

AGENDA
BOARD OF CITY COMMISSIONERS
July 18, 2011 AT 6:30 P.M.
COMMISSION CHAMBERS AT CITY HALL
SHAWNEE, OKLAHOMA

CALL TO ORDER

DECLARATION OF A QUORUM

INVOCATION

FLAG SALUTE

1. Consider approval of Agenda:
2. Consider approval of Consent Agenda:
 - a. Acknowledge staff will proceed in the instant meeting with the opening and consideration of bids as set forth in Agenda Item Number 11.
 - b. Minutes from the July 5, 2011 regular meeting.
 - c. Acknowledge the following minutes:
 - Planning Commission minutes from June 1, 2011
 - Shawnee Urban Renewal Authority minutes from June 7, 2011
 - d. Budget Amendment FY 2012-2012 Fund 102 E-911
 - e. Budget Amendment FY 2011-2012 CDBG Entitlement Grant Fund for 2005, 2006, 2007, 2008, 2009, and 2010
 - f. Budget Amendment FY 2010-2011 ODOC NSP Program Fund
 - g. Budget Amendment FY2011-2012 HOME Rehab Program Income
 - h. Lake Lease Renewal

Lot 4 Skipper Tract, 16612 Archery Range Road
S. Cole and P. Hardeman
 - i. Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan for Michael Rone.
 - j. Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan for Patrick Burge.

- k. Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan for Philip Martin.
 - l. Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan for Anthony Robbins.
 - m. Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan for Lance Groves.
 - n. Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan for Patrick Thomas.
 - o. Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan for Brent Deaver.
 - p. Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan for Shaina Salazar.
 - q. Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan for Shane Withrow.
3. Citizens Participation

(A three minute limit per person)
 (A twelve minute limit per topic)
 4. Mayor's Proclamation:
 "Jennae Lutomski Day"
 July 18, 2011
 5. City Manager presentation of Employee of the Month to Derek Woody, Utility Billing Department.
 6. Consider approval of a final plat from Primrose Addition located at the NE corner of Bryan and Bradley. Case S06-11 Applicant: Landes Engineering, LLC *Deferred from June 6, 2011 meeting*
 7. Public hearing and consider an ordinance to rezone property located at 606 East Seymour from R-1; Single Family Residential to R-3; Multi-Family Dwelling. Case P09-11 Applicant: Abner Monterroso
 8. Public hearing and consider an ordinance to rezone property located at 909 East Independence from C-1; Neighborhood Commercial to R-3; Multi-Family Dwelling. Case P10-11 Applicant: Kaye Steele Harrod
 9. Consider agreement with South Central Industries, Inc. for Right-of-Way Maintenance Services.
 10. Acknowledge Sales Tax report received July, 2011.
 11. Consider Bids:
 - a. Rehabilitate Runway 17-35; Grade Safety and Construction Connecting Taxiway. AIP Project 3-40-0088-015-2011.- Contract No. COS-PW-11-01 (Open)

12. New Business

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

13. Administrative Reports

14. Commissioners Comments

15. Consider an Executive Session to discuss City Manager's evaluation pursuant to 25 O. S. §307 (B) (1).

16. Consider matters discussed in Executive Session regarding City Manager's evaluation pursuant to 25 O. S. §307 (B) (1).

17. Adjournment

Respectfully submitted

Phyllis Loftis, City Clerk

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

Regular Board of Commissioners

2. a.

Meeting Date: 07/18/2011

Bid Opening

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge staff will proceed in the instant meeting with the opening and consideration of bids as set forth in Agenda Item Number 11.

Regular Board of Commissioners

2. b.

Meeting Date: 07/18/2011

Minutes from July 5, 2011

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Minutes from the July 5, 2011 regular meeting.

Attachments

Commission Minutes from July 5, 2011

BOARD OF CITY COMMISSIONERS PROCEEDINGS
JULY 5, 2011 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, Tuesday, July 5, 2011 at 6:30 p.m., pursuant to notice duly posted as prescribed by law. Mayor Peterson presided and called the meeting to order. Upon roll call, the following members were in attendance.

Linda Peterson

Mayor

Absent

Commissioner Ward 1

Frank Sims

Commissioner Ward 2

James Harrod

Commissioner Ward 3

Billy Collier

Commissioner Ward 4-Vice Mayor

John Winterringer

Commissioner Ward 5

Absent

Commissioner Ward 6

ABSENT: Pam Stephens, Steve Smith

INVOCATION

REV. RAY BELFORD

FIRST CHRISTIAN CHURCH

FLAG SALUTE

AGENDA ITEM NO. 1:

Consider approval of Agenda.

A motion was made by Vice Mayor Collier, seconded by Commissioner Harrod, to approve the Agenda. Motion carried 5-0.

AYE: Collier, Harrod, Peterson, Winterringer, Sims

NAY: None

AGENDA ITEM NO. 2:

Consider approval of Consent Agenda:

- a. Acknowledge staff will proceed in the instant meeting with the opening and consideration of bids as set forth in Agenda Item Number 6.
- b. Minutes from the June 20, 2011 regular meeting.
- c. Acknowledge the following minutes:
 - Shawnee Civic and Cultural Development Authority minutes from May 19, 2011
 - Traffic Commission minutes from April 26, 2011
- d. Acknowledge re-instatement of Robert Cash to the Beautification Committee, term to expire 12/31/12 1st full term.
- e. Authorize the City Manager to sign a commitment letter to participate in the Bring It Home Energy Conservation program.
- f. Authorize staff to advertise for bids for the Safe Routes to School Sidewalk Project.
- g. Authorize staff to advertise for bids for the Lake Road Bridge Repair Project.
- h. Authorize staff to advertise for bids for the North Harrison Median Landscaping Project.
- i. Lakesite Lease

Transfers:

Lot 2 Belcher Tract, 15512 Nickens Road

From: Tibbs

To: Perkins & Vickery

Lot 5 Magnino A Tract, 17104 Magnino Road

From: Carroll

To: Childers

Renewals:

Lot 5 Green Tract, 32101 Hornbeck Road

Bykerk

Lot 3 Roewe Tract, 15515 Perry Road

Moore

j. Traffic Commission Recommendations from June 28, 2011

A. Consideration of request by Parks Department staff for street light at the corner of W. Farrall and Dockrey Ballfield.

STAFF RECOMMENDATION: Staff recommends installation at requested location.

BOARD RECOMMENDATION: Board agrees with staff recommendation.

B. Consideration of request by Mike Pritchard, 832 W. Forrest, to put up a vapor light at the corner of Forrest and Tennessee

STAFF RECOMMENDATION: Staff recommends to deny this request.

BOARD RECOMMENDATION: Board agrees with staff recommendation.

A motion was made by Commissioner Harrod, seconded by Commissioner Sims, to approve the Consent Agenda Items a – j. Motion carried 5-0.

AYE: Harrod, Sims, Peterson, Collier, Winterringer

NAY: None

COMMISSIONER COLLIER NOW PRESENT AT 6:35 P.M.

AGENDA ITEM NO. 3:

Citizens Participation

(A three minute limit per person)

(A twelve minute limit per topic)

There was no Citizens Participation.

AGENDA ITEM NO. 4:

Consider acceptance of Final Plat and public easement and infrastructure for Linden Heights First Addition.

A motion was made by Commissioner Sims, seconded by Vice Mayor Collier, to accept the Final Plat and public easement and infrastructure for Linden Heights First Addition. Motion carried 6-0.

AYE: Sims, Collier, Winterringer, Smith, Harrod, Peterson

NAY: None

AGENDA ITEM NO. 5:

Consider renewal of contract with Central Disposal for the period July 1, 2011 to June 30, 2012, amending Section II to allow for creation of an escrow account in lieu of a performance bond.

A motion was made by Commissioner Harrod, seconded by Commissioner Winterringer, to renew the contract with Central Disposal for the period July 1, 2011 to June 30, 2012, amending Section II to allow for creation of an escrow account in lieu of a performance bond. Motion carried 6-0.

AYE: Harrod, Winterringer, Smith, Sims, Peterson, Collier

NAY: None

AGENDA ITEM NO. 6:

Consider Bids:

- a. Auditorium Heat and Air Project Design/Build RFP(Open)

No bids received.

James Bryce reported the contractors that attended the pre-bid meeting indicated they were not interested in bidding the design and engineering of the project and wanted the City to furnish the specifications and engineering of the project.

AGENDA ITEM NO. 7:

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. 8: Administrative Reports

There were no Administrative Reports.

AGENDA ITEM NO. 9: Commissioners Comments

Commissioner Winterringer commented on the Municipal Pool not being open on July 4. He was very disappointed to see it was closed. He also commented that retail businesses noticed a decrease in business on the 4th of July evening and wondered is it could partially be due to the City not having any type of celebration this year.

Mayor Peterson reported the parade and celebration in the Veterans Memorial Park to dedicate the donated helicopter was very nice and thanked the military groups for their work in putting this together. She and Commissioner Harrod also thanked the staff for their contribution to set-up and traffic control.

Mayor Peterson then commented on questions concerning fire rates on property inside/outside the city limits. She asked Chief Gibson to comment. Chief Gibson explained there had been no change in the response areas for the department for the last 11 years. ISO rating for the City of Shawnee is a 4, on a scale of 1-10, 1 being best. Outside the city limits the rating is higher which may cause a change in insurance rates.

AGENDA ITEM NO. 10: Adjournment

There being no further business to be considered, a motion was made by Commissioner Sims, seconded by Commissioner Winterringer, that the meeting be adjourned. Motion carried 6-0. (6:52 p.m.)

