AGENDA
SHAWNEE MUNICIPAL AUTHORITY
February 19, 2013 AT 6:30 P.M.
COMMISSION CHAMBERS AT CITY HALL
SHAWNEE, OKLAHOMA

CALL TO ORDER

DECLARATION OF A QUORUM

1. Consider approval of Consent Agenda:

   a. Minutes from the February 4, 2013 regular meeting and February 11, 2013 special call meeting.

   b. Authorize change order on Midland Street Water Line Replacement

2. Presentation to update progress on the SMA Master Plan Project by Max Baldischwiler and Maya Turner of Smith, Roberts, Baldischwiler.

3. Discussion, consideration and possible action regarding rebates for Grenada Country Estates, Tanglewood, Coronado Terrace and Cedar Creek Water Improvement District and authorization for collection of outstanding assessments.

4. Consider Bids:

   a. Sanitary Sewer Rehab Project (Various Locations) (Open)
   Contract SMA-13-05

5. New Business

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

6. Administrative Reports

7. Adjournment

Respectfully submitted

Phyllis Loftis, CMC, City Clerk

Shawnee Municipal Authority **1. a.**

Meeting Date: 02/19/2013

Minutes

Submitted By: Donna Mayo, Administration

Department: Administration

Title of Item for Agenda

Minutes from the February 4, 2013 regular meeting and February 11, 2013 special call meeting.

Attachments

Regular 2-04-13

Spec Call 2-11-13

THE TRUSTEES OF THE SHAWNEE MUNICIPAL AUTHORITY OF THE CITY OF SHAWNEE, COUNTY OF POTTAWATOMIE, STATE OF OKLAHOMA, MET IN REGULAR SCHEDULED SESSION IN THE COMMISSION CHAMBERS AT CITY HALL, 9TH AND BROADWAY, SHAWNEE, OKLAHOMA, MONDAY, FEBRUARY 4, 2013, FOLLOWING THE BOARD OF CITY COMMISSIONERS MEETING AT 6:30 P.M., PURSUANT TO NOTICE DULY POSTED AS PRESCRIBED BY LAW. UPON ROLL CALL, A QUORUM WAS DECLARED WITH THE FOLLOWING MEMBERS IN ATTENDANCE:

PRESENT: Stephens, Agee, Harrod, Mainord, Hall, Winterringer
ABSENT: Smith

Call to Order

Declaration of a Quorum

AGENDA ITEM NO. 1: Consider approval of Consent Agenda

a. Minutes from the January 22, 2013 meeting.

A motion was made by Trustee Harrod, seconded by Trustee Hall, to approve the Consent Agenda item 1(a). Motion carried 6-0.

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

AGENDA ITEM NO. 2: Consider Bids:

a. Kimberly Sewer Lift Station (Award)

Interim Public Works Director Steve Nelms announced that five bids were received and after review and consideration it was staff's recommendation to award the bid to Jordan Construction of Tecumseh, Oklahoma in the total amount of $126,000.00.

A motion was made by Trustee Hall, seconded by Trustee Harrod, to accept staff's recommendation and award the bid to Jordan Construction in the total amount of $126,000.00. Motion carried 6-0.

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

AGENDA ITEM NO. 3: 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. 4: Administrative Reports

There was no Administrative Reports.

AGENDA ITEM NO. 5: Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (9:15 p.m.)

WES MAINORD
CHAIRMAN

ATTEST:

(SEAL)

DONNA MAYO, DEPUTY CITY CLERK
SECRETARY

SHAWNEE MUNICIPAL AUTHORITY
CITY OF SHAWNEE
SPECIAL CALLED SESSION
FEBRUARY 11, 2013

The Trustees of the Shawnee Municipal Authority met in Special Called Session at the Shawnee Commission Chambers at Shawnee City Hall, 16 W. 9th, Shawnee, Oklahoma, Monday, February 11, 2013 at 2:00 p.m., pursuant to notice duly posted as prescribed by law. Mayor Mainord presided and called the meeting to order. Upon roll call, the following members were in attendance.

Wes Mainord
Chairman

Pam Stephens	Linda Agee
Commissioner Ward 1	Commissioner Ward 2
James Harrod	Absent
Commissioner Ward 3-Vice Mayor	Commissioner Ward 4
John Winterringer	Steve Smith
Commissioner Ward 5	Commissioner Ward 6

Absent: Keith Hall

The Call for said meeting was entered upon the records by the City Clerk, said Call being as follows:

NOTICE OF A CALLED SPECIAL SESSION OF THE BOARD OF TRUSTEES OF THE SHAWNEE MUNICIPAL AUTHORITY

TO THE TRUSTEES OF SHAWNEE MUNICIPAL AUTHORITY OF THE CITY OF SHAWNEE, OKLAHOMA:

You and each of you are hereby notified that by virtue of a call issued by me on this 7th day of February, 2013, a Special Called Session will be held of the Trustees of the Shawnee Municipal Authority of the City of Shawnee, Oklahoma at the Shawnee Commission Chambers, 16 W. 9th, Shawnee, Oklahoma at 2:00 p.m. on February 11, 2013, and you are hereby notified to be present at said meeting.

The purpose of the following special call session of the City Commissioners will be to consider and take action with respect to a resolution agreeing to file application with the Oklahoma Water Resources Board (the "OWRB") for financial assistance through the state loan program, with the loan proceeds being for the purpose of refinancing certain indebtedness; approving professional services agreements; and containing other provisions related thereto.

(SEAL)

ATTEST:

s/s Phyllis Loftis	s/s Brian McDougal
PHYLLIS LOFTIS, CMC	BRIAN MCDOUGAL
CITY CLERK	CITY MANAGER

STATE OF OKLAHOMA, COUNTY OF POTTAWATOMIE, SS.

I received this notice on the 7th day of February, 2013 at 1:52 o'clock p.m., and executed the same by delivering a true and correct copy thereof to each of the Commissioners of the City of Shawnee, Oklahoma as follows:

I delivered a true and correct copy to Mayor Wes Mainord
via e-mail at 7:20 o'clock p.m. on February 8, 2013

I delivered a true and correct copy to Commissioner Linda Agee
via e-mail at 1:53 o'clock p.m. on February 7, 2013

I delivered a true and correct copy to Commissioner John Winterringer
via e-mail at 7:58 o'clock a.m. on February 8, 2013

I delivered a true and correct copy to Commissioner Steve Smith
via e-mail at 3:45 o'clock p.m. on February 7, 2013

I delivered a true and correct copy to Commissioner James Harrod
via e-mail at 5:46 o'clock p.m. on February 7, 2013

I delivered a true and correct copy to Commissioner Pam Stephens
via e-mail at 1:52 o'clock p.m. on February 7, 2013 but no response was received

I delivered a true and correct copy to Commissioner Keith Hall
via e-mail at 5:05 o'clock p.m. on February 7, 2013

s/s Phyllis Loftis
City Clerk, CMC

CALL FOR SPECIAL SESSION OF THE SHAWNEE BOARD OF CITY COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA TO BE HELD ON THE 11TH DAY OF FEBRUARY, 2013 AT 2:00 O'CLOCK P.M. AT THE SHAWNEE COMMISSION CHAMBERS, 16 W. NINTH, SHAWNEE, OKLAHOMA. THE PURPOSE OF SAID MEETING WILL BE TO CONSIDER AND TAKE ACTION WITH RESPECT TO A RESOLUTION AGREEING TO FILE APPLICATION WITH THE OKLAHOMA WATER RESOURCES BOARD (THE "OWRB") FOR FINANCIAL ASSISTANCE THROUGH THE STATE LOAN PROGRAM, WITH THE LOAN PROCEEDS BEING FOR THE PURPOSE OF REFINANCING CERTAIN INDEBTEDNESS; APPROVING PROFESSIONAL SERVICES AGREEMENTS; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

By virtue of the authority vested in me by Section 4, Article IV of the Charter of the City of Shawnee, Oklahoma, a Special Session of the Board of City Commissioners of the City of Shawnee, Oklahoma is hereby called to meet at the City Commission Chambers, 16 W. 9th, Shawnee, Oklahoma at 2:00 p.m. on February 11, 2013 to consider and take action with respect to a resolution agreeing to file application with the Oklahoma Water Resources Board (the "OWRB") for financial assistance through the state loan program, with the loan proceeds being for the purpose of refinancing certain indebtedness; approving professional services agreements; and containing other provisions related thereto.

Witness my hand this 7th day of February, 2013.

s/s Brian McDougal
BRIAN MCDOUGAL
CITY MANAGER

(SEAL)

ATTEST:

s/s Phyllis Loftis
PHYLLIS LOFTIS, CMC, CITY CLERK

CALL TO ORDER:

DECLARATION OF A QUORUM

Roll was called with six Commissioners present and a quorum was declared.

AGENDA ITEM NO. 1: Consider and take action with respect to a resolution agreeing to file application with the Oklahoma Water Resources Board (the "OWRB") for financial assistance through the state loan program, with the loan proceeds being for the purpose of refinancing certain indebtedness; approving professional services agreements; and containing other provisions related thereto.

Mr. John Waldo of BOSC, Inc. introduced the item by giving some background information regarding the existing bonds. The last time this bond was refinanced was in 2003 and there is approximately $13,500,000 remaining on the debt. Previously, the bonds were paid through the Pottawatomie County Development Authority but it was Mr. Waldo's recommendation that the City refinance directly with the Oklahoma Water Resource Board. Also addressing this issue was Nate Ellis of Public Finance Law Group who discussed the debt service on the new note and presented several refinancing options for the Commission to consider at a later time.

It was noted that at the present time all that was required of the Commission was to approve a resolution that allowed the filing of an application with the Oklahoma Water Resource Board.

Resolution No. SMA-13-1 was introduced.

A RESOLUTION AGREEING TO FILE APPLICATION WITH THE OKLAHOMA WATER RESOURCES BOARD (THE "OWRB") FOR FINANCIAL ASSISTANCE THROUGH THE STATE LOAN PROGRAM, WITH THE LOAN PROCEEDS BEING FOR THE PURPOSE OF REFINANCING CERTAIN INDEBTEDNESS; APPROVING PROFESSIONAL SERVICES AGREEMENTS; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

A motion was made by Trustee Smith, seconded by Trustee Winterringer, to approve a resolution agreeing to file application with the Oklahoma Water Resources Board (the "OWRB") for financial assistance through the state loan program, with the loan proceeds being for the purpose of refinancing certain indebtedness; approving professional services agreements; and containing other provisions related thereto. Motion carried 6-0.

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

AGENDA ITEM NO. 3: ADJOURNMENT

There being no further business to be considered, the meeting was adjourned by power of the Chair. (2:22 p.m.)

____
WES MAINORD
MAYOR

(SEAL)

ATTEST:

____
PHYLLIS LOFTIS, CMC
CITY CLERK

Shawnee Municipal Authority **1. b.**

Meeting Date: 02/19/2013

Change Order

Submitted By: Donna Mayo, Administration

Department: Administration

Title of Item for Agenda

Authorize change order on Midland Street Water Line Replacement

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Attachments

Change Order

Steve Nelms
Interim Utility Director
405-273-1960

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

Greg Price
Interim Plant Manager
405-878-1662

Brad Schmidt
Interim Systems Manager
405-878-1547

111 S. Kickapoo, Shawnee, OK 74801

MEMORANDUM

To: City Commission
From: Steve Nelms, Interim Utility Director
CC: Brian Mcdougal, City Manager, Cindy Sementelli, Finance Director
Date: 2/14/2013
Re: Midland Water Line Change Order (Jordan Contractors)

Staff would like to submit a change order for City Commissions approval in the amount of $ 69,909.00.

Extending the 12'' water main from Chapman St and Midland two blocks east on Midland to Kickapoo.

Extending the 12'' water main to the west side of Airport Drive on Midland.

Original contract amount was $495,921.00 the change order would change the contract to $565,830.00

Budgeted amount is $ 1,000,000 available balance is $179,000.00.

