

AMENDED AGENDA
BOARD OF CITY COMMISSIONERS
May 16, 2011 AT 6:30 P.M.
COMMISSION CHAMBERS AT CITY HALL
SHAWNEE, OKLAHOMA

CALL TO ORDER

DECLARATION OF A QUORUM

INVOCATION

REV. LARRY SPARKS
NEW BEGINNINGS CHURCH

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 10.
 - b. Minutes from the May 2, 2011 regular meeting.
 - c. Acknowledge the following minutes and reports:
 - Beautification Committee minutes from January 3, 2011
 - Wes Watkins Reservoir Oversight Committee minutes from March 3, 2011
 - Planning Commission minutes from April 6, 2011
 - License Payment report April 2011
 - Project Payment report April 2011
 - d. Mayor's Appointment:
 - Shawnee Civic and Cultural Development Authority (Expo Center)
 - Re-appointment of Casey Bell to 1st full term expires 12/30/2014
 - e. Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan for Tommy Mitchell.
 - f. Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan for Darren Denwalt.
 - g. Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan for Darlene Lackey.
 - h. Approve Change Order Acknowledgement for Trails Project Along MacAthur Street from St Gregory's entrance to Leo Street.

i. Lake Site Lease Transfer and Renewal:

Transfer:

Lot 7 Roewe Tract, 15501 Perry Road
From: K. Coffelt
To: D. Ozment

Renewal:

Lot 4 Damron Tract, 33803 Belcher Road
G. Pruett and N. Pruett

3. Citizens Participation

(A three minute limit per person)

(A twelve minute limit per topic)

4. Mayor's Proclamation:

"National Safe Boating Week"
May 21-27, 2011

"Community Action Month"
May 2011

5. Presentation by representative of the Shawnee Civic and Cultural Development Authority for funding the the FY11-12 budget.

6. Consider approval of Preliminary Plat and Final Plat for Linden Heights First Addition located at NE corner of Farrall and Kennedy Streets. Case #S03-11 and #S04-11

7. Consider resolution of necessity for acquisition of parcels numbered 69.1, 69.2 and 69.3 on Kickapoo Street paving project by either purchase or condemnation.

8. Discussion concerning storm shelter requirements in garage floors.

9. Acknowledge Sales Tax Report received May 2011.

10. Consider Bids:

a. One (1) 2011 Truck Mounted Sewer Jetter (Open)

b. Rehab Asphalt Streets Project (Various Locations) COS-PW-10-07 (Award)

11. New Business

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

12. Administrative Reports

13. Commissioners Comments

14. Consider an Executive Session regarding settlement offers on condemnation case City V. Christopher Rick Etal., C-09-1738; City V. Diana Coffman Trust Etal., C-09-1736; as related to the Kickapoo Paving Project as authorized by 25 O.S. §307(B)(4) on the recommendation of counsel that public discussion would compromise the ability of the city to adequately consider offers.
15. Consider matters discussed in Executive Session regarding settlement offers on condemnation cases City V. Christopher Rick Etal., C-09-1738; City V. Diana Coffman Trust Etal., C-09-1736; as related to the Kickapoo Paving Project as authorized by 25 O.S. §307(B)(4) on the recommendation of counsel that public discussion would compromise the ability of the city to adequately consider offers.
16. 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: 05/16/2011

Instant Meeting 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 10.

Regular Board of Commissioners

2. b.

Meeting Date: 05/16/2011

Minutes from May 2, 2011

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Minutes from the May 2, 2011 regular meeting.

Attachments

Minutes from May 2, 2011

BOARD OF CITY COMMISSIONERS PROCEEDINGS
MAY 2, 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, Monday, May 2, 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-Vice Mayor

James Harrod

Commissioner Ward 3

Billy Collier

Commissioner Ward 4

John Winterringer

Commissioner Ward 5

Steve Smith

Commissioner Ward 6

ABSENT: Pam Stephens

INVOCATION

REV. DAVID HENRY

CALVARY BAPTIST CHURCH

FLAG SALUTE

AGENDA ITEM NO. 1:

Commission Appointment of a Vice Mayor
(per Article III, Section 6 of the City
Charter).

A motion was made by Commissioner Harrod, seconded by Vice Mayor Sims, to approve the appointment of Commissioner Billy Collier as Vice Mayor. Motion carried 6-0.

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

NAY: None

AGENDA ITEM NO. 2:

Consider approval of Agenda.

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

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

NAY: None

AGENDA ITEM NO. 3:

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 9.
- b. Minutes from the April 18, 2011 regular meeting.
- c. Acknowledge the following minutes and reports:
 - License Payment Report through 3/31/2011
 - Project Payment Report through 3/31/2011
 - Shawnee Civic and Cultural Development Authority minutes from March 17, 2011
- d. Acknowledge Mayor's Appointments:

Planning Commission

Taylor Prince	1 st Full Term	Expires 6/1/2014
Carl Holt	1 st Full Term	Expires 6/1/2014

Reappointment – Planning Commission

Kirk Hoster	2 nd Full Term	Expires 6/1/2014
Shawna Turner	2 nd Full Term	Expires 6/1/2014
Brad Carter	2 nd Full Term	Expires 6/1/2014
- e. Approve purchase of dispatch consoles from the state contract at a cost of \$28,207.38 and approve Budget Amendment of \$30,000.00 from E-911 Fund to Capital Outlay to cover cost.

f. Lake Site Lease Transfers and Renewal:

Transfers:

- Lot 8 Magnino A Tract, 17230 Magnino Road
From: R. and M.J. Stucker
To: H. Miller
- Lot 7 Damron Tract, 33811 Belcher Road
From: M. Wolf
To: E. Holloman

Renewal:

- Lot 15 Magnino A Tract, 17316 Magnino Road
E. Hawkins

- g. Approve agreement with Excel Auctions, LLC to auction City of Shawnee surplus property.
- h. Consider Acceptance of the Bill Madole Easement for the SMA Raw Water Transmission Line Project.
- i. Approve contract with Municipal Solutions regarding job classification and benefits study.

A motion was made by Commissioner Harrod, seconded by Commissioner Sims, to approve the Consent Agenda Items a – i. Motion carried 6-0.

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

NAY: None

AGENDA ITEM NO. 4:

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

Ms. Roberta Mendonca, of Go Rail Service, addressed the Commission with her concerns regarding potential legislation that would allow increased truck weights on our highways. She listed as negative impacts safety, infrastructure and the decreasing use of rail service. She asked the Commission to consider passing a resolution in opposition to this proposed legislation and sending the resolution to our state and federal legislators.

Mr. Inman Doakes spoke in opposition of the proposed closing of S. Broadway Street, between 7th and Farrall.

Ms. Jeanetta Townes also addressed the Commission regarding her opposition of the street closing.

AGENDA ITEM NO. 5:

Mayor's Proclamation:

"Family Promise Week"

May 8-14, 2011

Mayor Peterson presented the Family Promise Week Proclamation to Peggy Johnson and David Henry.

Commission deviates from the written agenda and addresses Agenda Item No. 7 prior to Agenda Item No. 6.

AGENDA ITEM NO. 7:

Consider a resolution authorizing public auction of City of Shawnee surplus property, as listed.

Resolution No. 6403 was introduced and the title read aloud.

RESOLUTION NO. 6403 ENTITLED: "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 CITY AUCTION."

Interim Director of Operations James Bryce stated that the auctioneer will take pictures of the fixtures of the Al & James building which will be sold at auction and have them available for public inspection prior to the auction. All other city owned items to be auctioned will be available on site at the Expo Center

at the time of the auction.

A motion was made by Commissioner Harrod, seconded by Commissioner Sims, to approve Resolution No. 6403 authorizing public auction of City of Shawnee surplus property, as listed.

Motion carried 6-0.

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

NAY: None

The Commission now returns to the original agenda order.

AGENDA ITEM NO. 6: Discussion regarding closing of South Broadway from 7th Street to Farrell Street.

City Engineer John Krywicki gave an explanation regarding the request for this street closing. He further shared information regarding street counts on Broadway, showing a steady decline each year. He further noted that the Traffic Commission has considered this item previously and had recommended the street closure. Mr. Krywicki further provided a list of improvements to be made on Bell and Beard Streets should Broadway Street be closed.

Commissioner Sims would like to see more improvements made to Beard Street than those listed.

AGENDA ITEM NO. 8: Consider a resolution authorizing participation in the Oklahoma Mid-Size City Coalition, Inc.

Resolution No. 6404 was introduced and the title read aloud.

RESOLUTION NO. 6404 ENTITLED: "A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA, AUTHORIZING PARTICIPATION IN THE OKLAHOMA MID-SIZE CITY COALITION, INC."

City Manager Brian McDougal stated that this coalition will provide lobbyist that will focus on the interest of mid-sized cities. As more cities participate in the coalition, the costs to each city will be reduced.

A motion was made by Commissioner Harrod, seconded by Commissioner Sims, to approve Resolution 6404 authorizing participation in the Oklahoma Mid-Size City Coalition, Inc.

Motion carried 6-0.

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

NAY: None

AGENDA ITEM NO. 9:

Consider Bids:

- a. Rehab Asphalt Streets Project (Various Locations) COS-PW-10-07 (Open)

<u>BIDDER</u>	<u>AMOUNT</u>
A-Tech Paving Edmond, OK	\$2,337,150.00
All Roads Paving, Inc. Oklahoma City, OK	\$1,412,981.00
Rudy Construction Co. Oklahoma City, OK	\$1,515,800.00
T.J. Campbell Construction Co. Oklahoma City, OK	\$1,715,550.00

John Krywicki read the bids into the record and requested that the bid award be deferred to the next meeting to allow staff to review and check references.

A motion was made by Commissioner Sims, seconded by Commissioner Winterringer, to defer the bid award to the May 16, 2011 City Commission meeting. Motion carried 6-0.

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

NAY: None

- b. Sale and Removal of Fishing Dock and Walkway on Shawnee Twin Lake Number 2 (Open and possible Award)

<u>BIDDER</u>	<u>AMOUNT</u>
Lonnie M. Cox Shawnee, OK	\$3,125.00
Barbra Cochrane Shawnee, OK	\$801.00

James Bryce read the bids into the record. After review and consideration of the bids, it was Staff's recommendation to award the bid to Lonnie M. Cox of Shawnee, Oklahoma in the amount of \$3,125.00.

A motion was made by Commissioner Sims, seconded by Commissioner Harrod, to accept Staff's recommendation and award the bid to Lonnie M. Cox in the amount of \$3,125.00. Motion carried 6-0.

AYE: Sims, Harrod, Peterson, Collier, Winterringer, Smith
NAY: None

AGENDA ITEM NO. 10:

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

There was no New Business.

AGENDA ITEM NO. 11:

Administrative Reports

There was no Administrative Reports.