AYE: Sims, Winterringer, Smith, Harrod, Peterson, Collier

NAY: None

LINDA PETERSON, MAYOR

ATTEST:

DONNA MAYO, DEPUTY CITY CLERK

Regular Board of Commissioners

2. c.

Meeting Date: 07/18/2011

Board and Committee Minutes

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge the following minutes:

- Planning Commission minutes from June 1, 2011
- Shawnee Urban Renewal Authority minutes from June 7, 2011

Attachments

Planning Comm Minutes June 1, 2011

SURA Minutes June 7, 2011

PLANNING COMMISSION MINUTES

DATE: June 1, 2011

The Planning Commission of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in Commission Chambers, at City Hall, 9th and Broadway, on Wednesday, June 1, 2011 at 1:30 p.m., pursuant to notice duly posted as prescribed by law. Justin Erickson, Planning Director for the City of Shawnee, presented the staff reports. Staff reports are available upon request.

AGENDA ITEM NO. 1: Roll Call

Upon roll call the following members were present:

Jimmy Nickles, Kirk Hoster, Louis Maltos, Shawna Turner, Chris Silvia, Ben Salter

A quorum was declared present and the meeting was called to order.

Note: Brad Carter arrived at 1:35 p.m. during agenda item #4.

AGENDA ITEM NO. 2: Approval of the minutes from the May 4, 2011 Planning Commission Meeting.

Louis Maltos asked for a motion, Commissioner Turner made a motion seconded by Commissioner Salter to approve the May 4, 2011 minutes,

Motion carried:

AYE: Turner, Salter, Hoster, Silvia

NAY: None

ABSTAIN: Nickles, Maltos

AGENDA ITEM NO. 3: Swear in new commissioners, Carl Holt and Taylor Prince.

Carl Holt was sworn in as Planning Commissioner. Mr. Prince was not present to swear in.

Note: Louis Maltos & Jimmy Nickles left the meeting. Shawna Turner conducted the balance of the meeting.

AGENDA ITEM NO. 4: Consideration of approval of a fee-in-lieu-of sidewalk construction for property located at 100 E. 45th St. Applicant: Dr. Marshall Gleckler.

Shawna Turner asked for the staff report. Justin Erickson presented the staff report. After presenting the staff report Mr. Erickson recommended approval subject to the following conditions:

1. The applicant shall submit payment to be determined by the City of Shawnee within 30 days of the date of the Planning Commission's decision;
2. The City of Shawnee shall issue a Final Certificate of Occupancy upon receipt of such funds; and
3. The City of Shawnee shall place payment in a separate fund used exclusively for the purposes of sidewalk improvements.

Shawna Turner opened the public hearing and asked if anyone was for or against the proposal. No one came forward.

Shawna Turner asked for a motion, Commissioner Hoster made a motion, seconded by Commissioner Carter to accept payment in lieu of building a sidewalk as outlined by staff.

Motion carried:

AYE: Hoster, Carter, Turner, Holt, Silvia, Salter

NAY: None

ABSTAIN: None

AGENDA ITEM NO. 5:

**Case # P07-11 – Consideration of approval of an amendment to the Legacy Park P.U.D. to change the building height from 35 feet to 48 feet for property located at 1701 Airport Rd.
Applicant: Landes Engineering, LLC.**

Shawna Turner asked for the staff report. Justin Erickson presented a combined staff report for the amendment, preliminary and final plats for Legacy Park Second Addition. Mr. Erickson recommended approval of the Legacy Park Second Addition Preliminary and Final plats and the PUD Amendment, subject to the following conditions:

1. Final infrastructure and site development plans shall be submitted by the applicant and approved by the City and the City Engineer prior to construction.
2. All other applicable City standards apply.
3. No other deviations from the approved PUD are approved.
4. A three-story structure up to 48 feet tall may be constructed on the subject site.
5. The two existing curb cuts located along Airport Drive shall be closed and curbed to City standards concurrent with site development.

Shawna Turner opened the public hearing and asked if anyone was for or against the proposal. Richard Landes came forward and spoke for the proposal. No one spoke against the proposal.

Shawna Turner asked for a motion, Commissioner Carter made a motion, seconded by Commissioner Silvia to approve Legacy Park Second Addition Preliminary and Final plats and the PUD Amendment, subject to the conditions as outlined by staff.

Motion carried:

AYE: Carter, Silvia, Salter, Hoster, Turner, Holt

NAY: None

ABSTAIN: None

AGENDA ITEM NO. 6:

**Case # S07-11 & S08-11 – Consideration of approval of a preliminary & final plat for Legacy Park Second Addition located east side of Airport Rd. south of Saratoga.
Applicant: Landes Engineering, LLC.**

Approved with Agenda Item #5.

AGENDA ITEM NO. 7:

**Case # P08-11 – Consideration of approval to rezone property located at 1905 N. Bryan from R-1 & A-1 to a Planned Unit Development (P.U.D.).
Applicant: Landes Engineering, LLC.**

Shawna Turner asked for the staff report. Justin Erickson presented a combined staff report for the rezoning, preliminary and final plats for Primrose Addition. After presenting the staff report, Mr. Erickson recommended that the Planning Commission defer action on the Primrose Addition Final Plat until the July 6 regular meeting and recommended approval of the Primrose Addition PUD and Preliminary Plat, subject to the following conditions:

1. The three existing curb cuts along the Bryan Street shall be closed and curbed, in accordance with City standards concurrent with site development.
2. In accordance with the Shawnee Zoning Code, screening is required along the northern and eastern property lines.

3. The proposed sidewalks shown on the submitted site plan/preliminary plat shall be constructed along Bryan Street and Bradley Street.
4. A maximum building height of 51 feet is allowed for the main structure. Villa (townhouse/duplex) units shall not exceed 35 feet in height.
5. A detailed landscaping plan shall be submitted prior to building permit issuance.
6. A reduction in the number of required parking spaces is hereby approved, provided that a minimum of 87 spaces are constructed excluding the villa units.
7. All other applicable City standards apply.
8. All existing water wells shall be decommissioned as required in accordance with City code and State law.
9. All exterior lighting shall be oriented and shielded to prevent "light trespass" onto adjacent residential properties.
10. Unless otherwise conditioned by the City, all development shall be consistent with the Primrose Retirement Community Master Plan prepared by Landes Engineering and dated May 2011. Site design shall be substantially similar to submitted drawings, details, photographs and renderings.

Shawna Turner opened the public hearing and asked if anyone was for the proposal. Richard Landes came forward in favor of the proposal and answered questions from the commission. Mr. Jim Thores, founder of Primrose Retirement Communities, also came forward in favor of the proposal.

Shawna Turner asked if anyone was against the proposal no one came forward.

Shawna Turner asked for a motion, Commissioner Silvia made a motion, seconded by Commissioner Hoster to defer the final plat until the July 6 regular meeting and approve the Primrose Addition PUD and Preliminary Plat, subject to the conditions as outlined by staff.

Motion carried:

AYE: Silvia, Hoster, Carter, Turner, Holt, Salter

NAY: None

ABSTAIN: None

AGENDA ITEM NO. 8:

**Case # S05-11 – Consideration of approval of a preliminary plat for Primrose Addition located at the NE corner of Bryan & Bradley.
Applicant: Landes Engineering, LLC.**

Approved with Agenda Item 7.

AGENDA ITEM NO. 9:

**Case # S06-11 – Consideration of approval of a final plat for Primrose Addition located at the NE corner of Bryan & Bradley.
Applicant: Landes Engineering, LLC.**

Deferred to July 7, 2011 meeting.

AGENDA ITEM NO. 10:

Discuss and consider a recommendation to the City Commission concerning the “Bring It Home” project and adoption of the International Energy Conservation Code.

After a lengthy discussion, Shawna Turner asked for a motion, Commissioner Silvia made a motion, seconded by Commissioner Carter to recommend the City participate in the “Bring it Home Project” on a voluntary basis only.

Motion carried:

AYE: Silvia, Carter, Turner, Holt, Salter

NAY: None

ABSTAIN: Hoster

AGENDA ITEM NO. 11:

Planning Director’s report.

Justin Erickson reported there were 10 new home permits, 7 residential remodel permits and 1 major commercial permit issued in May.

AGENDA ITEM NO. 12:

New Business/Commissioner Comments

No new business was discussed.

AGENDA ITEM NO. 13:

Adjournment

Meeting was adjourned.



Chairman/Vice-Chairman

Karen Drain
Karen Drain, Planning Commission Secretary

SHAWNEE URBAN RENEWAL AUTHORITY MINUTES OF JUNE 7, 2011

The Board of Commissioners of the **Shawnee Urban Renewal Authority** met for a regular meeting Tuesday, June 7, 2011 at 9:00 a.m. in the 4th Floor Conference Room, Masonic Building, 23 E. 9th, Room 440, Shawnee, Oklahoma.

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

AGENDA ITEM NO. 2

ROLL CALL:

Roll call was taken showing the following members present:

	Chairman	Stephen Rice
	Commissioner	Tiffany Barrett
	Commissioner	Patty L. Nida
Absent:	Commissioner	Monte Cockings
	Commissioner	Sim K. Sims
Guest:	Brian McDougal	City Manager
	Jeannetta Townes	

Also present:

Justin Erickson, Program Director
Mike Wolf, Program Manager, SURA
Elaine Shrum, Administrative Specialist, SURA
Curtis Smith, Rehab Specialist, SURA

A quorum was declared.

AGENDA ITEM NO. 3

APPROVAL OF MINUTES:

A motion to approve the minutes of April 5, 2011 was made by **Commissioner Barrett**, seconded by **Commissioner Nida**. Motion carried with no abstentions.

