plan, the Employer hereby elects the following Option:

Option A

<u>Years of Service</u>	<u>Vested Percentage</u>	<u>Forfeited Percentage</u>
less than 1	0%	100%
at least 1 but less than 2	10%	90%
at least 2 but less than 3	20%	80%
at least 3 but less than 4	30%	70%
at least 4 but less than 5	40%	60%
at least 5 but less than 6	50%	50%
at least 6 but less than 7	60%	40%
at least 7 but less than 8	70%	30%
at least 8 but less than 9	80%	20%
at least 9 but less than 10	90%	10%
10 or more	100%	0%

Option B

<u>Years of Service</u>	<u>Vested Percentage</u>	<u>Forfeited Percentage</u>
Less than 3	0%	100%
at least 3 but less than 4	20%	80%
at least 4 but less than 5	40%	60%
at least 5 but less than 6	60%	40%
at least 6 but less than 7	80%	20%
7 or more	100%	0%

Option C

<u>Years of Service</u>	<u>Vested Percentage</u>	<u>Forfeited Percentage</u>
less than 5	0%	100%
at least 5 but less than 6	50%	50%
at least 6 but less than 7	60%	40%
at least 7 but less than 8	70%	30%
at least 8 but less than 9	80%	20%
at least 9 but less than 10	90%	10%
10 or more	100%	0%

Option D

<u>Years of Service</u>	<u>Vested Percentage</u>	<u>Forfeited Percentage</u>
less than 7	0%	100%
7 or more	100%	0%

Option E

To comply with the Internal Revenue Service Regulations promulgated pursuant to the Code Section 3121(b)(7)(F), Participants who are part-time, seasonal or temporary Employees will have immediate vesting.

(If this Option E is elected, one of the other Options above must also be elected for Participants who are not part-time, seasonal or temporary Employees).

**11. Participant Loans.**

Participant loans shall be offered pursuant to Section 6.14 of the Plan.

Participant loans shall not be offered.

**12. Direct Transfer to Other Retirement Plan**

The Accounts of any Participant who (i) is 100% vested in his Accounts in this Plan; (ii) has ceased to be eligible for participation in this Plan; and (iii) who becomes eligible for participation in another defined contribution retirement plan sponsored by the Employer (the "Other Retirement Plan"), shall be directly transferred to the Other Retirement Plan as soon as practicable after the Plan Administrator provides written direction to the Trustee to such effect in a form acceptable to the Trustee.

**13. Determination of Vesting for City Manager. Any Participant in the position of City Manager for the City of Shawnee as of November 1, 2014, shall receive 100% immediate vesting in the Plan.**

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**14. The Employer has consulted with and been advised by its attorney concerning the meaning of the provisions of the Plan and the effect of entry into the Plan.**

IN WITNESS WHEREOF **City of Shawnee** has caused its corporate seal to be affixed hereto and this instrument to be duly executed in its name and behalf by its duly authorized officers this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

City of Shawnee

By: \_\_\_\_\_

Attest:

Title: \_\_\_\_\_

\_\_\_\_\_

Title: \_\_\_\_\_

(SEAL)

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**15. The foregoing Joinder Agreement is hereby approved by the Oklahoma Municipal Retirement Fund this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.**

OKLAHOMA MUNICIPAL RETIREMENT FUND

By: \_\_\_\_\_

Title: Chairman

Attest:

\_\_\_\_\_

Secretary

(SEAL)

**Regular Board of Commissioners**

**15.**

**Meeting Date:** 11/17/2014

OMRF CMO-SI

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

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Information

Title of Item for Agenda

Discussion, consideration and possible action of an ordinance amending the employee retirement system, Defined Contribution plan for the position of Department Head or City Manager for the City of Shawnee, Oklahoma; providing retirement benefits for eligible employees of the City of Shawnee, Oklahoma; providing for the determination of vesting for City Manager; providing for repealer and severability; and declaring an emergency. (CMO-SI)

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Attachments

OMRF CMO-SI

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE AMENDING THE EMPLOYEE RETIREMENT SYSTEM, DEFINED CONTRIBUTION PLAN FOR THE POSITION OF DEPARTMENT HEAD OR CITY MANAGER FOR THE CITY OF SHAWNEE, OKLAHOMA; PROVIDING RETIREMENT BENEFITS FOR ELIGIBLE EMPLOYEES OF THE CITY OF SHAWNEE, OKLAHOMA; PROVIDING FOR THE DETERMINATION OF VESTING FOR CITY MANAGER; PROVIDING FOR REPEALER AND SEVERABILITY; AND DECLARING AN EMERGENCY.