AGENDA ITEM NO. 12:

Commissioners Comments

Mayor Peterson announced the ribbon cutting in celebration of the new water line will be at the water treatment plant on May 5, 2011, with a luncheon reception following at the Community Center.

Commissioner Harrod asked the City Manager about any progress on the

Automated Meter Reading system. Mr. McDougal announced that a meeting had been held with CDM regarding preparation of bid specs.

Commissioner Sims reported on the Capital Improvement sub-committee's meeting. He stated that the first meeting determined the parameters of the projects. He stated that he expects the Committee to begin looking at individual projects and honing the list down.

AGENDA ITEM NO. 13:

Consider an Executive Session to discuss status of Collective Bargaining Agreement with the IUPA, Local No. 3, for FY 2010-2011 as authorized by 25 O.S. §307(B)(2).

A motion was made by Commissioner Sims, seconded by Commissioner Winterringer, to enter into Executive Session to discuss status of Collective Bargaining Agreement with the IUPA, Local No. 3, for FY 2010-2011 as authorized by 25 O.S. §307(B)(2). Motion carried 6-0.

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

NAY: None

AGENDA ITEM NO. 14:

Consider an Executive Session to discuss pending litigation in the cases of the City of Shawnee V. John H. Clark et al., Case No. C-2009-1737; City of Shawnee V. Shawnee Animal Hospital, Inc. et al., Case No. C-2009-1734; cases filed in the District Court of Pottawatomie County, Oklahoma, as authorized by 25 O. S. §307 (B)(4).

A motion was made by Commissioner Sims, seconded by Vice Mayor Collier, to enter into Executive Session to discuss pending litigation in the cases of the City of Shawnee V. John H. Clark et al., Case No. C-2009-1737; City of Shawnee V. Shawnee Animal Hospital, Inc. et al., Case No. C-2009-1734; cases filed in the District Court of Pottawatomie County, Oklahoma, as authorized by 25 O. S. §307 (B)(4). Motion carried 6-0.

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

NAY: None

COMMISSION ENTERS EXECUTIVE SESSION AT 7:42 P.M.

COMMISSION RETURNS FROM EXECUTIVE SESSION WITH ALL COMMISSIONERS PRESENT AT 8:35 P.M.

AGENDA ITEM NO. 15:

Consider matters discussed in Executive Session regarding status of Collective Bargaining Agreement with the IUPA, Local No. 3 for FY 2010-2011 as authorized by O.S. §307(B)(2).

A motion was made by Commissioner Sims, seconded by Commissioner Winterringer, to authorize the City Manager to open negotiations with the IUPA to give back one furlough day remaining in the FY 2010-2011. Motion carried 6-0.

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

NAY: None

AGENDA ITEM NO. 16:

Consider matters discussed in Executive Session regarding pending litigation in the cases of the City of Shawnee V. John H. Clark et al., Case No. C-2009-1737; City of Shawnee V. Shawnee Animal Hospital, Inc. et al. Case No. C-09-1734; cases filed in the District Court of Pottawatomie County, Oklahoma, as authorized by 25 O. S. §307 (B)(4).

A motion was made by Commissioner Sims, seconded by Commissioner Smith, to authorize the City Attorney to proceed within the parameters discussed in Executive Session. Motion carried 6-0.

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

NAY: None

AGENDA ITEM NO. 17:

Adjournment

There being no further business to be considered, a motion was made by Commissioner Harrod, seconded by Commissioner Winterringer, that the meeting be adjourned. Motion carried 6-0. (8:39 p.m.)

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

NAY: None

LINDA PETERSON, MAYOR

(SEAL)

ATTEST:

PHYLLIS LOFTIS,
CITY CLERK

Regular Board of Commissioners

2. c.

Meeting Date: 05/16/2011

Reports and Minutes

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge the following minutes and reports:

- Beautification Committee minutes from January 3, 2011
- Wes Watkins Reservoir Oversight Committee minutes from March 3, 2011
- Planning Commission minutes from April 6, 2011
- License Payment report April 2011
- Project Payment report April 2011

Attachments

Beautification Committee minutes from 1-3-11

Wes Watkins Reservoir Committee minutes from 3-3-11

Planning Commission minutes from 4-6-11

License Payment Report April 2011

Project Payment Report April 2011

Mayor
LINDA PETERSON



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

Commissioners
PAM STEPHENS
FRANK SIMS
JAMES HARROD
BILLY COLLIER
JOHN WINTERRINGER
STEVE SMITH

Minutes
Shawnee Beautification Committee

January 3, 2011

The Shawnee Beautification Committee met in the EOC Room

The meeting was called to order at 1:30 pm

Roll Call was taken showing the following members present:

Chairman Tom Terry
Member Nancy Ford
Member Janet Turner
Member Linda Malley
Member Paul Malley
Member Robert Cash
Commissioner

James Bryce, Interim Director of Operations

Absent: Justin Erickson, Planning Director
Member Terri Clover
Mayor Linda Peterson
City Manager Brian McDougal

-
- AGENDA NO 2** **Roll Call and Declaration of a Quorum.** Roll was called and a quorum was declared.
- AGENDA NO 3** **Approved Minutes for November 2010** The minutes for November 2010 were approved with a motion made by Linda Malley and 2nd by Paul Malley. The motion carried unanimously.
- AGENDA NO 4** **Introduction of Whisper Peace as Secretary.** Introductions were made.
- AGENDA NO 5** **Discussion and Appointment of the Committee Chairman for 2011.** A nomination for Robert Cash to be Chairman was made. A motion was made by Paul Malley and 2nd by Linda Malley. The motion carried unanimously.
- AGENDA NO 6** **Discussion on Proposed Ordinance for Parking in Yards.** Tom Terry opened the discussion by discussing current ordinances that the city has in place. Discussion took place pertaining to certain areas in town that do not allow parking on the street due to bar ditches. There was also some discussion on the size of some driveways and the number of cars per family. In all, the entire committee agreed that parking in yards does nothing for the appearance of Shawnee, and a motion was made by Robert Cash to support an ordinance pertaining to parking in yards and 2nd by Nancy Ford. The motion carried unanimously.
- AGENDA NO 7** **Trees and City Hall Planters Update. (James Bryce)** James Bryce presented several different types of trees to plant in the sidewalk around City Hall. After discussion of each type it was decided to pursue with the Shade Master Honey

Locust. Planters for City Hall were also discussed and a planter was picked to be purchased from Wausau Tile.

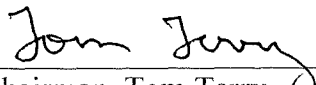
AGENDA NO 8 Update on Trash Containers. (James Bryce) James Bryce reported that there are three more containers to be installed and that the Parks Department is going to have to find a way to lock the trash containers due to the liners being stolen.

AGENDA NO 9 Broken Arrow Beauty Patrol Information. (Tom Terry) Tom Terry presented an example of the Broken Arrow Beauty Patrol Project. He discussed how their program was organized, and how it worked. He pointed out several aspects of the program and suggested that the City of Shawnee should come up with a similar program. An issue was pointed out that the City of Shawnee does not have enough staff on hand to handle the work load, and would need several dedicated volunteers to make that type of program successful, but it was agreed that it was a good idea.

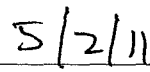
AGENDA NO 10 Old Business. None

AGENDA NO 13 New Business. None

AGENDA NO 14 Adjournment
The meeting adjourned unanimously at 2:11 pm.



Chairman, Tom Terry



Date

WES WATKINS RESERVOIR OVERSIGHT COMMITTEE MEETING

THURSDAY, March 3, 2011 @ 9:00 a.m.

MINUTES

1. Chairman Linda Praytor called the meeting to order at 9:00 am
2. ROLL CALL – Members present: Gary Roe, Linda Praytor, James Bryce and Charles Stark
Guests: Cody Roe, Carina Roe and Austin. A quorum was declared.
3. Review Minutes from January 6, 2011 meeting. Minutes were read
4. REPORTS and DISCUSSION:
 - a. Lake Revenues - \$1,600.00 through February
 - b. Lake Expenses - \$9,662.08 (profit/loss reported is (\$8,062.08) for the month
 - c. Lake Count - 67,068.00
 - d. Activities –
 - Spring break was a busy week
 - Equestrian Trail on track
 - Revenue will start picking up
 - e. Hunting – all permits sold for duck blinds
 - f. Repairs and updates –
 - Cleaning out stumps
 - Installing culvert
 - cleaning out beach area
5. QUESTIONS OR COMMENTS - General comments
6. ADJOURNMENT

There was no further business to come before the committee, and the meeting adjourned at 9:45 pm

A Kay Heinz
McLoud City Clerk/Recording Secretary

PLANNING COMMISSION MINUTES

DATE: APRIL 6, 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, April 6, 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, Brad Carter, Louis Maltos,
Shawna Turner, Chris Silvia, Ben Salter

Absent: None

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

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

Louis Maltos asked for a motion, Commissioner Silvia made a motion seconded by Commissioner Turner to approve the March 2, 2011 minutes,

Motion carried:

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

NAY: None

ABSTAIN: Nickles

AGENDA ITEM NO. 3: Case # P06-11 - Consideration of approval to rezone property from R-3; Multi-Family Residential to C-1; Neighborhood Commercial for property located at 610 N. Broadway. Applicant: Bruce Lilley.

Louis Maltos asked for the staff report. Justin Erickson presented the staff report. Mr. Erickson stated the proposed rezone is to facilitate conversion of the home into professional office space. After presenting the staff report Mr. Erickson recommended approval to rezone 610 N. Broadway from R-3 to C-1.

Louis Maltos opened the public hearing and asked if anyone was for or against the proposal. Bruce Lilley came forward stating he is converting the house to be used as a professional office. No one spoke against the proposal.

Louis Maltos asked for a motion, Commissioner Carter made a motion, seconded by Commissioner Silvia to approve the rezoning from R-3 to C-1.

Motion carried:

AYE: Carter, Silvia, Salter, Nickles, Hoster, Maltos, Turner

NAY: None

ABSTAIN: None

AGENDA ITEM NO. 4: Planning Director's report.

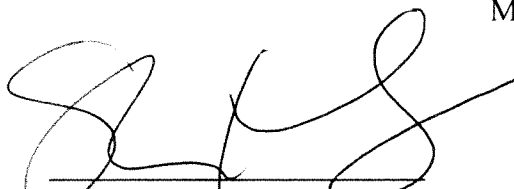
Justin Erickson reported there were no new home building permits issued in February.

AGENDA ITEM NO. 5: New Business/Commissioner Comments

There was a discussion concerning the status of the green building code at state & local levels.

The commission asked to be updated on the Kickapoo Project at the next meeting.

AGENDA ITEM NO. 6: Adjournment
Meeting was adjourned.