CONTRACT CHANGE ORDER

Order No.
February 13, 2013
Date
OKLAHOMA
State
POTTAWATOMIE
County

OWNER: Shawnee Municipal Authority

TO: Jordan Contractors Inc
(Contractor)

You are hereby requested to comply with the following changes from the contract plans and specifications:

Description of Changes (Supplemental plans & specs attached)	Decrease in contract Price	Increase in contract price
Midland-12" extension to Kickapoo	$	$17,535.00
-12" extension and bore to Airport Dr		$52,374.00
Dorothy-abandon 600' from Franklin to Federal	$30,000.00	
Ione-install 600' from Midland to Franklin		$30,000.00
TOTALS	$30,000.00	$99,909.00
NET CHANGE IN CONTRACT PRICE	$	**$69,909.00**

JUSTIFICATION:
See attached report and spread sheet

The amount of the Contract will be (INCREASED) By the Sum of: $69,909.00
The Contract Total Including this and previous Change Orders Will Be: $56,5830.00

The Contract Period Provided for Completion Will Be (INCREASED) 30 Days
This document will become a supplement to the contract and all provisions will apply hereto.

Requested ______________________ (Owner) ______________ (Date)

Requested ______________________ (Owner) ______________ (Date)

Approved ______________________ (Engineer) 2/13/2013 (Date)

Accepted ______________________ (Contractor) 2/13/2013 (Date)

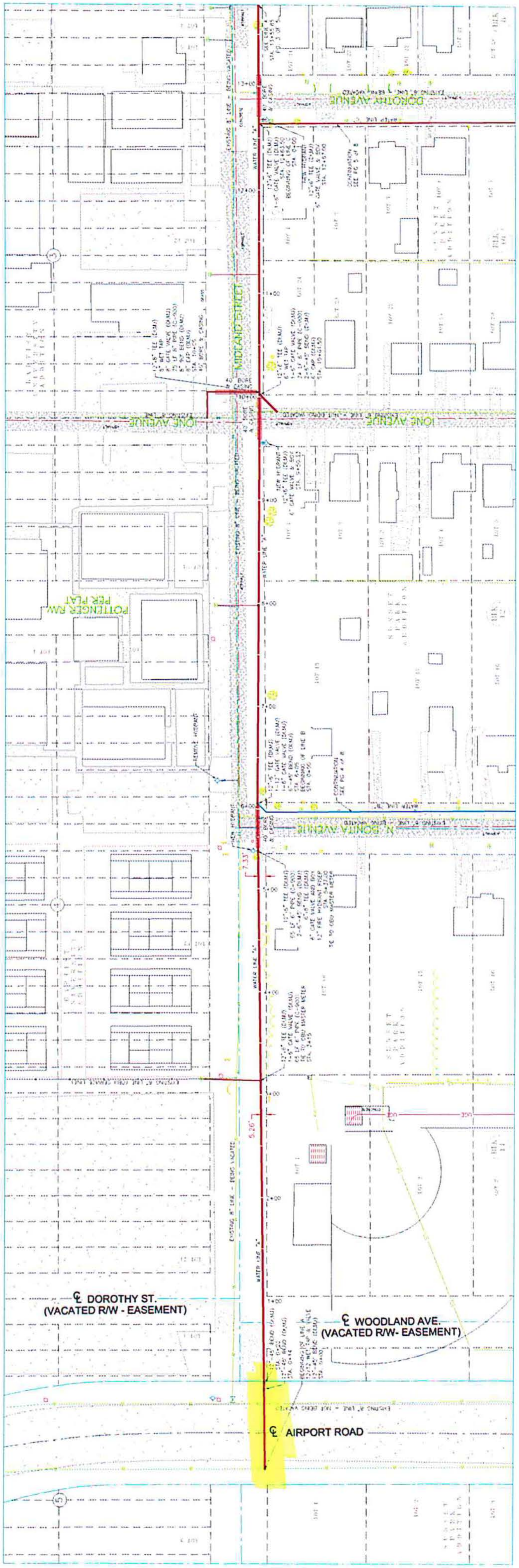
Shawnee Municipal Authority
Midland Waterline Replacement

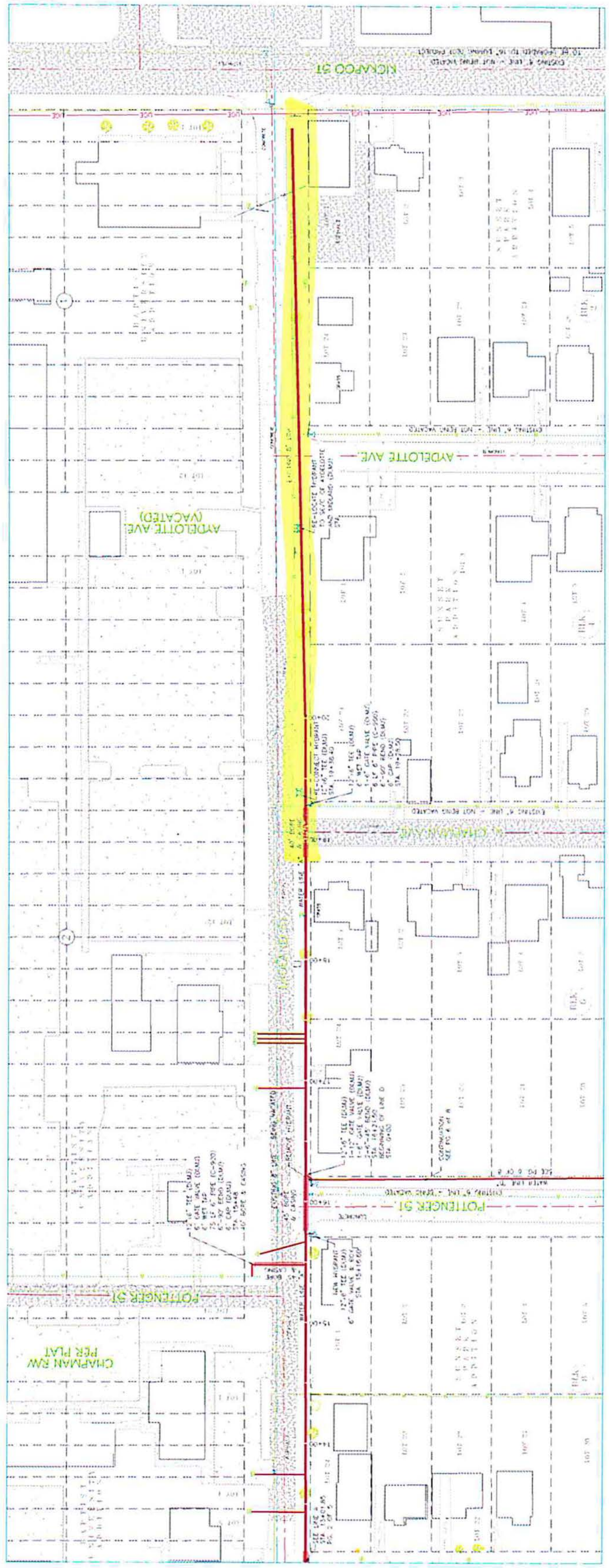
Jordan Contractors, Inc.
Jimmy Jordan
123 South Broadway
Tecumseh, OK 74873

Bid Opening Date: September 2012

Contract Price: $495,871.00
-$50.00 $495,921.00

Item #	Description	Quantity	UOM	Unit Price	Total Units	Current Amount	Total Amount	Over
1	6" C-900	4051	LF	$50.00	4051	$0.00	$202,550.00	
2	8" C-900	75	LF	$55.00	87	$0.00	$4,785.00	$660.00
3	12" C-900	2014	LF	$60.00	2625	$0.00	$157,500.00	$36,660.00
4	Fire Hydrants	7	EA	$3,500.00	8	$0.00	$28,000.00	$3,500.00
5	Dry Bore & 20" Casing	240	LF	$156.00	341	$0.00	$53,196.00	$15,756.00
6	Dry Bore & 12" Casing	235	LF	$100.00	177	$0.00	$17,700.00	($5,800.00)
7	Road Cut & 12" Casing	40	LF	$75.00	0	$0.00	$0.00	($3,000.00)
8	Long Service	55	EA	$600.00	55	$0.00	$33,000.00	
9	Short Service	53	EA	$400.00	53	$0.00	$21,200.00	
10	Bore Concrete Drives	430	LF	$22.00	456	$0.00	$10,032.00	$572.00
11	Bore Asphalt Drives	58	LF	$22.00	111	$0.00	$2,442.00	$1,166.00
12	Bore Gravel Drives	240	LF	$22.00	370	$0.00	$8,140.00	$2,860.00
13	Re-Sod	2700	SY	$2.50	2700	$0.00	$6,750.00	
14	Traffic Control	1	LS	$3,000.00	1	$0.00	$3,000.00	
15	Long Service 2"	3	EA	$2,620.00	3	$0.00	$7,860.00	
16	Short Service 2"	1	EA	$1,275.00	1	$0.00	$1,275.00	
17	Bore & 16" Casing	40	LF	$120.00	40	$0.00	$4,800.00	
18	Bore Under Bldg 16"	25	LF	$98.00	25	$0.00	$2,450.00	
19	Reverse Tap on 12" Line	1	LS	$1,150.00	1	$0.00	$1,150.00	
20	12" Extention to Kickapoo	Add On					$17,535.00	$17,535.00
	TOTALS						$565,830.00	
							-$69,959.00	$69,909.00


DOROTHY AVENUE
MIDLAND STREET
IONE AVENUE
POTTENGER R/W PER PLAT
N. BONITA AVENUE
℄ DOROTHY ST.
(VACATED R/W - EASEMENT)
℄ WOODLAND AVE.
(VACATED R/W- EASEMENT)
℄ AIRPORT ROAD


KICKAPOO ST
AYDELOTTE AVE.
AYDELOTTE AVE.
(VACATED)
POTTENGER ST
POTTENGER ST
CHAPMAN R/W PER PLAT

Steve Nelms
Interim Utility Director
405-273-1960

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

Greg Price
Interim Plant Manager
405-878-1662

Brad Schmidt
Interim Systems Manager
405-878-1547

111 S. Kickapoo, Shawnee, OK 74801

MEMORANDUM

To: Steve Nelms
From: Jeremy Brown
CC: To Whom It May Concern
Date: 2/14/13
Re: Midland Street Water Line

Mr. Nelms and whom it may concern,

The Midland Water Line project was a water line replacement project upsizing an existing 8" water line on Midland from Chapman Street to Airport Road and then replacing 6" water lines on Bonita, Pottenger, and Dorothy. After the project was awarded to Jordan Construction it was discussed that the best thing for the City would be to extend the 12" water line all the way to Kickapoo Street so as to not have to come back and replace the existing 8" on those 2 blocks alone. This turned out to be a benefit due to the 8" water line on those 2 blocks not being of City standards and potential problems in the near future.

We also had to add another bore under Airport road and extend the 12" to the West side due to the fact that the original plans showed us to tie into an existing 8" on the East side but upon attempting to do that we found the line to be in such bad shape that we could not tie on without cracking the 8" and having to replace or repair it and therefore bored under Airport and tied onto the existing 12" on the West side.

Jeremy Brown
SMA Utility Inspector

THE LANDRUN GROUP, LLC

ENGINEERING, SURVEYING, DRAFTING, LAND MANAGEMENT, CONSTRUCTION MANAGEMENT

Midland Water Line Project Evaluation

During a review of projects on January 30th 2013, it was determined that a 600' section of 6" line on Dorothy Street, between Franklin and Federal, had been replaced by an in-house project during previous years. Replacement of the line was never recorded. This line was unearthed during current construction. Prior to this, several adjustments had been made but a firm cost of the changes had not been established. During the meeting, it was determined a preliminary audit of the Midland project was necessary before providing authorization to relocated the 600' of 6" waster line on Ione Street between Midland to Franklin.

Prior to awarding the project, it had already been decided that the 12" line on Midland would be extended to Kickapoo Street to allow the new 16" line to be connected to the 12" providing increased capacity and fire protection around the OBU campus. During construction of the Midland line it was determined that the 8" line on the east side of Airport Drive was severely dilapidated and incapable of being used to establish the loop. The alternative was to bore under Airport Drive and connect to the 12" line on the west side of the street. Due to other utilities this required a reverse tap. These change orders had previously been agreed to by SMA staff but had never been provided as a change order.

During the following week, The LandRun Group, LLC contacted Jordan Construction to establish an audit of the existing project based on completion of the 6" line on Pottenger (attached).

