

AGENDA
BOARD OF CITY COMMISSIONERS
February 4, 2019 AT 6:00 P.M.
COMMISSION CHAMBERS AT CITY HALL
SHAWNEE, OKLAHOMA

CALL TO ORDER

DECLARATION OF A QUORUM

INVOCATION

FLAG SALUTE

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. 12.
 - b. Minutes from the January 14, 2019 regular meeting.
 - c. Acknowledge the following minutes:
 - Shawnee Community Beautification Committee Minutes from December 20, 2018 meeting
 - Shawnee Civic and Cultural Development Authority Minutes from December 20, 2018 meeting
 - d. Mayor's Appointment:

Traffic Commission
Reuben Peltier 1st Full Term Expires 01/01/2022
Reappointment

Rex Hennen 1st Partial Term Expires 01/01/2020
Replaces Ronald Taffe – Termed out
 - e. Acceptance of a public water line and sewer line for Shawnee Trail Office Park, located at the Southeast corner of East 45th Street and Hyatt Road and placing maintenance bonds into effect.
 - f. Acceptance of a Utility Easement for Shawnee Trail Office Park, located at the Southeast corner of East 45th Street and Hyatt Road.
 - g. Confirm and approve the Interim City Manager's hiring of Rebecca Blaine as Planning Director.

h. Lake Lease Transfers:

TRANSFER:

Lot 2 Magnino Tract, 16504 Archery Range Road
From: Phillip and Tammy Jennings
To: Sherrie White and Cassie Jennings

2. Presentation by Animal Control to present the Pet of the Week.
3. Citizens Participation
(A three minute limit per person)
(A twelve minute limit per topic)
4. Presentation by RDG SWB Inc. to provide an update to the City's Comprehensive Plan.
5. Public hearing and consideration of an ordinance to rezone property located at 323 South Eden Street from R-1; Single Family Residential District to R-2; Medium Density Residential District. Case No. P16-18. Applicant: Eugene Biller. *(Public hearing rescheduled from January 22, 2019 to February 4, 2019.)*
6. Public hearing and consideration of an ordinance to rezone property located at 420 West Federal Street from R-1; Single Family Residential District to C-1; Neighborhood Commercial District. Case No. P18-18. Applicant: David Carter. *(Public hearing rescheduled from January 22, 2019 to February 4, 2019.)*
7. Public hearing and consideration of an ordinance to rezone property located at 806 East Grant Street from C-1; Neighborhood Commercial District to C-1; Neighborhood Commercial District with Condition Use Permit. Case No. P19-18. Applicant: Crafton Tull & Associates. *(Public hearing rescheduled from January 22, 2019 to February 4, 2019.)*
8. Public hearing and consideration of an ordinance to rezone property located at 3 Burlison Road from A-1; Rural Agricultural to A-1; Rural Agricultural with Conditional Use Permit. Case No. P20-18. Applicant: Kevin Drechsel. *(Public hearing rescheduled from January 22, 2019 to February 4, 2019.)*
9. Discussion and consideration of an ordinance creating a Parks and Recreation Committee. *(Deferred form the January 14, 2019 City Commission meeting.)*
10. Consider an appointment of a City Commissioner to the Parks and Recreation Committee.
11. Discussion and consideration of an ordinance amending the employee retirement system, defined contribution plan for the City of Shawnee, Oklahoma; providing retirement benefits for eligible employees of the City of Shawnee, Oklahoma; pertaining to plan design; pertaining to vesting; providing for repealer and severability; and declaring an emergency. (DC)
12. Consider Bids:
 - a. Lease of the City of Shawnee property located at the Northeast corner of Leo Street and Westech Road, Shawnee, Oklahoma for the purpose of pasture land (Open)

13. Administrative Reports

- a. Budget Update – Finance Director, Chance Allison

14. New Business

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

15. Commissioners Comments

16. Adjournment

Respectfully submitted

Lisa Lasyone, CMC, City Clerk

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

Regular Board of Commissioners

1.b.

Meeting Date: 02/04/2019

CC Minutes

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Minutes from the January 14, 2019 regular meeting.

Attachments

CC Minutes

BOARD OF CITY COMMISSIONERS PROCEEDINGS

JANUARY 14, 2019 AT 6:00 P.M.

RESCHEDULED FROM JANUARY 22, 2019

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, January 14, 2019 at 6:00 p.m., rescheduled from January 22, 2019, pursuant to notice duly posted as prescribed by law. Mayor Finley presided and called the meeting to order. Upon roll call, the following members were in attendance.

Richard Finley

Mayor

Ed Bolt

Commissioner Ward 1

Ron Gillham

Commissioner Ward 2

James Harrod

Commissioner Ward 3-Vice Mayor

Darren Rutherford

Commissioner Ward 4

Mark Sehorn

Commissioner Ward 5

Ben Salter

Commissioner Ward 6

ABSENT: None

INVOCATION

Don Lynch, Emergency Management
Director

FLAG SALUTE

AGENDA ITEM NO. 1:

Consider approval of Consent Agenda:

- a. Minutes from the December 17, 2018 regular meeting.
- b. Acknowledge the following reports and minutes:
 - License Payment Report for December 2018
 - Project Payment Report for December 2018
 - Shawnee Community Beautification Committee Minutes from November 15, 2018 meeting
 - Planning Commission Minutes from December 5, 2018 meeting

c. Mayor's Appointment:

Shawnee Urban Renewal Authority

Renee Wortham 2nd Full Term Expires 02/02/2022
Reappointment

Shawnee Housing Authority

Michael Vorndran 1st Full Term Expires 02/04/2022
Reappointment

- d. Authorize staff to purchase two used vehicles for use as canine units in the total amount of \$33,590.00 [(1) 2017 Ford Interceptor SUV for \$15,795.00 and (2) 2016 Ford Interceptor SUV for \$17,795.00]
- e. Authorize staff to enter into a contract with Meshek & Associates, LLC for the Right-of-Way Acquisition for the Kickapoo Project J/P 32255(04).
- f. Authorize staff to solicit bids from qualified individuals for the leasing of the Regional Park Property for the purpose of pasture land.
- g. Budget Amendment – Fund 301
To revise budgeted revenue estimates and adjust capital spending in accordance with budgeted revenues.
- h. Acceptance of a Utility Easement located at 3306 North Kickapoo, Suite 150.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Bolt, to approve Consent Agenda Item Nos. 1(a-h). Motion carried 7-0.

AYE: Harrod, Bolt, Gillham, Finley, Rutherford, Sehorn, Salter

NAY: None

AGENDA ITEM NO. 2:

Presentation by Animal Control to present the Pet of the Week.

There was no presentation by Animal Control.

AGENDA ITEM NO. 3:

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

Ms. Holly Gordon spoke regarding the Gardening with the Experts Event on January 26, 2019, hosted by Shawnee Community Beautification Committee and Blue Zones Project Pottawatomie County.

Ms. Kate Joyce advised that the Shawnee Senior Center will be hosting a Blue Jean Ball this weekend at the Firelake Grand Casino. Tickets are \$30.00 each or \$50.00 for a couple.

Ms. Crystal Richardson with Shawnee Leadership announced they will be hosting a 5K benefit run in the future.

Ms. Jolene Leach expressed her concern with the restriction of growing medicinal marijuana in an agricultural zoning area and requested that the Commission reconsider it.

AGENDA ITEM NO. 4:

Mayor's Proclamation:

"Support of the United States Census Bureau"

Ms. Tricia Woodward with the United States Census Bureau was present to accept the Mayor's Proclamation presented by Interim City Manager Eric Benson.

AGENDA ITEM NO. 5:

Consideration of approval of a Final Plat for Belmont Park Addition Phase II located at the Southwest Quarter of Section 2, Township 10 North, Range 3 East. Case No. S12-18. Project No. 181084. Applicant: Belmont Park Villas, LLC.

Interim Planning Director Jared Cooper provided a staff report explaining the property is approximately 8.79 acres on the northeast corner of Acme Road and MacArthur Street. He stated staff recommends approval with listed conditions.

A motion was made by Commissioner Gillham, seconded by Commissioner Bolt, to approve a Final Plat for Belmont Park Addition Phase II located at the Southwest Quarter of Section 2, Township 10 North, Range 3 East; with the following conditions:

1. Final improvement plans shall be approved by the City Engineer prior to construction;
2. Prior to filing (recording) the final plat, the applicant shall commence with making the required public site improvements in accordance with construction plans approved by the City Engineer or otherwise bond the project in accordance with City code; and
3. All other applicable City standards apply.

Motion carried 7-0.

AYE: Gillham, Bolt, Harrod, Finley, Rutherford, Sehorn, Salter

NAY: None

AGENDA ITEM NO. 6:

Consider a resolution supporting the consideration of an agreement between Shawnee Civic and Cultural Development Authority and Global Spectrum LLC dba Spectra for management services of the Shawnee Heart of Oklahoma Exposition Center.

Interim City Manager Eric Benson gave a staff report explaining the benefits of supporting the Shawnee Civic and Cultural Development Authority in partnering with Global Spectrum LLC dba Spectra for management services for the Shawnee Heart of Oklahoma Exposition Center. He noted the Shawnee Forward Committee is also in support of this agreement. Mr. Benson answered questions from the Commission.

Resolution No. 6581 was introduced.

A RESOLUTION SUPPORTING THE CONSIDERATION OF AN AGREEMENT BETWEEN SHAWNEE CIVIC AND CULTURAL DEVELOPMENT AUTHORITY AND GLOBAL SPECTRUM LLC DBA SPECTRA FOR MANAGEMENT SERVICES OF THE SHAWNEE HEART OF OKLAHOMA EXPOSITION CENTER.

A motion was made by Commissioner Gillham, seconded by Commissioner Bolt, to approve a supporting the consideration of an agreement between Shawnee Civic and Cultural Development Authority and Global Spectrum LLC dba Spectra for management services of the Shawnee Heart of Oklahoma Exposition Center. Motion carried 7-0.

AYE: Gillham, Bolt, Harrod, Finley, Rutherford, Sehorn, Salter
NAY: None

AGENDA ITEM NO. 7: Discussion and consideration of an ordinance establishing regulations regarding the position and method of turning and required signals of motor vehicles; and also providing for severability, codification, and repealer; and declaring an emergency.

City Attorney Mike Clover explained that this ordinance is following state guidelines but is a little stricter than state statute.

A motion was made by Commissioner Rutherford, seconded by Commissioner Sehorn, to approve an ordinance establishing regulations regarding the position and method of turning and required signals of motor vehicles; and also providing for severability, codification, and repealer.

Ordinance No. 2647NS was introduced.

AN ORDINANCE OF THE CITY OF SHAWNEE, OKLAHOMA PROVIDING FOR THE REGULATION OF POSITION AND METHOD OF TURNING AND TURNING MOVEMENTS AND REQUIRED SIGNALS OF MOTOR VEHICLES WITHIN CITY LIMITS, WHICH SHALL BE ADDED TO CHAPTER 19 [MOTOR VEHICLES AND TRAFFIC] OF THE CITY CODE; AND ALSO PROVIDING FOR SEVERABILITY, CODIFICATION, AND REPEALER; AND DECLARING AN EMERGENCY.

Motion carried 7-0.

AYE: Rutherford, Sehorn, Salter, Bolt, Gillham, Harrod, Finley
NAY: None

Ordinance No. 2647NS was adopted by the City Commission.

A motion was made by Commissioner Rutherford, seconded by Commissioner Bolt, to approve the emergency clause relating to Ordinance No. 2647NS. Motion carried 7-0.

AYE: Rutherford, Bolt, Gillham, Harrod, Finley, Sehorn, Salter

NAY: None

AGENDA ITEM NO. 8:

Discussion and consideration of an ordinance creating a parks and recreation committee.

Director of Operations James Bryce explained he is requesting an ordinance creating a parks and recreation committee as the Parks Department has started moving into a recreation department again. He stated that he believes that the direction of the committee itself will help guide the Parks Department with public input into what the citizens would like to see. Mr. Bryce requested more time to finalize the structure of the committee before recommending approval of the ordinance.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Rutherford, to defer the consideration of an ordinance creating a parks and recreation committee. Motion carried 7-0.

AYE: Harrod, Rutherford, Sehorn, Salter, Bolt, Gillham, Finley

NAY: None

AGENDA ITEM NO. 9:

Discussion and consideration of an ordinance regulating the possession of controlled dangerous substances; and also providing for severability, codification, and repealer; and declaring an emergency.

Police Chief Mason Wilson gave a staff report explaining that recent changes in state law now make a charge of possession of controlled dangerous substances a misdemeanor rather than a felony. This ordinance allows it to be prosecuted at the municipal court level.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Gillham, to approve an ordinance regulating the possession of controlled dangerous substances; and also providing for severability, codification, and repealer.

Ordinance No. 2648NS was introduced.

AN ORDINANCE OF THE CITY OF SHAWNEE, OKLAHOMA PROVIDING FOR THE CREATION OF THE MUNICIPAL OFFENSE OF "SIMPLE POSSESSION OF CONTROLLED DANGEROUS SUBSTANCES", IN REFLECTION AND ADOPTION OF THE OKLAHOMA UNIFORM CONTROLLED DANGEROUS SUBSTANCE ACT'S REGULATIONS OF SPECIFIED MISDEMEANOR OFFENSES; AND ADDING THE SAID MUNICIPAL OFFENSE TO CHAPTER 20 [OFFENSES AND MISCELLANEOUS PROVISIONS] OF THE CITY CODE; AND ALSO PROVIDING FOR SEVERABILITY, CODIFICATION, AND REPEALER; AND DECLARING AN EMERGENCY.