Chairman/Vice-Chairman

Karen Drain
Karen Drain, Planning Commission Secretary

5/05/2011 3:39 PM
LICENSES: THRU ZZZZZZZZZZ

L I C E N S E P A Y M E N T R E P O R T
SORTED BY: CODE

PAGE:
PAYMENT DATES: 4/01/2011 TO 4/30/2011

** FEE CODE TOTALS **

FEE CODE	DESCRIPTION		FEE	===== PAYMENT DISTRIBUTION =====			TOTAL PAI
				PENALTY	TAX	INTEREST	
ALARM	BURGLAR/FIRE ALARM LICENSE	6	150.00CR				150.00
AUCD	AUCTION LICENSE FEE ONE DAY	1	10.00CR				10.00
BOATREG	BOAT REGULAR PERMIT	44	1,144.00CR				1,144.00
ELEC1	ELECTRICAL CONTRACTOR INITIAL	9	900.00CR				900.00
ELEC2	ELECTRICAL CONTRACTOR RENEW	7	525.00CR				525.00
FISHANNUAL	FISHING ANNUAL FEE	28	420.00CR				420.00
IMERC	ITINERANT MERCHANT FEE	2	100.00CR				100.00
LAKE-IN	LAKE LEASE CITY RESIDENT	8	1,600.00CR				1,600.00
LAKE-OUT	LAKE LEASE NON RESIDENT	5	2,000.00CR				2,000.00
LAKEINSP	LAKE LEASE INSPECTION	1	75.00CR				75.00
LAKELEASE	LAKE LEASE	4	2,448.00CR				2,448.00
LAKEXFER	LAKE LEASE TRANSFER FEE	4	4,000.00CR				4,000.00
MECH1	MECHANICAL CONTRACTOR INTIAL	7	700.00CR				700.00
MECH2	MECHANICAL CONTRACTOR RENEW	10	750.00CR				750.00
MIXER	MIXED BEVERAGE RENEWAL	2	1,800.00CR				1,800.00
PLUM1	PLUMBING CONTRACTOR INITIAL	2	200.00CR				200.00
PLUM2	PLUMBING CONTRACTOR RENEW	7	525.00CR				525.00
RESAL	RESIDENTIAL SALE	69	690.00CR				690.00
SIGN	SIGN HANGERS LICENSE FEE	1	75.00CR				75.00
SNOWC	SNOW CONE STAND LICENSE FEE	1	25.00CR				25.00
STORM	STORM CELLAR LICENSE FEE	2	150.00CR				150.00
TREE	TREE TRIMMING LICENSE FEE	2	50.00CR				50.00
TOTAL			18,337.00CR				18,337.00

05/05/2011 3:04 PM
STATUS: ALL
SEGMENT CODES: All
FEE CODES: All

PROJECT PAYMENT REPORT

PAGE:
PROJECTS: THRU ZZZZZZZZZZ
PAYMENT DATES: 4/01/2011 TO 4/30/
SORTED BY: PRO

** SEGMENT CODE TOTALS **

SEGMENT CODE	DESCRIPTION	TOTAL PAID
B1-NEW	BUILDING CONSTRUCTION NEW	3,696.19CR
B2-ADD	BUILDING CONSTRUCTION ADD	181.90CR
B3-REMODEL	BUILDING CONSTRUCTION REM	5,697.06CR
B4-OTHER	BUILDING CAPORT/SHELTER	761.10CR
E2-ADD	ELECTRICAL ADDITION	44.50CR
E3-REMODEL	ELECTRICAL REMODEL/REPAIR	378.00CR
M3-REMODEL	MECHANICAL REMODEL/REPAIR	1,702.50CR
P3-REMODEL	PLUMBING REMODEL	759.50CR
P5-SEPTIC	SEPTIC PERMIT	20.00CR
X-CURBCUT	CURBCUT/DRIVEWAY/SIDEWALK	175.00CR
X-PLATFIN	PLAT REVIEW FINAL	384.00CR
X-PLATREV	PLAT REVIEW PRELIM	234.00CR
X-SIGN	SIGN PERMIT	225.00CR
Z-OCCUP	OCCUPANCY PERMIT	50.00CR
TOTAL		14,308.75CR

Regular Board of Commissioners

2. d.

Meeting Date: 05/16/2011

Mayor's Appointment

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Mayor's Appointment:

Shawnee Civic and Cultural Development Authority (Expo Center)

Re-appointment of Casey Bell to 1st full term expires 12/30/2014

Regular Board of Commissioners

2. e.

Meeting Date: 05/16/2011

Acknowledge Refund of contributions

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 Tommy Mitchell.

Regular Board of Commissioners

2. f.

Meeting Date: 05/16/2011

Acknowledge refund of retirement contribution

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 Darren Denwalt.

Regular Board of Commissioners

2. g.

Meeting Date: 05/16/2011

Acknowledge refund of retirement contribution

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 Darlene Lackey.

Regular Board of Commissioners

2. h.

Meeting Date: 05/16/2011

Change order Trails Project by St Gregorys

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Approve Change Order Acknowledgement for Trails Project Along MacAthur Street from St Gregory's entrance to Leo Street.

Attachments

Trails Change Order

Mayor
LINDA PETERSON



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

Commissioners
PAM STEPHENS
FRANK SIMS
JAMES HARROD
BILLY COLLIER
JOHN WINTERRINGER
STEVE SMITH

MEMORANDUM

Date: May 12, 2011

To: Brian McDougal, City Manager

From: John Krywicki, P.E., City Engineer

A handwritten signature in black ink, appearing to read "JMK", is written over the "From:" line.

Re: Change Order No. 1 Trails Project (St Gregory's to Leo Street)
City of Shawnee Contract No. COS-PW-08-01
ODOT Proj. No. STP163E(176)EH ; Job Piece No. 22603(04)

At the May 16, 2011 City Commission meeting we will present a Change Order for the above referenced project, for the Commission to acknowledge.

The Change Order was at the request of James Bryce (Parks Director) to add some landscaping and plantings to the Trails Project between the entrance of St. Gregory's and Leo Street. The City received a grant from ODOT not to exceed \$198,000 as their 80% portion of construction costs and the City is providing 20% of the construction costs.

Because of the low bid received by Rudy Construction (Contractor awarded the Project), there was some funding being left on the table from the ODOT grant. We contacted ODOT to get confirmation that landscaping, plantings, etc were a reimbursible expense of the grant, and they acknowledge such and give approval for the Change Order in the amount of \$22,668.00 to Rudy Construction. See Attached documentation: Letter to Mr. Justin Erickson from ODOT approving Change Order; Change Order No.1; email correspondence with ODOT; and Rudy proposal.

ODOT pays 80% of the Change Order with the grant funding and the City of Shawnee will pay 20% of the costs.

If you have any questions or need additional information, please advise.



OKLAHOMA DEPARTMENT OF TRANSPORTATION

200 N. E. 21st Street
Oklahoma City, OK 73105-3204

December 10, 2010

Justin Erickson, Community Development Director
City of Shawnee
PO Box 1448
Shawnee, OK 74802

Dear Mr. Erickson:

I am corresponding with reference to The City of Shawnee Airport Trail Extension and Safety Improvements Transportation Enhancement Project, Federal-Aid Project No. STP-163E(176)EH, State Job Piece No. 22603(04).

The Department has reviewed Change Order Number 1 for the subject construction contract. The Department voices no objections to the Change Order as submitted.

Please forward a copy of the executed Change Order for our files.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt VanAuken".

Matt VanAuken
Special Projects Branch

CHANGE ORDER

ORDER NO. 1 (ONE)

DATE: November 18, 2010

AGREEMENT DATE: July 22, 2010

NAME OF PROJECT: SIDEWALK/TRAIL ON MACARTHUR FROM LEO TO TIMBERS

CONTRACT NO.: COS-PW-08-01 Proj. No. STP163E(176)EH, JOB PIECE No. 22603(04)

OWNER: CITY OF SHAWNEE, SHAWNEE, OK

CONTRACTOR: RUDY CONSTRUCTION CO.

The following changes are hereby made to the CONTRACT DOCUMENTS:

SEE ATTACHED CHANGE ORDER REQUEST

Justification:

Change to CONTRACT PRICE: \$ 0.00

Original CONTRACT PRICE: \$ 162,513.00

Current CONTRACT PRICE adjusted by previous CHANGE ORDER \$ 162,513.00

The CONTRACT PRICE Due to this CHANGE ORDER will be **increased**
by: \$ 22,668.00

The new CONTRACT PRICE including this CHANGE ORDER will be \$ 185,181.00

Change to CONTRACT TIME: 30 calendar days

The CONTRACT TIME will be **increased** by 30 calendar days.

The date for completion of all work will be January 19, 2010 (Date).

Approvals Required:

To be effective this Order must be approved by the Federal Agency if it changes the scope or objective of the PROJECT, or as may otherwise be required by the SUPPLEMENTAL GENERAL CONDITIONS.

Requested by: James Bryce (Parks Director)

Recommended by: John M. Krywicki, P.E. (City Engineer)

Ordered by: _____

Accepted by: _____

CONTRACTOR

(Signed)

OWNER

City Manager

City Engineer

John Krywicki

From: John Krywicki
Sent: Friday, November 19, 2010 11:37 AM
To: 'MVanAuken@ODOT.ORG'
Cc: Justin Erickson
Subject: Shawee Trails Project-- STP163E(176)EH

Attachments: STP163E(176)EH_Change Order Trails Project.doc; Trail Beautification Plan.pdf; Shawnee Landscape proposal.pdf

Matt:

Since our original contract bid with Rudy Construction came in so much lower than our estimate and the grant we received, we are proposing a 'change order' to add landscaping and planting(s) along the extents of our project.

For your review and comments, we are sending (attached) an unexecuted change order [STP163E176EH Change Order Trails Project.doc], a plan showing the plants and types, and their spacing [Trail Beautification Plan.pdf], and the cost proposal from Rudy Construction [Shawnee Landscape Proposal.pdf].

With your approval that the change order would be a reimbursement expense under the grant, we would then place the change order item on our next available City Commission meeting for execution.

If you have any questions or need additional information, let us know.

Thanks for all your assistance you have given on our project...

Thanks,
John K.

John M. Krywicki, P.E.
City Engineer
Shawnee, OK 74801

Ph: 405.878.1660



STP163E(176)EH_CTrail Beautification
hange Order Tr...



Plan.pdf ...



Shawnee
andscape proposal.pd

Fax" 405.878.1719

Tracking:

Recipient

'MVanAuken@ODOT.ORG'

Justin Erickson

Delivery

Delivered: 11/19/2010 11:37 AM

John Krywicki

Subject: FW: STP-163E(176)EH Trails Project---Shawnee, OK

From: MVanAuken@ODOT.ORG [mailto:MVanAuken@ODOT.ORG]
Sent: Thursday, September 30, 2010 9:19 AM
To: John Krywicki
Subject: Re: STP-163E(176)EH Trails Project---Shawnee, OK

Submit me a Unexecuted Change Order for what you are wanting to add and we will take a look at it and let you know.