**BE IT ORDAINED BY CITY COMMISSION OF THE CITY OF SHAWNEE, OKLAHOMA.**

**Section 1. AMENDATORY.** The Employee Retirement System, Defined Contribution Plan, of the **City of Shawnee**, Oklahoma, is hereby amended as reflected on the attached Exhibit "A", which is incorporated herein and adopted by reference. These amendments shall become effective on **Novemeber 1, 2014**.

**Section 2. EXECUTION AUTHORIZATION.** The City Clerk and Mayor be and they are hereby authorized and directed to execute the amended Retirement System Plan documents and to do all the other acts necessary to put said amendment into effect and to maintain IRS qualification of the Plan. The executed amended document attached hereto as Exhibit "A" is hereby ratified and confirmed in all respects.

**Section 3. SEVERABILITY.** If, regardless of cause, any section, subsection, paragraph, sentence, or clause of this ordinance, including the System as set forth in Exhibit "A" is held invalid or to be unconstitutional, the remaining sections, subsections, paragraphs, sentences, or clauses shall continue in full force and effect and shall be construed thereafter as being the entire provisions of this ordinance.

**Section 4. REPEALER.** Any ordinance inconsistent with the terms and provisions of this ordinance is hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

**Section 5. EMERGENCY.** Whereas, in the judgment of the City Commission of the **City of Shawnee**, Oklahoma, the public peace, health, safety, and welfare of the **City of Shawnee**, Oklahoma, and the inhabitants thereof demand the immediate passage of this ordinance, an emergency is hereby declared, the rules are suspended, and this ordinance shall be in full force and effect on its passage and approval.

The foregoing ordinance was introduced before the City Commission of the City of Shawnee on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and was duly adopted and approved by the Mayor and City Commission on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, after compliance with notice requirements of the Open Meeting Law (25 OSA, Section 301, et seq.).

**City of Shawnee**

\_\_\_\_\_  
WES MAINORD, MAYOR

ATTEST:

\_\_\_\_\_  
PHYLLIS LOFTIS, CMC, CITY CLERK

Emergency separately passed and approved this \_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_.

\_\_\_\_\_  
WES MAINORD, MAYOR

ATTEST:

\_\_\_\_\_  
PHYLLIS LOFTIS, CMC, CITY CLERK

Approved as to form and legality on \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
MARY ANN KARNS, CITY ATTORNEY

**OKLAHOMA MUNICIPAL RETIREMENT FUND  
MASTER DEFINED CONTRIBUTION PLAN  
JOINDER AGREEMENT**

**City of Shawnee**, a city, town, agency, instrumentality, or public trust located in the State of Oklahoma, with its principal office at Shawnee, Oklahoma, hereby establishes a Defined Contribution Plan to be known as the **City of Shawnee Special Incentive Plan** (the "Plan") in the form of the Oklahoma Municipal Retirement Fund Master Defined Contribution Plan.

Except as otherwise provided herein, the definitions in Article II of the Plan apply.

**1. Dates.**

- This instrument is a new Plan effective \_\_\_\_\_.
- This instrument is an amendment, restatement and continuation of the Previous Plan, which was originally effective July 1, 2013. The effective date of this Joinder Agreement is November 1, 2014, except as otherwise stated in the Plan and the Joinder Agreement

**2. Employee.**

The word "Employee" shall mean:

- Any person, other than a Leased Employee, who, on or after the Effective Date, is considered to be a regular full-time employee in accordance with the Employer's standard personnel policies and practices, and is receiving remuneration for such services rendered to the Employer (including any elected official and any appointed officer or employee of any department of the Employer, whether governmental or proprietary in nature), including persons on Authorized Leave of Absence. Employees shall not include independent contractors. Elected members of the City Council shall not be considered to be Employees solely by reason of their holding such office.
- Any person, other than a Leased Employee, who, on or after the Effective Date, is considered to be a regular employee in accordance with the Employer's standard personnel policies and practices (including part-time, seasonal and temporary employees), and is receiving remuneration for such services rendered to the Employer (including any elected official and any appointed officer or employee of any department of the Employer, whether governmental or proprietary in nature), including persons on Authorized Leave of Absence. Employees shall not include independent contractors. Elected members of the City Council shall not be considered to be Employees solely by reason of their holding such office.
- Any person who, on the Effective Date, is in the position of Department Head or City Manager.