Based on review of the current audit, the section of Ione Street, compared to the section of Dorothy being eliminated, is an equal balance. Based on review and information provided, excluding the two (2) primary changes associated with the 12" line previously defined adjustments in the contract is at $17,535.00. This includes an addition of a couple of oversized (2") meters & services, extended casing, etc. The cost of the additional 12" line and appurtenances at Kickapoo and Airport Drive, the cost of the changes equates to $52,374.00. Based on Mr. Jordan's internal preliminary audit, the project is currently $69,909.00.

This does account for all increases to the proposed contract but additional decreases are anticipated to be negotiated at the end of the project. One primary decrease should account for conversion of a couple of bores which should have been dry bores which were unable to be performed as dry bores due to space issues, these were converted to slick bores. This should be a decrease but might have already been incorporated into the above audit. In my opinion, any final change order would amount to no more than $3,000.00 to $5,000.00.

Should it be determined that Ione Street is not to be swapped out as part of the Midland project, the anticipated decrease in contract price would be approximately $35,000.00 to $40,000.00. Exact estimate of the savings cannot be determined until an exact figure is established as to material re-stock fee's.

In my professional opinion, the quality of the section of line along Ione Street is equal to the condition of the lines replaced on Bonita, Dorothy and Pottenger Streets. It is in the best interest of the City of Shawnee/SMA to make the adjustment, if budgets are adequate. Based on SMA's decision, the LandRun Group will develop a change order to be signed for approval by both parties upon request.

Shawnee Municipal Authority **2.**

Meeting Date: 02/19/2013

Master Plan Project update

Submitted By: Donna Mayo, Administration

Department: Administration

Title of Item for Agenda

Presentation to update progress on the SMA Master Plan Project by Max Baldischwiler and Maya Turner of Smith, Roberts, Baldischwiler.

Shawnee Municipal Authority **3.**

Meeting Date: 02/19/2013

Refund

Submitted By: Donna Mayo, Administration

Department: Administration

Title of Item for Agenda

Discussion, consideration and possible action regarding rebates for Grenada Country Estates, Tanglewood, Coronado Terrace and Cedar Creek Water Improvement District and authorization for collection of outstanding assessments.

Attachments

Granada

City of Shawnee Memorandum

To: Mayor and City Commission

CC: Brian McDougal

From: Cynthia Sementelli

Date: February 13, 2013

Re: Rebates for the Granada Country Estates, Tanglewood, Coronado Terrace and Cedar Creek Water Improvement District

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As per your request, I have researched and summarized the information regarding rebates for the Granada Country Estates, Tanglewood, Coronado Terrace and Cedar Creek Water Improvement District.

On May 6, 2002 Ordinance 2053NS was approved, this ordinance determined the total cost of the construction of the entire improvement to be $567,004.18 and established a special assessment of $ 4,138.72 to be levied against each of the 137 lots in the Water Improvement District. This amount could be paid without interest within 30 days or on a 10 year annual installment plan that included a 4.25% interest rate. There was discussion regarding reimbursement to the 137 original property owners if there were connections to the waterline after this point. Finance Director Jim Wilsie took the position that the credits would be issued at the end of the 10 year assessment, but no action was taken. Ordinance and minutes are attached.

Also on May 6, 2002 Ordinance 2054NS was approved, establishing a rate payment schedule for persons outside the Water Improvement District who wish to tap into the improvements. This rate was a 15% increase over the initial assessment. The assessment for residential taps is $4,760.00, the commercial rate was determined by tap size. These are the fees that would be considered rebate monies, if approved by the Commision. Ordinance is attached.

At the the October 6, 2003 Commission meeting, staff was directed to meet with Neal Martin, one of the original residents who requested the water district to review his proposal and give recommendation at a later meeting. Minutes are attached.

At the November 3, 2003 Commission meeting, staff was directed to develop a plan to reimburse the 137 original owners at 5 and 10 year increments. Minutes are attached.

Since this time no action has been taken concerning the rebates. We are asking the Commission to determine if they wish to refund the rebates of $82.49 to the original 137 lots. We currently have two residents that owe us and we are requesting that their rebate go towards their delinquency and that the City Attorney seek further legal actions for us to collect the monies owed.

TOTAL ASSESSMENT	TOTAL INTEREST	TOTAL PRINCIPAL	TOTAL
567,004.61	62,954.58	564,704.61	627,659.19

ADDITIONAL TAPS AFTER ORIGINAL ASSESSMENTS	TOTAL INTEREST	TOTAL PRINCIPAL (REBATE TO 137 ORIG OWNERS)	TOTAL RECEIVED
	941.57	11,301.53	12,243.10
		11,301.53 - 137 = 82.49	
RECEIVED AFTER 10 YEAR ASSESSMENT		4,760.00	4,760.00
TOTAL DELINQUENT (2 ACCOUNTS)	177.87	2,300.03	2,477.90

City of Shawnee Document

Date: 5/6/2002	Board: City Commission	DocumentType: Minutes	Web Posted: 5/21/2002 1:06:00 PM

BOARD OF CITY COMMISSIONERS PROCEEDINGS

MAY 6, 2002 AT 7:30 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 6, 2002 at 7:30 p.m., pursuant to notice duly posted as prescribed by law. Mayor Harden presided and called the meeting to order. Upon roll call, the following members were in attendance.
Chris Harden
Mayor
Tom Claybrook Robert M. Pettyjohn
Commissioner Ward 1 Commissioner Ward 2

James Harrod Bob Weaver
Commissioner Ward 3 Commissioner Ward 4

Kermit Milburn Bob Downing
Commissioner Ward 5 Commissioner Ward 6-Vice Mayor
INVOCATION Reverend Helen Crain
Volunteer Chaplain Unity Hospital

FLAG SALUTE Mayor Harden

AGENDA ITEM NO. 1: Consider Approval of Minutes of April 15, 2002 meeting.

A motion was made by Commissioner Harrod, seconded by Vice Mayor Downing, that the minutes of the April 15, 2002 meeting be approved. Motion carried.
AYE: Harrod, Harden, Weaver, Milburn, Downing, Claybrook, Pettyjohn
NAY: None

AGENDA ITEM NO. 2: Presentation of plaque to outgoing Commissioner Kermit Milburn.

Mayor Harden presented a plaque of appreciation on behalf of the City Commission and the citizens of Shawnee to outgoing Commissioner Kermit Milburn for his dedicated service from October 15, 2001 May 6, 2002. Commissioner Milburn thanked the Mayor and Commissioners for the opportunity to serve the City of Shawnee.
AGENDA ITEM NO. 3: Swearing in of Commissioners by Municipal Judge Robert H. Jones and presentation of Certificates of Election.

Municipal Judge Robert H. Jones conducted a swearing-in ceremony and administered Oaths of Office to Tom Claybrook, Commissioner Ward 1 (4 year term); Bob Weaver, Commissioner Ward 4 (2 year term); Linda Peterson, Commissioner Ward 5 (4 year term); and R. J. "Bob" Downing, Ward 6 (4 year term).
CITY COMMISSION RECESSED AT 7:37 P.M. FOR A RECEPTION FOR THE OUTGOING AND INCOMING COMMISSIONERS.

CITY COMMISSION RECONVENED AT 7:58 P.M. WITH ALL COMMISSIONERS PRESENT.

AGENDA ITEM NO. 4: Commission Appointment of a Vice Mayor (per Article III, Section 6 of City Charter).

After the new Commission was seated, Mayor Harden advised that according to City Charter provisions, a Vice Mayor needed to be appointed for the term of one year.
A motion was made by Commissioner Weaver, seconded by Commissioner Harrod, that Commissioner Downing be reappointed to the position of Vice Mayor for one year, with said term to expire the first Commission meeting in May of 2003. Motion carried.
AYE: Weaver, Harrod, Harden, Peterson, Claybrook, Pettyjohn
NAY: None
ABSTAIN: Downing

AGENDA ITEM NO. 5: Consider Approval of Consent Agenda.

a. Acknowledge staff will proceed in the instant meeting with the opening and consideration of bids as set forth in Agenda Item No. 18.

b. Budget amendments in HOME 1998 Fund, HOME Grant Fund, Street Improvement Fund and Water Improvement District Fund.

c. Transfers of Appropriations in General Fund, E-911 Fund, Capital Improvement Fund, 1994 Street Improvement Project Fund, Shawnee Municipal Authority and Shawnee Airport Authority.

d. Acknowledge the following reports and minutes:

* Shawnee Community Center report for the month of March 2002 and quarterly report for months of January, February and March, 2002

* Civic and Cultural Development Authority minutes of March 21 and April 1, 2002 meetings

* Shawnee Urban Renewal Authority minutes of April 2, 2002 meeting

* Planning Commission minutes from April 3, 2002 meeting

* Shawnee Public Library Board minutes from January 8, 2002 meeting

e. Lakesite Lease Renewals:

9A Eckel Tract 13 Eckel Tract
Michael & Lana Turk Kenneth & Marvele Evetts
825 SW 26th 16 SW 57th
Oklahoma City, OK 73109 Oklahoma City, OK 73109

4 Belcher Tract
Edith & Jack Silvers
270 Buffalo Ave.
Guthrie, OK 73044

f. Approve a resolution electing Trustees to the Oklahoma Municipal Assurance Group for three-year terms commencing July 1, 2002

Resolution No. 6139 was introduced and the title read aloud.

Resolution No. 6139 entitled "A resolution authorizing and directing Chris Harden, Mayor an authorized agent of the City of Shawnee, Oklahoma, to cast votes for Trustees of the Oklahoma Municipal Assurance Group to fill expiring terms of Trustees.

g. Authorize staff to advertise for bids for aggregates, hauling and hot mix asphalt for street and road maintenance

h. Authorize staff to advertise for bids for laboratory services for the industrial pretreatment program.

i. Authorize staff to advertise for bids for the FY01-02 Concrete Streets Rehab Project.

j. Authorize staff to solicit qualifications from private consultants to develop the city's Comprehensive Plan.

k. Acknowledge Certificate of Votes for March 5, 2002 General Election and April 23, 2002 General Run-Off Election from the Pottawatomie County Election Board.

l. Acknowledge Shawnee Industrial Authority audit for year ended September 30, 2001.

m. Accept letter of resignation from Paul G. Hickman from Planning Commission.

n. Accept letter of resignation from Benjamin McCullar as commissioner of the Shawnee Housing Authority.

o. Mayor's Appointments:

Housing Authority of the City of Shawnee

Reappoint Blanche N. Wilson to a three-year term to expire 2/4/05
Reappoint Peggy Ford to a three-year term to expire 2/4/05

Youth Committee

Appoint Commissioner Linda Peterson
Appoint Jeremy Wilke
Appoint Jonie Welle

Community Service Contracts Review Committee

Appoint Commissioner Linda Peterson

Motion by Commissioner Harrod, seconded by Vice Mayor Downing, that the Consent Agenda (a-o), be approved as presented. Motion carried.
AYE: Harrod, Downing, Claybrook, Pettyjohn, Harden, Weaver, Peterson
NAY: None
Thereupon Mayor Harden declared Resolution No. 6139 duly passed and adopted.

AGENDA ITEM NO. 6: Mayor's Proclamations:

"Rodeo for Hope Week"
May 6-12, 2002

(accepted by Uve vonSchamann and Greg Gaston of the J. D. McCarty Center)

"National Historic Preservation Week"
May 12-18, 2002

"National Public Works Week"
May 19-25, 2002
(accepted by James Cole, Public Works Director)

AGENDA ITEM NO. 7: Appearance by Robert Jernigan concerning franchise agreement with Charter Communication.

The Commission heard from Mr. Robert Jernigan, consultant, regarding the franchise agreement/permit with Charter Communication.
The Commission had questions about their role and powers as a Commission in meeting the needs of its citizens, especially during the recent complaints about services of the cable company.
Mr. Jernigan told the Commission that since Congress has established laws that grant the FCC to regulate cable companies, he explained that the cities have limited powers and act as overseer of the easements.
He relayed that the Commission does not have the power to regulate fees. He suggested that before the city starts its negotiations with the cable company, they could internally adopt a policy regarding citizen complaint procedures.
Mr. Jernigan informed the Commission that in 1994 Congress passed a bill that allows cities to remove its name from the cable bills and it can be removed with a request from the city manager.
Mr. Jernigan advised that the permit will expire in 36 months and preparations for renegotiations would need to be done within 18 months.
Concluding, Mr. Jernigan had two important suggestions for the Commission to consider when negotiating that included the question of "has the franchise holder complied with the agreement?" and is the proposal sufficient to meet the future telecommunications needs of the community.
AGENDA ITEM NO. 8: Public hearing and consider an ordinance to amend the subdivision regulations relating to sidewalks.