Motion carried 7-0.

AYE: Harrod, Gillham, Finley, Rutherford, Sehorn, Salter, Bolt
NAY: None

Ordinance No. 2648NS was adopted by the City Commission.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Bolt, to approve the emergency clause relating to Ordinance No. 2648NS. Motion carried 7-0.

AYE: Harrod, Bolt, Gillham, Finley, Rutherford, Sehorn, Salter
NAY: None

<u>AGENDA ITEM NO. 10:</u>	Discussion and consideration of an ordinance repealing certain portions of Article VIII, Chapter 8; providing for severability; and declaring an emergency.
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City Attorney Mike Clover explained that this ordinance is striking provisions that were previously adopted relating to registration and fees for the growth of medicinal marijuana for personal use.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Gillham, to approve an ordinance repealing certain portions of Article VIII, Chapter 8; and also providing for severability, codification, and repealer.

Ordinance No. 2649NS was introduced.

AN ORDINANCE AMENDING CHAPTER 8 (BUSINESSES, PERMITS AND LICENSES), BY REPEALING CERTAIN PORTIONS OF ARTICLE VIII TO THE CODE OF ORDINANCES OF THE CITY OF SHAWNEE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

Motion carried 7-0.

AYE: Harrod, Gillham, Finley, Rutherford, Sehorn, Salter, Bolt

NAY: None

Ordinance No. 2649NS was adopted by the City Commission.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Bolt, to approve the emergency clause relating to Ordinance No. 2649NS. Motion carried 7-0.

AYE: Harrod, Bolt, Gillham, Finley, Rutherford, Sehorn, Salter

NAY: None

AGENDA ITEM NO. 11:

Discussion and consideration of an ordinance providing for the closing of a public easement situated within portions of Lot 2 and Lot 3, Villagio Addition Section Number 1 Shawnee, Pottawatomie County, Oklahoma; and declaring an emergency.

Interim Planning Director Jared Cooper explained that this ordinance is a requirement for the current facility to expand southward. He stated the waterline that is currently in the easement will be relocated to not interfere with future expansion.

A motion was made by Commissioner Sehorn, seconded by Commissioner Bolt, to approve an ordinance providing for the closing of a public easement situated within portions of Lot 2 and Lot 3, Villagio Addition Section Number 1 Shawnee, Pottawatomie County, Oklahoma.

Ordinance No. 2650NS was introduced.

AN ORDINANCE OF THE CITY OF SHAWNEE, OKLAHOMA PROVIDING FOR THE REGULATION OF POSITION AND METHOD OF TURNING AND TURNING MOVEMENTS AND REQUIRED SIGNALS OF MOTOR VEHICLES WITHIN CITY LIMITS, WHICH SHALL BE ADDED TO CHAPTER 19 [MOTOR VEHICLES AND TRAFFIC] OF THE CITY CODE; AND ALSO PROVIDING FOR SEVERABILITY, CODIFICATION, AND REPEALER; AND DECLARING AN EMERGENCY.

Motion carried 7-0.

AYE: Sehorn, Bolt, Gillham, Harrod, Finley, Rutherford, Salter
NAY: None

Ordinance No. 2650NS was adopted by the City Commission.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Bolt, to approve the emergency clause relating to Ordinance No. 2650NS. Motion carried 7-0.

AYE: Harrod, Bolt, Gillham, Finley, Rutherford, Sehorn, Salter
NAY: None

AGENDA ITEM NO. 12: Acknowledge monthly Sales Tax and City Treasurer Report.

Finance Director Chance Allison reported sales tax is up \$288,652.00, or 2.62% over the projected budget year-to-date. Use tax collections are up approximately \$77,033.00, or 9.08% over the projected budget year-to-date.

AGENDA ITEM NO. 13: 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. 14: Commissioners Comments

Vice Mayor Harrod stated that when the Interim City Manager was hired, he expressed concerns to him regarding the Heart of Oklahoma Exposition Center. He has researched and spoke with Mr. Benson about the project. He thinks that something should be done to move forward.

Mayor Finley stated that new developments with the Heart of Oklahoma Exposition Center and the water rate increases are part of necessary maintenance to provide for future growth for the City.

AGENDA ITEM NO. 15: Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (6:48 p.m.)

RICHARD FINLEY, MAYOR

ATTEST:

LISA LASYONE, CMC, CITY CLERK

Regular Board of Commissioners

1.c.

Meeting Date: 02/04/2019

Minutes

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Acknowledge the following minutes:

- Shawnee Community Beautification Committee Minutes from December 20, 2018 meeting
 - Shawnee Civic and Cultural Development Authority Minutes from December 20, 2018 meeting
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Attachments

Beautification Minutes

SCCDA Minutes



Office of the Director of Operations

Minutes

Shawnee Community Beautification Committee

DECEMBER 20, 2018

The Shawnee Community Beautification Committee met at the Shawnee Chamber of commerce

The meeting was called to order at 4:03 pm

Roll Call was taken showing the following members present:

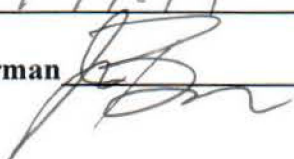
		Present	Absent
Member	Tom Terry	<u>X</u>	<u> </u>
Member	Debi Renegar	<u>X</u>	<u> </u>
Member	Joe Harbeson	<u>X</u>	<u> </u>
Member	Sherry Lankford	<u>X</u>	<u> </u>
Member	Kevin Huddleston	<u> </u>	<u>X</u>
Member	Ethan Birdwell	<u>X</u>	<u> </u>
Member	Mike Mlynek	<u> </u>	<u>X</u>
Member	Holly Gordon	<u> </u>	<u>X</u>
Member	Sue Nelson	<u>X</u>	<u> </u>
Member	Carla Smith	<u>X</u>	<u> </u>
City Staff	Whisper Peace	<u>X</u>	<u> </u>
City Staff	James Bryce	<u>X</u>	<u> </u>
City Staff	Jim VanAntwerp	<u>X</u>	<u> </u>
City Staff	Geoff Garner	<u> </u>	<u>X</u>

AGENDA NO 1 **Call to Order.**

AGENDA NO 2 **Roll Call and Declaration of a Quorum.** Roll was called and a quorum was declared.

- AGENDA NO 3** **Approved minutes for NOVEMBER 15, 2018.** The minutes for November 15, 2018 were approved with a motion made by Debbie Renager and 2nd by Joe Harbeson. The motion carried unanimously.
- AGENDA NO 4** **Discussion on Gardening with the Experts.** Tom Terry reported that GVCT finished the posters and they need to be distributed. Tickets for the event are ready for sale and that everyone needs to be working on door prizes. James Bryce reported that seeds and seed packets are ordered and that staff will print labels for the seed packets.
Friday the 25th will be set up day for the event.
Bougainvillea sponsors get in for half price and Hydrangea sponsors will get 4 complimentary tickets.
- AGENDA NO 5** **Old Business.** James Bryce handed out door hangers.
- AGENDA NO 6** **New Business.** Tom Terry talked about the KOB awards ceremony. He also mentioned that the members need to think about how we could get more individuals involved in our annual trash off event. Vision bank has a landlord meeting once a month that could help with participation.
- AGENDA NO 7** **Comments.** Tom mentioned that he spoke at the Lions Club meeting about the history of beautification in Shawnee.
Jim Vanantwerp mentioned the half cent sales tax and the Parks plan. He is worried about the amount of money that is going to be spent on the engineering. James will bring the renderings of the parks designs to the next meeting and discuss the projects. Carla Smith talked about a landscape concept that she is learning more about that could be used as a teaching tool for the public as well as the landscape plan for the parks.
- AGENDA NO 8** **Adjournment.** Meeting was adjourned at 4:47 p.m.

Date 1-17-19

Chairman 

A MEETING OF THE SHAWNEE
CIVIC AND CULTURAL DEVELOPMENT AUTHORITY
DECEMBER 20, 2018 @ 12:30PM
HEART OF OKLAHOMA EXPOSITION CENTER

THE TRUSTEES OF THE SHAWNEE CIVIC AND CULTURAL DEVELOPMENT AUTHORITY WAS ORIGINALLY SCHEDULED TO HAVE THEIR REGULAR MEETING DATE THURSDAY, DECEMBER 20, 2018 AT 12:30PM AT HEART OF OKLAHOMA EXPOSITION CENTER, PURSUANT TO NOTICE DULY POSTED AS PRESCRIBED BY LAW. NOTICE WAS FILED AT CITY HALL ON DECEMBER 17, 2018 AT 4:37PM.

AGENDA ITEM NO.1

CALL TO ORDER.

THE MEETING WAS CALLED TO ORDER AT 12:38PM BY CHAIRMAN RANDY GILBERT.

AGENDA ITEM NO.2

ROLL CALL

TRUSTEES PRESENT: MR. RANDY GILBERT
MR. TIM BARRICK
MR. LANCE WORTHAM
MS. RACHEL MELOT
MR. CARL PACKWOOD
MR. ERIC BENSON

TRUSTEES ABSENT: MR. KARL KOZEL

*GUESTS ALSO IN ATTENDANCE: EMILY FLETCHER, KEN STAFFORD, COUNTY COMMISSIONER MELISSA DENNIS, FAY , & COUNTYWIDE NEWS

AGENDA ITEM NO.4

APPROVAL OF THE MINUTES OF THE REGULAR
MEETING NOVEMBER 2018

THE MOTION MADE BY TRUSTEE PACKWOOD, SECONDED BY TRUSTEE WORTHAM TO APPROVE THE MINUTES AS PRESENTED FOR THE OCTOBER 2018 REGULAR BOARD MEETING. -MOTION CARRIED.

AYE: GILBERT, BARRICK, WORTHAM, MELOT, PACKWOOD, BENSON
NAY: NONE
ABSTAIN: NONE

AGENDA ITEM NO. 6

APPROVAL OF THE MONTHLY FINANCIAL REPORT

THE MOTION MADE BY TRUSTEE MELOT, SECONDED BY TRUSTEE BARRICK TO APPROVE THE MONTHLY FINANCIAL REPORT. -MOTION CARRIED.

AYE: GILBERT, BARRICK, PACKWOOD, WORTHAM, MELOT, BENSON
NAY: NONE
ABSTAIN: NONE

AGENDA ITEM NO.7

APPROVAL OF GENERAL CLAIMS

THE MOTION MADE BY TRUSTEE PACKWOOD, SECONDED BY TRUSTEE BARRICK TO APPROVE THE GENERAL CLAIMS AND WITH ADD ONS AS PRESENTED. -MOTION CARRIED.

AYE: GILBERT, BARRICK, PACKWOOD, WORTHAM, MELOT, BENSON
NAY: NONE
ABSTAIN: NONE

General Claims:

Monthly Bills:

1. MetTel	\$886.46
2. AT&T Mobility	\$56.42
3. OK Tax Commission	\$3,246.53
4. ONG (9)	\$1,558.63
5. Pitney Bowes Power Purchase	\$197.13
6. OG&E (Nov & Dec)	\$28,586.86
7. John Deere (2)	\$1,407.77
8. Constellation	\$1,057.35
9. Shawnee Municipal Authority	\$52.11
10. AT&T	\$365.14

Legal:

1. Stuart & Clover	\$675.00
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Temp Labor:

1. Express	\$703.28
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Office:

1. Finley & Cook	\$517.50
2. INS	\$734.00
3. Staples (2)	\$301.97
4. FUB SMG (2)	\$1,201.96
5. City of Shawnee Surcharge	\$273.75
6. Pitney Bowes-Lease	\$170.82
7. FUB CD	\$202.77

Marketing:

1. Vann & Associates (*Oct & Dec)	\$2,374.00
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Membership Fees:

1. Vann & Associates Expo Website	\$650.00
2. OK Tax Commission	\$20.00
3. OMAG (1 of 4)	\$2,345.25

Equipment Maintenance:

1. Hunzicker Brothers (2)	\$3,194.57
2. Tennant	\$1,233.62
3. Thyssenkrupp	\$1,030.45

Supplies:

1. Airgas (2)	\$39.28
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Bldg & Grounds Maintenance:

1. Locke Supply	\$14.58
2. Grimsley's	\$37.67
3. Marsh Electric (2)	\$1,769.19
4. Winkler Door	\$293.40
5. Buford Whites (2)	\$138.77
6. Chuck Jones	\$300.00
7. Personal Plumbing	\$492.50
8. Ask About Windows	\$216.00
9. Armstrong Termite & Pest	\$150.00
10. 24 Hour Lockout Service	\$188.25
11. Automatic Fire Control	\$659.72
12. City Grease Trap	\$225.00
13. NAPA	\$291.67

Sponsorship:

1. OK Junior Swine Association	\$500.00
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Insurance Claim:

1. Ryan Walker	\$2,500.00
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Refund:

1. Dennis Redwine	\$60.00
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AGENDA ITEM NO.8

APPROVAL OF SPECIAL CLAIMS

THE MOTION MADE BY TRUSTEE PACKWOOD, SECONDED BY TRUSTEE BARRICK TO APPROVE THE SPECIAL CLAIMS WITH ADD ONS AS PRESENTED. -MOTION CARRIED.