The word "Employee" shall not include:

- Any person who is currently accruing benefits under any other state retirement system.
- Any person who is in the position of Fire Chief or Police Chief and who is covered under another retirement program approved by the City Council.

**3. Entry Date.**

Eligible Employees shall commence participation in the Plan: (Select only one)

- \_\_\_ months (any number of months up to twelve) after the later of the Employee's Employment Commencement Date or the date the definition of Employee shown above was met.
- On the Employee's Employment Commencement Date. (If the Employer has opted out of Old Age and Disability Insurance (OADI), this option must be elected).

**4. Definition of Compensation.**

Compensation shall exclude the item(s) listed below:

- No exclusions.
- Overtime pay.
- Bonuses.
- Commissions.
- Severance pay.
- Fringe benefits, expense reimbursements, deferred compensation and welfare benefits.
- Other: Accrued vacation or sick leave paid upon termination of employment and moving expenses.

**5. Plan Design.**

The Employer hereby elects the following Plan design:

- Pick-up Option. Each Employee shall be required to contribute to the Plan % of his or her Compensation. These contributions shall be picked up and assumed by the Employer and paid to the Fund in lieu of contributions by the Participant. No Participant shall have the option of receiving the contributed amounts directly as Compensation.
- Thrift Plan Option.
  - A Participant may elect to contribute to the Plan for each Valuation Period an amount which is at least 1%, but no more than % of his Compensation (“Mandatory Contributions”). Mandatory Contributions shall be made by payroll deductions. A Participant shall authorize such deductions in writing on forms approved by, and filed with the Committee.
  - The Employer shall contribute to the Fund an amount equal to % of the total Mandatory Contributions contributed by Participants.  
The Employer contribution together with amounts forfeited, if any, shall be allocated in the proportion which the Mandatory Contributions of each such Participant for such Valuation Period bear to the total Mandatory Contributions contributed by all such Participants for such Valuation Period.
  - The Employer shall not contribute to the Fund a percentage of the total Mandatory Contributions contributed by Participants.
- Fixed Contribution. With respect to each Participant, the Employer will make a \$5,000 Employer contribution for each of the five Plan Years during the period beginning July 1, 2013, and ending July 30, 2018, provided that a Participant will be entitled to an Employer Contribution for a Plan Year only if he or she was employed by the Employer on the last day of the applicable Plan Year in the same or higher position as he or she had on the Effective Date. Such Employer contributions for each Plan Year shall be made on or after the last day of the applicable Plan Year.
- Variable Funding Option.
  - The Employer may make a contribution to the Plan for the benefit of the Participants for each Valuation Period. The contribution may be varied from year to year by the Employer. (Select one option below)
    - Option A: The Employer contribution together with Amounts Forfeited, if any, shall be allocated in the proportion that each such Participant’s total points awarded bear to the total points awarded to all Participants with respect to such year. A Participant shall be awarded one point for each Year of Service.
    - Option B: The Employer contribution shall be allocated in the proportion which the Compensation of each such Participant for such Valuation Period bears to the Compensation paid to all such Participants for such Valuation Period.
    - Option C: A combination of Options A and B in the following ratios: % for Option A, and % for Option B.

- 401(k) Funding Option.**  
(This Option available only if elected prior to May 1, 1986)
- Participant Deferral Elections shall be allowed under the provisions of Section 4.9 of the Plan. Participants shall be allowed to defer no more than  $\frac{1}{6}$  of their Compensation for each election period. The election period shall be the one month period preceding each  Valuation Period  calendar quarter of the Valuation Period.
- Section 4.9(c) of the Plan ("Roth Elective Deferrals") shall apply to contributions after (enter a date later than January 1, 2006), and the Plan will accept a direct rollover from another Roth elective deferral account under an applicable retirement plan as described in Code Section 402A(e)(1).
- No Employer Contribution Option.**
- 6. Other Participant Contribution Options.**
- Voluntary Nondeductible Contributions by Participants shall be allowed under the provisions of Section 4.5 of the Plan.
- A Participant may not withdraw Voluntary Nondeductible Contributions.
- Participants shall not contribute to the Plan.
- 7. Self-Directed Investments.**
- Are permitted.
- Are not permitted.
- 8. Allocation of Forfeitures Available.**
- Shall be added to Employer contribution.
- Shall reduce the Employer contribution.
- 9. Service for Worker's Compensation Period.**  
If a Participant is on an Authorized Leave of Absence and is receiving worker's compensation during such Authorized Leave of Absence, such Participant
- shall be credited with Service for such period for purposes of vesting only and not for purposes of allocations of Employer Contributions.
- shall not be credited with Service for such period.