Thank You,
Matthew VanAuken
Project Management Division
Special Projects Branch
mvanauken@odot.org

To MVanAuken@odot.org
cc James Bryce <jbryce@shawneeok.org>
Subject Re: STP-163E(176)EH Trails Project---Shawnee, OK

Matt:

The approved Grant for the above referenced enhancement project as stated in the Agreement is at a dollar amount not to exceed \$198,376 and the City would be reimbursed for those eligible costs associated with the project.

As of today, the total project costs are at \$189,548 (162,513 Rudy Constr. + 27,035 OGE) and 80% of that amount (or the Federal share) is approximately \$151,637, thus, there is some grant funding not being used.

Would landscaping, plantings, etc be an eligible cost for this enhancement project? If so, what would we need to submit to yourself to get it approved for reimbursement.

Thanking you in advance for your assistance...

Thanks,

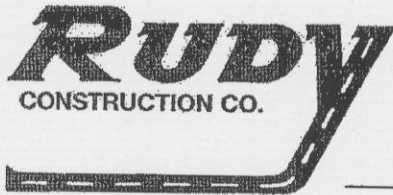
John K.

Cc: Jame Bryce, Parks Superintendent / Interim Operations Director

*John M. Krywicki, P.E.
City Engineer
Shawnee, Oklahoma 74801*

*Ph: 405.878.1660
Fax: 405.878.1719*

5/11/2011



ASPHALT & CONCRETE PAVING

P.O. Box 14575 - Oklahoma City, Oklahoma 73113
Telephone: (405) 478-9900 - Fax: (405) 478-9901

November 12, 2010

Mr. Michael Ludi
Assistant City Engineer
City of Shawnee, Oklahoma

RE: Proposed Landscaping along New Trail on MacArthur Street between Leo and Timbers St.
COS-PW-08-01

Sir:

Per the City's request, we propose to furnish and install landscape as per the beautification plan provided to us, for the sum of \$22,668.00.

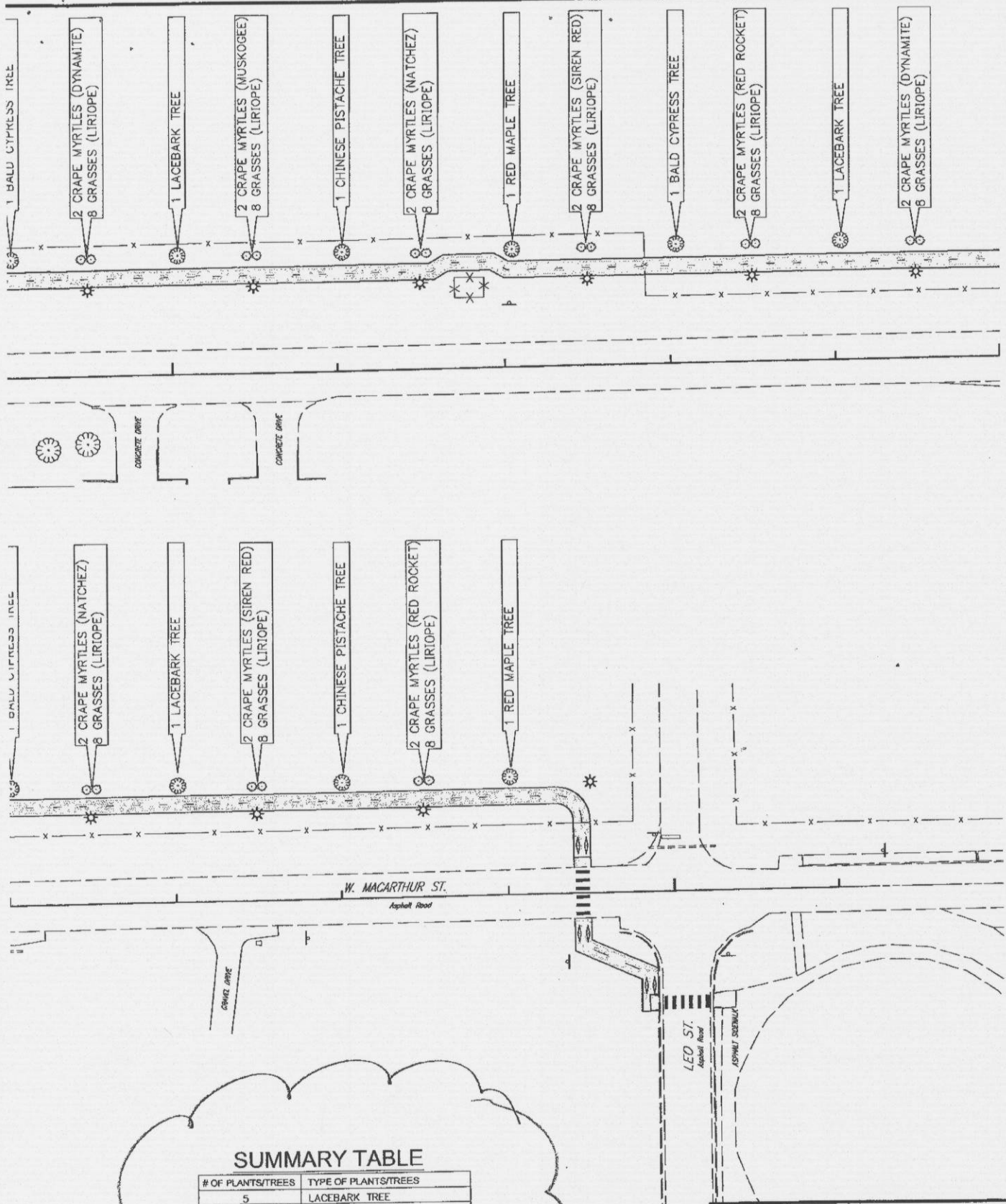
Please review this proposal at your earliest convenience and advise. If you have any questions, please feel free to call.

Respectfully submitted,

A handwritten signature in black ink that reads "Phil Pratt". The signature is written in a cursive, flowing style with a long horizontal line extending from the end.

Phil Pratt
Rudy Construction

Attachment: One Summary Table



SUMMARY TABLE

# OF PLANTS/TREES	TYPE OF PLANTS/TREES
5	LACEBARK TREE
5	CHINESE PISTACHE
5	RED MAPLE
4	BALD CYPRESS
8	MUSKOGEE CRAPE MYRTLES
8	NATCHEZ CRAPE MYRTLES
8	RED SIREN CRAPE MYRTLES
8	RED ROCKET CRAPE MYRTLES
6	DYNAMITE CRAPE MYRTLES
152	VARIETATED AND NON-VARIETATED LIRIOPE

PROPOSED SIDEWALK/TRAIL ON MACARTHUR
BEAUTIFICATION PLAN

SURVEY BY: J.A.
DRAWN BY: M.L.
CHECKED BY: M.L.
REVISED: DATE: 9/16/09
ENGINEER: J.K.

CITY OF SHAWNEE
222 BROADWAY
SHAWNEE, OKLAHOMA



ENGINEERING DEPARTMENT

DATE: 9/16/09 SCALE: 1"=40' PROJECT NO. COS-PW-08-01 SHEET NO. 06

Regular Board of Commissioners

2. i.

Meeting Date: 05/16/2011

Lake Site Lease Transfer and Renewal

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Lake Site Lease Transfer and Renewal:

Transfer:

Lot 7 Roewe Tract, 15501 Perry Road

From: K. Coffelt

To: D. Ozment

Renewal:

Lot 4 Damron Tract, 33803 Belcher Road

G. Pruett and N. Pruett

Attachments

Transfer Lot 7 Roewe Tract

Renewal Lot 4 Damron Tract



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	5/11/11	License No. #020260
Type	☐ Renewal ☒ Transfer <i>(Fee: \$1,000)</i>	
Commission Meeting Date	05/16/11	
Property Address	15501 Perry Rd	
Lake Site Location	Lot 7 Roewe Tract	
Lease Dates	05/16/11 – 05/16/41	
Lease Fee (changes annually)	\$612.00	
Inspection Fee	\$75.00 Applicable: ☒ Yes ☐ No	
Lessee (Transfer To)		
Name(s)	Dalmar Ozment	
Address	See file	
Phone	See file	
Current Lessee (Transfer From) <i>(if applicable)</i>		
Name(s)	Kathy Coffelt	
Address	See file	
Phone	See file	
Inspection Information		
Inspection Required	☒ Yes ☐ No (if no, due:)	
DEQ Report on File	☒ Yes ☐ No	
Type of Septic System	☐ Conventional ☒ Aerobic	
Last Inspected/Pumped	04/14/11	
Misc. Comments		
Total Charges Paid: \$1687.00		



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	5/10/11	License No. #010763
Type	☒ Renewal ☐ Transfer (Fee: \$1,000)	
Commission Meeting Date	5/16/11	
Property Address	33803 BELCHER RD	
Lake Site Location	LOT 4 DAMRON TRACT	
Lease Dates	11/21/10 – 11/21/40	
Lease Fee (changes annually)	600.00	
Inspection Fee	\$75.00 Applicable: ☒ Yes ☐ No	
Lessee (Transfer To)		
Name(s)	GEOFFREY & NANCY PRUETT	
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	01/21/11	
Misc. Comments		
Total Charges Paid: \$675.00		

Regular Board of Commissioners

4.

Meeting Date: 05/16/2011

Mayor's Proclamation: Safe Boating Week

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Mayor's Proclamation:

"National Safe Boating Week"

May 21-27, 2011

"Community Action Month"

May 2011

Regular Board of Commissioners

5.

Meeting Date: 05/16/2011

Expo Presentation

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Presentation by representative of the Shawnee Civic and Cultural Development Authority for funding the the FY11-12 budget.

Regular Board of Commissioners

6.

Meeting Date: 05/16/2011

Preliminary & Final Plat approval for Linden Heights First Addition

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consider approval of Preliminary Plat and Final Plat for Linden Heights First Addition located at NE corner of Farrall and Kennedy Streets. Case #S03-11 and #S04-11

Attachments

Prelim and final plats Linden Heights

RECOMMENDATION TO:

MAYOR

BOARD OF CITY COMMISSIONERS

CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE

PLANNING COMMISSION

SUBJECT:APPLICANT: Landes EngineeringFOR: Preliminary & Final Plat for Linden Heights First AdditionLOCATION: NE corner of Farrall & KennedyPROJECT NUMBER 110354-110355CASE NUMBER S03-11 & S04-11**PLANNING COMMISSION MEETING DATE:**May 4, 2011**PLANNING COMMISSION RECOMMENDATION:**Approved subject to 4 conditions

1. Final infrastructure plans shall be submitted by the applicant and approved by the City and 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 public sidewalk easement shall be noted along Kennedy Street and Farrall Street frontages. This area shall also extend along Lot 1 to allow for future extension of the public sidewalk. Alternatively, the sidewalks may be constructed within the existing public right-of-way.
4. All other applicable City standards apply.