AYE: GILBERT, BARRICK, PACKWOOD, WORTHAM, MELOT, BENSON
NAY: NONE
ABSTAIN: NONE

Special Claims:

Marketing:

1. Vann & Associates (*Oct & Dec)	\$2,374.00
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IFR:

1. IPRA	\$2,405.00
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AGENDA ITEM NO. 9

APPROVAL OF SHAVINGS CLAIMS

NONE

AGENDA ITEM NO. 10

D, C, & PA ON RENEWAL OF VANN & ASSOCIATES
MARKETING CONTRACT FOR THE EXPO & IFYR
2019

THE MOTION MADE BY TRUSTEE WORTHAM, SECONDED BY TRUSTEE BARRICK TO DO A 60-DAY
TERMINATION CLAUSE, A MONTH TO MONTH BASIS STARTING JAN 1, 2019. -MOTION CARRIED.

AYE: GILBERT, BARRICK, WORTHAM, MELOT, PACKWOOD, BENSON
NAY: NONE
ABSTAIN: NONE

AGENDA ITEM NO. 11

D, C, & PA ON SOFT GOODS VENDOR FOR IFYR
2019

THE MOTION MADE BY TRUSTEE WORTHAM, SECONDED BY TRUSTEE BARRICK TO CONTRACT
EMILY FLETCHER WITH DE FINE BOUTIQUE FOR IFYR 2019 & 2020 SOFT GOODS VENDOR. -MOTION CARRIED.

AYE: GILBERT, BARRICK, WORTHAM, MELOT, PACKWOOD
NAY: BENSON
ABSTAIN: NONE

AGENDA ITEM NO. 12

IFYR UPDATE

*IFR COMING UP, IFYR YOUTH DIRECTORS WILL BE ATTENDING AND THEIR JACKETS ARE ORDERED
*BILLY JOE CHRZ-LONGTIME IFYR VOLUNTEERED PASSED AWAY, FUNERAL WAS HELD AT THE EXPO
DEC 17, 2018
* PERSONNEL PACKETS SENDING OUT IN JAN 2019
*MELISSA DENNIS IS ORDERING GRAVEL(SHELL) NOW
*IFYR MEETINGS WILL BEGIN IN JAN 2019
*

AGENDA ITEM NO. 13

COMMITTEE

NO COMMITTEE REPORTS

AGENDA ITEM NO. 14

ADMINISTRATIVE REPORTS

ADMINISTRATIVE REPORT SENT TO ALL BOARD MEMBERS BEFORE MEETING
*WORKING ON BIDS WITH OG&E & ELECTRICAL CONTRACTORS FOR LED LIGHTING IN ALL BARN &
THE PARKING LOT
*OTTO SEC C-CHANGED OUT WHOLE LIGHT FIXTURES.
*OTTO SEC B-HEATING UNITS RUSTED, 3 BIDS AVAILABLE IN JAN 2019, ESTIMATED \$25,000
REPLACEMENT COST
*WORKING ON MAYBE GETTING EASTON CORBIN TO PERFORM A CONCERT IN MAY 2019
*STAFF KEEPING UP WITH MAINTENANCE & REPAIRS ON BUILDINGS FOR THE NEW YEAR
*SURPLUS ITEMS TOTAL COST \$8,948.70 FROM EXCEL AUCTION.
*MEETING W/VANN & ASSOCIATES TO GET A BID FOR MARKETING THE RODEO AND LIVE
FACEBOOK VIDEOS FOR DEC 2018, JAN & FEB 2019.
*STEPHANIE & DANIELLE WORKING ON A BUDGET FOR IFYR 2019 & MADE NEW BID PACKETS,
SURVEY, AND BUILDING RATES. 11 OF 31 SURVEYS ANSWERED.
*AUTOMATIC FIRE CONTROL INSPECTED ALL VENT HOODS & FIRE EXTINGUISHERS

AGENDA ITEM NO. 14 & 15

OLD BUSINESS & NEW BUSINESS

*KARL KOZEL SCULPTURE IDEA? INSTEAD OF NAMING OF ARENA /GRANDSTANDS
*POSSIBLE SPONSORSHIP PLACEMENTS ON BUILDINGS/ARENA/GRANDSTANDS
*

AGENDA ITEM NO. 16

PUBLIC & TRUSTEE COMMENTS

COMCAST SPECTATOR BUSINESS MANAGEMENT IS BEING CONSIDERED BY THE CITY OF SHAWNEE TO MANAGE THE HEART OF OKLAHOMA EXPOSITION CENTER. IT WAS BROUGHT TO THE CITY MANAGER, ERIC BENSON'S ATTENTION WITH CONCERNS ABOUT HOW THE FACILITY WAS NOT TURNING A PROFIT. THOUGH THE HEART OF OKLAHOMA EXPOSITION CENTER & ITS BOARD OF DIRECTORS OWN THE INTERNATIONAL FINALS YOUTH RODEO, WHICH BRINGS IN NUMEROUS AMOUNTS OF VISITORS AND COMPETITORS TO TOWN. COMCAST WAS BROUGHT IN AND HAD FOUR SMALL GROUP MEETINGS WITH CONCERNS DISCUSSED OF WHAT WOULD HAPPEN TO LEGACY EVENTS? WOULD THEIR CONTRACTS WILL BE HONORED? WOULD FUTURE SIGNED CONTRACTS FOR 2019 BE HONORED? WHAT WOULD HAPPEN TO THE RODEO? THE EXPO EMPLOYEES? WOULD IT REALLY BE WORTH BRINGING IN ANOTHER COMPANY TO MANAGE THE EXPO? IT WAS STATED BY ERIC BENSON THAT ALL CONTRACTS SIGNED FOR THE YEAR 2019 WOULD BE HONORED. THE LEGACY EVENTS WOULD CONTINUE TO BE HONORED AS WELL. THE IFYR WILL CONTINUE RUN AS NORMAL. EXPO EMPLOYEES WOULD BE OFFERED A POSITION WITH COMCAST OR A POSITION WITH THE CITY OF SHAWNEE. ALTHOUGH THE QUESTION OF WOULD IT BE WORTH BRINGING IN A NEW MANAGEMENT COMPANY IS YET TO BE DETERMINED. THOUGH THE EXPO BOARD OF TRUSTEES ARE TO VOTE WHETHER OR NOT COMCAST TAKES OVER MANAGEMENT OF THE EXPO CENTER AT THE JAN 2019 BOARD MEETING.

AGENDA ITEM NO. 17

ADJOURNMENT @ 2:10PM

THE MOTION MADE BY TRUSTEE BARRICK, SECONDED BY TRUSTEE MELOT TO ADJOURN THE MEETING. -MOTION CARRIED.

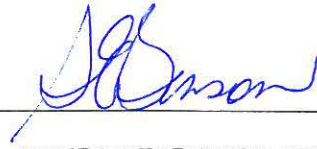
AYE: GILBERT, BARRICK, WORTHAM, MELOT, PACKWOOD, BENSON

NAY: NONE

ABSTAIN: NONE



CHAIRMAN: MR. RANDY GILBERT



INTERIM SECRETARY: MR. ERIC BENSON

Regular Board of Commissioners

1.d.

Meeting Date: 02/04/2019

Traffic Commission

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Mayor's Appointment:

Traffic Commission

Reuben Peltier 1st Full Term Expires 01/01/2022
Reappointment

Rex Hennen 1st Partial Term Expires 01/01/2020
Replaces Ronald Taffe – Termed out

Attachments

Traffic Comm. Peltier

Traffic Comm. Hennen

City of Shawnee

APPLICATION TO SERVE

Boards, Committees and Commissions

☐ Appointment

☒ Reappointment – Partial/First/Second Term

Name: Reuben m. Peltier Application Date: 01/17/19
 Address: 2412 Winged Foot Way Date of Birth: 05-06-1970
 Mailing Address: PO Box 3071 Shawnee, OK 74802-3071
 Daytime Phone: 405-410-2647 Fax: 405-878-0107 Email: PL1service@yahoo.com
 Profession: Business Owner
 Business Name: Peltier Lawn Service
 Business Address: PO Box 3071 Shawnee, OK 74802-3071
 Business Phone: 405-410-2647 Fax: _____ Email: PL1service@yahoo.com

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

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

If so, please list the board/committee: Traffic Commission

How many years have you lived in Shawnee? 48 years

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

- ☐ Airport Advisory Board
- ☐ Beautification Committee
- ☐ Board of Adjustment (Zoning)
- ☐ Civic and Cultural Development Authority
- ☐ Community Service Contracts Review Committee
- ☐ Housing Authority

- ☐ Library Board
- ☐ Oklahoma Baptist University Trust Authority
- ☐ Planning Commission
- ☐ Shawnee Hospital Authority
- ☐ Shawnee Urban Renewal Authority
- ☒ Traffic Commission
- ☐ Other

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

Giving back to community

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

I drive frequently around town. And I notice problems and notify city of the issue. I will show up to Traffic Commission Meetings.

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

Neighboring 101

List education, including degree(s) earned:

Shawnee High School diploma

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

Traffic Commission - 4 years

Have you ever been charged and/or convicted of a felony? NO

If so, please explain the circumstances and the current status of the charge(s) and/or conviction(s):

Have you ever declared personal or business bankruptcy? NO

If so, please explain:

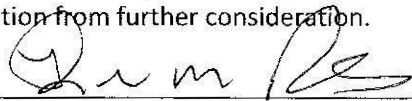
Please include up to three personal or professional references:

Name	Relationship	Telephone Number
<u>Jim Kirby</u>	<u>Friend</u>	
<u>DARREN Rutherford</u>	<u>Friend</u>	
<u>Larry Briggs</u>	<u>Banker</u>	

PLEASE READ CAREFULLY:

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

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

Signature 

Date 01-17-19



APPLICATION TO SERVE
Boards, Committees and Commissions

- ☐ Appointment
☐ Reappointment – Partial/First/Second Term

Name: <u>REX HENNEN</u>	Application Date: <u>1-7-19</u>
Address: <u>2102 N. MINNESOTA, SHAWNEE 74804</u>	Date of Birth: <u>3-11-62</u>
Mailing Address: <u>SAME</u>	
Daytime Phone: <u>405-517-5863</u> Fax: _____	Email: <u>rexhennen@gmail.com</u>
Profession: <u>RETIRED - CITY OF SHAWNEE (25 YRS ENGINEERING, 6 YRS AIRPORT)</u>	
Business Name: _____	
Business Address: _____	
Business Phone: _____ Fax: _____	Email: _____

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

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

If so, please list the board/committee: _____

How many years have you lived in Shawnee? 6 YEARS

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

☐ Airport Advisory Board	☐ Library Board
☐ Beautification Committee	☐ Oklahoma Baptist University Trust Authority
☐ Board of Adjustment (Zoning)	☐ Planning Commission
☐ Civic and Cultural Development Authority	☐ Shawnee Hospital Authority
☐ Community Service Contracts Review Committee	☐ Shawnee Urban Renewal Authority
☐ Housing Authority	☒ Traffic Commission
	☐ Other _____

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

TRAFFIC/TRANSPORTATION IS BEING GREATLY AFFECTED BY SHAWNEE'S DEVELOPMENT BOOM OCCURRING AT THIS TIME. MY 25+ YEARS OF EXPERIENCE IN STREET DESIGN AND CONSTRUCTION COULD BE VALUABLE TO THE COMMISSION AS GROWTH ~~CONTINUES~~ CONTINUES.

Revised March 22, 2018

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

I UNDERSTAND THE ROLE OF AN ADVISORY BOARD AND ITS FUNCTION IN THE CITY'S LEGISLATIVE PROCESS. 31 YEARS OF EXPERIENCE IN CAPITAL PROJECTS (DESIGN, CONSTRUCTION OVERSIGHT, AND INSPECTION).

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

CURRENTLY ~~AM~~ ENROLLED IN "PARTNERS IN POLICYMAKING" PROGRAM. IT IS SPONSORED BY THE OKLAHOMA DEVELOPMENTAL DISABILITIES COUNCIL.

List education, including degree(s) earned:

BACHOLERS DEGREE IN BUSINESS WITH AN EMPHASIS ON PUBLIC ADMINISTRATION

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

NO. HOWEVER AS AIRPORT MANAGER I WORKED CLOSELY WITH THE AIRPORT ADVISORY BOARD.

Have you ever been charged and/or convicted of a felony? NO

If so, please explain the circumstances and the current status of the charge(s) and/or conviction(s):

Have you ever declared personal or business bankruptcy? NO

If so, please explain:

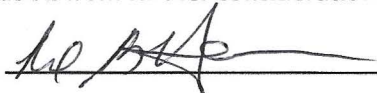
Please include up to three personal or professional references:

Name	Relationship	Telephone Number
LEWIS WALTERS	PASTOR	405-273-6286
FRED TREIBER	FRIEND	405-777-3331
DON RILEY	FRIEND	520-249-5386

PLEASE READ CAREFULLY:

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

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

Signature 

Date 1-7-19

Revised March 22, 2018

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

Send completed application to:

Shawnee City Clerk
PO Box 1448
Shawnee OK 74802
Phone 405-878-1605
Fax 405-878-1581
CityClerk@shawneeok.org

Revised March 22, 2018

Regular Board of Commissioners

1.e.

Meeting Date: 02/04/2019

Water/Sewer Line Acceptance

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Acceptance of a public water line and sewer line for Shawnee Trail Office Park, located at the Southeast corner of East 45th Street and Hyatt Road and placing maintenance bonds into effect.