Mayor Harden declared a public hearing in session to consider an ordinance to amend the subdivision regulations relating to sidewalks.
It was noted the Planning Commission recommended approval of the request and there were no formal protests filed with the City Clerk.
Mayor Harden asked if any persons wished to appear in favor of or in protest of the rezoning. No persons appeared and the public hearing was closed.
After due and careful consideration, Ordinance No. 2052NS was introduced and the title read aloud.

Ordinance No. 2052NS entitled "An ordinance relating to sidewalks, amending the subdivision regulations of the City of Shawnee, Oklahoma, Article IV, Section 40.2.8, sidewalks; providing for severability; and declaring an emergency."

A motion was made by Commissioner Pettyjohn, seconded by Commissioner Weaver, that the Title and Sections 1 and 2 be approved. Motion carried.
AYE: Pettyjohn, Weaver, Peterson, Downing, Claybrook, Harrod, Harden
NAY: None

A motion was made by Vice Mayor Downing, seconded by Commissioner Weaver, that Section 3, the emergency clause, be approved. Motion failed.
AYE: Downing, Weaver, Peterson, Harrod, Harden
NAY: Claybrook, Pettyjohn

Thereupon Mayor Harden declared Ordinance No. 2052NS duly passed and adopted to become effective 30 days from this date.
AGENDA ITEM NO. 9: Presentation by Dr. Tony Litherland and O.B.U. students concerning preliminary results of community survey.

Dr. Tony Litherland, Department of Political Science at the Oklahoma Baptist University, presented the results of a community survey that was mailed to all water bill customers in March.
The purpose of the survey was to uncover attitudes toward issues that face the City and study other public policy issues of interest to various groups and individuals.
Dr. Litherland and some of his students prepared the surveys and tabulated the findings. The questions were provided by Shawnee Public Schools, Shawnee Chamber of Commerce, Shawnee Economic Development Authority, and the City of Shawnee.
There were over 10,700 surveys distributed with approximately 1,100 returned.
AGENDA ITEM NO. 10: Public hearing for hearing complaints or objections to assessment roll and apportionment of costs for the Granada Country Estates/ Tanglewood/Cedar Creek/ Coronado Terrace Water Improvement District.

Mayor Harden declared a public hearing in session to hear complaints or objections to assessment roll and apportionment of costs for the Granada County Estates/Tanglewood/Cedar Creek/Coronado Terrace Water Improvement District.
Those appearing included Keith Kuykendall, Neal Martin, Ray Montgomery, Paul Needham, Mary Jo Shull, and Bill Blackwell, all homeowners in the water district.
City staff gave the update on the current assessment fees to be recommended as $4,169.15 per lot to be paid up front or on a yearly basis of $499.22.
Mr. Kuykendall had requested to be included in this assessment since he had recently purchased a lot in the Coronado Terrace Addition and questioned paying the tap fee.
In regards to adding lots, Mr. Martin informed the Commission that the original assessment group was 135 lots; then added a lot owned by Don and Patsy Weir that made up the current total of 136.
He stated that he did not object to adding Mr. Kuykendall's property at this time and proceeded to recommend that if there were connections to the waterline thereafter; then the tap fee reimbursement to the property owners could be done on a yearly basis at a minimum of $25.00 reimbursement amount.
In response, City Treasurer/Finance Director Jim Wilsie took the position that the credits would be given at the end of the 10-year assessment.
In his opinion, recalculating the reimbursements and distributing on an annual basis would be impractical and a burdensome task to staff that would increase administrative costs which would not be beneficial to the water district property owners nor to the city's taxpayers.
The public hearing was closed and the Commission discussed the proposed assessment fees to include 137 lots at a reduced amount of $4,138.72 at installments of $495.88 per year.
The Commission continued discussion on the ordinance regarding payment rates for those persons outside the water district.
The Commission then proceeded to the next agenda items to take action.
AGENDA ITEM NO. 11: Consider a resolution approving the assessment roll prepared and filed by the city engineer apportioning the costs and benefits for the Granada Country Estates/Tanglewood/Cedar Creek/Coronado Terrace Water Improvement District.

This resolution would incorporate the new assessment role of 137 lots at $4,138.72 with yearly payments of $495.58. This included the Don Weir and Keith Kuykendall properties.
Resolution No. 6140 was introduced and the title read aloud.
Resolution No. 6140 entitled "A resolution of the City of Shawnee, Oklahoma, confirming and approving the assessment roll prepared and filed by the City Engineer apportioning the costs and benefits to the several lots, pieces, parcels and tracts of land chargeable with the costs of improvement of the Granada Country Estates, Tanglewood, Coronado Terrace, Cedar Creek Water Improvement District."

A motion was made by Commissioner Harrod, seconded by Vice Mayor Downing, that the Title and Resolution be approved. Motion carried.
AYE: Harrod, Downing, Claybrook, Pettyjohn, Harden, Weaver, Peterson
NAY: None

Thereupon Mayor Harden declared Resolution No. 6140 duly passed and adopted.
AGENDA ITEM NO. 12: Consider an ordinance assessing costs of improvements to lots in the Granada Country Estates/ Tanglewood/Cedar Creek/Coronado Terrace Water Improvement District.

The ordinance included the amendments that changed the assessment fees to $4,138.72 per lot under Section 1 and under Section 2 changed the lots to 137 for annual payments of $495.58 due by July 1 of each year.
Under Section 2 the assessments would be levied against the lots and an option to owners to pay the total amount by June 30, 2002 without interest. Thereafter, the installments shall be due and payable on or before the first day of July until 2011, inclusive.
Ordinance No. 2053NS was introduced and the title read aloud.

Ordinance No. 2053NS entitled "An ordinance to access the cost of construction of improvements in the Granada Country Estates, Tanglewood, Coronado Terrace, Cedar Creek Water Improvement District against the several lots, tracts and parcels of land benefited thereby, within the district created by Resolution No. 6111; and declaring an emergency."

A motion was made by Vice Mayor Downing, seconded by Commissioner Harrod, that the Title and Sections 1-3 be approved. Motion carried.
AYE: Downing, Harrod, Harden, Weaver, Peterson, Claybrook, Pettyjohn
NAY: None

A motion was made by Vice Mayor Downing, seconded by Commissioner Harrod, that Section 4, the emergency clause, be approved. Motion carried.
AYE: Downing, Harrod, Harden, Weaver, Peterson, Claybrook, Pettyjohn
NAY: None

Thereupon Mayor Harden declared Ordinance No. 2053NS duly passed and adopted.
AGENDA ITEM NO. 13: Consider an ordinance establishing payment rates for persons outside the Granada Country Estates/ Tanglewood/Cedar Creek/Coronado Terrace Water Improvement District to tap into said system.

With the passage of this ordinance, it would include the modification that states for those lot owners within the boundaries of the assessment district not included in the original assessment roll may wish to tap into the improvements of the district after May 6, 2002 by paying the fees reflected in the "Granada Area Water Improvement District Tap Fee Reimbursement Schedule" made a part of the ordinance as Exhibit A.
Ordinance No. 2054NS was introduced and the title read aloud.

Ordinance No. 2054NS entitled "An ordinance establishing the payment rates for those persons outside the Granada Country Estates, Tanglewood, Coronado Terrace, Cedar Creek Water Improvement District to tap into the various improvements serving said water district; and declaring an emergency."

A motion was made by Commissioner Claybrook, seconded by Commissioner Weaver, that the Title and Sections 1 and 2 be approved. Motion carried.
AYE: Claybrook, Weaver, Peterson, Downing, Pettyjohn, Harrod, Harden
NAY: None

A motion was made by Vice Mayor Downing, seconded by Commissioner Harrod, that Section 3 the emergency clause be approved. Motion carried.
AYE: Downing, Harrod, Harden, Weaver, Peterson, Claybrook, Pettyjohn
NAY: None

Thereupon Mayor Harden declared Ordinance No. 2054NS duly passed and adopted.
AGENDA ITEM NO. 14: Consider final acceptance of audit for fiscal year 2000-2001.

A motion was made by Commissioner Peterson, seconded by Vice Mayor Downing, to defer the final acceptance of audit for fiscal year 2000-2001 to the next meeting. Motion carried.
AYE: Peterson, Downing, Claybrook, Pettyjohn, Harrod, Harden, Weaver
NAY: None

AGENDA ITEM NO. 15: Consider approval of the CDBG One Year Action Plan for fiscal year 2002 beginning July 1, 2002 through June 30, 2003.

A motion was made by Commissioner Pettyjohn, seconded by Commissioner Weaver, to approve the CDBG One Year Action Plan for fiscal year 2002 beginning July 1, 2002 through June 30, 2003. Motion carried.
AYE: Pettyjohn, Weaver, Peterson, Downing, Claybrook, Harrod, Harden
NAY: None

AGENDA ITEM NO. 16: Consider acceptance of the Northridge Cottages improvements, i.e. water, sanitary sewer, paving and drainage and placing maintenance bonds into effect.

A motion was made by Commissioner Harrod, seconded by Vice Mayor Downing, to accept the Northridge Cottages improvements, i.e. water, sanitary sewer, paving and drainage and place maintenance bonds into effect. Motion carried.
AYE: Harrod, Downing, Claybrook, Pettyjohn, Harden, Weaver, Peterson
NAY: None

AGENDA ITEM NO. 17: Consider acceptance of water and sanitary sewer improvements for the Windmill Ridge Addition and placing maintenance bonds into effect.

A motion was made by Commissioner Harrod, seconded by Commissioner Pettyjohn, to approve acceptance of water and sanitary sewer improvements for the Windmill Ridge Addition and place maintenance bonds into effect. Motion carried.
AYE: Harrod, Pettyjohn, Harden, Weaver, Peterson, Downing, Claybrook
NAY: None
AGENDA ITEM NO. 18: Consider Bids.

The following bids were opened and read into record.

a. Mobile Data Systems and Interfaces to Existing Products (Open)
BIDDER AMOUNT

Global SW Corporation Option 1: $140,412.00
Oklahoma City, OK Option 2: $165,309.00
Option 3: $149,293.00
$110,349.00 Gateway

A motion was made by Commissioner Harrod, seconded by Vice Mayor Downing, that the mobile data systems and interface bids be deferred to staff for review and recommendation at the next regularly scheduled meeting. Motion carried.
AYE: Harrod, Downing, Claybrook, Pettyjohn, Harden, Weaver, Peterson
NAY: None

b. Uniform Rental Service (Open)

Item RUS Uniform Yale-Fred Reed Aramark

Item A. Shirts: 100%
Cotton-Full Service 1.95 2.75 2.75

Item A-Uniform Only 1.35 1.10 1.65

Item B. Shirts: Polyester/
Cotton-Full Service 1.80 2.25 2.00

Item B-Uniform Only 1.15 0.90 1.20

Item C-Pants: 100%
Cotton Twill-Full Service 2.50 2.75 3.00

Item C-Uniform Only 1.75 1.10 1.80

Item D. Pants: Polyester/
Cotton Twill-Full Service 2.35 2.25 2.25

Item D-Uniform Only 1.60 0.90 1.35

Item E. Pants: 100%
Cotton Denim-Full Service 2.50 2.75 4.00

Item E-Uniform Only 1.75 1.10 2.40

Item F. Jackets: Full Service 0.25 No Charge 0.50

Item F. Uniform Only 0.25 No Charge 0.25

A motion was made by Commissioner Harrod, seconded by Commissioner Pettyjohn, that the uniform bids be deferred to staff for review and recommendation at the next regularly scheduled meeting. Motion carried.
AYE: Harrod, Pettyjohn, Harden, Weaver, Peterson, Downing, Claybrook
NAY: None

AGENDA ITEM NO. 19: New Business (Any matter not known about or which could not have been reasonably foreseen prior to the time of posting agenda)

There was no New Business to be considered.

AGENDA ITEM NO. 20: Administrative Reports.

There was no Administrative Reports.

AGENDA ITEM NO. 21: Citizens Participation (A five minute limit per person) (A fifteen-minute limit per topic)

There was no Citizens Participation.

AGENDA ITEM NO. 22: Commissioners' Comments.