VOTE OF THE PLANNING COMMISSION:**MEMBERS PRESENT:** 5

MEMBERS:	1ST	2ND	AYE	NAY	ABSTAIN	COMMENTS
NICKLES						ABSENT
HOSTER			X			
CARTER	X		X			
MALTOS (CHAIRMAN)						ABSENT
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 _____

PRELIMINARY PLAT APPLICATION FOR THE CITY OF SHAWNEE

Please provide a submittal letter, 6-24 X 36 maps, 1-8 1/2 x 14 map, 1 electronic map
(kdrain@shawneeok.org) and filing fees upon submitting this application.

APPLICANT Landes Engineering

APPLICANT ADDRESS 903 E. 35th St. Shawnee, OK 74801

APPLICANT PHONE NUMBERS 405-275-5388

EMAIL ADDRESS landesengineering@landesengineering.net

NAME OF PLAT Linden Heights First Addition

LOCATION Corner of Farrall & Kennedy

NUMBER OF ACRES 9.75 NUMBER OF LOTS 3

FOR 2 ACRE LOTS OR GREATER DEVELOPMENTS: COST IS \$225.00

PLUS **\$3.00** PER LOT UP TO FIFTY (50) LOTS NUMBER OF LOTS 3 \$9.00

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

TOTAL COST \$234.00

pd
4/5/11

FOR LESS THAN 2 ACRE LOTS: COST IS \$225.00

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 Linden - Shawnee Partners, L.P.

ADDRESS 209 S. 19th St., Suite 600

CONTACT NUMBERS 405-341-0888

EMAIL ADDRESS blucas@cstonellc.net

PROJECT ENGINEER INFORMATION:

NAME Richard Landes

ADDRESS 903 E. 35th St. Shawnee, OK 74801

CONTACT NUMBERS 405-275-5388

EMAIL ADDRESS landesengineering@landesengineering.net



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

STAFF REPORT
Linden Heights First Addition
Case #S03-11, #S04-11

TO: Shawnee Planning Commission

AGENDA: May 4, 2011

RE: Linden Heights First Addition Preliminary and Final Plat

PROPOSAL

Facilitate the construction of an additional apartment complex, by platting 9.75 acres into three lots. Lot 1 includes an existing apartment complex (Linden Apartments). Lot 2 is proposed to be developed into additional apartment units (Linden Apartments – Phase II). There are no plans to develop Lot 3 at this time. The Linden Apartments are a 54 unit complex that was completed in 2006. A final plat was approved in 2006, but never subsequently recorded. Approval of this plat will establish necessary public easements and facilitate additional development.

The property is zoned R-3 and apartment units are a permitted use.

GENERAL INFORMATION

Applicant	Linden – Shawnee Partners
Contact	Landes Engineering Shawnee, OK
Site Location/Address	315 S. Kennedy Northeast Corner of Farrall and Kennedy
Current Site Zoning	R-3 (High-Density Residential)
Comprehensive Plan Designation	Commercial/Residential
Existing Land Use	Apartment Complex (Lot 1)

	Vacant (Lots 2-3)
Proposed Land Use	Apartments (expansion of existing complex)
Surrounding Land Use	<u>North</u> : High Density Residential <u>South</u> : Residential <u>West</u> : Vacant, Industrial <u>East</u> : Residential
Surrounding Zoning	<u>North</u> : R-3 <u>South</u> : A-1 <u>West</u> : I-2 <u>East</u> : R-2



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

STAFF REVIEW AND ANALYSIS

Staff has reviewed the proposed preliminary and final plats and finds conformance with the City's platting requirements, subject to the recommended conditions below. In

support of the requested approval, the applicant has submitted the necessary plat documents and engineering reports.

With respect to utilities, the site is currently served by City water and sewer service, which is provided to the existing apartment complex. Utilities are readily available to serve the additional planned apartment complex. Additional building plan review will be conducted at the time of building permit submittal. The preliminary plat shows a proposed playground area and sidewalks that surround the planned apartment complex. The proposed lots range in size from 1.10 acre to 5.00 acres in size and all lots meet or exceed the R-3 zoning standards. Two stormwater detention areas are proposed. Access to the proposed apartment complex is from Kennedy Street.

Regarding the technical aspects of the submitted plat, the City Engineer has reviewed the submitted plans and has no objection to preliminary and final plat approval.

STAFF RECOMMENDATION

Staff recommends **approval** of the Linden Heights First Addition Preliminary and Final plats, subject to the following conditions:

1. Final infrastructure plans shall be submitted by the applicant and approved by the City and 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 public sidewalk easement shall be noted along Kennedy Street and Farrall Street frontages. This area shall also extend along Lot 1 to allow for future extension of the public sidewalk. Alternatively, the sidewalks may be constructed within the existing public right-of-way.
4. All other applicable City standards apply.

A SUBDIVISION OF A PART OF THE SE/4
OF SECTION 24, TOWNSHIP 10 NORTH, RANGE 3 EAST, 1.M.,
CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA.

LOCATION: NORTH-EAST CORNER OF THE INTERSECTION OF FAYALL STREET AND MONROV STREET.

OWNER: A. BELL, LTD.

LAND-OWNER: NATIONAL L. B&E, 1175 ST. 800
BETH, IN OHIO

ACQ: 341-0000

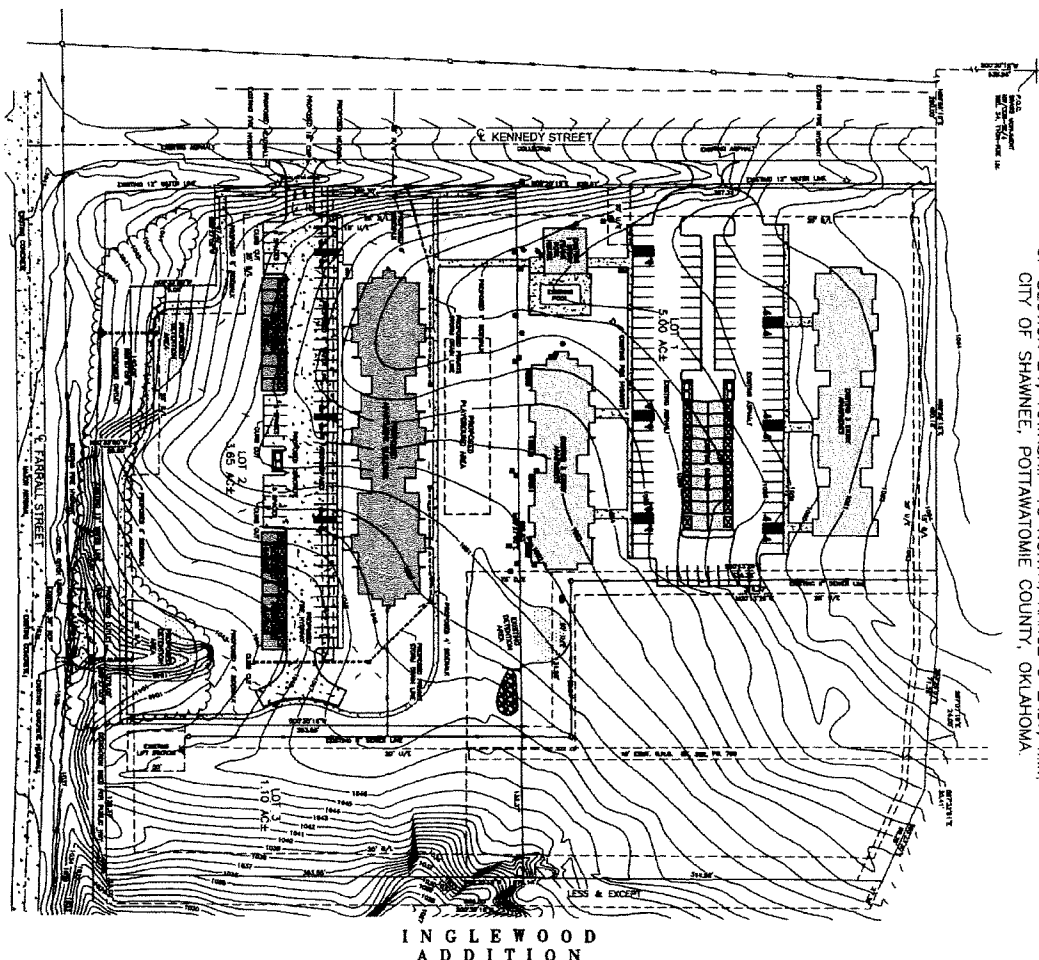
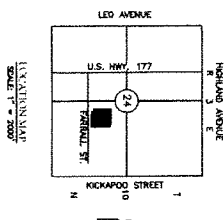
CONTACT: LANCE
Rd 2, Box 57,
BETH, OH 44601
(419) 274-1300

C. 3 BILLING UNITS (2 ELECTRIC, 1 TELEPHONE)
D. NONE
E. NONE
F. NONE
G. NO PUBLIC SERVICE PROVIDED
H. NONE

STORMWATER FLOW

PROCESSES IS TO BE REDUCED IN THE CENTRAL AND PERIPHERAL ZONES. THE CENTRAL ZONE IS TO BE REDUCED TO A MINIMUM OF 10% OF THE TOTAL FLOW. THE PERIPHERAL ZONE IS TO BE REDUCED TO A MINIMUM OF 5% OF THE TOTAL FLOW. THE REDUCED FLOW IS TO BE USED FOR THE CENTRAL AND PERIPHERAL ZONES. THE REDUCED FLOW IS TO BE USED FOR THE CENTRAL AND PERIPHERAL ZONES. THE REDUCED FLOW IS TO BE USED FOR THE CENTRAL AND PERIPHERAL ZONES.

SECRET, EMBROIDERED, 1001



INGLEWOOD
ADDITION



SCALE
1" = 1 MI

STATE OF KANSAS
DEPARTMENT OF REVENUE

[illegible]

NOTE

The publisher *did* not even respond to a copy of our letter in accordance with the confidentiality rule with which we are familiar and in accordance with the openness and resultant openness the openness of law. Only with evidence and some requests.

Now in operation
207 Day 1-400-971-6148

[illegible]

LANDES ENGINEERING L.L.C.
www.landesengineering.net
903 E. 35th Street • P.O. BOX 1032
Shawnee, OK 74802-1032
(405) 275-5755 • Fax (405) 275-9047
CA # 2260 EXP. 6-30-11

Cornerstone Associates, LLC	
Shawnee II Apartments	
Preliminary Plat	
Sheet of	of
Date	07/30/2011

A SUBDIVISION OF A PART OF THE SE/4
OF SECTION 24, TOWNSHIP 10 NORTH, RANGE 3 EAST, I.M.,
CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA.