**10. Vesting.**

For purposes of vesting under Section 6.4 of the Plan, the Employer hereby elects the following Option:

Option A

<u>Years of Service</u>	<u>Vested Percentage</u>	<u>Forfeited Percentage</u>
less than 1	0%	100%
at least 1 but less than 2	10%	90%
at least 2 but less than 3	20%	80%
at least 3 but less than 4	30%	70%
at least 4 but less than 5	40%	60%
at least 5 but less than 6	50%	50%
at least 6 but less than 7	60%	40%
at least 7 but less than 8	70%	30%
at least 8 but less than 9	80%	20%
at least 9 but less than 10	90%	10%
10 or more	100%	0%

Option B

<u>Years of Service</u>	<u>Vested Percentage</u>	<u>Forfeited Percentage</u>
Less than 3	0%	100%
at least 3 but less than 4	20%	80%
at least 4 but less than 5	40%	60%
at least 5 but less than 6	60%	40%
at least 6 but less than 7	80%	20%
7 or more	100%	0%

Option C

<u>Years of Service</u>	<u>Vested Percentage</u>	<u>Forfeited Percentage</u>
less than 5	0%	100%
at least 5 but less than 6	50%	50%
at least 6 but less than 7	60%	40%
at least 7 but less than 8	70%	30%
at least 8 but less than 9	80%	20%
at least 9 but less than 10	90%	10%
10 or more	100%	0%

Option D

<u>Years of Service *</u>	<u>Vested Percentage</u>	<u>Forfeited Percentage</u>
less than 5	0%	100%
5 or more	100%	0%

\*Provided however not withstanding anything to the contrary in this Joinder or the Master Defined Contribution Plan, years of service for this vesting schedule shall not include service prior to July 1, 2013. If a Participant who has reached age 65 and/or meets Normal Retirement Age in the Employer's Defined Benefit Plan will be immediately vested in Employer Fixed Contribution.

Option E

To comply with the Internal Revenue Service Regulations promulgated pursuant to the Code Section 3121(b)(7)(F), Participants who are part-time, seasonal or temporary Employees will have immediate vesting.

(If this Option E is elected, one of the other Options above must also be elected for Participants who are not part-time, seasonal or temporary Employees).

**11. Participant Loans.**

Participant loans shall be offered pursuant to Section 6.14 of the Plan.

Participant loans shall not be offered.

**12. Determination of Vesting for City Manager. Any Participant in the position of City Manager for the City of Shawnee as of November 1, 2014, shall receive 100% immediate vesting in the Plan.**

**13. The Employer has consulted with and been advised by its attorney concerning the meaning of the provisions of the Plan and the effect of entry into the Plan.**

IN WITNESS WHEREOF **City of Shawnee** has caused its corporate seal to be affixed hereto and this instrument to be duly executed in its name and behalf by its duly authorized officers this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

City of Shawnee

By: \_\_\_\_\_

Attest:

Title: \_\_\_\_\_

\_\_\_\_\_

Title: \_\_\_\_\_

(SEAL)

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**14. The foregoing Joinder Agreement is hereby approved by the Oklahoma Municipal Retirement Fund this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.**

OKLAHOMA MUNICIPAL RETIREMENT FUND

By: \_\_\_\_\_

Title: Chairman

Attest:

\_\_\_\_\_

Secretary

(SEAL)

**Regular Board of Commissioners**

**16.**

**Meeting Date:** 11/17/2014

Splash Pad Grant

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

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Information

Title of Item for Agenda

Discussion, consideration and possible action to authorize staff to apply for a splash pad grant and designation of funds.

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Attachments

Avedis Grant Memo

Avedis Grant Financial

Avedis Grant Letter of Intent

**Mayor**  
WES MAINORD



**The City of Shawnee**  
*Office of the Finance Director*

P.O. Box 1448  
Shawnee, Oklahoma 74802-1448  
(405) 878-1601 Fax (405) 878-1571  
[www.ShawneeOK.org](http://www.ShawneeOK.org)

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

**Date:** November 13, 2014

**To:** Mayor and City Commissioners

**From:** Cynthia Sementelli, Finance Director/Treasurer  
James Bryce, Operation Manager

**RE:** Avedis Grant for Splash Pad

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**Nature of the Request:**

To request permission to apply for and submit a letter of intent to the Avedis Foundation for funding for the Splash Pad at Boy Scout Park.