Attachments

Water/Sewer line acceptance



WATER AND SEWER LINE ACCEPTANCE

MEMORANDUM

DATE: January 24th, 2019

TO: Shawnee City Commission

FROM: Joseph Barker, Assistant City Planner

RE: **Water line and Sewer line Acceptance – Shawnee Trail Office Park (Southeast corner of East 45th Street and Hyatt Road)**

The applicant, Bonray Real Estate, LLC, is requesting acceptance of the water line and sanitary sewer lines of the Shawnee Trail Office Park Final Plat, located at the Southeast corner of East 45th Street and Hyatt Road.

We have received all required maintenance bonds associated with the water line and sanitary sewer line improvements. The City Engineer has approved the as-built drawings. Therefore, the applicant may record the plat upon acceptance of the above by the Commission.

After much consideration, staff does hereby recommend **acceptance** of the proposed Water and Sewer Line and to place the Maintenance Bonds into effect.

Attachments:

1. Exhibit 1-Water and Sewer Line Maintenance Bond

MAINTENANCE BOND

#RCB0019905

KNOW ALL MEN BY THESE PRESENTS:

That McKee Excavating, Inc., 10469 S Highway 99, Prague OK 74864,

as Principal, and RLI Insurance Company, 9025 N. Lindbergh Dr., Peoria IL 61615,

a corporation organized under the laws of the State of Illinois and authorized to transact

business in the State of Oklahoma, as Surety, are held and firmly bound unto the Shawnee Municipal Authority/City of Shawnee, Beneficiary in penal sum of ***One Hundred Eighty Five Thousand One Hundred Twenty Eight & 00/100*** Dollars (\$ 185,128.00) lawful money of the United States of America, said sum being equal to one hundred percent (100%) of the total contract price for the first (1) year, ten percent (10%) for one (1) year after completion and final acceptance (total of 2 years maintenance), for the payment of which, well and truly to be made, we bind ourselves and each of us, our heirs, executors, administrators, trustees, successors, and assigns, jointly and severally, firmly by these presents.

NOW, THEREFORE, if said Principal shall pay or cause to be paid to the Shawnee Municipal Authority/City Of Shawnee Beneficiary all damages, loss, and expense which may result by reason of defective materials and/or workmanship in connection with said work, occurring within a period of two (2) years ({one hundred (100%) percent for first year, ten (10%) for one year thereafter, of total contract price} for all projects for the construction of utilities) from and after acceptance of said project by the Shawnee Municipal Authority/City of Shawnee Beneficiary; and if Principal shall pay or cause to be paid all labor and materials, including the prime contractor and all subcontractors; and if principal shall save and hold Shawnee Municipal Authority/City of Shawnee Beneficiary harmless from all damages, loss and expense occasioned by or resulting from any failure whatsoever of said Principal, then this obligation shall be null and void, otherwise to be and remain in full force and effect.

DATED this 25th day of September, 2018

The condition of this obligation is such that:

WHEREAS, said Principal entered into a written CONTRACT with

Bonray Real Estate, LLC, dated August 8, 2018, for
(State or Other Entity)

Sanitary Sewer & Water Line for Shawnee Trail Office Park, all in compliance with the plans and specifications therefore, made a part of said Contract and on file in the office of City Clerk, P.O. Box 1448, Shawnee, OK 74802-1448.

NOW, THEREFORE, if said Principal shall pay or cause to be paid to the SHAWNEE MUNICIPAL AUTHORITY/CITY OF SHAWNEE BENEFICIARY all damages, loss, and expense which may result by reason of defective materials and/or workmanship in connection with said work, occurring within a period of **two (2) years** (**{one hundred (100%) percent for first year, ten (10%) for one year thereafter, of total contract price}**) for all projects for the construction of utilities) from and after acceptance of said project by the SHAWNEE MUNICIPAL AUTHORITY/CITY OF SHAWNEE BENEFICIARY; and if Principal shall pay or cause to be paid all labor and materials, including the prime contractor and all subcontractors; and if principal shall save and hold SHAWNEE MUNICIPAL AUTHORITY/CITY OF SHAWNEE BENEFICIARY harmless from all damages, loss and expense occasioned by or resulting from any failure whatsoever of said Principal, then this obligation shall be null and void, otherwise to be and remain in full force and effect.

It is further expressly agreed and understood by the parties hereto that no changes or alterations in said Contract and no deviations from the plan or mode of procedure herein fixed shall have the effect of releasing the sureties, or any of them, from the obligations of this BOND.

IN WITNESS WHEREOF, the said Principal has caused these presents to be executed in his name and its corporate seal to be hereunto affixed by its duly authorized officers, and the said Surety has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its attorney-in-fact, duly authorized so to do, the day and year first above written.

(SEAL)

ATTEST:

Randy McKe



PRINCIPAL:

McKee Excavating, Inc.

BY

Rhonda McKee

TITLE

President

(SEAL)

ATTEST:

Lisa Osborn

SURETY:

RLI Insurance Company

BY

Wendy Hollen
Attorney-in-Fact

NAME

Wendy Hollen

POWER OF ATTORNEY

RLI Insurance Company Contractors Bonding and Insurance Company

9025 N. Lindbergh Dr. Peoria, IL 61615
Phone: 800-645-2402

Know All Men by These Presents:

That this Power of Attorney is not valid or in effect unless attached to the bond which it authorizes executed, but may be detached by the approving officer if desired.

That **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, each an Illinois corporation, (separately and together, the "Company") do hereby make, constitute and appoint:

W.M. McNeill, Cody McNeill, Lisa Sherman, Wendy Hollen, Rocky Moore, John Rogers, Larry D. Bixler, Kyle D. Reser, John L. Birsner, Susanne Cusimano, jointly or severally

in the City of Oklahoma City, State of Oklahoma its true and lawful Agent(s) and Attorney(s) in Fact, with full power and authority hereby conferred, to sign, execute, acknowledge and deliver for and on its behalf as Surety, in general, any and all bonds and undertakings in an amount not to exceed Twenty Five Million Dollars (\$25,000,000.00) for any single obligation.

The acknowledgment and execution of such bond by the said Attorney in Fact shall be as binding upon the Company as if such bond had been executed and acknowledged by the regularly elected officers of the Company.

RLI Insurance Company and/or **Contractors Bonding and Insurance Company**, as applicable, have each further certified that the following is a true and exact copy of a Resolution adopted by the Board of Directors of each such corporation, and is now in force, to-wit:

"All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or Agents who shall have authority to issue bonds, policies or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

IN WITNESS WHEREOF, the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, as applicable, have caused these presents to be executed by its respective Vice President with its corporate seal affixed this 13th day of April, 2018.



RLI Insurance Company
Contractors Bonding and Insurance Company

By: B. W. Davis
Barton W. Davis Vice President

State of Illinois
County of Peoria

} SS

CERTIFICATE

On this 13th day of April, 2018, before me, a Notary Public, personally appeared Barton W. Davis, who being by me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** and acknowledged said instrument to be the voluntary act and deed of said corporation.

I, the undersigned officer of **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable; and furthermore, that the Resolution of the Company as set forth in the Power of Attorney, is now in force. In testimony whereof, I have hereunto set my hand and the seal of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** this 15th day of September, 2018.

By: Gretchen L. Johnnigk
Gretchen L. Johnnigk Notary Public

RLI Insurance Company
Contractors Bonding and Insurance Company

By: Jean M. Stephenson
Jean M. Stephenson Corporate Secretary





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
9/26/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Insurance Agency of Mid America Inc 10009 S. Penn, Building E P. O. Box 890300 Oklahoma City OK 73189		CONTACT NAME: Lynnette Barnes PHONE (A/C, No, Ext): (405) 691-0016 E-MAIL ADDRESS: lbarnes@midamericainc.com FAX (A/C, No): (405) 691-0415	
INSURED McKee Excavating, Inc. 10469 S. Highway 99 Prague OK 74864		INSURER(S) AFFORDING COVERAGE INSURER A: Ohio Security Ins Co INSURER B: Ohio Casualty Ins Co INSURER C: INSURER D: INSURER E: INSURER F:	
		NAIC # 24082 24074.	

COVERAGES**CERTIFICATE NUMBER:** 2018**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:			BKS55492912	5/6/2018	5/6/2019	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 15,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	☒ AUTOMOBILE LIABILITY ☒ ANY AUTO ALL OWNED AUTOS HIRED AUTOS ☐ SCHEDULED AUTOS NON-OWNED AUTOS			BAS55492912	5/6/2018	5/6/2019	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	☒ UMBRELLA LIAB EXCESS LIAB DED ☒ RETENTION \$ 10,000			USO55492912	5/6/2018	5/6/2019	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000
	☒ WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N ☐ N/A		XWS55492912	5/6/2018	5/6/2019	☒ PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

PROJECT: Sanitary Sewer & Water Line for Shawnee Trail Office Park.

As required by written contract, waiver of subrogation in favor of certificate holder. Coverage is subject to the insuring agreements, conditions & exclusions in the policy forms.

CERTIFICATE HOLDER

(405) 878-1587

City of Shawnee
P OBox 1448
Shawnee, OK 74802-1448**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Mike McNeill/LB2

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Regular Board of Commissioners

1.f.

Meeting Date: 02/04/2019

Utility Easement

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Acceptance of a Utility Easement for Shawnee Trail Office Park, located at the Southeast corner of East 45th Street and Hyatt Road.

Attachments

Easement Acceptance



EASEMENT ACCEPTANCE

MEMORANDUM

DATE: January 24th, 2019

TO: Shawnee City Commission

FROM: Joseph Barker, Assistant City Planner

RE: **Easement Acceptance – Shawnee Trail Office Park (Southeast corner of East 45th Street and Hyatt Road)**

The applicant, Bonray Real Estate, LLC, is requesting an easement acceptance located at the Southeast corner of East 45th Street and Hyatt Road. The waterline and sanitary sewer line easement will be part of the public right-of-way and will be a public utility easement.

It is the intention of the applicant to dedicate the water lines and sanitary sewer lines of the Shawnee Trail Office Park Final Plat to the City of Shawnee.

After much consideration, staff does hereby recommend **approval** of the proposed easement acceptance.

Attachments:

1. Richard Hefner-letter of request;
2. Exhibit 1-Grant of easement;
3. Exhibit 2-Map of easement; and
4. Exhibit 3-Legal description of easement.

Bonray Real Estate, L.L.C.

929 East Britton Road

Oklahoma City, OK 73114-7802

Telephone (405) 842-1661 Fax (405) 842-0801

January 17, 2019

Jared Cooper
Community Development Director
222 N. Broadway Ave.
Shawnee, OK 74801

Re: Shawnee Trail Office Park

Dear Mr. Cooper:

We have applied for a Final Plat for Shawnee Trail Office Park located at the southeast corner of East 45th Street and Hyatt Road. As part of that development we have constructed water lines and sanitary sewer lines on the Public Utility Easement as well as the Private Utility/Common Access Easement.

We are providing a Grant of Easement to the City of Shawnee in order to dedicate those water lines and sanitary sewer lines to the City. We hereby ask that the City accept the Grant of Easement that provides a Public Utility Easement and Right-of-way for those utilities as shown on the as-built drawings.

I am attaching a copy of the Grant of Easement with this letter.

Sincerely,



Richard B. Hefner
Manager

GRANT OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT Bonray Real Estate, L.L.C., for and in consideration of the sum of One Dollar (\$1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable consideration, does hereby grant, bargain, sell and convey unto the City of Shawnee, a municipal corporation, a public utility easement and right-of-way over, across, and under the following described real estate and premises situated in the City of Shawnee, Pottawatomie County, Oklahoma to wit:

Legal Description: See Exhibit

with the right of ingress and egress to and from the said land and premises for the purpose of surveying, maintaining, and construction of a public water line.

STATE OF OKLAHOMA, COUNTY OF OKLAHOMA, SS:

SIGNED and delivered this 14th Day of January, 2019.