VOTING YES: Rice, Barrett and Nida
VOTING NO: None

AGENDA ITEM NO. 4
APPROVAL OF CLAIMS:

A motion to approve claims totaling \$ 40,685.50 was made by **Commissioner Nida**, seconded by **Commissioner Barrett**. Motion carried with no abstentions.

VOTING YES: Rice, Barrett and Nida
VOTING NO: None

AGENDA ITEM NO. 5
REQUEST FOR ASSISTANCE:

Curtis Smith, Rehab Specialist reported on the following requests for assistance:

- a) Deferred Payment Loan: Karen Benavides, 4401 N. Pottenger

Ms. Benavides is 58 years old and lives alone. She has lived in her home 3 years. She is income qualified. Her home needs siding, windows and replace air conditioning.

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

VOTING YES: Rice, Barrett, and Nida
VOTING NO: None

- b) Emergency Assistance: T.J. Bierd, 8 Red Rock Rd

Ms. Bierd is 73 years old and lives alone. She has lived in her home 38 years. She is on Social Security and is income qualified. Her home needs a ramp and the bathroom handicap accessible.

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

VOTING YES: Rice, Barrett, and Nida
VOTING NO: None

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

Mike Wolf, Program Manager reported on the following requests:

- a) Updated Adopted Citizen Participation Plan

A motion to approve the Citizen Participation Plan was made by **Commissioner Nida**, seconded by **Commissioner Barrett**. Motion carried with no abstentions.

VOTING YES: Rice, Barrett and Nida
VOTING NO: None

- b) CDBG FY 2011-2012 One Year Action Plan

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

VOTING YES: Rice, Barrett and Nida
VOTING NO: None

- c) Lease Agreements with COCAA

We have lease agreements with COCAA for three properties: 613 N. Dorothy, 1630 N. Park, and a duplex at 104 S. Chapman.

A motion to approve the lease agreements was made by **Commissioner Barrett**, seconded by **Commissioner Nida**. Motion carried with no abstentions.

VOTING YES: Rice, Barrett and Nida
VOTING NO: None

**AGENDA ITEM NO. 7
UPDATE ON BID OPENINGS:**

- a) Deferred Payment Loan: Thomas Fast, 1417 E. Walnut

The bid was awarded to Hall & Co. The project is complete.

- b) Emergency Assistance: Sylvene Hillis, 2401 N. Union

The bid was awarded to LG Construction.

AGENDA ITEM NO. 8
BID OPENING:

- a) Home Repair: Wesley & Shelly Smith, 323 N. Chapman
Cost Estimate: \$ 35,000.00

<u>Contractor</u>	<u>Amount</u>
LG Construction	\$ 39,634.00
Hall & Co.	29,975.00

A motion to refer the bids to staff for review and award was made by **Commissioner Barrett**, seconded by **Commissioner Nida**. Motion carried with no abstentions.

VOTING YES: Rice, Barrett, and Nida
VOTING NO: None

AGENDA ITEM NO. 9
OLD BUSINESS:

There was no old business.

AGENDA ITEM NO. 10
NEW BUSINESS:

Mike Wolf, Program Manager reported that SURA owns a vacant lot at 1311 E. Ada and a neighbor wants to purchase it. **Mike** requested approval from the Board to sell the lot for the appraised price of \$3,500.00.

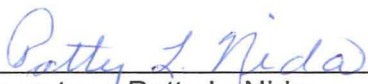
A motion to sell the lot was made by **Commissioner Barrett**, seconded by **Commissioner Nida**. Motion carried with no abstentions.

VOTING YES: Rice, Barrett, and Nida
VOTING NO: None

AGENDA ITEM NO. 11
ADJOURNMENT

There being no further business to come before the Board at this time, a motion to adjourn at 9:20 a.m. was made by **Commissioner Barrett**, seconded by **Commissioner Nida**. Motion carried with no abstentions.

VOTING YES: Rice, Barrett, and Nida
VOTING NO: None


Secretary, Patty L. Nida


Chairman, Stephen Rice

Regular Board of Commissioners

2. d.

Meeting Date: 07/18/2011

Budget E-911

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Budget Amendment FY 2012-2012 Fund 102 E-911

Explanation

To allow EM to attend the APCO conference in PA- this was inadvertently left out of the budget for the E-911 Fund

Attachments

Budget Amendment E911

Estimated Revenue, Fund Balance, or Transfers IN

Fund Number	Account Number	Project Code	Line Item	Description	Balance Before Amendment	Amount of Amendment Increase (Decrease)	Balance After Amendment
102	3001			Fund Balance	292,378.31	(6,500.00)	285,878.31
							-
							-
				Total		(6,500.00)	285,878.31

Appropriations

Fund Number	Account Number	Project Code	Line Item	Description	Balance Before Amendment	Amount of Amendment Increase (Decrease)	Balance After Amendment
102	5-0740-5345			Travel	-	6,500.00	6,500.00
							-
							-
							-
							-
							-
							-
							-
							-
							-
							-
							-
							-
							-
							-
							-
							-
							-
							-
					-	6,500.00	6,500.00

Approved by the City Commission this

To allow EM to attend the APCO conference in PA- this was inadvertently left out of the budget for E-911 Fund

Approved:

Mayor

Attest:

Posted By _____ Date _____ BA# _____ Pkt.# _____

Regular Board of Commissioners

2. e.

Meeting Date: 07/18/2011

Budget Amendment CDBG Entitlement 05-06-07-08-09-10

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Budget Amendment FY 2011-2012 CDBG Entitlement Grant Fund for 2005, 2006, 2007, 2008, 2009, and 2010

Explanation

Appropriate 2005 CDBG Entitlement Funds for FY 2011 - FY 2012 (Rollover)

Appropriate 2006 CDBG Entitlement Funds for FY 2011 - FY 2012 (Rollover)

Appropriate 2007 CDBG Entitlement Funds for FY 2011 - FY 2012 (Rollover)

Appropriate 2008 CDBG Entitlement Funds for FY 2011 - FY 2012 (Rollover)

Appropriate 2009 CDBG Entitlement Funds for F Y 2011 - FY 2012 (Rollover)

Appropriate 2010 CDBG Entitlement Funds for FY 2011 - FY 2012 (Rollover)

Attachments

CDBG Entitle Grants Rollover

iv

Appropriations

2011-2012 Fund Rollover

July 18, 2011

Estimated Revenue or Fund Balance

Fund Number	Account Number	Project Code	Line Item	Description	Balance Before Amendment	Amount of Amendment Increase (Decrease)	Balance After Amendment
182	4101	C07		Federal Grant Revenue	-	21,959.77	21,959.77
						-	-
				Total		21,959.77	

Appropriations

[illegible]

Approved by the City Commission this
18th day of July, 2011.

Explanation of Budget Amendment:

Appropriate 2007 CDBG Entitlement Funds for FY 2011 - FY 2012 (Rollover).

Approved:

Mayor

Attest:

Posted By _____ Date _____ BA# _____ Pkt.# _____

City Clerk

Fund Number	Account Number	Project Code	Line Item	Description	Balance Before Amendment	Amount of Amendment Increase (Decrease)	Balance After Amendment
183	4101	C08		Federal Grant Revenue	-	10,869.68	10,869.68
						-	-
				Total		10,869.68	

[illegible]

Appropriate 2008 CDBG Entitlement Funds for FY 2011 - FY 2012 (Rollover).

City Clerk

Posted By _____ Date _____ BA# _____ Pkt.# _____

July 18, 2011

Estimated Revenue or Fund Balance

Fund Number	Account Number	Project Code	Line Item	Description	Balance Before Amendment	Amount of Amendment Increase (Decrease)	Balance After Amendment
184	4101	C08		Federal Grant Revenue	-	40,596.02	40,596.02
							-
				Total		40,596.02	

Appropriations

[illegible]

18th day of July, 2011.

Explanation of Budget Amendment:

Appropriate 2009 CDBG Entitlement Funds for FY 2011- FY 2012 (Rollover)

Approved:

Mayor

Attest:

Posted By _____ Date _____ BA# _____ Pkt.# _____

City Clerk

July 18, 2011

Estimated Revenue or Fund Balance

Fund Number	Account Number	Project Code	Line Item	Description	Balance Before Amendment	Amount of Amendment Increase (Decrease)	Balance After Amendment
186	4101	C10		Federal Grant Revenue	-	322,328.50	322,328.50
						-	-
				Total		322,328.50	

Appropriations

[illegible]

Approved by the City Commission this

18th day of July, 2011.

Explanation of Budget Amendment:

Appropriate 2010 CDBG Entitlement Funds for FY 2011 - FY 2012 (Rollover)

Approved:

Mayor

Attest:

Posted By _____ Date _____ BA# _____ Pkt.# _____

City Clerk

Regular Board of Commissioners

2. f.

Meeting Date: 07/18/2011

Budget Amend ODOC NSP Program

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Budget Amendment FY 2010-2011 ODOC NSP Program Fund

Explanation

Appropriate NSP Funds from ODOC for Housing Rehabilitation
FY 2011 - FY 2012 (Rollover).

Attachments

ODOC NSP Program

Estimated Revenue or Fund Balance

Appropriations

2011-2012 Fund Rollover

Regular Board of Commissioners

2. g.