UNDEN--SHAWNEE PARTNERS, L.P.
SHAWNEE, OKLAHOMA

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

APPLICANT ADDRESS 903 E. 35th St. Shawnee, OK 74801

APPLICANT PHONE NUMBERS 405-275-5388

EMAIL ADDRESS landesengineering@landesengineering.net

NAME OF PLAT Linden Heights First Addition

LOCATION corner of Farrall & Kennedy

NUMBER OF ACRES 9.75 NUMBER OF LOTS 3

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

PLUS **\$3.00** PER LOT UP TO FIFTY (50) LOTS NUMBER OF LOTS 3 \$334.00

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

TOTAL COST 334.00 pd. 4/5/11

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 Linden - Shawnee Partners, L.P.

ADDRESS 209 S. 19th St., Suite 600

CONTACT NUMBERS 405-341-0888

EMAIL ADDRESS blucas@cstonellc.net

PROJECT ENGINEER INFORMATION:

NAME Richard Landes

ADDRESS 903 E. 35th St. Shawnee, OK 74801

CONTACT NUMBERS 405-275-5388

EMAIL ADDRESS landesengineering@landesengineering.net

Regular Board of Commissioners

7.

Meeting Date: 05/16/2011

Resolution of condemnation

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consider resolution of necessity for acquisition of parcels numbered 69.1, 69.2 and 69.3 on Kickapoo Street paving project by either purchase or condemnation.

Attachments

Condemnation resolution

RESOLUTION NO. _____

A RESOLUTION DECLARING IT TO BE A MATTER OF PUBLIC NECESSITY TO ACQUIRE CERTAIN EASEMENTS FOR THE PURPOSE OF CONSTRUCTION AND EXPANSION IMPROVEMENTS KNOWN AS THE PROPOSED KICKAPOO STREET PAVING PROJECT, DESCRIBING SAID EASEMENTS AND AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO ACQUIRE SAID EASEMENTS BY PURCHASE OR CONDEMNATION.

WHEREAS, it is a matter of public necessity that the Kickapoo Street Paving Project of the City of Shawnee, Oklahoma, be expanded and improved to meet the needs of the public; and

WHEREAS, it is a matter of public necessity that certain easements be acquired for the purpose of construction and expansion of said Paving Project from MacArthur Street to Kickapoo Spur.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA that it is a matter of public necessity that the following easements on lands situated within the City of Shawnee, Pottawatomie County, State of Oklahoma, be acquired for the purposes of construction and expansion of the Kickapoo Street Paving Project from MacArthur Street to Kickapoo Spur, to-wit:

Parcel 69.1

PERMANENT EASEMENT FOR PUBLIC HIGHWAY

A strip, piece or parcel of land lying in part of Lots 17, Block 18, Rose Garden Addition to Shawnee of Section 7, T10N, R4E, in Pottawatomie County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

Beginning at the Southwest corner of said Lot 17, thence N 0°11'04" E on the West line of said addition for a distance of 140.00 feet, thence S 89°48'56" E for a distance of 3.23 feet, thence S 0°11'04" W and parallel to the West line of said addition for a distance of 125.15 feet, thence S 38°34'07" E for a distance of 19.11 feet, thence N 89°48'56" W on the South line of said Lot 17 for a distance of 15.13 feet to the point of beginning.

Parcel 69.2

TEMPORARY EASEMENT

A strip, piece or parcel of land lying in part of Lots 17, Block 18, Rose Garden Addition to Shawnee of Section 7, T10N, R4E, in Pottawatomie County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

Commencing at the Southwest corner of said Lot 17, thence S 89°48'56" E on the South line of said Lot 17 for a distance of 15.13 feet to the point of beginning, thence N 38°34'07" W for a distance of 19.11 feet, thence N 0°11'04" E and parallel with the West line of said addition for a distance of 125.10 feet, thence S 89°48'56" E for a distance of 12.14 feet, thence S 0°11'04" W for a distance of 63.17 feet, thence N 89°48'56" W for a distance of 6.00 feet, thence S 0°11'04" W for a distance of 52.00 feet, thence S 44°14'10" E for a distance of 34.77 feet, thence N 89°48'56" W on the South line of said Lots 17 & 18 for a distance of 18.51 feet to the point of beginning.

Parcel 69.3

TEMPORARY EASEMENT

A strip, piece or parcel of land lying in part of Lots 17, Block 18, Rose Garden Addition to Shawnee of Section 7, T10N, R4E, in Pottawatomie County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

Commencing at the Southwest corner of said Lot 17, thence N 0°11'04" E on the West line of said addition for a distance of 67.89 feet, thence S 89°48'56" E for a distance of 9.00 feet to the point of beginning, thence N 0°11'04" E for a distance of 8.50 feet, thence S 89°48'56" E for a distance of 6.00 feet, thence N 0°11'04" E for a distance of 40.00 feet, thence S 89°48'56" E for a distance of 7.00 feet, thence S 0°11'04" W and parallel with the West line of said addition for a distance of 48.50 feet, thence N 89°48'56" W for a distance of 13.00 feet to the point of beginning.

BE IT FURTHER RESOLVED that the City Manager and the City Attorney be, and they are hereby authorized and directed to acquire said easement by purchase, and in the event said easement cannot be acquired by purchase at a reasonable price, the City Manager and City Attorney are hereby authorized and directed to acquire said easement by condemnation under the laws of Eminent Domain of the State of Oklahoma.

ADOPTED AND APPROVED this 16th day of May, 2011.

LINDA PETERSON, MAYOR

ATTEST:

PHYLLIS LOFTIS, CITY CLERK

Regular Board of Commissioners

8.

Meeting Date: 05/16/2011

Discuss storm shelter requirements

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Discussion concerning storm shelter requirements in garage floors.

Regular Board of Commissioners

9.

Meeting Date: 05/16/2011

Sales Tax Report

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge Sales Tax Report received May 2011.

Attachments

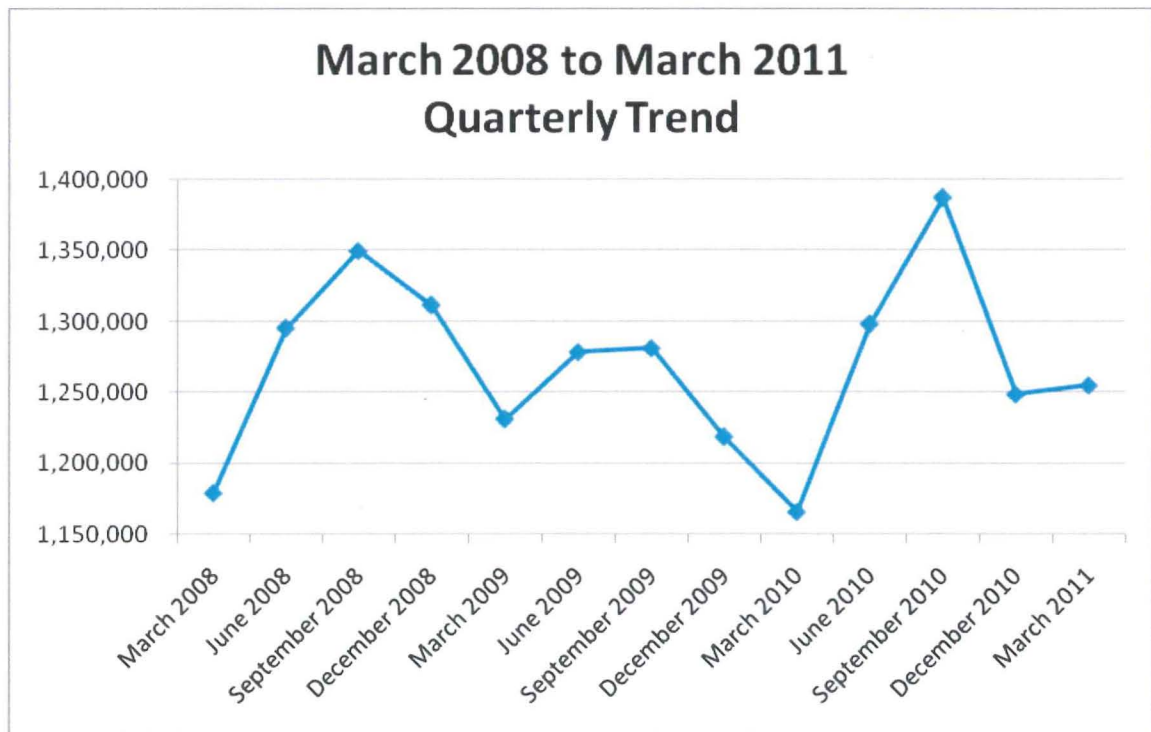
Sales Tax Report May 2011

City of Shawnee Memorandum

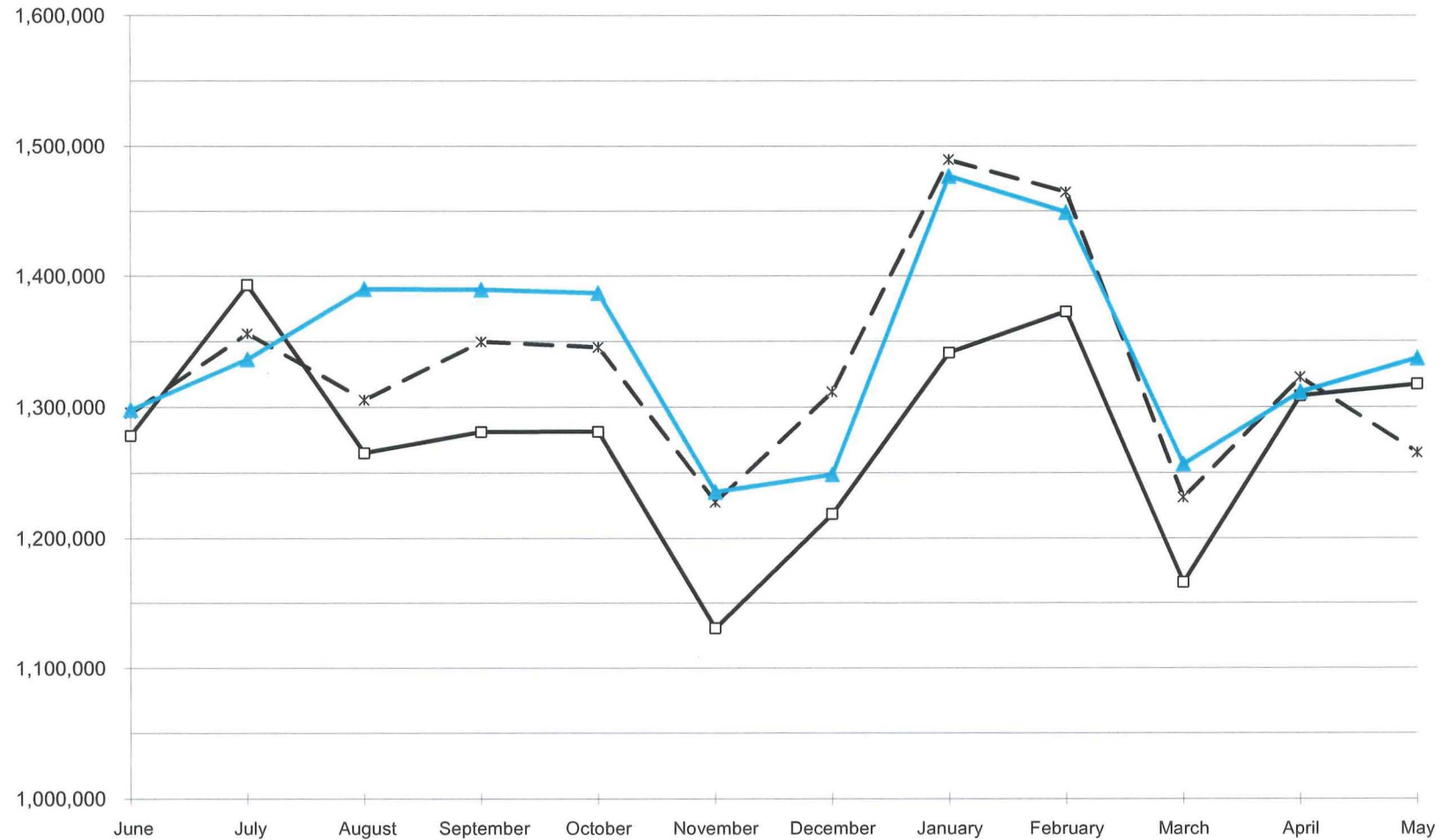
To: Mayor and City Commissioners
CC: Brian McDougal, City Manager
From: Cynthia R Sementelli, Finance Director
Date: May 9, 2011
Re: City Sales Tax Report