BY: 
Richard B. Hefner, Manager

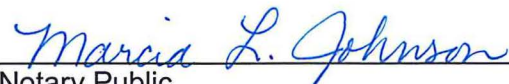
.....
Limited Liability Company Acknowledgement

STATE OF OKLAHOMA, COUNTY OF OKLAHOMA, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 14th day of January, 2019, personally appeared Richard B. Hefner, Manager of Bonray Real Estate, L.L.C., known to me to be the identical person who executed the foregoing grant of easement and acknowledged to me that he executed the same voluntarily for and as the act of said limited liability company for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

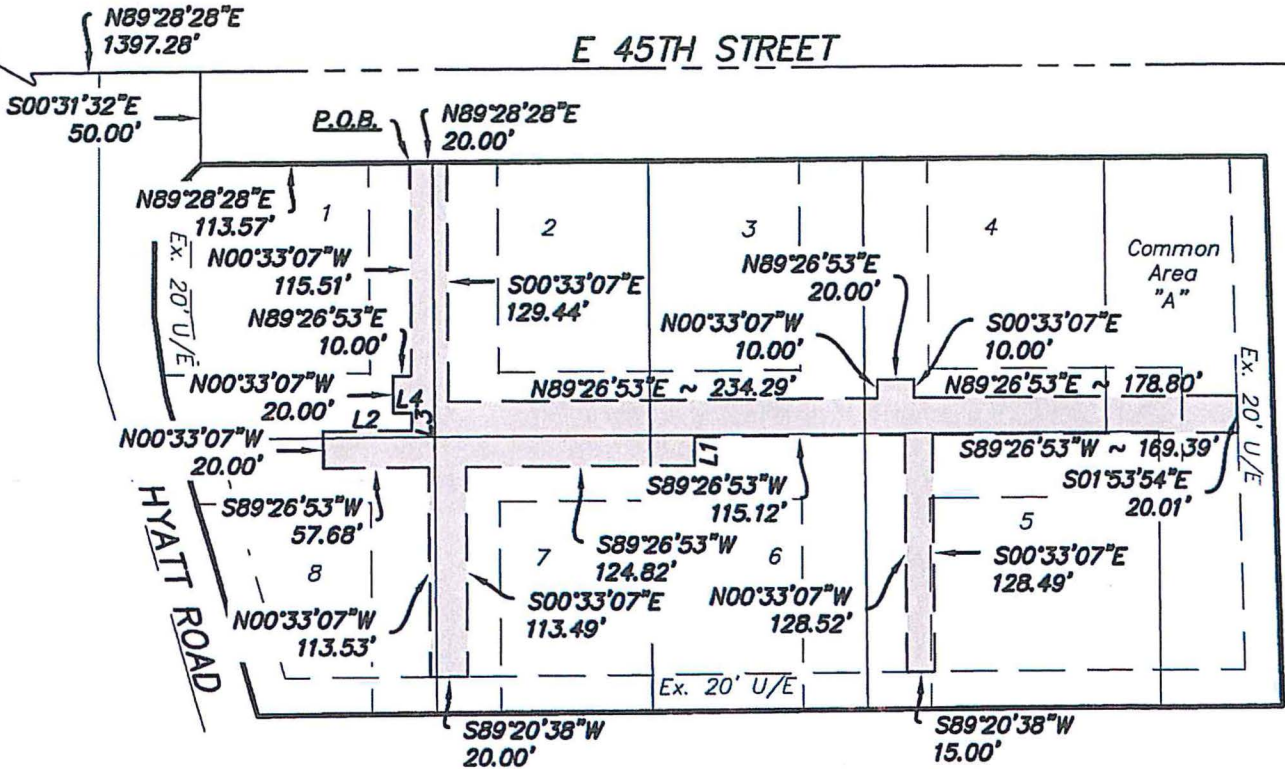



Notary Public

My Commission Expires: 9/23/19

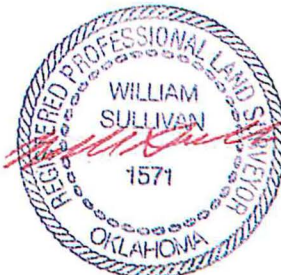
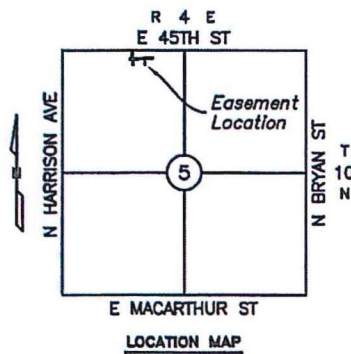
EXHIBIT

Point of Commencement
NW/4 Section 5,
T-10-N, R-4-E, I.M.



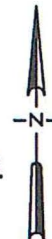
LINE TABLE

L1	=	S00°33'07"E ~ 15.46'
L2	=	N89°26'53"E ~ 48.46'
L3	=	N00°33'07"W ~ 9.41'
L4	=	S89°26'53"W ~ 10.00'



Scale 1" = 100'

Basis of Bearing = N89°28'28"E = North
line NW/4 Section 5, T-10-N, R-4-E, I.M.
(deed).



LEMKE LAND SURVEYING, LLC

3228 BART CORNER DRIVE, NORMAN, OK 73072
PH: (405) 366-8541 FAX: (405) 366-8540
CA # 6975
<http://www.lemke-ls.com>

Surveyed By: HT/TW
Drawn By: CW
Approved By: WS
Date: 01/11/2019
Scale: 1" = 100'
Project No: 12089.01

Project: SHAWNEE TRAIL OFFICE PARK
UTILITY EASEMENT
Project Location: PT. NW/4, SEC 5, T-10-N, R-4-E, I.M.
POTTAWATOMIE COUNTY, OKLAHOMA
Client: CITY OF SHAWNEE

Sheet
Number

1

Sheet 1 of 2

EXHIBIT

LEGAL DESCRIPTION

A City of Shawnee utility easement being located in the Northwest Quarter (NW/4) of Section Five (5), Township Ten North (T-10-N), Range Four East (R-4-E) of the Indian Meridian (I.M.), Pottawatomie County, Oklahoma, and being more particularly described as follows:

Commencing at the Northwest corner of said NW/4;

Thence N 89°28'28" E along the North line of said NW/4 a distance of 1397.28 feet;

Thence S 00°31'32" E a distance of 50.00 feet to a point on the South right-of-way line of E. 45th Street, said point also being the northerly-most Northwest corner of the Final Plat for SHAWNEE TRAIL OFFICE PARK, Shawnee, Oklahoma;

Thence N 89°28'28" E along the North line of said plat of SHAWNEE PARK OFFICE PARK a distance of 113.57 feet to the Point of Beginning;

Thence continuing N 89°28'28" E a distance of 20.00 feet;

Thence S 00°33'07" E a distance of 129.44 feet;

Thence N 89°26'53" E a distance of 234.29 feet;

Thence N 00°33'07" W a distance of 10.00 feet;

Thence N 89°26'53" E a distance of 20.00 feet;

Thence S 00°33'07" E a distance of 10.00 feet;

Thence N 89°26'53" E a distance of 178.80 feet to a point on a platted utility easement;

Thence S 01°53'54" E along said platted easement a distance of 20.01 feet;

Thence S 89°26'53" W a distance of 169.39 feet;

Thence S 00°33'07" E a distance of 128.49 feet to a point on a platted utility easement;

Thence S 89°20'38" W along said platted easement a distance of 15.00 feet;

Thence N 00°33'07" W a distance of 128.52 feet;

Thence S 89°26'53" W a distance of 115.12 feet;

Thence S 00°33'07" E a distance of 15.46 feet;

Thence S 89°26'53" W a distance of 124.82 feet;

Thence S 00°33'07" E a distance of 113.49 feet to a point on a platted utility easement;

Thence S 89°20'38" W along said platted easement a distance of 20.00 feet;

Thence N 00°33'07" W a distance of 113.53 feet;

Thence S 89°26'53" W a distance of 57.68 feet;

Thence N 00°33'07" W a distance of 20.00 feet;

Thence N 89°26'53" E a distance of 48.46 feet;

Thence N 00°33'07" W a distance of 9.41 feet;

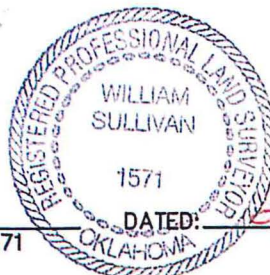
Thence S 89°26'53" W a distance of 10.00 feet;

Thence N 00°33'07" W a distance of 20.00 feet;

Thence N 89°26'53" E a distance of 10.00 feet;

Thence N 00°33'07" W a distance of 115.51 feet to the Point of Beginning.

Note: Basis of Bearing = N 89°28'28" E = North line NW/4 Section 5, T-10-N, R-4-E, I.M. (deed).



WILLIAM SULLIVAN, P.L.S. NO. 1571

LEMKE LAND SURVEYING, LLC



3228 BART CONNER DRIVE, NORMAN, OK 73072
PH. (405) 366-8541 FAX (405) 366-8540
CA # 6975
<http://www.lemke-ls.com>

Surveyed By: HT/TW
Drawn By: CW
Approved By: WS
Date: 01/11/2019
Scale: 1" = 100'
Project No: 12089.01

Project: SHAWNEE TRAIL OFFICE PARK
UTILITY EASEMENT
Project Location: PT. NW/4, SEC 5, T-10-N, R-4-E, I.M.
POTTAWATOMIE COUNTY, OKLAHOMA
Client: CITY OF SHAWNEE

Sheet
Number

2

Sheet 2 of 2

Regular Board of Commissioners

1.g.

Meeting Date: 02/04/2019

Hiring

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Confirm and approve the Interim City Manager's hiring of Rebecca Blaine as Planning Director.

Attachments

Hiring Memo



Office of the City Manager

To: Honorable Mayor and Members of the City Commission

From: Eric Benson, Interim City Manager

Date: January 31, 2019

RE: Department Head Appointment: Planning Director

In accordance with the City Charter, “the appointments of all heads of departments shall not become effective until they have been approved by the Board of Commissioners” (Article V, Section 2), I am appointing Rebecca Blaine as the Director of Planning. She has a Master of Science in Architectural Urban Studies from the University of Oklahoma, and was President of the Society of Urban Design Students. She was a intern/volunteer for the City of Tulsa and assisted in hosting the Small Area Plans workshops with reviewing and grading HUD grant applications. She obtained her Bachelor of Arts in Business Administration, Business Marketing from Northeastern State University. Her experience includes four years as City Planner and Community Development Director with local municipalities. She was co-author on the nomination application and received the national American Planning Association’s Great Place award presented in Washington D.C. in September 2018.

I am confident Mrs. Blaine will serve the City exceedingly well in this position.

Regular Board of Commissioners

1.h.

Meeting Date: 02/04/2019

Lake Lease

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Lake Lease Transfers:

TRANSFER:

Lot 2 Magnino Tract, 16504 Archery Range Road

From: Phillip and Tammy Jennings

To: Sherrie White and Cassie Jennings

Attachments

Lake Lease



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

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

Date 1-28-19	License No. 032281
Type	☐ Renewal ☒ Transfer <i>(Fee: NONE FAMILY)</i>
Commission Meeting Date	2-4-2019
Property Address	16504 ARCHERY RANGE ROAD
Lake Site Location	LOT 2 MAGNINO TRACT
Lease Dates	2-4-19 THROUGH 2-4-2020
Lease Fee (changes annually)	703.00
Inspection Fee	\$75.00 Applicable: ☒ Yes ☐ No
Lessee (Transfer To)	
Name(s)	SHERRIE WHITE AND CASSIE JENNINGS
Address	SEE FILE
Phone	SEE FILE
Current Lessee (Transfer From) <i>(if applicable)</i>	
Name(s)	PHILLIP AND TAMMY JENNINGS
Address	SEE FILE
Phone	SEE FILE
Inspection Information	
Inspection Required	☒ Yes ☐ No
DEQ Report on File	☒ Yes ☐ No
Type of Septic System	☒ Conventional ☐ Aerobic
Last Inspected/Pumped	5-16-2018 PUMPED
Misc. Comments	Total Charges Paid: \$778.00

PLEASE READ CAREFULLY

THIS LEASE IS NOT TRANSFERABLE AND IS SUBJECT TO CANCELLATION BY THE CITY FOR ANY VIOLATIONS OF THE TERMS THEREOF AS MORE SPECIFICALLY SET FORTH IN SECTION 16-326 OF THE SHAWNEE MUNICIPAL CODE:

**CABIN SITE LEASE
LEASE# 032281**

STATE OF OKLAHOMA, POTTAWATOMIE COUNTY, SS:

This Lease made and entered into in duplicate this date of FEBRUARY 4, 2019 by and between the CITY OF SHAWNEE, a municipal Corporation, PARTY OF THE FIRST PART, and

**SHERRI WHITE
of 618 N CARDINAL WAY MUSTANG OK 73064 ,
CASSIE JENNINGS
of 10328 LIECESTER DR YUKON OK 73099,
PARTY OF THE SECOND PART.**

WITNESSETH: That the first party in consideration of the sum of **\$ 703.00** dollars for **2018**, does hereby acknowledge receipt of the applicable rental fee, and other good and valuable considerations, does by these presents demise, lease and let unto the second party the following described real estate situated on, and a part of the site, owned by the first party as a City Reservoir and known as Shawnee Twin Lake No. 1, in the County of Pottawatomie State of Oklahoma, to-wit:

**16504 ARCHERY RANGE RD
LOT 2 MAGNINO TRACT**

TO HAVE AND TO HOLD SAME UNTO the second party for a term of thirty (30) years from the date hereof.

IT IS FURTHER mutually understood and agreed by and between the parties hereto as follows:

The said party of the second part shall and will and does hereby agree to pay to the first party annual lease payments as set forth in "Exhibit A", payable yearly in advance. The City shall retain the right to adjust the lease rate schedule at the termination of the original 30-year lease or at such time that a transfer is approved in accordance with Section 16-321 of the Shawnee Municipal Code (hereafter "SMC").

That at the expiration of the primary term hereof, the lessee shall have the right and option to renew said lease for an additional period of thirty (30) years under the terms and conditions set forth in Section 16-321 SMC. There is no limit to the number of times a lease can be renewed.