Meeting Date: 07/18/2011

Budget Amendment HOME Rehad Program

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Budget Amendment FY2011-2012 HOME Rehab Program Income

Explanation

Appropriate HOME Grant Program Income for Housing Rehabilitation

FY 2011 - FY 2012 (Rollover)

Attachments

HOME Rehab

July 18, 2011

Estimated Revenue or Fund Balance

Fund Number	Account Number	Project Code	Line Item	Description	Balance Before Amendment	Amount of Amendment Increase (Decrease)	Balance After Amendment
199	4830			Program Income	-	113,010.91	113,010.91
					-	-	-
				Total		113,010.91	

Appropriations

[illegible]

Approved by the City Commission this
18th day of July, 2011.

Explanation of Budget Amendment:

Appropriate HOME Grant Program Income for Housing Rehabilitation

FY 2011 - FY 2012 (Rollover)

Approved:

Mayor

Attest:

Posted By _____ Date _____ BA# _____ Pkt.# _____

City Clerk

Regular Board of Commissioners

2. h.

Meeting Date: 07/18/2011

Lake Lease Renewal

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Lake Lease Renewal

Lot 4 Skipper Tract, 16612 Archery Range Road

S. Cole and P. Hardeman

Attachments

Lake Lease Renewal



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

**SHAWNEE TWIN LAKES CABIN SITE LEASES
SUMMARY/INSPECTION REPORT – FOR RENEWALS/TRANSFERS**

Date	06/13/11	License No. #009281
Type	☒ Renewal ☐ Transfer (Fee: \$1,000)	
Commission Meeting Date	July 18, 2011	
Property Address	16612 ARCHERY RANGE RD	
Lake Site Location	LOT 4 SKIPPER TRACT	
Lease Dates	5/7/2011 – 5/7/2041	
Lease Fee (changes annually)	\$612.00	
Inspection Fee	\$75.00 Applicable: ☒ Yes ☐ No	
Lessee (Transfer To)		
Name(s)	SALLY COLE & PAULA HARDEMAN	
Address	SEE FILE	
Phone	SEE FILE	
Current Lessee (Transfer From) (if applicable)		
Name(s)		
Address		
Phone		
Inspection Information		
Inspection Required	☒ Yes ☐ No (if no, due:)	
DEQ Report on File	☒ Yes ☐ No	
Type of Septic System	☐ Conventional ☒ Aerobic	
Last Inspected/Pumped	07/06/11	
Misc. Comments		
Total Charges Paid: \$687.00		

Regular Board of Commissioners

2. i.

Meeting Date: 07/18/2011

OMRF DC Refund

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan for Michael Rone.

Regular Board of Commissioners

2. j.

Meeting Date: 07/18/2011

OMRF DC Refund

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan for Patrick Burge.

Regular Board of Commissioners

2. k.

Meeting Date: 07/18/2011

OMRF DC Refund

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan for Philip Martin.

Regular Board of Commissioners

2. I.

Meeting Date: 07/18/2011

OMRF DC Refund

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan for Anthony Robbins.

Regular Board of Commissioners

2. m.

Meeting Date: 07/18/2011

OMRF DC Refund

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan for Lance Groves.

Regular Board of Commissioners

2. n.

Meeting Date: 07/18/2011

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan for Patrick Thomas.

Regular Board of Commissioners

2. o.

Meeting Date: 07/18/2011

OMRF DC Refund

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan for Brent Deaver.

Regular Board of Commissioners

2. p.

Meeting Date: 07/18/2011

OMRF DC Refund

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan for Shaina Salazar.

Regular Board of Commissioners

2. q.

Meeting Date: 07/18/2011

OMRF DC Refund

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan for Shane Withrow.

Regular Board of Commissioners

4.

Meeting Date: 07/18/2011

Mayor's Proclamation

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Mayor's Proclamation:

"Jennae Lutomski Day"

July 18, 2011

Regular Board of Commissioners

5.

Meeting Date: 07/18/2011

Employee of the Month

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

City Manager presentation of Employee of the Month to Derek Woody, Utility Billing Department.

Regular Board of Commissioners

6.

Meeting Date: 07/18/2011

Final Plat Primrose Addition

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consider approval of a final plat from Primrose Addition located at the NE corner of Bryan and Bradley.
Case S06-11 Applicant: Landes Engineering, LLC *Deferred from June 6, 2011 meeting*

Attachments

Final Plat Primrose Addition

RECOMMENDATION TO:

MAYOR

BOARD OF CITY COMMISSIONERS

CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE

PLANNING COMMISSION

SUBJECT:APPLICANT: Landes Engineering, LLCFOR: Final Plat for Primrose AdditionLOCATION: NE corner of Bryan & BradleyPROJECT NUMBER 110527CASE NUMBER S06-11

PLANNING COMMISSION MEETING DATE:

July 6, 2011

PLANNING COMMISSION RECOMMENDATION:

Approval with conditions:

1. The City Engineer shall approve the final engineered storm water management plan prior to issuance of a building permit on the subject site.
2. All previous approval conditions set forth in the Combined Staff Report presented at the June 1, 2011 Planning Commission Meeting and approved by the Shawnee City Commission on June 6 continue to apply.

VOTE OF THE PLANNING COMMISSION:

MEMBERS PRESENT: 6

MEMBERS:	1ST	2ND	AYE	NAY	ABSTAIN	COMMENTS
PRINCE		X	X			
HOSTER						ABSENT
CARTER			X			
HOLT			X			
TURNER (VICE)			X			
SILVIA	X		X			
SALTER			X			

RESPECTFULLY SUBMITTED,

Karen Drain

SECRETARY, PLANNING COMMISSION

ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: _____

DATE OF ACTION: _____

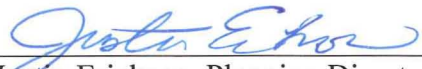
ADOPTED _____ DENIED _____



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

STAFF REPORT ADDENDUM
PRIMROSE RETIREMENT COMMUNITY
Case #S06-11 (see also: #P08-11 and #S05-11)

TO: Shawnee Planning Commission

FROM: 
Justin Erickson, Planning Director

AGENDA: July 6, 2011

RE: Primrose Addition: Final Plat Recommendation

SUMMARY

At the June 1, 2011 meeting, the City Engineer was unable to recommend final plat approval due to missing engineering plans and specifications. Additional information has been submitted including a drainage report and plan, and plan and profiles for the proposed public water main extension. Additional review and modifications are necessary prior to construction; however, the City Engineer is able to recommend final plat approval at this time.

STAFF RECOMMENDATION

Staff recommends **approval** of the Primrose Addition Final Plat subject to the following conditions:

1. The City Engineer shall approve the final engineered stormwater management plan prior to issuance of a building permit on the subject site.
2. All previous approval conditions set forth in the Combined Staff Report presented at the June 1, 2011 Planning Commission Meeting and approved by the Shawnee City Commission on June 6 continue to apply.

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
(kdrain@shawneeok.org) and filing fees upon submitting this application.

APPLICANT Landes Engineering, LLC

APPLICANT ADDRESS 903 E. 35th Street, Shawnee, OK 74804

APPLICANT PHONE NUMBERS 405-275-5388

EMAIL ADDRESS landesengineering@landesengineering.net

NAME OF PLAT Primrose Addition

LOCATION Northeast corner of intersection of Bryan & Bradley Streets

NUMBER OF ACRES 8.17 NUMBER OF LOTS 1

FOR 2 ACRE LOTS OR GREATER DEVELOPMENTS: COST IS \$325.00

PLUS **\$3.00** PER LOT UP TO FIFTY (50) LOTS NUMBER OF LOTS 1 3.00

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

TOTAL COST \$328.00

FOR LESS THAN 2 ACRE LOTS: COST IS \$325.00

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

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

TOTAL COST

OWNER/DEVELOPER INFORMATION:

NAME Primrose Retirement Communities LLC

ADDRESS 815 N. 2nd St., Aberdeen, SD 57402

CONTACT NUMBERS 866-874-3300

EMAIL ADDRESS company@primrosetirement.com

PROJECT ENGINEER INFORMATION:

NAME Richard Landes

ADDRESS 903 E. 35th St., Shawnee, OK 74804

CONTACT NUMBERS 405-275-5388

EMAIL ADDRESS landesengineering@landesengineering.net

Regular Board of Commissioners

7.

Meeting Date: 07/18/2011

Rezone 606 E Seymour Case P09-11

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Public hearing and consider an ordinance to rezone property located at 606 East Seymour from R-1; Single Family Residential to R-3; Mulit-Family Dwelling. Case P09-11 Applicant: Abner Monterroso

Attachments

Rezone 606 E Seymour

RECOMMENDATION TO:

MAYOR
BOARD OF CITY COMMISSIONERS
CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE
PLANNING COMMISSION

SUBJECT:

APPLICANT: Abner Monterroso
FOR: Rezone
LOCATION: 606 E. Seymour
PROJECT#: 110650 Case# P09-11

LEGAL DESCRIPTION:

SEE OWNERSHIP LIST

CURRENT CLASSIFICATION: R-1; Single Family Residential
REQUESTED CLASSIFICATION: R-3: Multi-family
PROPOSED PROPERTY USE: Triplex

PLANNING COMMISSION MEETING DATE: July 6, 2011

PLANNING COMMISSION RECOMMENDATION: Defer to August 3, 2011 meeting

VOTE OF THE PLANNING COMMISSION:

MEMBERS PRESENT: _____

MEMBERS:	1ST	2ND	AYE	NAY	ABSTAIN	COMMENTS
HOLT			X			
HOSTER						ABSENT
CARTER	X		X			
PRINCE			X			
TURNER (CHAIR)			X			
SILVIA (VICE-CHAIR)		X	X			
SALTER			X			

RESPECTFULLY SUBMITTED,

Karen Drain

SECRETARY, PLANNING COMMISSION

ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: _____

DATE OF ACTION: _____

ADOPTED _____ DENIED _____

ORDINANCE NO. _____

Regular Board of Commissioners

8.