Under Commissioners' Comments, Commissioner Pettyjohn commended staff for doing a good job regarding the water district improvement plan since it was the first time it has been done.
He also voiced concern about the recent city jail shut down by the State Fire Marshal due to code violations and overcrowding; and cautioned staff to be attentive to this situation.
Police Chief Hank Land explained the situation and assured the Commission that staff was working the County Sheriff and County Commissioners to manage the situation.
Mayor Harden mentioned that she and Commissioner Weaver would plan for another Ward 4 community meeting in June in an attempt to receive input from the citizens.
AGENDA ITEM NO. 23: Adjournment.

There being no further business to come before the meeting, a motion was made by Commissioner Harrod, seconded by Commissioner Pettyjohn, that the meeting be adjourned. Motion carried. (10:43 p.m.)
AYE: Harrod, Pettyjohn, Harden, Weaver, Peterson, Downing, Claybrook
NAY: None

____
MAYOR

(SEAL)
ATTEST:

____
CITY CLERK

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BOARD OF CITY COMMISSIONERS PROCEEDINGS

OCTOBER 6, 2003 AT 7:00 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, October 6, 2003 at 7:00 p.m., pursuant to notice duly posted as prescribed by law. Mayor Harden presided and called the meeting to order. Upon roll call, the following members were in attendance.
Chris Harden
Mayor
Robert M. Pettyjohn James Harrod
Commissioner Ward 2 Commissioner Ward 3

Bob Weaver Linda Peterson
Commissioner Ward 4 Commissioner Ward 5

Bob Downing
Commissioner Ward 6-Vice Mayor

ABSENT: Tom Claybrook
Commissioner Ward 1

INVOCATION Reverend Emmitt Hazelwood
Vol. Chaplain, Unity Hospital
FLAG SALUTE Mayor Harden

AGENDA ITEM NO. 1: Consider Approval of Consent Agenda.

a. Acknowledge staff will proceed in the instant meeting with the opening and consideration of bids as set forth in Agenda Item No. 17.

b. Minutes of the September 15, 2003 meeting.

c. Budget Amendments in Capital Improvement Fund, Shawnee Airport Authority Fund and 2002 Home Grant Fund.

d. Acknowledge the following minutes:

* Civic and Cultural Development Authority minutes from the August 21, 2003 meeting

* Shawnee Urban Renewal Authority minutes of September 3, 2003 meeting

* Shawnee Beautification Committee minutes of August 4, 2003 meeting

* Planning Commission minutes from the August 6 and September 17, 2003 meetings

e. Authorize staff to advertise for bids for used vehicle to replace pool vehicle which is being retired.

f. Authorize staff to solicit proposals for redeveloping the Sears Building.

g. Authorize staff to advertise for bids for the FY 03-04 Sanitary Sewer Rehab (Pipe Bursting) Project.

h. Authorize staff to advertise for bids for the Bell Street Streetscape Project pending approval by Oklahoma Department of Transportation.

i. Acknowledge Workers Compensation Court settlements with Dale Wigington, David Rodriguez and Jeffrey Rogers.

j. Acknowledge Japanese traditional mask from Nikaho, Japan.

k. Authorize staff to submit application to Oklahoma Department of Emergency Management for sub-grant of Emergency Management Performance Grant funds.

l. Authorize acceptance of grant from Oklahoma Office of Homeland Security in the amount of $103,864.97 for training, physical security enhancement equipment and other terrorism preparedness initiatives.

m. Authorize acceptance of grant from Oklahoma Office of Homeland Security in the amount of $288,000.00 for the purchase of hazardous material trailer and truck.

n. Mayor's Appointments:

Planning Commission

Appoint John Holt to a term to expire 6/1/06
Appoint Howard Baird to a term to expire 6/1/06

Before voting on the consent agenda, City Manager Terry Powell requested that item no. 1(i) be pulled for consideration at a later date.
A motion was made by Vice Mayor Downing, seconded by Commissioner Weaver, that Consent Agenda Item No. 1a-n, less i, be approved as presented. Motion carried.
AYE: Downing. Weaver, Peterson, Pettyjohn, Harrod, Harden
NAY: None

AGENDA ITEM NO. 2: Mayor's Proclamation.

"City Wide Clean-up Month"
October, 2003
(accepted by Tom Terry, Beautification Committee Chair)

AGENDA ITEM NO. 3: Public hearing and consider an ordinance annexing properties located east of Bryan Street between Independence and ½ mile north of MacArthur Street. (Applicant: City of Shawnee).

Mayor Harden declared a public hearing in session to consider an ordinance annexing properties located east of Bryan Street between Independence and one-half mile north of MacArthur Street.
For informational purposes, it was noted that the Annexation Committee recommended the annexation of properties in Section 4 and Section 9 in order to square off the city limit boundaries. These areas are completely or partially surrounded by the current city limits through various annexations over the last 15 years.
Further information relayed that in some cases, a partial lot or even a house

is in the city limits while some of the property is outside the city limits. By annexation many situations would be resolved.
The Planning Commission recommended assigning a zoning classification of A-1 on most of the properties and some were recommended as C-3 for commercial lots along MacArthur Street; and the properties surrounded by Granada, Tanglewood, and Cedar Creek neighborhoods are recommended to be RE, Rural Estates.
Upon opening of the public hearing, the following residents appeared in opposition to the annexation and during the hearing, Community Development Director Mike Southard, on behalf of the City of Shawnee, the applicant, answered questions from the residents.
Those appearing in opposition included: Joe McKimmey, Danny Landreth, Eva Douglas, Ken Kerbo, Donna Russell, Darin Sparkman, and Corey Lumry.

The overall common opinion was that by annexing their properties, they did not see any benefits offered by the city, only that there would be many restrictions.
Several of the residents own businesses in the area and they voiced concerns that being annexed would put them out of business due to the many requirements and restrictions of the city codes. Some were anticipating expanding their businesses and that brought up the issue of at what point in the process would the city consider a building in progress.
There being no others to appear, the public hearing was closed.
In discussion, Commissioner Pettyjohn commented that they city planner was trying to move forward, but with the many responses of the residents, he wanted to represent the will of the people.
City Commissioners Peterson and Weaver, members of the Annexation Committee, offered explanations why they as part of the committee, made their decisions based on the overall welfare of the City of Shawnee.
Thereupon, a motion was made by Commissioner Pettyjohn, seconded by Commissioner Harrod, to deny the annexation ordinance. Motion failed.
AYE: Pettyjohn, Harrod
NAY: Harden, Weaver, Peterson, Downing

Then, a motion was made by Vice Mayor Downing, seconded by Commissioner Weaver, that the annexation ordinance be approved.
Before voting, further discussion ensued about the service Plan previously discussed. Upon City Attorney John Canavan's opinion, a thorough Plan had not been clearly identified, and that should be done.
Community Development Director Mike Southard noted that there was no commitment on the City's part for water lines to be placed on Bryan Street.
Based upon issues arising from the two-hour discussion, Commissioner Weaver withdrew his second to the motion to approve the annexation ordinance. Vice Mayor Downing held firm to his motion, thereupon, the motion died for lack of a second.
Concluding, a motion was made by Commissioner Weaver, seconded by Commissioner Harrod, that the annexation ordinance be deferred to the next meeting of October 20, 2003, including the service Plan and determination of when the construction would begin. Motion carried.
AYE: Weaver, Harrod, Harden, Peterson, Pettyjohn
NAY: Downing

AGENDA ITEM NO. 4: Public hearing and consider an ordinance rezoning property located at the northwest corner of Kickapoo Street and 45th Street from A-1; Agricultural District to C-3; Automotive and Commercial Recreation District for use as commercial development. (Applicant: Dwight Butler on behalf of the Oklahoma State Land Commission)

Mayor Harden declared a public hearing in session to consider rezoning property located at the northwest corner of Kickapoo Street and 45th Street

for use as commercial development.
Mayor Harden asked if any persons wished to appear in favor or in protest of the rezoning.
Mr. Kenneth Westervelt, 7 Oak Hollow, appeared to protest the rezoning.
Mr. Dwight Butler, appeared on behalf of the applicant, Oklahoma State Land Commission.
It is the intention of the applicant to develop this quarter section into five to six commercial lots.
There being no others to appear the public hearing was closed.
The Planning Commission and staff recommended approval of the rezoning.
After due and careful consideration, Ordinance No. 2103NS was introduced and the title read aloud.
Ordinance No. 2103NS entitled "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: A tract of land in the Southeast Quarter (SE/4) of Section 36, Township 11 North, Range 3 East of the Indian Meridian, Pottawatomie County, Oklahoma, more particularly described as: Beginning from the Southeast Corner of said Southeast Quarter (SE/4); thence N00°05'03"E along the East line of said Southeast Quarter (SE/4) a distance of 50.00 feet; thence S89°59'11"W a distance of 50.00 feet to the point of beginning; thence from said point of beginning continuing S89° 59'11"W a distance of 2587.85 feet; thence N00°07'20"E a distance of 2547.74 feet; thence N88°45'04"E a distance of 948.90 feet; thence S79° 23'17"E a distance of 152.97 feet; thence N89°18'07"E a distance of 175.74 feet; thence S79°28'06"E a distance of 760.28 feet; thence S71°56'56"E a distance of 573.68 feet; thence S01°09'54"E a distance of 375.08 feet; thence S89°58'24"E a distance of 10.00 feet; thence S00°05'03"W a distance of 1850.00 feet to the point of beginning; and rezoning said property from A-1; Agricultural District to C-3; Automotive and Commercial Recreation District and amending the official zoning map of the City of Shawnee accordingly."

A motion was made by Commissioner Weaver, seconded by Vice Mayor Downing, that the Title and Section 1 be approved. Motion carried.
AYE: Weaver, Downing, Pettyjohn, Harrod, Harden, Peterson
NAY: None

Thereupon Mayor Harden declared Ordinance No. 2103NS duly passed and adopted.

AGENDA ITEM NO. 5: Public hearing and consider an ordinance rezoning property located at 326 E. Highland from C-3; Automotive and Commercial Recreation District to C-3P; Automotive and Commercial Recreation District with Conditional Use Permit for use as a game room/arcade. (Applicant: Konnie Ardizzone)

Mayor Harden declared a public hearing in session to consider rezoning property located at 326 East Highland for use as a game room/arcade.
Mayor Harden asked if any persons wished to appear in favor or in protest of the rezoning. Ms. Konnie Ardizzone, the applicant, appeared on behalf of her application.
No others appeared and the public hearing was closed.
It was noted that the Planning Commission and staff recommended approval of the rezoning.
After due and careful consideration, Ordinance No. 2104NS was introduced and the title read aloud.
Ordinance No. 2104NS entitled "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: A tract of land described as beginning at the Northwest Corner of Tract 2, Block 1,

stated that staff had listened to the tape of the meeting and although it was discussed, no action was taken regarding the rebates.
Mr. Compton advised that now some of the property owners in the original assessment have requested a rebate of their initial cost when new property owners tap into the facilities.
City Treasurer Compton gave staff's recommendation that no rebates should be issued to any parties paying an assessment fee to participate in this water improvement district for the following reasons:
a. Connection to the city water system enhances the value of the lots in the district and the cost of the assessment should be recoverable when a lot is subsequently sold;
b. The city attorney has researched this issue and with other cities and found that rebates for water district assessments are not common practice;
c. Assessments for new taps into the system are not intended to recover initial construction costs and redistribute them to the original 137 customers. Rather, these fees are for continued maintenance and construction necessary to provide water services to the district.

After receiving staff's recommendation, Mr. **NEAL** Martin, one of the original owners who requested the water district, was allowed to speak regarding the rebate.
Mr. Martin distributed his proposal regarding the rebate and informed the Commission that city staff and he never met regarding his proposal.
Upon discussion, the Commission agreed that city staff meet with Mr. Martin to review his proposal and report back at a later meeting.
A motion was made by Commissioner Pettyjohn, seconded by Commissioner Harrod, that this item pertaining to rebate for Granada Country Estates/Tanglewood/Cedar Creek/Coronado Terrace Water District property owners be deferred to the November 3rd meeting. Motion carried.

AYE: Pettyjohn, Harrod, Harden, Weaver, Peterson, Downing
NAY: None

AGENDA ITEM NO. 9: Consider an ordinance allowing the sale of surplus city owned non-real estate property by public auction, sealed bids or on-line auction service.

Ordinance No. 2105NS was introduced and read into record.