The premises of all lots leased by the City shall at all times be kept clean and maintained in a sanitary condition by the lessee. There is a 25-foot lakeshore buffer that extends landward of the ordinary high water mark on all leased lots for the purpose of watershed protection. This area shall not be used by the general public, except during an emergency situation. Within this buffer, leaseholders are encouraged to preserve existing native vegetation. Docks and other approved structures may be located within the buffer area. Fertilizers and other chemicals shall not be used within the buffer area. All other applicable City regulations and rules apply

That in addition to the possession of the property so leased, the lessee shall have the right and privilege of a site for a boat house and boat dock on the land owned by the City adjoining and immediately in front of a lot leased, which said boat house shall be erected and maintained by and at the cost of the lessee on ground not to exceed an area of thirty (30) feet by thirty (30) feet, which said boat house shall never be used as a place of human habitation, and which said boat house or boat dock shall conform to the provisions of Section 16-325 SMC, and that said boat dock or boat house shall be the private property of the lessee, who shall have the right of ingress and egress to and from the same, subject to the rights of the public as set forth herein. The lessee shall agree to keep said lot and boat house and dock in a clean and sanitary condition, and to maintain the same in a safe condition, and the City as lessor shall in no manner be liable to lessee for any damages suffered by lessee to said lot or boat house or dock, or the improvements thereon on account of the rise and fall of the water line of said lake, or for the enlargement or decrease by the City of the size of said lake, or on account of any rule or regulation that may hereafter be adopted by lessor, governing the regulations of said lake, and lessee agrees to hold the lessor free and harmless from all damages suffered by him or by any other person, on account of personal injuries or loss of property that may incur upon said lot, boat house or boat dock.

That the lessee agrees to lease the premises **AS IS** from the lessor with the knowledge and understanding that the lessor does not guarantee access to lots. Should the Lessee determine that an access road is necessary to reach his/her lot from a road already in existence, lessee agrees to use his/her own funds to create said access road. Lessee further agrees that upon access road completion it shall not be a private road, but rather, will be available for public use, including, but not limited to, allowing neighbor lots to connect to it to improve access to their lots or to allow joint access to bordering lots upon the one access road. The location of any access road to be constructed by the lessee must be approved by the City Engineer of the City of Shawnee prior to the beginning of construction.

That should the lessee construct any building or other structure, said construction will be in accordance to City of Shawnee development regulations. Lessee agrees that prior to commencing construction on any structure on the leased premises he/she will obtain an approved building permit from the City.

That lessee is solely responsible for determining the flood elevation on the leased premises and is required to satisfy lessor that prior to any construction on the leased premises the determination of the flood elevation has been done correctly and that any structure or building to be constructed on the leased premises be above the flood elevation. **LESSOR EXPRESSLY MAKES NO WARRANTIES OR REPRESENTATIONS AS TO SAFETY FROM FLOODING ON THE LEASED PREMISES AND LESSEE EXPRESSLY RELEASES THE LESSOR FROM ANY LIABILITY DUE TO FLOOD DAMAGE, BOTH PERSONAL AND PROPERTY, OCCURRING ON THE LEASED PREMISES FROM ANY CAUSE OR CONDITION.**

That all sanitary facilities to be constructed on the premises shall be wholly contained on the leased premises. Sanitary facilities, include, but are not limited to, septic tanks and lateral lines.

All septic systems and waste disposal systems on leased lake lots shall be inspected and subject the standards set forth in Chapter 16 SMC. The leaseholder shall have sixty (60) days to correct any defects found in the system. Corrections not made within the allotted time shall be grounds for the City to cancel the lease of the leaseholder.

That no lease shall be assigned or sublet, but lessee may at any time during the term of his/her lease, sell and transfer to other parties the improvements on the lot leased by him/her.

That in the event of the sale of the improvements by the lessee, the transfer shall not become effective until approved by the Board of Commissioners of the City of Shawnee at a regular or adjourned meeting held for that purpose and the City as lessor reserves the right to reject and disapprove any transfer when in its opinion it would be to the best interests of the City and its inhabitants to do so. If the transfer is approved, a new lease shall be entered into between the purchaser and the City, and a transfer charge is hereby fixed and established in the sum of one-thousand dollars (\$1000.00) to be paid to the City prior to said transfer in accordance with Section 16-322 SMC.

That the lessee shall be the owner of all improvements which may be placed by him or her, said improvements including cabins or other buildings and boat houses constitute personal property and lessee shall have the right to remove same from the lot at the termination of the lease, subject to the following: whenever a lease has been cancelled by the City as provided herein or by ordinance, the lessee or owner of said improvements shall remove the same within sixty (60) days of the date of the said cancellation of the lease and upon failure to do so, said improvements shall revert to and become the property of the City of Shawnee. And it shall have the right, without further notice or demand to take immediate possession of all said improvements and these will belong to the first party or its assigns, as liquidated damages for the non-fulfillment of the lease by lessee and for the use and rental thereof.

That the said second party does hereby release the City of Shawnee of any claim or claims for damages by reason of the cancellation of the said lease aforesaid.

That the second party shall at all times during the term of this lease be subject to and does hereby agree to abide by and conform to any rules, regulations or ordinances now in force, or that may hereafter be adopted by the City of Shawnee, governing the regulation of said lake and within the described premises, as to fishing, hunting, boating and other recreational activities upon and around said water reservoir, and to conform to and abide by all further rules, regulations and ordinances now in force, or that hereafter may be adopted by the City of Shawnee, Oklahoma, governing the regulations of said premises and lake.

The City Commission may upon a showing of intentional disregard for the terms of the lease and this division or other city ordinance pertaining to the lake, cancel the city lease upon 30 days notice to the lessee by mailing a copy of such notice to the lessee at his/her last known address. If a lease is cancelled either by the city or the lessee of a city-owned lot prior to the expiration of the lease term, the lessee shall pay the city an early termination fee of \$1,000 in exchange for a release of liability from the remaining term.

That this lease shall be binding upon the representatives, heirs, and assigns and successors in interest of the parties hereto.

It is understood by the parties hereto that a failure to comply with the terms of said Cabin Site Lease shall constitute a misdemeanor and any person, firm, or corporation convicted of such violation shall be punished by a fine not exceeding five hundred dollars (\$500.00) plus costs, or imprisonment for a term not exceeding thirty (30) days, or by such fine and imprisonment.

IN WITNESS WHEREOF, party of the first part has caused its name to be affixed hereto by the Mayor of the City of Shawnee, Oklahoma, and attested by the City Clerk, and the party of the second part hereunto affixed his/her name the day and year first above written.

CITY OF SHAWNEE, OKLAHOMA
A Municipal Corporation,

BY: _____

MAYOR
PARTY OF THE FIRST PART

ATTEST:

CITY CLERK

Sherril White

PARTY OF THE SECOND PART

C. [Signature]

PARTY OF THE SECOND PART

Regular Board of Commissioners

4.

Meeting Date: 02/04/2019

RDG SWB Inc. Presentation

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Presentation by RDG SWB Inc. to provide an update to the City's Comprehensive Plan.

Attachments

No file(s) attached.

Regular Board of Commissioners

5.

Meeting Date: 02/04/2019

P16-18 Rezoning

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

Information

Title of Item for Agenda

Public hearing and consideration of an ordinance to rezone property located at 323 South Eden Street from R-1; Single Family Residential District to R-2; Medium Density Residential District. Case No. P16-18. Applicant: Eugene Biller. *(Public hearing rescheduled from January 22, 2019 to February 4, 2019.)*

Attachments

Staff Rpt

Ordinance

RECOMMENDATION TO:

MAYOR
BOARD OF CITY COMMISSIONERS
CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE
PLANNING COMMISSION

SUBJECT:

APPLICANT: Eugene Biller

FOR: Rezone

LOCATION: 323 South Eden Street, Shawnee, OK

PROJECT# 180998 CASE# P16-18

LEGAL DESCRIPTION:

SEE OWNERSHIP LIST

CURRENT CLASSIFICATION:

R-1; Single Family Residential

REQUESTED CLASSIFICATION:

R-2; Medium Density Residential District

PROPOSED PROPERTY USE:

Duplex

PLANNING COMMISSION MEETING DATE: January 2nd, 2019

PLANNING COMMISSION RECOMMENDATION: Approval

VOTE OF THE PLANNING COMMISSION:

MEMBERS PRESENT: 5

MEMBERS:	1ST	2ND	AYE	NAY	ABSTAIN	COMMENTS
DEEM		X	X			
MATTHEWS			X			
WALKER						
BERGSTEN (CHAIRMAN)			X			
COWEN (VICE-CHAIRMAN)			X			
KIENZLE						
ROWELL	X		X			

RESPECTFULLY SUBMITTED,

Joseph Barker

SECRETARY, PLANNING COMMISSION

ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: _____

DATE OF ACTION: _____

ADOPTED _____ DENIED _____

City of Shawnee Planning Department 222. N. Broadway Shawnee, OK 74801 (405) 878-1616 Fax: (405) 878-1587 www.ShawneeOK.org			CASE # P16-18 PUBLIC HEARING DATE: January 2 nd , 2018 CITY COMMISSION DATE: January 22 nd , 2018	
APPLICANT: Eugene Biller	125 Ideal Street Seminole, Oklahoma, 74868		eugenessbiller@gmail.com	
PROPERTY ADDRESS/LOCATION: 323 South Eden Street, Shawnee, Oklahoma, 74801				
SUMMARY OF REQUEST: The applicant, Eugene Biller, is requesting approval to rezone 323 South Eden Street from R-1 (Single Family Residential) to R-2 (Medium Density Residential). This property is located east of Farrell.				
EXISTING ZONING: R-1	EXISTING LAND USE: Vacant	SURROUNDING ZONING & LAND USE: R1 (Single Family Residential) R2 (Medium Density Residential)	Number of Lots: 1	PROPERTY SIZE: 5 Acres

STAFF REVIEW AND ANALYSIS

At the December 5th, 2018 Planning Commission Meeting, this item was deferred because the square footage stated on the application represented what would be the dimensions of this property after a pending administrative lot split. Since this meeting, the applicant has amended their application for all 5 acres of the lot to be rezoned to R-2, rather than the 4.63 acres that was stated on the original application.

The applicant has stated on their amended application they intend to construct a duplex development on the lot. According to the amended application, the subject site is 5 acres in size and abuts the Golden Hill Addition, the Airmount Addition, and the AP Addition, Lots 2, 3, 4, and 12. Adjacent properties are zoned R-1 (Single Family Residential District) and R-2 (Medium Density Residential District), making requested R-2 zoning consistent with surrounding land uses. Also, the request is in conformance with the Comprehensive Plan's residential designation for this area.

The subject request is in conformance with the City Zoning Code and Comprehensive Plan. Therefore, Staff hereby recommends approval on the requested rezone from R-1 (Single-Family Residential) to R-2 (Medium Density Residential).

APPROVE

APPROVE WITH CONDITIONS

DENY

ATTACHMENTS:
(CIRCLE)

SUBMITTED
PLANS

PUBLIC HEARING
PETITION/
APPLICATION FORM

LEGAL NOTICE

LEGAL DESCRIPTION

PUBLIC COMMENTS

AGENCY COMMENTS

RESPONSE TO STANDARDS

Attachments:



PLANNING COMMISSION APPLICATION

Planning Department

222 N. Broadway
Shawnee, OK 74801
(405) 878-1616 Fax (405) 878-1587
www.ShawneeOK.org

For Office Use Only

Case Number: P16-18

Project Number: 180998

Date Filed: 10/12/2018

Cherise Pettigrew
Planning Commission Secretary

REQUEST:

☒ Rezoning
☐ Conditional Use Permit

☐ Rezoning w/Conditional Use Permit
☐ Planned Unit Development

I, the undersigned, do hereby respectfully make application and petition to the City Commission to amend the zoning map, and to change the zoning district of the Shawnee area, from R1 District to R2 District, as hereinafter requested, and in support of this application, the following facts are shown:

PROPERTY LOCATION (STREET ADDRESS): 323 S. Eden St.

LEGAL DESCRIPTION: see attached copy of deed

PROPERTY OWNER (S): Eugene and Betty Biller

PROPERTY AGENT (APPLICANT): Eugene Biller

APPLICANT'S ADDRESS: 125 N Ideal St

CITY: Seminole STATE: OK ZIP: 74868

EMAIL ADDRESS: eugenesbiller@gmail.com

TELEPHONE NUMBER: (662) 719-9400 CONTACT NUMBER: (903) 922-9945

DIMENSIONS OF PROPERTY: AREA: 201,800' WIDTH: 330'
LENGTH: 660' FRONTAGE: 990'

CURRENT ZONING: R1 CURRENT USE: Vacant land

PROPOSED ZONING: R2 PROPOSED USE: Duplex/Multi-Family

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

APPLICATION, OFFICIAL OWNERSHIP LIST AND PAYMENT
MUST BE RECEIVED 30 DAYS PRIOR TO MEETING

Eug Biller
SIGNATURE OF APPLICANT

FOR STAFF USE ONLY

REZONING &/OR C.U.P FEE \$ 280.00

RECEIPT NO. 02220624

PLANNED UNIT DEVELOPMENT FEE \$ 550.00

SIGN DEPOSIT \$ 50.00

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

PLANNING COMMISSION ACTION: _____ DATE: _____

CITY COMMISSION ACTION: _____ DATE: _____

PLACE ON ZONING MAP: _____ ORDINANCE NO.: _____

CITY OF SHAWNEE
PUBLIC HEARING NOTICE
CASE #P16-18

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

The property requesting rezoning is described as follows:

BEGINNING 33 FEET WEST OF THE NORTHWEST CORNER OF OUTLOT 9, SPAULDING'S ADDITION, THENCE SOUTH 300 FEET, THENCE WEST 600 FEET, THENCE NORTH 300 FEET TO A POINT 43 FEET EAST OF THE NORTHEAST CORNER OF OUTLOT 12 OF SPAULDING'S ADDITION, THENCE EAST 600 FEET TO THE POB. POTTAWATOMIE COUNTY, OKLAHOMA (PREVIOUSLY DESCRIBED AS OUTLOT 10, AMENDED PLAT OF OUTLOTS 10&11 OF SPAULDING'S ADDITION TO THE CITY OF SHAWNEE POTTAWATOMIE COUNTY, OKLAHOMA.