Meeting Date: 07/18/2011

Rezone 909 E Independence Case P10-11

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Public hearing and consider an ordinance to rezone property located at 909 East Independence from C-1; Neighborhood Commercial to R-3; Multi-Family Dwelling. Case P10-11 Applicant: Kaye Steele Harrod

Attachments

Rezone 909 E Indep

RECOMMENDATION TO:

MAYOR
BOARD OF CITY COMMISSIONERS
CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE
PLANNING COMMISSION

SUBJECT:

APPLICANT: Kaye Steele Harrod
FOR: Rezone
LOCATION: 909 E. Independence
PROJECT#: 110651 Case# P10-11

LEGAL DESCRIPTION:

SEE OWNERSHIP LIST

CURRENT CLASSIFICATION: C-1; Neighborhood Commercial
REQUESTED CLASSIFICATION: R-3: Multi-family
PROPOSED PROPERTY USE: Apartments

PLANNING COMMISSION MEETING DATE: July 6, 2011

PLANNING COMMISSION RECOMMENDATION: Approval

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

MEMBERS:	1ST	2ND	AYE	NAY	ABSTAIN	COMMENTS
HOLT			X			
HOSTER						ABSENT
CARTER			X			
PRINCE			X			
TURNER (CHAIR)			X			
SILVIA (VICE-CHAIR)	X		X			
SALTER		X	X			

RESPECTFULLY SUBMITTED,

Karen Drain

SECRETARY, PLANNING COMMISSION

ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: _____

DATE OF ACTION: _____

ADOPTED _____ DENIED _____

ORDINANCE NO. _____



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

STAFF REPORT
Case #10-11

TO: Shawnee Planning Commission

AGENDA: July 6, 2011

RE: CASE #P10-11; Consideration of rezone request (C-1 to R-3)

PROPOSAL

Rezone the subject site, which is currently zoned C-1 (Neighborhood Commercial) to R-3 (High Density Residential) to facilitate high-density residential development of the site (apartments, etc.). The site is approximately two acres in size and was the former site of the Rose Manor nursing home, before it was demolished. The neighborhood is typified by commercial and non-residential uses, along with one high-density housing development within close proximity of the subject site.

GENERAL INFORMATION

Applicant	Kay Steele Harrod
Owner	Same as above
Site Location/Address	909 E. Independence
Current Site Zoning	C-1
Parcel Size	2.0 acres
Proposed Zoning	R-3
Proposed Use	Multi-family residential (apartments)
Comprehensive Plan Designation	Commercial
Existing Land Use	Vacant (previous site of Rose Manor which was demolished in 2010)
Surrounding Land Use	<u>North</u> : Commercial, office

	<u>South:</u> Fairview Cemetery <u>West:</u> Commercial, retail <u>East:</u> High-density residential
Surrounding Zoning	<u>North:</u> C-3 <u>South:</u> R-1 <u>West:</u> C-1 <u>East:</u> C-1

STAFF ANALYSIS AND FINDINGS

The subject property is currently zoned C-1 – Neighborhood Commercial. Figures 1-2 illustrate zoning, site conditions, and surrounding land use. The Shawnee Comprehensive Plan (2005) indicates that commercial and/or residential uses are acceptable future land uses on the site (see Figure 3). Therefore, the applicant’s proposal is consistent with the Shawnee Comprehensive Plan.

The proposed zoning classification of R-3 (Multi-Family Residential) will accommodate uses such as an apartment complex and other similar residential uses. No project plans have been submitted to date. Approval of the subject rezone is not expected to negatively impact public health, safety or welfare. The site is well-suited for multi-family development

The surrounding neighborhood consists mostly of commercial uses ranging from retail and heavy commercial (Walgreens, auto parts store, etc.) to office and other non-residential uses. A senior housing complex called The Towers (1130 E. Independence) is located northeast of the subject site and consists of a five-story building with 96 units. The Towers was completed in 1981.

RECOMMENDATION

Based on the analysis and findings above, Staff recommends approval of the request to rezone the subject property from C-1 to R-3 as submitted by the applicant.

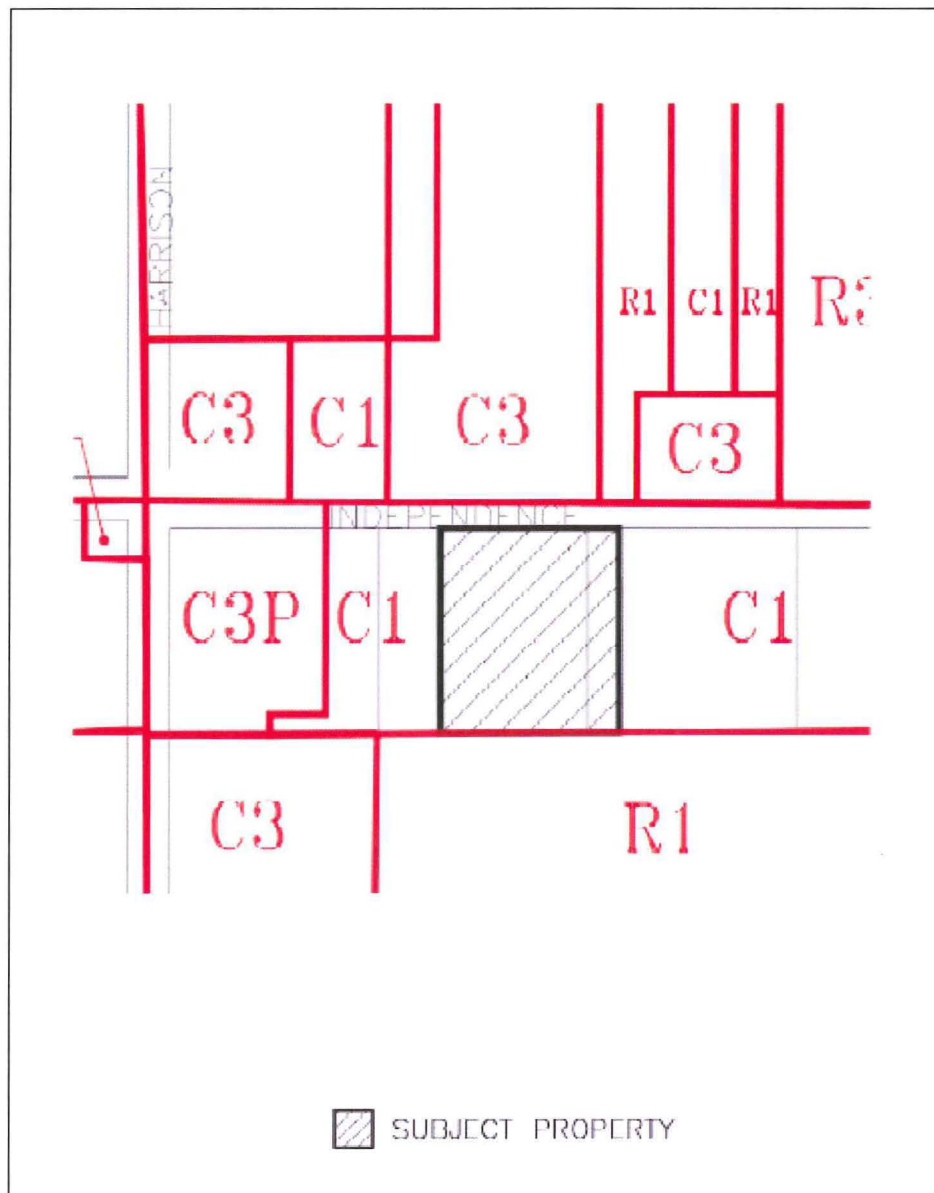


Figure 1: Location and zoning map.



Figure 2: Aerial view of site and surrounding area (site outlined in red).

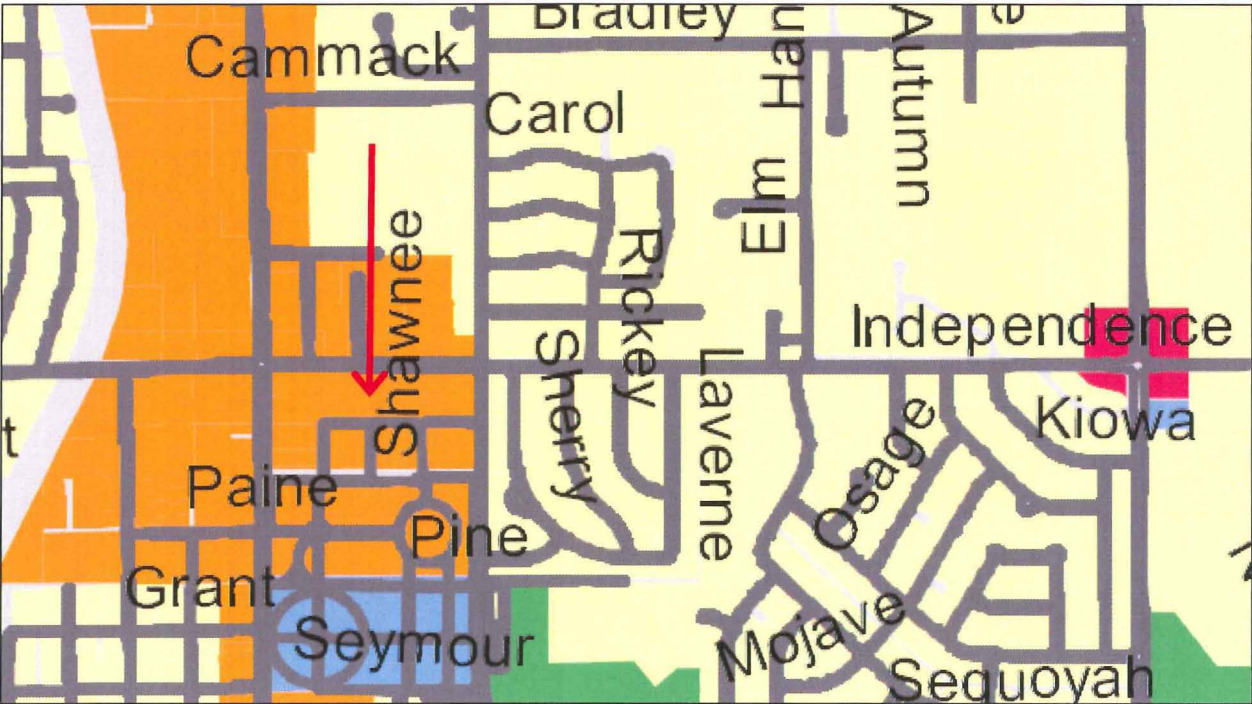


Figure 3: Comprehensive Plan designation of the site (Commercial/Residential).