Ordinance No. 2105NS entitled "An ordinance relating to the sale of non-real estate property owned by the City of Shawnee; creating an new Code Section 2-6, Article I, Chapter 2 of the Code of the City of Shawnee; allowing the sale of surplus non-real estate property to be by auction services as directed by the City Commission; setting notice requirements; providing for severability and declaring an emergency."

A motion was made by Commissioner Pettyjohn, seconded by Commissioner Harrod, that the Ordinance and Section 1-2, be approved. Motion carried.
AYE: Pettyjohn, Harrod, Harden, Weaver, Peterson, Downing
NAY: None

A motion was made by Vice Mayor Downing, seconded by Commissioner Peterson, that Section 3, the emergency clause, be approved. Motion carried.

AYE: Downing, Peterson, Pettyjohn, Harrod, Harden, Weaver
NAY: None

Thereupon Mayor Harden declared Ordinance No. 2105NS duly passed and adopted.
AGENDA ITEM NO. 10: Consider a resolution declaring certain items of

personal property surplus and authorizing the sale thereof by public auction.

It was noted that the City will have its auction on November 8, 2003.
Resolution No. 6177 was introduced and the title read aloud.

Resolution No. 6177 entitled "A resolution declaring certain items of personal property surplus and no longer needed for city purposes; describing said items; authorizing the sale thereof pursuant to public auction; setting forth requirements as to notice."

A motion was made by Commissioner Harrod, seconded by Commissioner Pettyjohn, that the Title and Resolution be approved. Motion carried.
AYE: Harrod, Pettyjohn, Harden, Weaver, Peterson, Downing
NAY: None

Thereupon Mayor Harden declared Resolution No. 6177 duly passed and adopted.
AGENDA ITEM NO. 11: Consider a resolution declaring certain items of personal property to be unclaimed personal property; the same being in the possession of the Chief of Police and authorize the sale of said items by public auction.

Resolution No. 6178 was introduced and the title read aloud.

Resolution No. 6178 entitled "A resolution declaring certain items of personal property to be unclaimed personal property or property whose ownership is not satisfactorily established, the same being in possession of the Chief of Police for more than six months; describing said items of property; authorizing the City Manager to deliver said items of personal property to the Chief of Police for sale for cash at public auction."

A motion was made by Vice Mayor Downing, seconded by Commissioner Harrod, that the title and resolution be approved. Motion carried.
AYE: Downing, Harrod, Harden, Weaver, Peterson, Pettyjohn
NAY: None

Thereupon Mayor Harden declared Resolution No. 6178 duly passed and adopted.
AGENDA ITEM NO. 12: Consider authorizing staff to advertise for bids for one seventy-five foot aerial ladder truck for fire department.

Fire Chief Jerry Bower requested authorization to advertise for bids on a seventy-five foot aerial ladder truck. The current ladder is a 1963 model.
Mr. Bower noted that the unit would be a first line apparatus with full pumping capabilities and would move a 1982 engine into reserve status and would replace a 1978 engine currently in reserve.
The fire chief stated that the city has the opportunity to go to bid with the City of Midwest City on the same or similar unit that could save the city $15,000 to $25,000. The expected cost would be in the $425,000-450,000 range and take about nine months to build the unit.
A motion was made by Commissioner Harrod, seconded by Commissioner Peterson, that the request from Fire Chief Jerry Bower to advertise for bids for one seventy-five foot aerial ladder truck for the Fire

Department be approved. Motion carried.
AYE: Harrod, Peterson, Downing, Pettyjohn, Harden, Weaver
NAY: None

AGENDA ITEM NO. 13: Consider an ordinance raising the fine for nonhandicap persons convicted of parking in handicap parking spaces.

The following ordinance was at the request of Commissioner Pettyjohn. Ordinance No. 2106NS was introduced and the title read aloud.

Ordinance No. 2106NS entitled "An ordinance relating to the penalty for non-handicapped persons parking in handicap parking spaces; amending Section 19-450(b), Sub-division I, Division 2, Article XI of Chapter 19 of the Code of the City of Shawnee, Oklahoma; raising the file for violation of handicap parking from one hundred dollars ($100.00) to one hundred fifty dollars ($150.00); providing for severability; and declaring an emergency."

A motion was made by Commissioner Pettyjohn, seconded by Vice Mayor Downing, that the title and Sections 1 and 2, be approved. Motion carried.
AYE: Pettyjohn, Downing, Harrod, Harden, Weaver, Peterson
NAY: None

A motion was made by Commissioner Pettyjohn, seconded by Commissioner Peterson, that Section 3, the emergency clause, be approved.

Motion carried.
AYE: Pettyjohn, Peterson, Downing, Harden, Weaver
NAY: None
ABSTAIN: Harrod

Thereupon Mayor Harden declared Ordinance No. 2106NS duly passed and adopted.
AGENDA ITEM NO. 14: Consider authorizing staff to negotiate contract with Wilbur Smith Associates for Phase 2 of the Comprehensive Plan Update.

As per agenda notes, in November 2002, the Commission contracted with Wilbur Smith Associates for Phase 1 of the Comp Plan Update, which included Housing and Neighborhoods, Land Use, Transportation, and Community Profile.
Phase 2 is funded as a CIP project and will include tasks such as Image and Design, Growth Capacity, Implementation, and the final document. The anticipated cost will be approximately $70,000.
A motion was made by Vice Mayor Downing, seconded by Commissioner Harrod, to approve authorizing staff to negotiate a contract with Wilbur Smith Associates for Phase 2 of the Comprehensive Plan Update. Motion carried.
AYE: Downing, Weaver, Peterson, Pettyjohn, Harrod, Harden
NAY: None

AGENDA ITEM NO. 15: Consider authorizing staff to proceed with the design and bid letting for an 8" sanitary sewer line extension and a 12" water line extension to serve the proposed Sac & Fox facility located at the northeast corner of Harrison Street and Westech Road.

City Engineer John Krywicki presented the preliminary estimated costs in the amount of $36,400 for water and sanitary sewer line extension to serve the proposed Sac & Fox casino facility located at the northeast corner of Harrison Street and Westech Road.
He advised that the Sac & Fox Nation had requested that city engineering staff prepare the improvement plans and the City would be reimbursed from the Sac & Fox Nation.
If approved, the Engineering Department would proceed with implementing the plans for bid letting on the project.
Mr. Krywicki noted that as a cooperative effort between the City and the Sac & Fox Nation on this project and other improvements in the immediate area, staff had no objection to this arrangement for this specific project.

A motion was made by Commissioner Weaver, seconded by Vice Mayor Downing, that staff be authorized to proceed with the design and bid letting for an 8" sanitary sewer line extension and a 12" water line extension to serve the proposed Sac & Fox facility located at the northeast corner of Harrison Street and Westech Road. Motion carried.
AYE: Weaver, Downing, Pettyjohn, Harrod, Harden, Peterson
NAY: None

AGENDA ITEM NO. 16: Consider approval of revocable permit for Aldridge LLC and E.R.C. to use basement of Aldridge building located in city right of way.

Upon Community Development Mike Southard's request to defer this item, the following motion was made.

A motion was made by Commissioner Harrod, seconded by Vice Mayor Downing, to defer action on approval of revocable permit for Aldridge LLC and E.R.C. to use basement of Aldridge building located in the city's right-of-way until the agreement has been finalized. Motion carried.
AYE: Harrod, Downing, Pettyjohn, Harden, Weaver, Peterson
NAY: None

AGENDA ITEM NO. 17: Consider Bids.

a. One or More Full Size Police Vehicles (Open)

BIDDER AMOUNT

Harvey's Inc. $18,599.00
Shawnee, OK

Joe Cooper Ford $20,196.00
Shawnee, OK

Seminole Ford-Mercury $20,539.19
Seminole, OK

A motion was made by Vice Mayor Downing, seconded by Commissioner Pettyjohn, that the bids for one or more full size police vehicles be deferred to staff for review and recommendation at the next meeting. Motion carried.
AYE: Downing, Pettyjohn, Harrod, Harden, Weaver, Peterson
NAY: None

b. Mowing and Cleaning Weeds and Trash (Open)

L & S Lawn John Strech R & R
Tree Service Recycling

1. a. Cutting grass and weeds on 10,000 sq. ft. $55.00 $50.00 49.00
or less of land area. Less than 25% of
the land shall be covered with vegetation
higher than two feet.

b. Each additional 1,000 sq. ft. of land $10.00 $ 3.00 $ 2.49
area up to one acre.

2. a. Cutting grass and weeds on 10,000 sq. ft. $65.00 $55.00 $49.00
or less of land area. More than 25% of
the land shall be covered with vegetation
higher than two feet.

b. Each additional 1,000 sq. ft. of land $10.00 $ 3.00 $ 2.49
area up to one acre.

3. a. Cutting grass and weeds on larger areas: $100.00 $60.00 $25.00
bid per acre or part thereof. Less than
25% of the land shall be covered with
vegetation higher than four feet.

b. Cutting grass and weeds on larger areas: $150.00 $70.00 $49.00
bid per acre or part thereof. More than
25% of the land shall be covered with
vegetation higher than four feet.

4. a. Debris removal: Each ½ ton pick-up load. $90.00 $40.00 $65.00

b. Disposal of vehicle tires—each. $ 1.50 $ 3.00 $ 2.50

5. Show-up fee—(to be used if cancellation of $35.00 $15.00 $30.00
order is made subsequent to issuance of order)

A motion was made by Commissioner Pettyjohn, seconded by Commissioner Weaver, to defer the contract on mowing and cleaning weeds and trash for fiscal year 2003/04 to staff for review and recommendation at the next meeting. Motion carried.
AYE: Pettyjohn, Weaver, Peterson, Downing, Harrod, Harden
NAY: None

c. MacArthur Street Paving Project (Leo to US Highway 177) (Open & Award)

BIDDER AMOUNT

Vantage Paving, Inc. $443,929.30
Oklahoma City, OK

APAC-Oklahoma, Inc. $734,011.50
Tulsa, OK

Shell Construction Co., Inc. $557,815.25
Oklahoma City, OK

Krapff Reynolds Const. Co. $608,475.50
Oklahoma City, OK

ENGINEER'S ESTIMATE: $493,498.00

A motion was made by Vice Mayor Downing, seconded by Commissioner Weaver, to award the contract to Vantage Paving Inc., Oklahoma City, Oklahoma, as the lowest and best bid in the amount of $443,929.30 pending review by staff to determine bid is in order. Motion carried.
AYE: Downing, Weaver, Peterson, Pettyjohn, Harrod, Harden
NAY: None

AGENDA ITEM NO. 18: New Business. (Any matter not known about or which could not have been reasonably foreseen prior to the time of posting agenda)

There was no New Business to be considered.

AGENDA ITEM NO. 19: Administrative Reports.

There were no Administrative Reports.

AGENDA ITEM NO. 20: Citizens Participation. (A five minute limit per person) (A fifteen minute limit per topic)

Under Citizens Participation, Ms. Stephanie Stretch requested guidance on how to report a city employee(s) not following the policies and procedures of the city.
City Manager Terry Powell advised that she could direct her inquires to him.
AGENDA ITEM NO. 21: Consider an Executive Session pursuant to 25 O.S. §307B(4) to discuss pending litigation entitled James Harrod and Kaye Steele Harrod vs. the Board of City Commissioners of the City of Shawnee, Oklahoma, Case No. C-03-97 filed in the District Court of Pottawatomie County, Oklahoma on January 30, 2003.

A motion was made by Vice Mayor Downing, seconded by Commissioner Weaver, that the Commission go into Executive Session to discuss pending litigation entitled James Harrod and Kaye Steele Harrod vs. the Board of City Commissioners of the City of Shawnee, Oklahoma, Case No. C-03-97 filed in the District Court of Pottawatomie County, Oklahoma on January 30, 2003. Motion carried.
AYE: Downing, Weaver, Peterson, Pettyjohn, Harden
NAY: None
ABSTAIN: Harrod

CITY COMMISSION NOW IN EXECUTIVE SESSION AT 10:43 P.M. WITH FIVE COMMISSIONERS PRESENT, EXCEPT COMMISSIONER HARROD.

CITY COMMISSION RECONVENED IN REGULAR SESSION AT 10:52 P.M. WITH ALL COMMISSIONERS PRESENT.