General Location Known As:	<u>323 S. Eden Street, Shawnee, OK</u>
Current Zoning Classification:	<u>R-1; Single Family Residential District</u>
Requested Zoning Classification:	<u>R-2; Combined Residential District</u>
Proposed Use of Property:	<u>Residential</u>
Applicant:	<u>Eugene Biller</u>

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

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

February 4th, 2019 AT 6:00 P.M.: CITY OF SHAWNEE CITY COMMISSION

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

Witness my hand this 4th day of January, 2019.



Lisa Lasyone
Lisa Lasyone, City Clerk

NOTICE OF CANCELLATION OF PUBLIC HEARING
PLANNING COMMISSION ITEM
P16-18

Notice is hereby given that the scheduled City of Shawnee City Commission Public Hearing on January 22, 2019 at 6:00 p.m. regarding the property described below has been cancelled and this item will be heard at a later date

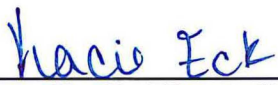
BEGINNING 33 FEET WEST OF THE NORTHWEST CORNER OF OUTLOT 9, SPAULDING'S ADDITION, THENCE SOUTH 300 FEET, THENCE WEST 600 FEET, THENCE NORTH 300 FEET TO A POINT 43 FEET EAST OF THE NORTHEAST CORNER OF OUTLOT 12 OF SPAULDING'S ADDITION, THENCE EAST 600 FEET TO THE POB. POTTAWATOMIE COUNTY, OKLAHOMA (PREVIOUSLY DESCRIBED AS OUTLOT 10, AMENDED PLAT OF OUTLOTS 10&11 OF SPAULDING'S ADDITION TO THE CITY OF SHAWNEE POTTAWATOMIE COUNTY, OKLAHOMA.

General Location Known As: 323 S. Eden Street, Shawnee, OK
Current Zoning Classification: R-1; Single Family Residential District
Requested Zoning Classification: R-2; Combined Residential District
Proposed Use of Property: Residential
Applicant: Eugene Biller

To be completed by person filing notice:

NAME: Joseph Barker
TITLE: Assistant City Planner
ADDRESS: 222 N. Broadway
Shawnee, OK 74801
PHONE: (405) 878-1672