CITY OF SHAWNEE
PUBLIC HEARING NOTICE
CASE #P10-11

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

The property requesting rezoning is described as follows:

The East 211.825 feet of the North Half (N/2) of Lot (4) and the West 63.175' of the North Half (N/2) of Lot Three (3), McDIVITT'S ADDITION to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof.

General Location Known As:	<u>909 E. Independence</u>
Current Zoning Classification:	<u>C-1; Neighborhood Commercial</u>
Requested Zoning Classification:	<u>R-3; Multi-Family Dwelling</u>
Proposed Use of Property:	<u>Apartments</u>
Applicant:	<u>Kaye Steele Harrod</u>

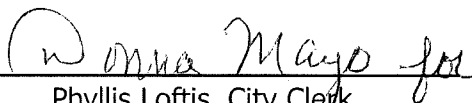
The "Zoning Map of the City of Shawnee, Oklahoma" will be amended accordingly to reflect such change if approved by the City Commission.

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

July 6, 2011	AT 1:30 P.M.: CITY OF SHAWNEE PLANNING COMMISSION
July 18, 2011	AT 6:30 P.M.: CITY OF SHAWNEE CITY COMMISSION

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

Witness my hand this 15th day of June, 2011.


Phyllis Loftis, City Clerk

CITY OF SHAWNEE
222 N. BROADWAY
SHAWNEE, OK 74801

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

PLANNING COMMISSION APPLICATION
PROJECT NO. 110651 CASE NO. P10-11

REQUEST:

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

I, the undersigned, do hereby respectfully make application and petition to the City Commission to amend the zoning map, and to change the zoning district of the Shawnee area, from C-1 District to R-3 District, as hereinafter requested, and in support of this application, the following facts are shown:

PROPERTY LOCATION (STREET ADDRESS): 909 E Independence, Shawnee

LEGAL DESCRIPTION: _____

PROPERTY OWNER (S): Kaye Steele Harrod

PROPERTY AGENT (APPLICANT): _____

APPLICANT'S ADDRESS: 1303 W Tarrace

CITY: Shawnee STATE OK ZIP 74801

EMAIL ADDRESS: KayeSteeleharrod@sbcglobal.net

TELEPHONE NUMBER: (405) 630-7533 CONTACT NUMBER: (405) 630-7533

DIMENSIONS OF PROPERTY: AREA _____ WIDTH _____

LENGTH _____ FRONTAGE _____

CURRENT ZONING: C-1 **CURRENT USE:** Nothing

PROPOSED ZONING: R-3 **PROPOSED USE:** Apartments

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

Kaye Steele Harrod
SIGNATURE OF APPLICANT

(FOR STAFF USE ONLY)

Filed in the office of the Planning Department, 222 N. Broadway, this 3rd day of June 2011

Karen Drain
PLANNING COMMISSION SECRETARY

REZONING &/OR C.U.P FEE \$ 280.00
RECEIPT NO. 110651

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

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

PLANNING COMMISSION ACTION: _____ **DATE:** _____

CITY COMMISSION ACTION: _____ **DATE:** _____

PLACE ON ZONING MAP: _____ **ORDINANCE NO.:** _____

Ownership List

Order No. 1586440-SH99

Date May 18, 2011

Page No. 1

OWNER

BRIEF LEGAL:

City of Shawnee – P.O. Box 1448, Shawnee, OK 74802-1448

S/2 Lot 2, S/2 Lot 3 & S/2 Lot 4 & Lots 6 thru 9, McDIVITT'S ADDITION to Shawnee

Lone Star Property Ventures, LLC – 6127 Morgan Place, Loomis, CA 95650

E 252.7' N/2 Lot 3 & W 182.3' N/2 Lot 2, McDIVITT'S ADDITION to Shawnee

Kaye Steele Harrod Family Trust – 1303 W. Farrall, Shawnee, OK 74801

E 211.825' N/2 Lot 4 & W 63.175' N/2 Lot 3, McDIVITT'S ADDITION to Shawnee

Rick D. Thompson and Becky G. Thompson – P.O. Box 1486, Shawnee, OK 74802-1486

W 104.05' N/2 Lot 4, McDIVITT'S ADDITION to Shawnee

Newport-Independence, LLC – c/o Walgreens Store #4269 – P.O. Box 901, Deerfield, IL 60015

Beg. 20' S of NW/C Lot 5; thence S 277.16'; thence W 17'; thence S 28.84'; thence E 133'; thence N 26'; thence E 85'; thence N 300'; thence W 215'; thence S45°W 28.15' to beg., McDIVITT'S ADDITION to Shawnee

USA Trust for Sac & Fox Nation – Route 2, Box 246, Stroud, OK 74079

Beg. NE/C Lot 5; thence S 150'; thence W 70'; thence N 150'; thence E 70' to beg., McDIVITT'S ADDITION to Shawnee

Juanita Carpenter Trust – c/o Yummy Seafoods, LLC – 1024 Serpentine Lane #101, Pleasanton, CA 94566

N 155.8' of S 275.8' of Lot 5, McDIVITT'S ADDITION to Shawnee

Franchise Realty Interstate Co. – P.O. Box 182571, Columbus, OH 43218-2571

S 120' Lot 5, McDIVITT'S ADDITION to Shawnee & N/2 of vacated Chestnut Street

Four R's Inc. – c/o Donnie Romberg – P.O. Box 3125, Shawnee, OK 74802-3125

Beg. 301.8' N SE/C Lot 5, McDIVITT'S ADDITION to Shawnee; thence W 165.875'; thence S 26'; thence E 165.875'; thence N 26' to beg.

Newport Companies, LLC – 6301 N. Western, Suite 140, Oklahoma City, OK 73118

Beg. 150' S NE/C Lot 5, McDIVITT'S ADDITION to Shawnee; thence W 80.875'; thence N 150'; thence E 80.875' to beg.

First State Bank & Trust Co. – Attn: Wendi Vansickle – P.O. Box 130, Durant, OK 74702-0130

Beg. 264' E SW/C SW/4 Section 8, Township 10 North, Range 4 East; thence N 660'; thence E 243'; thence S 660'; thence W 243' to beg.

Mark H. Cannon and Mary Jane Cannon, Trustees of Mark H. Cannon and Jane Cannon Trust – 5 Creek Dr., Shawnee, OK 74801

Beg. 516' E SW/C SW/4 Section 8, Township 10 North, Range 4 East; thence N 292.16'; thence N30°W 45.88'; thence N 212.80'; thence E 153.08'; thence S 548.39'; thence W 144' to beg.

Ownership List

Order No. 1586440-SH99

Date May 18, 2011

Page No. 2

OWNER

BRIEF LEGAL:

Housing Authority of the City of Shawnee – P.O. Box 3427, Shawnee, OK 74802-3427

Beg. 963.5' E SW/C SW/4 Section 8, Township 10 North, Range 4 East; thence E 202.5'; thence N 660'; thence W 202.5'; thence S 660' to beg.

O'Reilly Automotive, Inc. – c/o Thompson Reuters Pts – P.O. Box 06116, Chicago, IL 60606-0116

Beg. SW/C SW/4 Section 8, Township 10 North, Range 4 East; thence N 220'; thence E 198'; thence S 220'; thence W 198' to beg.

Kermit M. Milburn – Trustee – P.O. Box 1244, Shawnee, OK 74802-1244

Beg. 963.5' E & 160' N SW/C SW/4 Section 8, Township 10 North, Range 4 East; thence N 170'; thence W 104.37'; thence S 170.13'; thence E 99' to beg.

United Pentecostal Church

Beg. 765.5' E SW/C SW/4; thence N 360'; thence E 99'; thence S 360'; thence W 99' to beg. & Beg. 765' E & 265' N SW/C SW/4; thence W 105.5'; thence N 95'; thence E 105.5'; thence S 95' to beg. & Beg. 660' E SW/C SW/4; thence N 265'; thence E 105.5'; thence S 265'; thence W 105.5' to beg. all in Section 8, Township 10 North, Range 4 East;

William R. Austin and Virginia M. Austin Trust – P.O. Box 998, Shawnee, OK 74802-0998

Beg. 198' E SW/C SW/4 Section 8, Township 10 North, Range 4 East; thence N 220'; thence E 66'; thence S 220'; thence W 66' to beg.