AGENDA ITEM NO. 22: Consider matters discussed in Executive Session pursuant to 25 O.S. §307B(4) regarding pending litigation entitled James Harrod and Kaye Steele Harrod, Case No. C-03-97 filed in the District Court of Pottawatomie County, Oklahoma on January 30, 2003.

A motion was made by Commissioner Weaver, seconded by Vice Mayor Downing, to direct counsel to proceed with the lawsuit as instructed in the case of James Harrod and Kaye Steele Harrod, Case No. C-03-97. Motion carried.
AYE: Weaver, Downing, Pettyjohn, Harden, Peterson
NAY: None
ABSTAIN: Harrod

AGENDA ITEM NO. 23: Commissioners Comments.

There were no Commissioners Comments.

AGENDA ITEM NO. 24: Adjournment.

There being no further business to come before the meeting, a motion was made by Commissioner Weaver, seconded by Commissioner Pettyjohn, that the meeting be adjourned. Motion carried. (10:53pm)
AYE: Weaver, Pettyjohn, Harrod, Harden, Peterson, Downing
NAY: None

MAYOR

(SEAL)
ATTEST:

CITY CLERK

City of Shawnee Document

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Date: 11/3/2003	Board: City Commission	DocumentType: Minutes	Web Posted: 11/18/2003 1:40:00 PM

BOARD OF CITY COMMISSIONERS PROCEEDINGS

NOVEMBER 3, 2003 AT 7:00 P.M.

The Board of City Commissioners of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in Regular Session in the Commission Chambers at City Hall, 9th and Broadway, Shawnee, Oklahoma, Monday, November 3, 2003 at 7:00 p.m., pursuant to notice duly posted as prescribed by law. Mayor Harden presided and called the meeting to order. Upon roll call, the following members were in attendance.
Chris Harden
Mayor
Tom Claybrook Robert M. Pettyjohn
Commissioner Ward 1 Commissioner Ward 2

James Harrod Bob Weaver
Commissioner Ward 3 Commissioner Ward 4

Linda Peterson Bob Downing
Commissioner Ward 5 Commissioner Ward 6-Vice Mayor

INVOCATION Reverend Milo Steffan
First Christian Church

FLAG SALUTE Mayor Harden

AGENDA ITEM NO. 1: Consider Approval of Consent Agenda.

a. Acknowledge staff will proceed in the instant meeting with the opening and consideration of bids as set forth in Agenda Item No. 9.

b. Minutes of the October 20 and October 28, 2003 meetings.

c. Budget Amendment in Shawnee Municipal Authority.

d. Transfer of Appropriations in Shawnee Airport Authority and General Fund.

e. Acknowledge the following minutes:

* Civic and Cultural Development Authority minutes from the September 18, 2003 meeting

* Shawnee Urban Renewal Authority minutes of October 7, 2003 meeting

f. Approve acceptance of Performance Bond from Shared Funding, LLC for The Orchards development located at Center & Bradley

g. Authorize staff to advertise for the purchase of trees to be planted along I-40 between Kickapoo and Harrison as per ODOT Enhancement Grant.

A motion was made by Commissioner Harrod, seconded by Commissioner Weaver, that Agenda Item No. 1 (a-g), inclusive, be approved as presented. Motion carried.
AYE: Harrod, Weaver, Peterson, Downing, Claybrook, Pettyjohn, Harden
NAY: None

Before continuing to the next agenda item, Mayor Harden issued the following add-on proclamation:
"Trinity Baptist Church Day"
November 9, 2003
(accepted by Wanda Hill, church member)

AGENDA ITEM NO. 2: Consider rebate for Granada County Estates/Tanglewood/Cedar Creek/ Coronado Terrace Water District property owners. (Continued from 10/6/03 meeting).

City Treasurer Terry Compton reported to the Commission that it was staff's position that the **REBATES** not be issued. He gave reasons that it could become a complex issue and the distribution would not be equitable to the owners.
Upon discussion, it was some of the Commissioners' recollection that it was their intent to give the **REBATES**.
Mr. Roger Hadley, former chair of the ad hoc committee requesting water, told the Commission that the rebate idea was to provide an incentive to get the people to sign up early for the water district and the rebate would be given to the original 137 owners who signed the petition for water.
A motion was made by Commissioner Weaver, seconded by Commissioner Pettyjohn, that staff be directed to develop a plan to pay the **REBATES** to the original 137 original owners at five and ten year increments. Motion carried.
AYE: Weaver, Pettyjohn, Harden, Peterson, Claybrook
NAY: Harrod, Downing

AGENDA ITEM NO. 3: Discuss issues relating to trapping animals in the city limits including consideration of proposed ordinances amending or repealing Section 5-15 of the city code.

At the last meeting the Commission requested that ordinances be prepared for this agenda for consideration regarding trapping of animals in the city limits, which resulted from a citizen illegally trapping a skunk in her yard and this incident received media coverage where she could have been fined up to $500.
In discussion, it was understood that if the Commission chose to repeal the trapping law, the city would continue to offer its services for trapping animals. Otherwise, if a citizen trapped an animal, that citizen would be responsible for disposing the animal.
After discussion and receiving the city attorney's recommendation to repeal the section of the law on trapping, the following ordinance was introduced.

44

Ordinance No. 2110NS was introduced and the title read aloud.

Ordinance No. 2110NS entitled "An ordinance relating to the use of traps for trapping animals in the city limits repealing Section 5-15, Article I, Chapter 5 of the Code of the City of Shawnee; in its entirety; and declaring an emergency."

A motion was made by Commissioner Pettyjohn, seconded by Commissioner Weaver, that the Title and Section 1 be approved. Motion carried.
AYE: Pettyjohn, Weaver, Peterson, Downing, Claybrook, Harrod, Harden
NAY: None

A motion was made by Vice Mayor Downing, seconded by Commissioner Harrod, that Section 2, the emergency clause, be approved. Motion carried.
AYE: Downing, Harrod, Harden, Weaver, Peterson, Claybrook, Pettyjohn
NAY: None

Thereupon Mayor Harden declared Ordinance No. 2110NS duly passed and adopted.
AGENDA ITEM NO. 4: Consider an ordinance allowing the parking of recreational vehicles on concrete surfaces in screened side yards of residences.

Community Development Director Mike Southard advised that the proposed amendment to an ordinance was from Commissioner Harrod's concern and request for recreational vehicles being allowed to be parked on the side yard of a residence and parked on a concrete surface.
Ordinance No. 2111NS was introduced and the title read aloud.

Ordinance No. 2111NS entitled "An ordinance amending the Shawnee City Code, Section 18-3, prohibiting the parking or storage of recreational vehicles and travel trailers in the front and side yards of residential districts; repealing all ordinances or parts of ordinances in conflict herewith; providing for severability; and declaring an emergency."

A motion was made by Commissioner Harrod, seconded by Commissioner Pettyjohn, that the Title and Sections 1-6, be approved. Motion carried.
AYE: Harrod, Pettyjohn, Harden, Peterson, Downing, Claybrook
NAY: Weaver

A motion was made by Vice Mayor Downing, seconded by Commissioner Pettyjohn, that Section 7, the emergency clause, be approved. Motion failed.
AYE: Downing, Pettyjohn, Peterson, Claybrook, Harrod
NAY: Harden, Weaver

Thereupon Mayor Harden declared Ordinance No. 2111NS duly passed and adopted thirty (30) days for this date.
AGENDA ITEM NO. 5: Consider acceptance of warranty deeds from Wal-Mart, Grant Dockery, and Ron Wigington for the property that the City of Shawnee requires for right-of-way in order to construct the North Union Street Paving Project.

In City Engineer John Krywicki's memorandum, it relayed that all documents were received and he recommended acceptance of the easements and warranty deeds from the parties involved that will provide the required right-of-way north of the Mall Frontage Road for street construction.
A motion was made by Vice Mayor Downing, seconded by Commissioner Weaver, to accept the warranty deeds and easements from Wal-Mart, Grant Dockery, and Ron Wigington for the property that the City of Shawnee requires for right-of-way in order to construct the North Union Street Paving Project. Motion carried.
AYE: Downing, Weaver, Peterson, Claybrook, Pettyjohn, Harrod, Harden
NAY: None

AGENDA ITEM NO. 6: Consider setting date for Red, White & Blue celebration.

Public Works Director James Cole issued a recommendation from staff to hold the City's Red, White and Blue celebration on Friday night, July 2nd for economic and attendance reasons.
A motion was made by Vice Mayor Downing, seconded by Commissioner Weaver, to accept staff's recommendation to set the date for

the City's annual Red, White & Blue celebration for July 2, 2004. Motion carried.
AYE: Downing, Weaver, Peterson, Claybrook, Pettyjohn, Harrod, Harden
NAY: None

AGENDA ITEM NO. 7: Consider authorizing staff to advertise the 24" water line replacement project from Benedict & Pottenger to Federal & Park (Park Water Tower).

City Engineer John Krywicki explained to the Commission that the City's main transmission water line that feeds the towers on Federal Street is an old (75 yrs) 14" water line along Kickapoo Street, that has a history of main breaks.
He further noted that the size and condition of the line creates substantial friction loss; whereby, the Water Treatment Plant is not able to pump adequate flows to meet peak demand and sustain adequate levels in the storage tanks on Federal Street for emergency storage supply.
Mr. Krywicki reported that the modeling of the City's distribution system reveals that a 24" line would be able to provide twice the flows at the current pumping operations of the plant, delivering water flows to meet peak demand and to sustain adequate elevations in the storage tanks for emergency purposes.
A motion was made by Commissioner Harrod, seconded by Vice Mayor Downing, to authorize staff to advertise the 24" water line replacement project from Benedict and Pottenger to Federal and Park (Park Water Tower). Motion carried.
AYE: Harrod, Downing, Claybrook, Pettyjohn, Harden, Weaver, Peterson
NAY: None

AGENDA ITEM NO. 8: Staff update regarding employee cell phone situation and Commission discussion and possible action to resolve outstanding balances.

City Treasurer Terry Compton gave the update on the employee cell phone outstanding balances.
He reported that of the original $17,000 billed six months ago, approximately $8,000 was outstanding. There were three employees that comprised that amount.
Upon discussion, it was Commission's direction that the bills were to have been paid within six months.
At the will of the Commission, City Manager Terry Powell stated that staff would proceed to collect the outstanding balances by taking legal action through the city attorney.
AGENDA ITEM NO. 9: Consider Bids.

a. 2004 – 1 Ton Pickup Cab and Chassis (Open)

BIDDER AMOUNT

Harvey's Inc. $16,865.00
Shawnee, OK

Joe Cooper Ford $16,886.00
Shawnee, OK $16,559.00 alt.-F350 pickup

A motion was made by Vice Mayor Downing, seconded by Commissioner Pettyjohn, that the bids for the 2004 1 ton pickup cab and chassis be deferred to staff for review and recommendation at the next meeting. Motion carried.
AYE: Downing, Pettyjohn, Harrod, Harden, Weaver, Peterson, Claybrook
NAY: None

b. Sewer Rehab Project (Open)

BIDDER AMOUNT

Urban Contractors $406,496.00
Oklahoma City, OK

Jordan Contractors, Inc. $436,437.00
Tecumseh, OK

Krapff-Reynolds Construction Co. $434,600.00
Oklahoma City, OK

Terra-Tech, LLC $405,212.50
Oklahoma City, OK

Insituform Technologies, Inc. $555,555.55
Chesterfield, MO
ENGINEER'S ESTIMATE: $425,000.00

A motion was made by Commissioner Weaver, seconded by Commissioner Pettyjohn, that the bids for the sanitary sewer rehab (pipe-bursting) project be deferred to staff for review and recommendation at the next meeting. Motion carried.
AYE: Weaver, Pettyjohn, Harrod, Harden, Peterson, Downing, Claybrook
NAY: None

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

There was no New Business to be considered.

AGENDA ITEM NO. 11: Administrative Reports.

There were no Administrative Reports.

AGENDA ITEM NO. 12: Citizens Participation (A five minute limit per person) (A fifteen minute limit per topic)

Under Citizens Participation, Mr. Tom Smith extended an open invitation to the public to attend a dinner honoring veterans at Golden Corral Monday evening on November 10 and for the public to attend the activities held on Veteran's Day on November 11th.
AGENDA ITEM NO. 13: Commissioners Comments.