**Staff Analysis, Considerations:**

The Avedis Foundation has opened up their grant cycle and we would like to apply for the Splash Pad for Boys Scout Park. Cost is approximately \$400,000 and we would be asking the Avedis Foundation for \$200,000 of the cost. The City would be responsible for the rest- We have applied for another grant to fund this project for \$110,000 from the Tobacco Settlement Trust, but we won't know if we have been awarded until February. If this is awarded the City would only need to put in \$90,000 into the project.

**Recommendation:**

Staff is recommending that the commission approve moving forward and applying for the grant.

**Budget Consideration:**

Should the City receive the funding for this project the matching funds would come from fund balance of the General Fund and we would do an inter-fund loan to the capital fund until the Expo loan in capital paid off ( Dec 2015) and then we would pay back the General Fund.

## Financial Profile

### Cost Estimate and Sponsor's Matching Share

#### Cost Estimate

#### City of Shawnee Briscoe Boy Scout Park Splash Pad

Source of Funds	Grant Request	Cash Match	In-Kind Match	Donation Match	Totals
Advedis Foundation	\$ 203,293.75				\$203,293.75
Sponsor/Applicant		\$ 198,533.75	\$ 4,760.00		\$203,293.75
<b>Totals</b>	\$ 203,293.75	\$ 198,533.75	\$ 4,760.00		\$406,587.50

Use of Funds	Grant Request	Cash Match	In-Kind Match	Donation Match	Totals
I. Professional Services					
Design / Engineering	\$ 15,000.00	\$ 15,000.00			\$ 30,000.00
II. Park Construction					
Water/sewer/elec.	\$ 7,000.00	\$ 6,000.00			\$ 13,000.00
Sidewalks		\$ 10,000.00			\$ 10,000.00
Splash Pad Construction	\$ 131,293.75	\$ 117,333.75			\$248,627.50
Restroom Materials	\$ 50,000.00				\$ 50,000.00
Restroom Construction		\$ 50,000.00			\$ 50,000.00
Demolition and leveling			\$ 4,760.00		\$ 4,760.00
III. Other					
Signage		\$ 200.00			\$ 200.00
<b>Totals</b>	\$ 203,293.75	\$ 198,533.75	\$ 4,760.00		\$406,587.50

**Avedis Foundation Letter of Intent**

**Before You Begin...**

**LETTER OF INTENT FORM**

<p><b>Please Read:</b></p> <ul style="list-style-type: none"> <li>• <b>Limit your use of bullets and other formatting.</b></li> <li>• <b>Copy and paste as needed.</b></li> <li>• <b>Log into your account at <a href="https://www.GrantRequest.com/SID_1742?SA=AM">https://www.GrantRequest.com/SID_1742?SA=AM</a> to access saved and submitted requests</b></li> <li>• <b>Add <a href="mailto:mail@grantapplication.com">mail@grantapplication.com</a> to your safe senders list to ensure your receive all system communications.</b></li> </ul>
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**Organization Information**

<b>General Information</b>		
Organization Legal Name	Tax ID	
City of Shawnee	736005424	
Does your organization operate under the Tax ID# of another entity?	If yes, please give legal name of that organization	
No		
Mailing Address		
P.O. Box 1448		
Shawnee, Ok 74802		
Physical Address		
16 West Ninth		
City	State	Zip Code
Shawnee	OK	74802

Phone 405-878-1601	Fax 405-878-1511	Web Address Shawneeok.org
Organization Type (check all that apply) Other		
Organization Description Including History: City government- municipality		

Organization Primary Contact (i.e. Executive Director)			
Prefix Mr.	First Name Brian	Last Name McDougal	
Position or Title City Mananager			
Office Phone 405-878-1601	Extension	Cell Phone	E-mail bmcdougal@shawneeok.org

Key Contact for Grant			
Same as Organization Primary Contact above No			
Prefix Mr.	First Name James	Last Name Bryce	
Position or Title Director of Operations			
Office Phone 405-878-1516	Extension	Cell Phone	E-mail jbryce@shawneeok.org

**Project Information**

Grant Request Information
Title of Grant Request Splash Pad

Brief Project Description

To install a splash pad at Boys Scout Park

Amount Requested

200,000

Total Project Budget

406,000

Itemized Budget

Tax Status of Organization

City

**Regular Board of Commissioners**

17.