Gary C. Hobbs and Cathy G. Hobbs Trust – 40 Granada, Shawnee, OK 74804

Beg. 864.5' E SW/C SW/4 Section 8, Township 10 North, Range 4 East; thence N 160'; thence E 100.94'; thence S 160'; thence W 99' to beg.

ORDINANCE NO. _____

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, TO-WIT: THE EAST 211.825 FEET OF THE NORTH HALF (N/2) OF LOT (4) AND THE WEST 63.175' OF THE NORTH HALF (N/2) OF LOT THREE (3), MCDIVITT'S ADDITION TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, REZONING SAID PROPERTY FROM C-1; NEIGHBORHOOD COMMERCIAL TO R-3; MULTI-FAMILY DWELLING AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

WHEREAS, pursuant to notice duly given as required by law, a public hearing was conducted by the Board of Commissioners of the City of Shawnee, Oklahoma, on the 5th day of July, 2011 upon an application to rezone certain properties located in the City of Shawnee, Oklahoma from zoning classification C-1; Neighborhood Commercial to R-3; Multi-family Dwelling.

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

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

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

SECTION 1: That the following described property located in the City of Shawnee, Oklahoma, to-wit The East 211.825 feet of the North Half (N/2) of Lot (4) and the West 63.175' of the North Half (N/2) of Lot Three (3), McDIVITT'S ADDITION to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof is hereby rezoned from C-1; Neighborhood Commercial to R-3; Multi-family Dwelling.

PASSED AND APPROVED this 5th day of July, 2011.

LINDA PETERSON, MAYOR

(SEAL)

ATTEST:

PHYLLIS LOFTIS
CITY CLERK

Regular Board of Commissioners

9.

Meeting Date: 07/18/2011

Agreement with South Central Industries

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consider agreement with South Central Industries, Inc. for Right-of-Way Maintenance Services.

Attachments

South Central Industries Agreement

AGREEMENT FOR RIGHT-OF-WAY MAINTENANCE SERVICES

This contract, made and entered into this _____ day of _____, 2011, between the City of Shawnee, Oklahoma, hereinafter referred to as "City" and South Central Industries, Inc., 130 North Louisa, Shawnee, Oklahoma, hereinafter referred to as "Contractor".

WHEREAS, the Contractor has submitted a Proposal pursuant to a request by the City of Shawnee to furnish trash pickup on the City right of ways.

NOW THEREFORE, in consideration of the mutual agreements and covenants herein contained, it is understood and agreed by and between Contractor and City that:

1. The term of this contract is from July 1, 2011 to June 30, 2012. At the end of the term of the contract, the City may continue the contract for the succeeding fiscal year or discontinue the contract with no penalty upon thirty (30) days written notice to the Contractor at any time.
2. The City agrees to pay and the Contractor agrees to accept in full consideration for the performance of the Contractor's obligations, the sum of \$1,875.00 per month.
3. This contract constitutes the entire agreement and understanding between the parties hereto, and shall not be modified, altered, changed or amended in any respect unless in writing and signed by both parties hereto.
4. Contractor shall not assign this contract to another party, company, partnership or corporation without specific approval in writing from the City.
5. This Contract shall be governed by the laws of the State of Oklahoma both as to interpretation and performance.
6. The Contractor shall procure a policy of Workers' Compensation Insurance and shall procure a policy of liability insurance, the terms, limits and conditions of which shall be acceptable to the City.
7. The Contractor shall furnish transportation for its workers to and from the various Right of Way locations and transport trash to dumpsters at various locations. Cleanup location list attached to contract.
8. The City shall provide necessary supplies so the Contractor can pick up trash in accordance with the list.
9. It is agreed this agreement shall not be construed as a joint venture agreement or partnership between the City and the Contractor, and the Contractor is not an agent or entity of the City. On the contrary, the Contractor is an independent contractor and shall be responsible for its acts and omissions..

CLEANUP LOCATIONS

-
- Kickapoo 45th to north edge of Shawnee Mall
 - Kickapoo 45th to Hazel Dale Road (Pistol Range)
 - Union 45th to ¼ south
 - 45th Leo to Bryan
 - Leo 45th to Macarthur
 - Acme 45th to Macarthur
 - Harrison MacArthur to Wolverine including Westech ¼ mi.
 - Bryan 45th to Highland
 - Highland Bryan to River Bridge
 - Gordon Cooper Farrall to River Bridge
 - Farrall Leo to Pottenger
 - Leo Street Farrall North to Central Plastics
 - Lake Road Kennedy to River Bridge
 - Daily Road South off of Lake Rd East of 177 hwy
 - Kickapoo Spur Kickapoo to SH-177 & Clover Leafs (No Medians)
 - Independence Airport Drive to EXPO Center
 - MacArthur SH-177 to Airport Drive
 - Mall Drive Kickapoo to Harrison
 - Mission Parkway Kickapoo to Dead End East
 - Downtown Alleys Beard to East End
-

IT WITNESS WHEREOF, we, the contracting parties, by our duly authorized agents, hereto affix our signatures and seals at Shawnee, Oklahoma, this ____day of _____ 2011.

CITY OF SHAWNEE, OKLAHOMA

BY: _____
BRIAN E. MCDOUGAL
CITY MANAGER

(SEAL)

ATTEST:

PHYLLIS LOFTIS
CITY CLERK

SOUTH CENTRAL INDUSTRIES, INC.

BY: _____
ADMINISTRATOR

Regular Board of Commissioners

10.

Meeting Date: 07/18/2011

Sales Tax Report July 2011

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge Sales Tax report received July, 2011.

Attachments

Sales Tax Report July 2011

City of Shawnee Memorandum

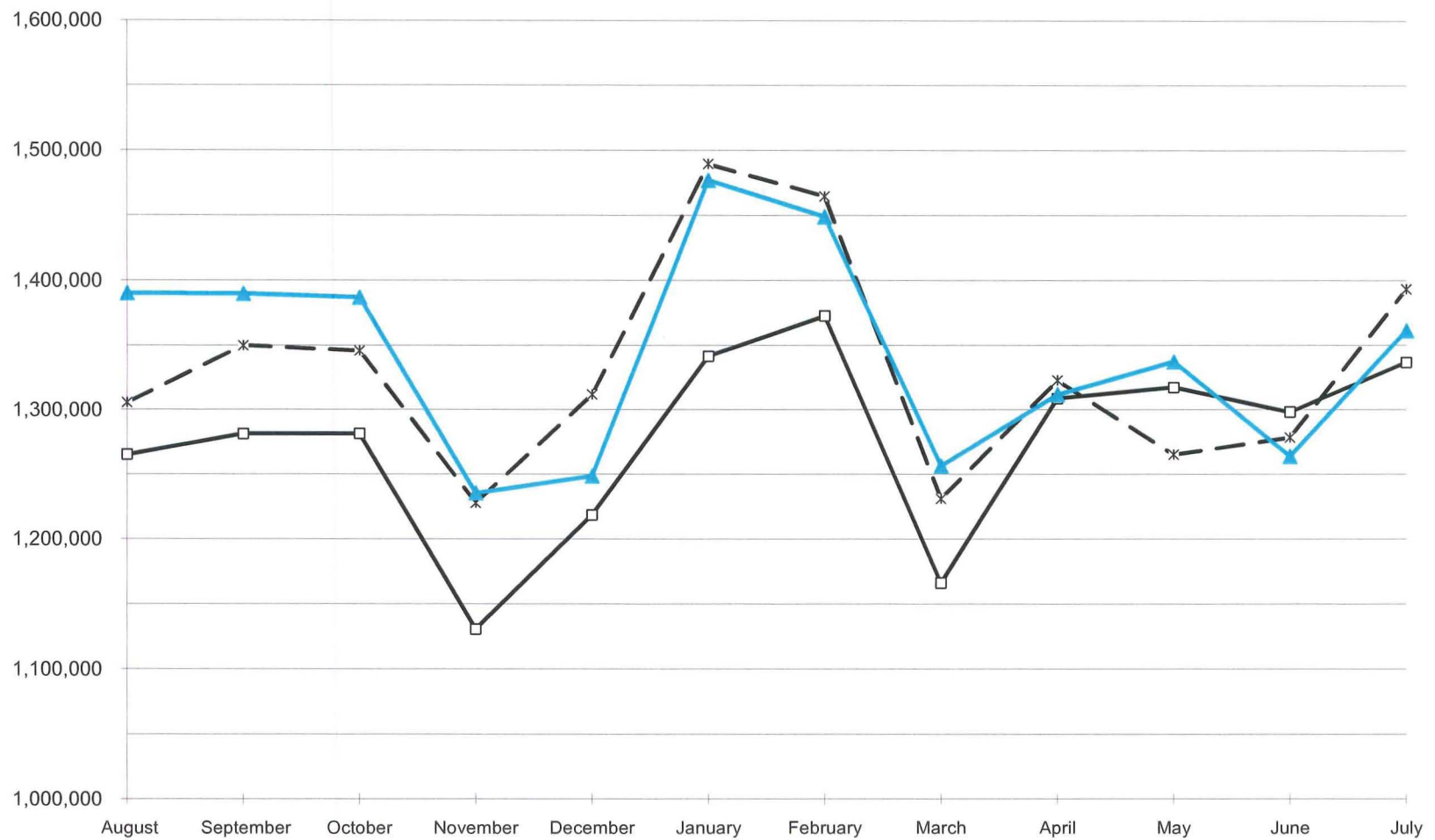
To: Mayor and City Commissioners
CC: Brian McDougal, City Manager
From: Cynthia R Sementelli, Finance Director
Date: July 11, 2011
Re: City Sales Tax Report



July 2011 Sales Tax receipts were up \$24,675 or 1.85% compared to last year receipts. The July sales tax amount received plus interest was \$1,361,273.21 which is approximately \$22,472 or 1.68% above budgeted total. Compared to 2008 figures we were down \$31,792 or 2.28%.