Under Commissioners Comments, the following comments and requests were made:

*Commissioner Pettyjohn requested staff to check the timing on the stop lights for safety purposes at the intersections at Rock Creek Road and Highway 18 and Highway 177 and 45th Street where the yellow lights are not long enough.
*Commissioner Weaver expressed concern about the breakup of asphalt of Acme Road due to heavy truck traffic. The city engineer advised that trucks are allowed on section line roads, but he would check Acme Road.
*Mayor Harden turned in a call from a citizen to the city engineer to check the dirt washing away from the side of street on Union Street north of 45th Street.
AGENDA ITEM NO. 14: Adjournment.
There being no further business to come before the meeting, a motion

was made by Commissioner Pettyjohn, seconded by Commissioner Peterson, that the meeting be adjourned. Motion carried. (9:10 p.m.)
AYE: Pettyjohn, Peterson, Downing, Claybrook, Harrod, Harden, Weaver
NAY: None

____
MAYOR

(SEAL)
ATTEST:

____
CITY CLERK

ORDINANCE NO. 2054NS

AN ORDINANCE ESTABLISHING THE PAYMENT RATES FOR THOSE PERSONS OUTSIDE THE GRANADA COUNTRY ESTATES, TANGLEWOOD, CORONADO TERRACE, CEDAR CREEK WATER IMPROVEMENT DISTRICT AND THOSE PERSONS WITHIN THE BOUNDARIES OF THE DISTRICT BUT NOT ON THE ORIGIINAL ASSESSMENT ROLL TO TAP INTO THE VARIOUS IMPROVEMENTS SERVING SAID WATER DISTRICT, AND DECLARING AN EMERGENCY.

WHEREAS, improvements have been completed servicing the Granada Country Estates, Tanglewood, Coronado Terrace, Cedar Creek Water Improvement District, and

WHEREAS, owners of lots, parcels and pieces of land outside the Water District may wish to tap into the various water lines and improvements supplying water to the water district, and

WHEREAS, there are owners of lots within the boundaries of the assessment district not included on the original assessment roll but who may wish to tap into the improvements of the district after May 6, 2002.

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

SECTION 1. There is duly established a rate payment schedule for those persons outside the Granada Country Estates, Tanglewood, Coronado Terrace, Cedar Creek Water Improvement District to tap into said water system, all as reflected in the matrix previously approved by the Shawnee City Commission and attached hereto as Exhibit "A" and made a part hereof.

SECTION 2. There is duly established a rate payment schedule for those persons owning lots within the boundaries of the Granada Country Estates, Tanglewood, Coronado Terrace, Cedar Creek Water Improvement District, but who are not included on the original assessment roll. Those who wish to tap into the improvements of said improvement district after May 6, 2002 shall pay a fee as reflected in the matrix attached hereto as Exhibit "A" and made a part hereof.

SECTION 3. EMERGENCY. That for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this Ordinance shall be in full force and effect immediately upon passage and approval.

PASSED AND APPROVED this 6th day of May, 2002.

CHRIS HARDEN, MAYOR

ATTEST:

Granada Area Water Improvement District
Tap Fee Reimbursement Schedule

The City or its representative will make all taps on the city's water mains. The following fee schedule will apply to all taps done by the City on water lines constructed through the Granada Area Water Improvement District after the initial assessments. The fee will be assessed through the permitting process. The fee will be paid to the City of Shawnee and will apply toward early retirement of the construction debt to the City.

		Tap Size in Inches									
Main Size	$4,138.72	3/4"	1"	1 1/4"	1 1/2"	2"	4"	6"	8"	10"	12"
	6"	$4,760	$4,998	$5,247	$5,510	$5,785	$6,074	$19,135			
	8"	$4,879	$5,122	$5,379	$5,647	$5,930	$6,226	$19,613	$20,594		
	10"	$5,000	$5,250	$5,513	$5,789	$6,078	$6,382	$20,103	$21,109	$22,164	
	12"	$5,125	$5,382	$5,651	$5,933	$6,230	$6,542	$20,606	$21,636	$22,718	$23,854

The tap fees are based on a 15% increase over the initial assessment. The initial assessment is to 137 dwellings with a total cost of $567,005.18. The scale increases by 25% as the main size increases and 5% as the tap size increases. The break between the 4" and 6" tap size is a development fee. A six-inch water line is the minimum allowed for public line therefore the impact is greater (three fold).

ORDINANCE NO. 2053NS

AN ORDINANCE TO ASSESS THE COST OF CONSTRUCTION OF IMPROVEMENTS IN THE GRANADA COUNTRY ESTATES, TANGLEWOOD, CORONADO TERRACE, CEDAR CREEK WATER IMPROVEMENT DISTRICT AGAINST THE SEVERAL LOTS, TRACTS AND PARCELS OF LAND BENEFITTED THEREBY, WITHIN THE DISTRICT CREATED BY RESOLUTION NO. 6111; AND DECLARING AN EMERGENCY.

WHEREAS, the Commission has heretofore provided for the construction of improvements in the Granada Country Estates, Tanglewood, Coronado Terrace, Cedar Creek Water Improvement District by virtue of Resolution No. 6111 of said city, and did duly enter into a contract with Winsett Construction Company, L. L. C. for the construction of improvements in said District, to serve the following described property, to-wit:

Lots 1-48, 55-78 and 12A in Granada Country Estates Addition; Lots 1-45 in Tanglewood Addition; Lots 1-6 and 26-31, Block 1, and Lots 1-6 and 17-22, Block 2, Coronado Terrace Addition; Lots 1-22 Cedar Creek Addition; and NE/4 SW/4 SE/4 SE/4 NE/4 and N/2 SE/4 SE/4 SE/4 NE/4 of Section 9-T10N-R4E of the I.M.

and whereas, the same have been constructed as required by the terms of said contract, plans, profiles and specifications as they appear on file in the office of the City Clerk; and

WHEREAS, the total cost of the construction of the entire improvement, including the cost of advertising, rights-of-way, easements, engineering and all other expenses necessary to the completion of such work and the payment of the cost thereof, together with any and all additions to the said contract price of said improvement has been determined to be the amount of Five Hundred Sixty-seven Thousand, Four Dollars and eighteen cents ($567,004.18) as shown by the assessment roll on file with the City Clerk.

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

SECTION 1. There is hereby levied, assessed and charged as a special assessment against each of said lots within the Granada Country Estates, Tanglewood, Coronado Terrace, Cedar Creek Water Improvement District, City of Shawnee, Oklahoma, created by Resolution No. 6111, as its proper share of the cost of said improvement, the amounts heretofore apportioned in the adopted assessment roll as prepared by the City Engineer, confirmed by the City Commission, and on file with the City Clerk, reference to which is hereby made, in the amount of Four Thousand One Hundred Thirty-eight and 72/100 Dollars ($4,138.72) per lot.

SECTION 2. That the assessments hereby levied against the several lots may be paid to the City Clerk without interest within thirty (30) days after the first publication of this Ordinance or by June 30, 2002, whichever date is later. All unpaid assessments at the expiration of thirty (30) days after the first publication of this ordinance or June 30, [illegible] City Clerk of the City of Shawnee in ten (10) shall become delinquent as provided by law if not paid on or before July 1st in the year when due. Said installments shall be in the amount as follows:

July 1, 2002	$495.58	July 1, 2007	$495.58
July 1, 2003	$495.58	July 1, 2008	$495.58
July 1, 2004	$495.58	July 1, 2009	$495.58
July 1, 2005	$495.58	July 1, 2010	$495.58
July 1, 2006	$495.58	July 1, 2011	$495.58

SECTION 3. That all proceedings hereto, the assessment roll, each assessment contained on the assessment roll and the amount of the assessment levied against each tract or parcel of land is regular, valid and correct and conclusive upon the owners of the tract, tracts or parcels of land assessed.

SECTION 4. EMERGENCY. That for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this Ordinance shall be in full force and effect immediately upon passage and approval.

PASSED AND APPROVED this 6th day of May, 2002.

Chris Harden

CHRIS HARDEN, MAYOR

ATTEST:

Diana Hallock

DIANA HALLOCK, CMC, CITY CLERK

(SEAL)

ORDwaterDistrict 042902

Shawnee Municipal Authority **4.**

Meeting Date: 02/19/2013

Bids

Submitted By: Donna Mayo, Administration

Department: Administration

Title of Item for Agenda

Consider Bids:

Shawnee Municipal Authority **4. a.**

Meeting Date: 02/19/2013

Open Bid

Submitted By: Donna Mayo, Administration

Department: Administration

Title of Item for Agenda

Sanitary Sewer Rehab Project (Various Locations) (Open)
Contract SMA-13-05

Attachments

Notice to Bidders

Bidders List

NOTICE TO BIDDERS

Sealed bids will be received by the Shawnee Municipal Authority/City of Shawnee, Beneficiary, 16 W. 9th Street, P.O. Box 1448, Shawnee, Oklahoma 74802-1448 up to **4:00 p.m., Tuesday, February 19, 2013** for:

CONTRACT NO. SMA-13-05
SANITARY SEWER REHAB PROJECT (VARIOUS LOCATIONS)

Instructions and bid documents are available to qualified bidders at the office of the Utility Director, 111 S. Kickapoo, Shawnee, Oklahoma 74801. Please call (405) 273-1960 for information.

A BID FORM will be issued by the Shawnee Municipal Authority/City of Shawnee, Beneficiary. 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:

CONTRACT NO. SMA-13-05
SANITARY SEWER REHAB PROJECT (VARIOUS LOCATIONS)

The purpose of this specification is to rehab the sanitary sewer system within the City of Shawnee, as specified. BIDDERS must obtain Bid Documents directly from the Shawnee Municipal Authority in order for the Bids to be acknowledged.

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.

The BIDS filed with the City Clerk will be opened and considered by the Board of City Commissioners at a Public Meeting in the City Hall Commission Chambers at 16 W. 9th Street, Shawnee, Oklahoma, at **6:30 p.m., Tuesday, February 19, 2013.**

A Pre-Bid meeting will be held at 2:00 p.m., Friday, February 1, 2013 at the Public Works Service Center located at 111 S. Kickapoo, Shawnee, OK 74801.

The Shawnee Municipal Authority/City of Shawnee, Beneficiary reserves the right to reject any or all bids.

THE CITY OF SHAWNEE SEAL OKLAHOMA

(SEAL)

Shawnee Municipal Authority
City of Shawnee, Beneficiary

Brian E. McDougal, General Manager

ATTEST:

Donna Mayo

Donna Mayo, Deputy City Clerk

BIDDERS LIST SANITARY SEWER REHAB PROJECT (VARIOUS LOCATIONS FEBRUARY 19, 2013

Bid News Construction Reports
5727 S. Garnett Rd, Suite H
Tulsa, Ok 74146

Southwest Construction News Service
2811 NW 36th Street
Oklahoma City, OK 73112

Reed Construction Data
ATTN: Production
30 Technology Pkwy South, Ste 500
Norcross, GA 30092

Urban Contractors Inc
7113 North Bryant Avenue,
Oklahoma City, OK 73121-4409

Central Contracting Services
17301 South Sunnylane Road,
Norman, OK 73071-7917

Jordan Contractors Inc
123 South Broadway Street,
Tecumseh, OK 74873-3294

Bid Ocean
P.O. Box 40445
Grand Junction, Co. 81504

Water Works Plumbing, Inc.
2023 S Nicklas Avenue
Oklahoma City, OK 73128-3010

Krapff-Reynolds Construction
2400 Northeast 4th Street
Oklahoma City, OK 73117-4410

Shoestring Enterprises L L C
911 E 8th Street
Olustee, OK 73560

Forsgren, Inc.
3000 North 23rd St.
Fort Smith, AR 72904

McKee Utility Contractors Inc.
2319 W. MAIN STREET
PRAGUE OK 74864

HTM Underground
P.O. Box 250
Perkins, Ok. 74059

Merryman Excavator
1501 Land Rd.
Woodstock, IL 60098

BIDDERS LIST SANITARY SEWER REHAB PROJECT (VARIOUS LOCATIONS FEBRUARY 19, 2013

Sapulpa Digging
13499 S. 49th W. Ave
Sapulpa, Ok. 74066

McGraw-Hill Construction Dodge
605 N.W. 13th Street, Suite B
Oklahoma City, Ok. 73103

ePlan
3338 Brown Station Road
Columbia, MO 65202

HTM Underground
P.O. Box 250
Perkins, Ok. 74059

PM Construction
131 N. Richey
Pasadena, Tx. 77506