May 2011 Sales Tax receipts were up \$19,861 or 1.51% over last year receipts. The May sales tax amount received plus interest was \$1,337,029 which is approximately \$757,106 or 5.38% above year to date budget projections. Compared to 2008 figures we are up \$71,821 or 5.68%.



**CITY OF SHAWNEE
SALES TAX COLLECTIONS
June 2008 to May 2011**



—x— May 2008 through April 2009
—□— May 2009 through April 2010
—▲— May 2010 through April 2011

	May 2008	May 2009	May 2010	Increase (Decrease)	
	through	through	through	Over Prior Year	
Month	April 2009	April 2010	April 2011	Amount	Percentage
June	1,295,385	1,278,401	1,298,026	19,625	1.54%
July	1,355,973	1,393,065	1,336,599	(56,467)	(4.05%)
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%
.	15,963,560	15,353,915	16,116,072	762,157	4.96%

Period	Prior Year Actual	Current Year Actual	Increase (Decrease) Over Prior Year	
Fiscal Year to Date	14,075,514	14,818,046	742,532	5.28%

Fiscal Year to Date Budget corrected to consider weighted average of monthly receipts

Period	Current Year Budget	Current Year Actual	Budget Variance Favorable (Unfavorable)	
Fiscal Year to Date	14,060,940	14,818,046	\$757,106	5.38%

Regular Board of Commissioners

10. a.

Meeting Date: 05/16/2011

Truck Mounted Sewer Jetter

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

One (1) 2011 Truck Mounted Sewer Jetter (Open)

Attachments

Notice to bidders truck mounted sewer jetter

Bidders List

NOTICE TO BIDDERS

Sealed bids will be received by the City of Shawnee, 9th & Broadway, P. O. Box 1448, Shawnee, Oklahoma 74801, until 4:00 p.m., Monday, May 16, 2011, for:

ONE (1)-2011 TRUCK MOUNTED SEWER JETTER

Instructions and bid documents are available to qualified bidders at the office of the Public Works Director, 111 S. Kickapoo, P. O. Box 1448, Shawnee, Oklahoma 74802-1448.

A bid proposal form will be issued by the City of Shawnee. Each bid shall be filed in a sealed envelope. On the front of each envelope shall be written the following words to the left of the address:

EQUIPMENT BID: ONE (1)-2011 TRUCK MOUNTED SEWER JETTER
May 16, 2011

The ORIGINAL bid shall be filed with the City Clerk of the City of Shawnee, together with a sworn non-collusion affidavit in writing that the bidder has not entered into any agreement, expressed or implied, with any other bidder, or bidders, for the purpose of limiting the bid, or bidders or parcel out to any bidder, or bidders or any other persons, any part of the contract or subject matter of the bid.

Bids will be opened and considered by the Board of City Commissioners at a Public Meeting in the City Hall Commission Chambers, Shawnee, Oklahoma, at 6:30 p.m., May 16, 2011.
The City of Shawnee reserves the right to reject any or all bids.



(SEAL)

ATTEST:

Phyllis Loftis
City Clerk

CITY OF SHAWNEE, A Municipal Corporation

By: _____

Brian E. McDougal
City Manager

Bidder List for Flusher Truck 04-21-2011

J&R Equipment LLC. ATTN: Rodney Womack 25C N. Council Oklahoma City, OK 73127 405-495-5110 Fax 405-495-5112 rwomack@jrequip.net	Frontier Equipment 4123 Banner Road El Reno, OK 73036 Phone- 405-354-2611 Fax- 405-354-2992
Midwestern Equipment Co. 4645 Southwest Blvd. Tulsa, OK 74107 405-232-2527 Fax 405-232-2554 NO longer in business	
Texas Underground Inc. 4710 Don Drive Dallas, TX 75247 214-951-7899 Fax 281-598-5007 dallas@texasundergroundinc.com	
Boyle Equipment Company 7550 Dahlia St. Commerce City, CO 80022 1-800-326-9020	
Kinlock Equipment and Supply Inc. 763 109th St. Arlington, TX 76011 1-800-536-5902 Fax 817-633-7239	
Sewer Equipment Company of America Glenview Office: 2111 Chestnut Ave. #270 Glenview, Illinois 60025 Chadwick Production Facility: 12 Howard Street Chadwick, Illinois 61014 Toll Free: 1-800-323-1604 U.S.A.: 1-847-729-3316 FAX: 1-847-729-3547	

Regular Board of Commissioners

10. b.

Meeting Date: 05/16/2011

Asphalt Streets Project

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Rehab Asphalt Streets Project (Various Locations) COS-PW-10-07 (Award)

Attachments

Rehab Asphalt Project bid information

Award Memo

BID TABULATION SHEET

REHAB ASPHALT STREETS PROJEC
(VARIOUS LOCATIONS)

CONTRACT NO. COS-PW-10-07

MAY 2, 2011

<u>BIDDER</u>	<u>AMOUNT</u>
<u>A-Tech Paving</u> Edmond, OK	\$ 2,337,150.00
<u>All Roads Paving, Inc.</u> Oklahoma City, OK	\$ 1,412,981.00
<u>Rudy Construction Co.</u> Oklahoma City, OK	\$ 1,515,800.00
<u>T.J. Campbell Construction Co.</u> Oklahoma City, OK	\$ 1,715,550.00

ENGINEER'S ESTIMATE: \$ 1,495,750.00

COS-PW-10-07 - REHAB ASPHALT STREETS PROJECT (VARIOUS LOCATIONS)

ITEM NO.	DESCRIPTION	QNTY. NO.	UNIT	All Roads Paving		Rudy Construction		TJ Campbell Construction Co		A-Tech Paving, Inc	
				UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
411 (B)	ASPHALT CONCRETE TYPE B	18,000.00	Ton	\$ 62.75	\$ 1,129,500.00	\$ 66.00	\$ 1,188,000.00	\$ 66.50	\$ 1,197,000.00	\$ 63.00	\$ 1,134,000.00
417	COL MILLING PAVEMENT	125,000.00	S.Y.	\$ 1.05	\$ 131,250.00	\$ 1.20	\$ 150,000.00	\$ 1.25	\$ 156,250.00	\$ 5.00	\$ 625,000.00
420 (A)	FABRIC REINFORCEMENT	125,000.00	S.Y.	\$ 0.85	\$ 106,250.00	\$ 1.00	\$ 125,000.00	\$ 2.30	\$ 287,500.00	\$ 4.00	\$ 500,000.00
420 (B)	BITUMINOUS BINDER	9,800.00	Gal.	\$ 3.23	\$ 31,654.00	\$ 3.50	\$ 34,300.00	\$ 3.25	\$ 31,850.00	\$ 3.00	\$ 29,400.00
612 (A)	MANHOLES ADJUST TO GRADE	10.00	EA.	\$ 155.00	\$ 1,550.00	\$ 300.00	\$ 3,000.00	\$ 450.00	\$ 4,500.00	\$ 250.00	\$ 2,500.00
612 (A)	INLETS ADJUST TO GRADE	11.00	EA.	\$ 200.00	\$ 2,200.00	\$ 300.00	\$ 3,300.00	\$ 450.00	\$ 4,950.00	\$ 250.00	\$ 2,750.00
612 (A)	VALVE BOXES ADJUST TO GRADE	14.00	EA.	\$ 85.00	\$ 1,190.00	\$ 175.00	\$ 2,450.00	\$ 250.00	\$ 3,500.00	\$ 250.00	\$ 3,500.00
800	TRAFFIC CONTROL	1.00	L.S.	\$ 9,387.00	\$ 9,387.00	\$ 9,750.00	\$ 9,750.00	\$ 30,000.00	\$ 30,000.00	\$ 40,000.00	\$ 40,000.00
TOTAL AMOUNT OF BASE BID					\$ 1,412,981.00		\$ 1,515,800.00		\$ 1,715,550.00		\$ 2,337,150.00

NOTICE TO BIDDERS

Sealed bids will be received by the City of Shawnee, Oklahoma, City Hall, 16 West 9th – P.O. Box 1448, Shawnee, OK 74802-1448 up to 4:00 p.m., **Monday, May 2, 2011**, for:

BID: CONTRACT NO. COS-PW-10-07
REHAB ASPHALT STREETS PROJECT (VARIOUS LOCATIONS)

Bidding Documents, Plans and Specifications are available to qualified bidders at the office of City Engineer, 222 North Broadway, Shawnee, OK 74802-1448. The fee for Plans and Specifications is \$25.00 per contract set and is non-refundable. No documents will be mailed unless the request is accompanied by an additional \$5.00 per set to cover mailing cost. **A Pre-Bid Conference is scheduled for Thursday, April 21, 2011, at 11:00 a.m. in the Engineering Conference Room, 222 North Broadway, Shawnee, OK.**

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

BID: CONTRACT NO. COS-PW-10-07
REHAB ASPHALT STREET PROJECT
(VARIOUS LOCATIONS)
MAY 2, 2011

This project shall include **milling existing asphalt pavement, installation of reinforcement fabric, placement of 2" asphalt surfacing course. Estimated quantites: 125,000 sq. yards milling, 18,000 tons asphalt.** BIDDERS must obtain Bid Documents directly from the City of Shawnee in order for Bids to be acknowledged. The ORIGINAL COPY of each bid shall be filed with the City Clerk of the City of Shawnee, Oklahoma, together with a sworn anti-collusion affidavit in writing that the bidder has not entered into any agreement, expressed or implied, with any other bidder, or bidders, for the purpose of limiting the bid, or bidders, or parcel out to any bidder, or bidders or any other persons, any part of the contract or subject matter of the bid.