**CITY OF SHAWNEE
SALES TAX COLLECTIONS
AUG 2008 to JULY 2011**



- x— July 2008 through June 2009
- August 2009 through July 2010
- ▲— August 2010 through July 2011

	July 2008	August 2009	August 2010	Increase (Decrease)	
	through	through	through	Over Prior Year	
Month	June 2009	July 2010	July 2011	Amount	Percentage
August	1,305,415	1,265,208	1,390,086	124,877	9.87%
September	1,349,769	1,281,234	1,389,702	108,468	8.47%
October	1,345,662	1,281,416	1,386,987	105,571	8.24%
November	1,227,640	1,130,651	1,235,390	104,739	9.26%
December	1,311,389	1,218,404	1,248,649	30,244	2.48%
January	1,489,243	1,341,370	1,476,824	135,453	10.10%
February	1,464,546	1,372,608	1,448,966	76,358	5.56%
March	1,230,951	1,165,927	1,256,430	90,503	7.76%
April	1,322,381	1,308,463	1,311,387	2,924	0.22%
May	1,265,208	1,317,167	1,337,029	19,861	1.51%
June	1,278,401	1,298,026	1,263,777	(34,249)	(2.64%)
July	1,393,065	1,336,599	1,361,273	24,675	1.85%
Total	14,590,604	13,980,475	14,745,224	764,749	5.47%

Period	Prior Year Actual	Current Year Actual	Increase (Decrease) Over Prior Year	
Fiscal Year to Date	1,336,599	1,361,273	24,675	1.85%

Fiscal Year to Date Budget based on last year actual plus 2%

Period	Current Year Budget	Current Year Actual	Budget Variance Favorable (Unfavorable)	
Fiscal Year to Date	1,338,801	1,361,273	\$22,472	1.68%

Regular Board of Commissioners

11.

Meeting Date: 07/18/2011

Consider Bids

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consider Bids:

- a. Rehabilitate Runway 17-35; Grade Safety and Construction Connecting Taxiway. AIP Project 3-40-0088-015-2011.- Contract No. COS-PW-11-01 (Open)

Attachments

Airport Runway Rehab

SOLICITATION FOR BIDS

Sealed bids will be received by the City of Shawnee, Oklahoma, at the office of the City Clerk, City Hall, 16 West 9th, (P. O. Box 1448), Shawnee, Oklahoma 74802-1448 until 4:00 P.M. on Monday, July 18, 2011, said bids will be opened and considered by the Board of Commissioners at a Public Meeting in City Hall, Shawnee, Oklahoma at 6:30 P.M. on this same date for:

**Rehabilitate Runway 17-35;
Grade Safety Areas and Construct Connecting Taxiway
AIP Project 3-40-0088-015-2011
Bid Contract No. COS-PW-11-01
Shawnee Regional Airport**

Bids shall be made in accordance with the Solicitation for Bids, Information for Bidders, Plans, Specifications and Bidder's Proposal, which are on file and available for examination at the Office of the City Clerk in City Hall, Shawnee, Oklahoma, and are made a part of this notice as though fully set forth herein. **Plans and specifications may be purchased for \$250.00 from LBR Inc., 5915 Philip J. Rhoads Avenue, Suite 105, Bethany, Oklahoma 73008, Telephone 405/789-0200. Payment shall be by cash or check made payable to LBR Inc., and is non-refundable.** Bids filed with the City Clerk shall be publicly opened and considered by the City at the time stated above. All bids shall remain on file at least forty-eight (48) hours thereafter before a contract shall be made and entered into thereon.

Bids received more than ninety-six (96) hours, excluding Saturdays, Sundays, and holidays, before the time set for opening of bids, as well as bids received after the time set for opening of bids, will not be considered and will be returned unopened.

This project is being funded, in part, by the Federal Aviation Administration and is under and subject to Executive Order 11246 (September 24, 1965, and amendments) and to the Equal Opportunity Clause and Wage Rates set by the U. S. Department of Labor contained in the specifications and are available for examination in the office of the City Clerk, and the Bidder must supply all the information required by the bid or proposal form.

It is the policy of the Department of Transportation (DOT) that disadvantaged business enterprises as defined in 49 CFR Part 26 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds.

The proposed contract is subject to the Buy American provision under Section 9129 of the Aviation Safety and Capacity Expansion Act of 1990, as amended. Details of such requirement are contained in the Specifications.

All bidders and proposers shall make good faith efforts, as defined in Appendix A of 49 CFR Part 26, Regulations of the Office of the Secretary of Transportation, to subcontract 9.43 percent of the dollar value of the prime contract to small business concerns owned and controlled by socially and economically disadvantaged individuals (DBE). In the event the bidder for this solicitation qualifies as a DBE, the contract goal shall be deemed to have been met. Individuals who are rebuttably presumed to be socially and economically disadvantaged include women, Blacks, Hispanics, Native Americans, Asian-Pacific Americans and Asian-Indian Americans. The apparent successful bidder (proposer) will be required to submit the following information concerning the DBE's: (i) The names and addresses of DBE firms that will participate in the contract; (ii) A description of the work that each DBE will perform; (iii) The dollar amount of the participation of each DBE firm participating; (iv) Written documentation of the bidder / offeror's commitment to use a DBE subcontractor whose participation it submits to meet a contract goal; (v) Written confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment; and (vi) If the contract goal is not met, evidence of good faith efforts.

The regulations and orders of the Secretary of Labor, OFCCP and FAR 152.61 require that the sponsor or his contractor(s) include, in invitations for bids or negotiations for contracts over \$10,000, the following notices:

- (1) The proposed contract is under and subject to Executive Order 11246 of September 24, 1965, and to the Equal Opportunity Clause. The bidder's (proposer's) attention is called to the

- “Equal Opportunity Clause” and the “Standard Federal Equal Employment Opportunity Construction Contract Specifications” set forth in the Specifications.
- (2) The Bidder (Proposer) must supply all the information required by the bid or proposal form.
 - (3) The successful bidder will be required to submit a Certification of Nonsegregated Facilities prior to award of the contract, and to notify prospective subcontractors of the requirement for such a Certification where the amount of the subcontract exceeds \$10,000. Samples of the Certification and Notice to Subcontractors appear in the specifications.
 - (4) Women will be afforded equal opportunity in all areas of employment. However, the employment of women shall not diminish the standards or requirements for the employment of minorities.

For contracts of \$50,000 or more, a contractor having 50 or more employees, and his subcontractors having 50 or more employees and who may be awarded a subcontract of \$50,000 or more, will be required to maintain an affirmative action program within 120 days of the commencement of the contract.

Where the bid of the apparent low responsible bidder is in the amount of \$1 million or more, the bidder and his known all-tier subcontractors which will be awarded subcontracts of \$1 million or more will be subject to full on-site, pre-award equal opportunity compliance reviews before the award of the contract for the purpose of determining whether the bidder and his subcontractors are able to comply with the provisions of the equal opportunity clause.

Within 30 days after award of this contract, the contractor shall file a compliance report (Standard Form 100) if:

- (1) The contractor has not submitted a complete compliance report within 12 months preceding the date of award; and
- (2) The contractor is within the definition of “employer” in Paragraphs 2e (3) of the instructions included in Standard Form 100.

The contractor shall require the subcontractor on all-tier subcontracts, irrespective of dollar amount, to file Standard Form 100 within 30 days after award of the subcontract if the above two conditions apply. Standard Form 100 will be furnished upon request.

A cashier's check, a certified check, a surety bond or an irrevocable letter of credit in the amount of five percent (5%) of the bid shall accompany the sealed proposal of each bidder. Deposits will be returned to the unsuccessful bidders.

The City of Shawnee reserves the right to reject any and all bids and to waive any or all bids and to waive any and all informalities.

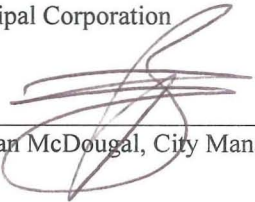
Upon receipt of an acceptable bid, the contract will be awarded within one hundred twenty (120) days after opening of bids and the written contract executed within ten (10) days thereafter.

There will be a pre-bid conference concerning this project at 1:30 P.M., Thursday, July 7, 2011, in the Terminal Building Conference Room at Shawnee Regional Airport, Shawnee, Oklahoma.

Attendance at the Pre-Bid Conference is MANDATORY. Bids will NOT be accepted from contractors who do NOT have a representative attending the Pre-Bid Conference. No plans, specifications or bid documents will be issued after the Pre-Bid Conference. All bidders must visit and inspect the construction site and be familiar with the physical characteristics and conditions at the construction site.


Phyllis Loftis, City Clerk

CITY OF SHAWNEE, OKLAHOMA
a Municipal Corporation

BY: 
Brian McDougal, City Manager

Regular Board of Commissioners

15.

Meeting Date: 07/18/2011

Executive Session

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consider an Executive Session to discuss City Manager's evaluation pursuant to 25 O. S. §307 (B) (1).

Regular Board of Commissioners

16.

Meeting Date: 07/18/2011

Consider action from Executive Session

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consider matters discussed in Executive Session regarding City Manager's evaluation pursuant to 25 O. S. §307 (B) (1).