**Meeting Date:** 11/17/2014

November Sales Tax

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

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Information

Title of Item for Agenda

Acknowledge Sales Tax Report received November 2014.

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Attachments

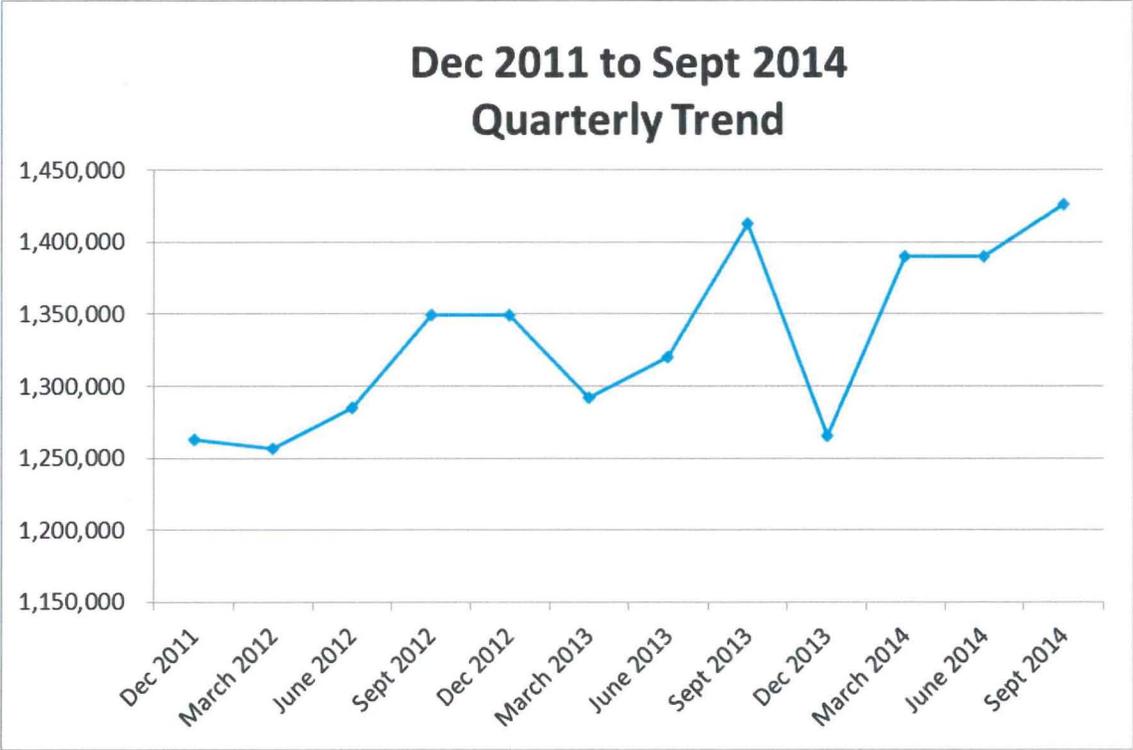
November Sales Tax

# City of Shawnee Memorandum

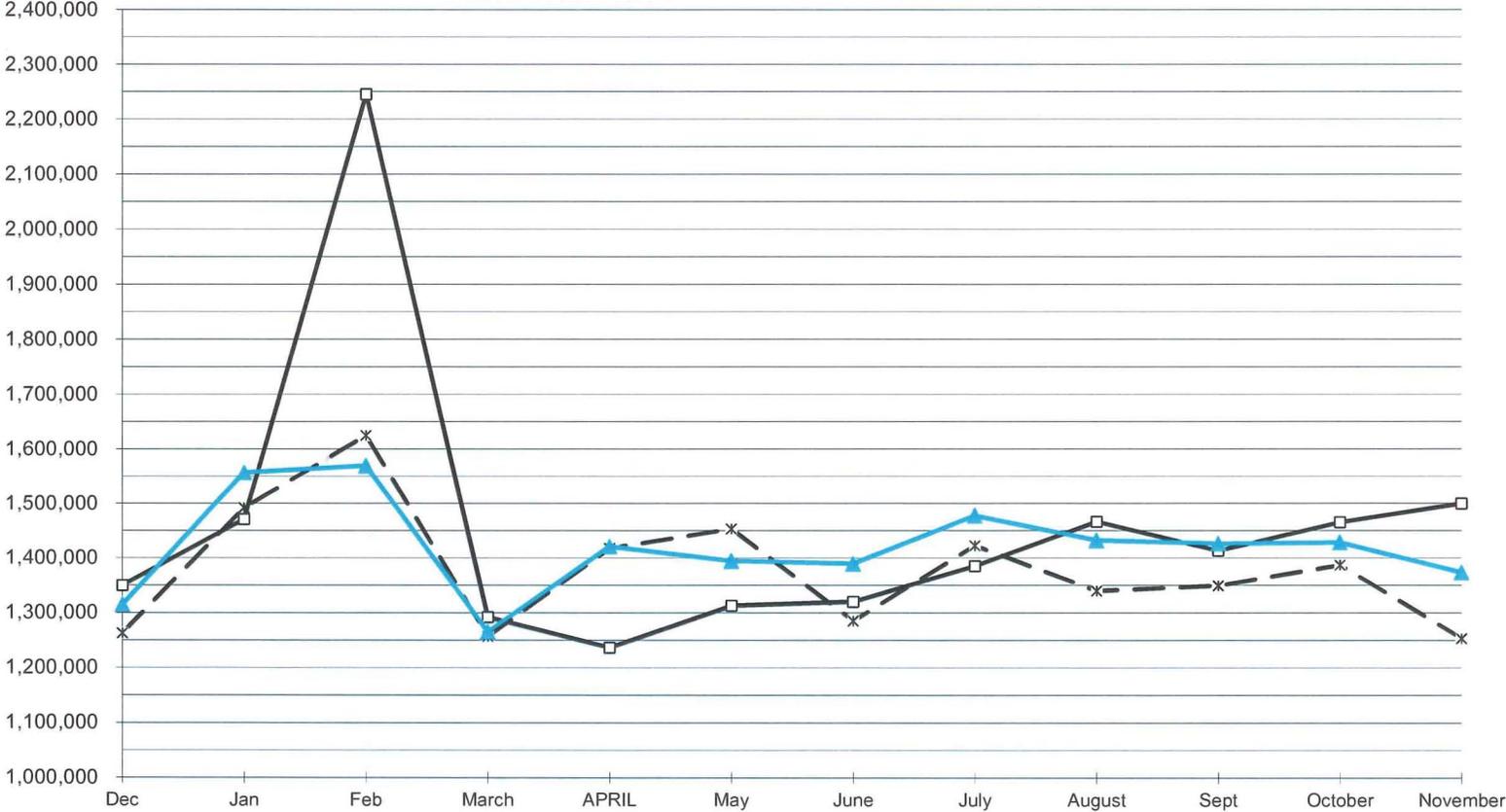
**To:** Mayor and City Commissioners  
**CC:** Brian McDougal, City Manager  
**From:** Cynthia R Sementelli, Finance Director  
**Date:** November 12, 2014  
**Re:** City Sales Tax Report



November Sales Tax collected this month was \$1,374,143 compared to last year's we are down \$125,040 or 8.34%. Last November we had a one-time contribution of \$100K so in reality we were only down about \$25k. Compared to 2012 we are up \$121,000.



**CITY OF SHAWNEE  
SALES TAX COLLECTION  
Dec 2011-Nov 2014**



- x— December 2011 through November 2012
- December 2012 through November 2013
- ▲— December 2013 through November 2014

	December 2011	December 2012	December 2013	Increase (Decrease)	
	through	through	through	Over Prior Year	
Month	November 2012	November 2013	November 2014	Amount	Percentage
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%)
Sept	1,349,282	1,412,708	1,426,359	13,651	0.97%
October	1,386,657	1,465,063	1,428,921	(36,142)	(2.47%)
November	1,253,140	1,499,183	1,374,143	(125,040)	(8.34%)
Total	13,901,770	14,489,725	14,249,586	(240,139)	(1.66%)
		Prior Year	Current Year	Increase (Decrease)	
Period		Actual	Actual	Over Prior Year	
Fiscal Year to Date		7,228,258	7,139,202	(\$89,056)	(1.23%)

**Regular Board of Commissioners**

**18.**

**Meeting Date:** 11/17/2014

CM Report

Submitted By: Lisa Lasyone, City Clerk

Department: City Clerk

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Information

Title of Item for Agenda

City Manager's Report.

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