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

The bids filed with the City Clerk will be opened and considered by the Board of Commissioners at a Public Meeting in the City Hall, Shawnee, Oklahoma, at 6:30 p.m., **Monday, May 2, 2011**. The City of Shawnee reserves the right to reject any and all bids.



Phyllis Loftis, City Clerk

CITY OF SHAWNEE, OKLAHOMA
a Municipal Corporation

BY: _____

Brian McDougal, City Manager

CITY OF SHAWNEE
PLAN HOLDER'S LIST
CONTRACT NO. COS-PW-10-07
REHAB ASPHALT STREETS PROJECT (VARIOUS LOCATIONS)

Business Name: Rudy Construction
Contact: Phil Pratt
Address: PO Box 14575
Oklahoma City, OK 73113
Telephone: 405-478-9900
Fax: _____
Cell: _____
E-Mail: _____
Paid for & Picked Up Specs: 04/18/11

Business Name: A-Tech Paving
Contact: Jay Doyle
Address: PO Box 2865
Edmond, OK 73038
Telephone: 405-418-4741
Fax: 405-418-4743
Cell: 405-204-3602
E-Mail: jdoyle@atechpaving.com
Paid for & Picked Up Specs: mailed out 04/19/11

Business Name: TJ Campbell
Contact: Ray Bates
Address: PO Box 15129
Oklahoma City, OK 73135
Telephone: 405-672-6768
Fax: 405-672-9890
Cell: _____
E-Mail: _____
Paid for & Picked Up Specs: 04/21/11

Mayor
LINDA PETERSON



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

Commissioners
PAM STEPHENS
FRANK SIMS
JAMES HARROD
BILLY COLLIER
JOHN WINTERRINGER
STEVE SMITH

MEMORANDUM

Date: May 12, 2011

To: Brian McDougal, City Manager

From: John Krywicki, P.E., City Engineer

A handwritten signature in black ink, appearing to read "JK", with a small mark below it.

Re: Recommendation of Award for Contract No. COS-PW-10-07
"Rehab Asphalt Streets Project (Various Locations)"

At the May 2, 2011 City Commission meeting, bids were opened for the above referenced project. We received bids from four different paving contractors and have tabulated their bid results (attached).

Upon review of the submitted bids, staff recommends to award Contract No. COS-PW-10-07 to All Roads Paving in the amount of \$1,412,981.00 as the lowest and best bid received.

We want to draw attention to the fact that All Roads submitted their bid proposal from obtaining copy of the bid schedule and bid documents from a "plan-room" instead of purchasing them directly from the City.

We advertise all projects in the local newspaper, and also mail copies of the plans and bid documents to several plan-room companies i.e. Southwest Construction News, Dodge Reports, and Bid News Construction that provide a statewide service to Contractors, letting them know of current project out for bids.

We have reviewed the situation with the City Attorney (see attached email thread), and are comfortable in recommending All-Roads Paving for award of this project.

If you have any questions or need additional information, please advise.

COS-PW-10-07 - REHAB ASPHALT STREETS PROJECT (VARIOUS LOCATIONS)

ITEM NO.	DESCRIPTION	QNTY. NO.	UNIT	All Roads Paving		Rudy Construction		TJ Campbell Construction Co		A-Tech Paving, Inc	
				UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
411 (B)	ASPHALT CONCRETE TYPE B	18,000.00	Ton	\$ 62.75	\$ 1,129,500.00	\$ 66.00	\$ 1,188,000.00	\$ 66.50	\$ 1,197,000.00	\$ 63.00	\$ 1,134,000.00
417	COL MILLING PAVEMENT	125,000.00	S.Y.	\$ 1.05	\$ 131,250.00	\$ 1.20	\$ 150,000.00	\$ 1.25	\$ 156,250.00	\$ 5.00	\$ 625,000.00
420 (A)	FABRIC REINFORCEMENT	125,000.00	S.Y.	\$ 0.85	\$ 106,250.00	\$ 1.00	\$ 125,000.00	\$ 2.30	\$ 287,500.00	\$ 4.00	\$ 500,000.00
420 (B)	BITUMINOUS BINDER	9,800.00	Gal.	\$ 3.23	\$ 31,654.00	\$ 3.50	\$ 34,300.00	\$ 3.25	\$ 31,850.00	\$ 3.00	\$ 29,400.00
612 (A)	MANHOLES ADJUST TO GRADE	10.00	EA.	\$ 155.00	\$ 1,550.00	\$ 300.00	\$ 3,000.00	\$ 450.00	\$ 4,500.00	\$ 250.00	\$ 2,500.00
612 (A)	INLETS ADJUST TO GRADE	11.00	EA.	\$ 200.00	\$ 2,200.00	\$ 300.00	\$ 3,300.00	\$ 450.00	\$ 4,950.00	\$ 250.00	\$ 2,750.00
612 (A)	VALVE BOXES ADJUST TO GRADE	14.00	EA.	\$ 85.00	\$ 1,190.00	\$ 175.00	\$ 2,450.00	\$ 250.00	\$ 3,500.00	\$ 250.00	\$ 3,500.00
800	TRAFFIC CONTROL	1.00	L.S.	\$ 9,387.00	\$ 9,387.00	\$ 9,750.00	\$ 9,750.00	\$ 30,000.00	\$ 30,000.00	\$ 40,000.00	\$ 40,000.00
TOTAL AMOUNT OF BASE BID					\$ 1,412,981.00		\$ 1,515,800.00		\$ 1,715,550.00		\$ 2,337,150.00

John Krywicki

From: Mary Ann Karns
Sent: Friday, May 06, 2011 10:47 AM
To: John Krywicki
Cc: Brian Mcdougal
Subject: RE: Rehab Asphalt Streets Paving Project--Bids Received

OK, sounds like we are covered.

From: John Krywicki
Sent: Friday, May 06, 2011 10:46 AM
To: Mary Ann Karns
Subject: RE: Rehab Asphalt Streets Paving Project--Bids Received

Mary Ann:

Yes the plans he got were complete, and the bid schedule was same as the others. There were not any Addendums or changes issued on this project during the bid letting. The main reason we have that requirement that Bidders need to purchase directly from us is to have the names and addresses of the Bidders so that if Addendums are issued, then we know who to send them to, and are assured that all the bids received have bid the project apples to apples so to speak. In this case, no Addendums were issued. If we had issued an Addendum and changed the bid schedule or conditions of work, then we would not even tabulate their bid with the others when presenting the bid tabulation and award recommendation to the City Commission.

Thanks,
John K.

From: Mary Ann Karns
Sent: Friday, May 06, 2011 10:34 AM
To: John Krywicki
Cc: Brian Mcdougal
Subject: RE: Rehab Asphalt Streets Paving Project--Bids Received

Just when I think I have seen all the variations of not meeting the bid notices/specs, here you come.

The question is whether it is a material defect or a minor defect.

I assume we charge only the cost of the plans, so the fact he was able to get them for free should not be significant. My bigger concern is whether the plans he got are complete. If the Commission wants to waive the defect, we need to have an acknowledgment from the bidder of how he got the plans, and to agree that the plans on file with us are the plans/contract documents, not any that he got on line. The variation should not have given him a benefit over other bidders, nor does it harm the City in terms of security, collusion, etc., which are the main points to examine.

Whether this is a minor variation or not is a question of fact for the Commission. Suggest you set it out in your report and explain how it can be fixed, and why it is not necessarily a material defect..

From: John Krywicki
Sent: Friday, May 06, 2011 9:09 AM
To: Mary Ann Karns
Cc: Brian Mcdougal
Subject: Rehab Asphalt Streets Paving Project--Bids Received

Mary Ann:

We opened bids this past Monday night for our Rehab Asphalt Streets Project, and received four bids:

All Roads Paving:	\$1,412,981
Rudy Construction:	\$1,515,800
T.J.Campbell Construct.	\$1,715,550
A-Tech Paving Inc.	\$2,337,150

The low bid was from All Roads Paving, however they did not purchase a set of plans and bid documents directly from us, but rather downloaded them off a website that provides that service to their clients. The actual verbage in our bid documents on this issue is....

"BIDDERS ARE REQUIRED to obtain Contract Documents and associated Plans directly from the City of Shawnee, and pay for said Contract documents and plans at the fee stated. Only BIDDERS who have met this requirement will have their bids acknowledged. The ORIGINAL COPY of the bid for each project will be filed with the CITY CLERK OF THE CITY OF SHAWNEE, OKLAHOMA together with a sworn noncollusion and business relationship affidavits in writing that the bidder has not entered into any agreement, expressed or implied, with any other bidder, or bidders, for the purpose of limiting the bid, or bidders, or parcel out to any bidder, or bidders, or any other person, any part of the contract or subject matter of the bid.

However, our bid documents further state.....

"The OWNER may waive any informalities or minor defects or reject any and all BIDS. Any BID may be withdrawn prior to the above scheduled time for the opening of BIDS or authorized postponement thereof. Any BID received after the time and date specified shall not be considered. No BIDDER may withdraw a BID within 60 days after the actual date of the opening thereof. Should there be reasons why the contract cannot be awarded within the specified period, the time may be extended by mutual agreement between the OWNER and the BIDDER."

My question is....at the next City Commission meeting when we make recommendation of award, we would be recommending the low bid because they are \$103,000+ lower than the next bid, and as long as we point out the above circumstance of not purchasing the plans directly from the City, would the City Commission be able to go ahead and award the project based on "waiving any informalities or minor defects...."?

If you have any questions or need additional information, please advise.

Thanks,
John K.

Regular Board of Commissioners

14.

Meeting Date: 05/16/2011

Executive Session

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consider an Executive Session regarding settlement offers on condemnation case City V. Christopher Rick Etal., C-09-1738; City V. Diana Coffman Trust Etal., C-09-1736; as related to the Kickapoo Paving Project as authorized by 25 O.S. §307(B)(4) on the recommendation of counsel that public discussion would compromise the ability of the city to adequately consider offers.

Regular Board of Commissioners

15.

Meeting Date: 05/16/2011

Consider matters discussed in Exec Session

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consider matters discussed in Executive Session regarding settlement offers on condemnation cases City V. Christopher Rick Etal., C-09-1738; City V. Diana Coffman Trust Etal., C-09-1736; as related to the Kickapoo Paving Project as authorized by 25 O.S. §307(B)(4) on the recommendation of counsel that public discussion would compromise the ability of the city to adequately consider offers.