Filed in the office of the municipal clerk at 12:10 a.m./p.m. on 1/4/19

SIGNED: 
City Clerk/Deputy Clerk

~~~~~

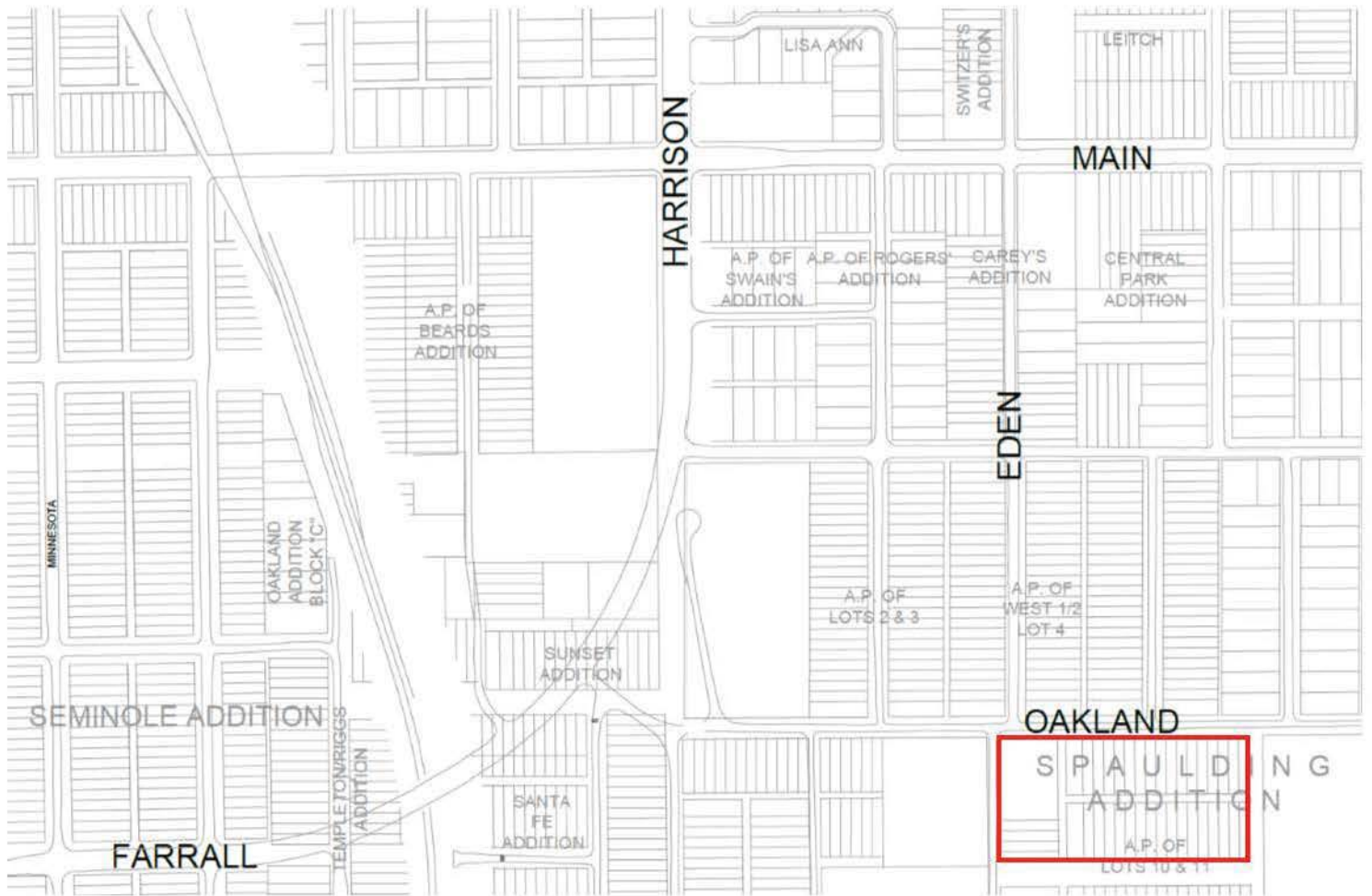
**FOR CITY CLERK'S OFFICE USE ONLY**

DATE NOTICE RELEASED TO NEWS MEDIA: 1/4/19

PERSON FILING NOTICE: Joseph Barker

NOTICE VERIFIED BY: 





*CHOICE TITLE & ABSTRACTING INSURANCE  
ESCROW/CLOSING/ABSTRACTING AGENCY  
118 N. Broadway  
Shawnee, Oklahoma 74801*

October 5, 2018

Attn:  
Betty Biller  
323 S Eden  
Shawnee, Oklahoma 74801  
903-922-9987

Re: Choice File No. 8572

**LEGAL DESCRIPTION**

BEGINNING 33 FEET WEST OF THE NORTHWEST CORNER OF OUTLOT 9, SPAULDING'S ADDITION, THENCE SOUTH 300 FEET, THENCE WEST 600 FEET, THENCE NORTH 300 FEET TO A POINT 43 FEET EAST OF THE NORTHEAST CORNER OF OUTLOT 12 OF SPAULDING'S ADDITION, THENCE EAST 600 FEET TO THE POB. POTTAWATOMIE COUNTY, OKLAHOMA (PREVIOUSLY DESCRIBED AS OUTLOT 10, AMENDED PLAT OF OUTLOTS 10&11 OF SPAULDING'S ADDITION TO THE CITY OF SHAWNEE POTTAWATOMIE COUNTY, OKLAHOMA.

Property Address: 323 S Eden, Shawnee, OK 74801

Property Owner: Jamel Butler  
P.O. Box 3823  
Shawnee, OK 74802

**300' SURROUNDING PROPERTY OWNERS**

Outlot 12 Beg NE/C S310 Spaulding Addition AP, Jesse Monday & Rachel Watters, 304 S Eden, Shawnee OK 7480.

OutLot 12 Beg 251W NE/C S310 E125.5 Spaulding Addition AP Outlot12, C W & Marla Grider, 1003 E Oakland, Shawnee OK 74801. Mailing: 36655 Prospect Rd, Macomb, OK 74852.

OutLot 12 Beg NE/C S2 Spaulding Addition AP, Rowana Condry, 324 S Eden, Shawnee OK 74801  
Mailing: 927 N Beard, Shawnee OK 74801

**OutLot 12 Beg NE/C S2 S37.5 Spaulding Addition AP, Bill Chavez & Jackie Trust, 326 S Eden Shawnee OK 74801**

**OutLot 12 Beg 75N SE/C Spaulding Addition AP, Eladio Lares Monreal & Dolores Sauced Diaz, 336 S Eden Shawnee, OK 74801**

**OutLot 12 Beg SE/C Spaulding Addition AP, Terri & Michael McCleave, 338 S Eden Shawnee OK 74801. Mailing: 625 S Pottenger, Shawnee OK 74801.**

**OutLot 12 Beg E16.5 E SW/C Spaulding Addition AP, LLL Properties LLC, 335 S Dixon Shawnee OK 74801. Mailing: 1901 N Kickapoo Shawnee OK 74804.**

**OutLot 12 Beg S142 NE/C W140 to POB N31 Spaulding Addition AP, Walter & Joann Coker, 303 S Dixon, Shawnee OK 74801**

**OutLot 12 Beg S315 of NW/C Spaulding Addition AP, Roger Barlow, 301 S Dixon, Shawnee OK 74801**

**Lots 1–12 Block 1 Spaulding Addition AP Outlot 12, Nadine Alexander & Chris Mays & Jessi May, 923 E Oakland, Shawnee OK 74801.**

**Lots 22-24 Block 2 Spaulding Addition AP Outlot 2-3, Michael & Cathy Barksdale, Mailing: 520 S Leo, Shawnee OK 74801.**

**Lots 15-N/2 16 Block 3 Spaulding Addition AP Outlot 2-3, Board of County Commissioners, 230 S Eden Shawnee OK 74801. Mailing: 325 N Broadway, Shawnee OK 74801.**

**Lots S/2 16-17 Block 3 Spaulding Addition AP, David Leroy Hixenbaugh, 232 S Eden, Shawnee OK 74801. Mailing: 329365 E 990 RD, Wellston OK 74881**

**Lots 18-21 Block 3 Spaulding Addition AP Outlot 2-3, Mack & Patsy Woodall & Donald Brian Woodall, 236 S Eden, Shawnee OK 74801.**

Lots 22-24 Block 3 Spaulding Addition AP Outlot 2-3, Mack & Patsy Woodall & Donald Brian Woodall, 236 S Eden, Shawnee OK 74801.

Lots 25-26 Block 3 Spaulding Addition AP Outlot 2-3, Justin Wilson, 231 S Eden, Shawnee OK 74801.

Lots 27-28 Block 3 Spaulding Addition AP Outlot 2-3, Rita & Todd Maples, 229 S Dixon, Shawnee OK 74801.

Lots 29-30 Block 3 Spaulding Addition AP Outlot 2-3, Myra Wilson, 227 S Dixon, Shawnee OK 74801.

Lots 31 Block 3 Spaulding Addition AP Outlot 2-3, David Spoon, 225 S Dixon, Shawnee OK 74801.

Lots 32 Block 3 Spaulding Addition AP Outlot 2-3, Housing Authority of Absentee, Mailing: PO BOX 425, Shawnee OK 74802.

Lots 33-34 Block 3 Spaulding Addition AP Outlot 2-3, 223 S Dixon LLC, 223 S Dixon, Shawnee OK 74801. Mailing: 1530 N Harrison STE 212, Shawnee OK 74804.

Lots 14-15&N/2 16 Block 4 Spaulding Addition AP Outlot 2-3, Jerry Alexander, 212 S Ruth, Shawnee OK 74801.

Lots S/2 16&17-20 Block 4 Spaulding Addition AP Outlot 2-3, Redbird Properties LLC, Mailing: 106 W Main, Shawnee OK 74801.

Lots 21-24 Block 4 Spaulding Addition AP Outlot 2-3, Kathryn Byrd, 218 S Ruth, Shawnee OK 74801.

Lots 25-26 Block 4 Spaulding Addition AP Outlot 2-3, Michael & Tracy Heatley, 245 S Eden, Shawnee OK 74801. Mailing: 14 Quail Ridge, Shawnee OK 74804.



**Lots 27-32 Block 4 Spaulding Addition AP Outlot 2-3, Robby Dewayne & Cynthia Sinclair, 233 S Eden, Shawnee OK 74801.**

**Lots 33-36 Block 4 Spaulding Addition AP Outlot 2-3, Sonia Boudrick Revocable Trust, 231 S Eden, Shawnee OK 74801. Mailing: 44 Piney Ridge LN, Shawnee OK 74801.**

**Lots 15-16&N/2 17 Block 5 Spaulding Addition AP Outlot 2-3, Wiggins Blaze, 215 S Ruth, Shawnee OK 74801.**

**Lots S/2 17 & 18-19 Block 5 Spaulding Addition AP Outlot 2-3, Cavco LTD, 217 S Ruth, Shawnee OK 74801.**

**Lots 20-21& N/13' 22 Block 5 Spaulding Addition AP Outlot 2-3, Garry & Sylvia Weston, 219 S Ruth, Shawnee OK 74801.**

**Lots S/12' 22&23-24 Block 5 Spaulding Addition AP Outlot 2-3, James & Roberta Wyatt, 221 S Ruth, Shawnee OK 74801.**

**Lot 6 Block 1 Spaulding Addition AP Outlot 4, Kaye Steele Harrod Family Trust, 227 S Center, Shawnee OK 74801. Mailing: 1303 W Farrall, Shawnee OK 74801.**

**Lot 7 Block 1 Spaulding Addition AP Outlot 4, Donna Murrell, 229 S Center, Shawnee OK 74801.**

**Lot 8 Block 1 Spaulding Addition AP Outlot 4, Steven & Dawn Bourlon, 231 S Center, Shawnee OK 74801. Mailing: PO BOX 795, Shawnee OK 74802.**

**Lot 9 Block 1 Spaulding Addition AP Outlot 4, Jennifer Stevenson Realty LLC, 233 S Center, Shawnee OK 74801. Mailing: 18105 Angel Ln, Shawnee OK 74801.**



Lot 10 Block 1 Spaulding Addition AP Outlot 4, Kaye Steele Harrod Family Trust, 235 S Center, Shawnee OK 74801. Mailing: 1303 W Farrall, Shawnee OK 74801.

Lot 11 Block 1 Spaulding Addition AP Outlot 4, James & Roberta Wyatt, 221 S Ruth, Shawnee OK 74801.

Lot 12 Block 1 Spaulding Addition AP Outlot 4, Albert Ringwald, 238 S Center, Shawnee OK 74801.

Lot 13 Block 1 Spaulding Addition AP Outlot 4, Cory T Jones, 236 S Center, Shawnee OK 74801. Mailing: 33145 David Dr, Shawnee OK 74804.

Lot 14 Block 1 Spaulding Addition AP Outlot 4, Steven & Debra Coy, 234 S Center, Shawnee OK 74801. Mailing: 15602 Drummond Rd, Shawnee OK 74804.

Lot 15 Block 1 Spaulding Addition AP Outlot 4, Brenda Hammons, 232 S Center, Shawnee OK 74801. Mailing: 348365 E HWY 66, Chandler OK 74834.

Lots 21-22 Block 3 Golden Hill Addition, Garison Carrell, 238 S Oak, Shawnee, OK 74801. Mailing: PO BOX 1801, Shawnee OK 74802.

Lots 23-24 Block 3 Golden Hill Addition, Tony & Mary Smith, Mailing: 238 S Oak, Shawnee, OK 74801.

OutLot 9 Spaulding Addition, Isaac Kimball, 1115 E Oakland, Shawnee OK 74801.

OutLot 11 Less 1 Acre Spaulding Addition, Rhonda Faye Hill, 1110 E Farrell, Shawnee OK 74801.

OutLot 11 Beg NW/C PT Spaulding Addition, Board of County Commissioners, 14101 Acme Rd, Shawnee OK 74804.

End of Report

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

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, TO-WIT: BEGINNING 33 FEET WEST OF THE NORTHWEST CORNER OF OUTLOT 9, SPAULDING'S ADDITION, THENCE SOUTH 300 FEET, THENCE WEST 600 FEET, THENCE NORTH 300 FEET TO A POINT 43 FEET EAST OF THE NORTHEAST CORNER OF OUTLOT 12 OF SPAULDING'S ADDITION, THENCE EAST 600 FEET TO THE POB. POTTAWATOMIE COUNTY, OKLAHOMA (PREVIOUSLY DESCRIBED AS OUTLOT 10, AMENDED PLAT OF OUTLOTS 10 & 11 OF SPAULDING'S ADDITION TO THE CITY OF SHAWNEE POTTAWATOMIE COUNTY, OKLAHOMA. FROM ZONING CLASSIFICATION R-1; SINGLE FAMILY RESIDENTIAL DISTRICT TO R-2; MEDIUM DENSITY RESIDENTIAL DISTRICT AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

WHEREAS, pursuant to notice duly given as required by law, a public hearing conducted by the Board of Commissioners of the City of Shawnee, Oklahoma on the 4th day of February, 2019, upon an application to rezone certain properties located in the City of Shawnee, Oklahoma from zoning classification R-1; Single Family Residential District to R-2; Medium Density Residential District.

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

WHEREAS, it appears to be in the best interest of the City of Shawnee and the inhabitants thereof for said properties to be rezoned to R-2; Medium Density Residential District.

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

SECTION 1: That the following described property located in the City of Shawnee, Oklahoma, to-wit: BEGINNING 33 FEET WEST OF THE NORTHWEST CORNER OF OUTLOT 9, SPAULDING'S ADDITION, THENCE SOUTH 300 FEET, THENCE WEST 600 FEET, THENCE NORTH 300 FEET TO A POINT 43 FEET EAST OF THE NORTHEAST CORNER OF OUTLOT 12 OF SPAULDING'S ADDITION, THENCE EAST 600 FEET TO THE POB. POTTAWATOMIE COUNTY, OKLAHOMA (PREVIOUSLY DESCRIBED AS OUTLOT 10, AMENDED PLAT OF OUTLOTS 10 & 11 OF SPAULDING'S ADDITION TO THE CITY OF SHAWNEE POTTAWATOMIE COUNTY, OKLAHOMA. FROM ZONING CLASSIFICATION R-1; SINGLE FAMILY RESIDENTIAL DISTRICT TO R-2; MEDIUM DENSITY RESIDENTIAL DISTRICT AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

PASSED AND APPROVED this 4th day of February, 2019.

\_\_\_\_\_  
RICHARD FINLEY, MAYOR

(SEAL)  
ATTEST:

\_\_\_\_\_  
LISA LASYONE, CMC, CITY CLERK

Approved as to form and legality this 4<sup>th</sup> day of February, 2019.

\_\_\_\_\_  
JOSEPH VORNDRAN, CITY ATTORNEY

**Regular Board of Commissioners**

**6.**

Meeting Date: 02/04/2019

P18-18 Rezoning

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

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Information

Title of Item for Agenda

Public hearing and consideration of an ordinance to rezone property located at 420 West Federal Street from R-1; Single Family Residential District to C-1; Neighborhood Commercial District. Case No. P18-18. Applicant: David Carter. *(Public hearing rescheduled from January 22, 2019 to February 4, 2019.)*

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Attachments

Staff Rpt

Ordinance

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RECOMMENDATION TO:

MAYOR  
BOARD OF CITY COMMISSIONERS  
CITY OF SHAWNEE  
CITY OF SHAWNEE  
PLANNING COMMISSION

RECOMMENDATION FROM:

SUBJECT:

APPLICANT: David Carter

FOR: Rezone

LOCATION: 420 West Federal Street, Shawnee, OK

PROJECT# 181088 CASE# P18-18

LEGAL DESCRIPTION:

SEE OWNERSHIP LIST

CURRENT CLASSIFICATION: R-1; Single Family Residential

REQUESTED CLASSIFICATION: C-1; Neighborhood Commercial

PROPOSED PROPERTY USE: Administrative Office Building

PLANNING COMMISSION MEETING DATE: January 2<sup>nd</sup>, 2019

PLANNING COMMISSION RECOMMENDATION: Approval

VOTE OF THE PLANNING COMMISSION:

*MEMBERS PRESENT:* 5

| MEMBERS:              | 1ST | 2ND | AYE | NAY | ABSTAIN | COMMENTS |
|-----------------------|-----|-----|-----|-----|---------|----------|
| DEEM                  | X   |     | X   |     |         |          |
| MATTHEWS              |     | X   | X   |     |         |          |
| WALKER                |     |     |     |     |         |          |
| BERGSTEN (CHAIRMAN)   |     |     | X   |     |         |          |
| COWEN (VICE-CHAIRMAN) |     |     | X   |     |         |          |
| KIENZLE               |     |     |     |     |         |          |
| ROWELL                |     |     | X   |     |         |          |

RESPECTFULLY SUBMITTED,

Joseph Barker

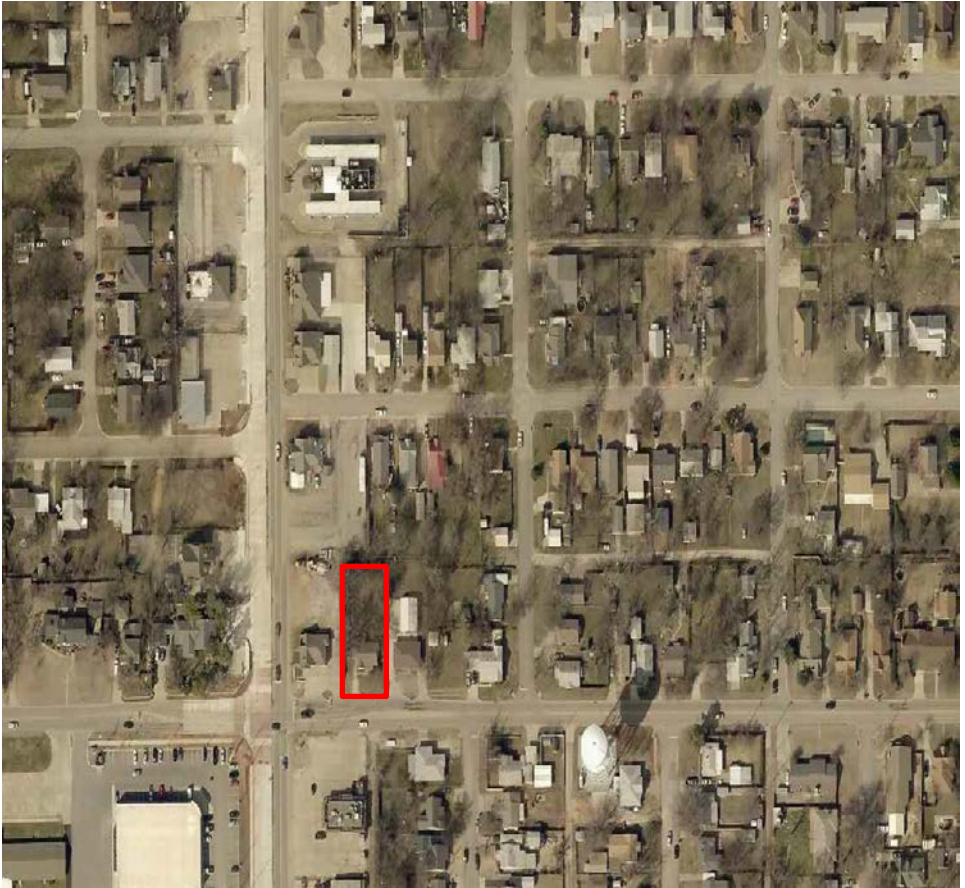
SECRETARY, PLANNING COMMISSION

ACTION BY CITY COMMISSION:

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

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

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

|                                                                                                                                                                                                                                                                     |                                          |                                                                                                                                                                                        |                                                                                     |                                                                                                                                     |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|--|
| City of Shawnee<br>Planning Department<br>222. N. Broadway<br>Shawnee, OK 74801<br>(405) 878-1616<br>Fax: (405) 878-1587<br>www.ShawneeOK.org                                                                                                                       |                                          |                                                                                                       |                                                                                     | CASE # P18-18<br>PUBLIC HEARING DATE:<br>January 2 <sup>nd</sup> , 2019<br>CITY COMMISSION DATE:<br>January 22 <sup>nd</sup> , 2019 |  |
| APPLICANT:<br><b>David Carter</b>                                                                                                                                                                                                                                   |                                          | <b>25 West MacArthur Street<br/>         Shawnee, Oklahoma 74804</b>                                                                                                                   |                                                                                     | <b>Davidedagivahomes.com</b>                                                                                                        |  |
| PROPERTY ADDRESS/LOCATION: <b>420 West Federal Street, Shawnee, Oklahoma, 74804</b>                                                                                                                                                                                 |                                          |                                                                                                                                                                                        |                                                                                     |                                                                                                                                     |  |
| SUMMARY OF REQUEST:<br><br>The applicant, David Carter, who is representing DBZ Properties, Inc., is requesting a rezone from R-1 (Single-Family Residential District) to C-1 (Neighborhood Commercial District) for a property located at 420 West Federal Street. |                                          |                                                                                                                                                                                        |  |                                                                                                                                     |  |
| EXISTING ZONING:<br><b>R-1</b>                                                                                                                                                                                                                                      | EXISTING LAND USE:<br><b>Residential</b> | SURROUNDING ZONING & LAND USE:<br><b>R-1 (Single Family Residential)<br/>         C-1 (Neighborhood Commercial)<br/>         C-3P (Highway Commercial with Conditional Use Permit)</b> | Number of Lots:<br><b>1</b>                                                         | PROPERTY SIZE:<br><b>0.24 Acres</b>                                                                                                 |  |



### STAFF REVIEW AND ANALYSIS

The applicant has stated they intend to use the lot for an office building. According to the submitted application, the subject site is 0.24 acres in size and abuts the Kickapoo commercial corridor and the Vermillion Heights Addition. Adjacent properties are zoned R-1 (Single Family Residential District), C-1 (Neighborhood Commercial District), and C-3P (Highway Commercial with Conditional Use Permit District). Therefore, the proposed zoning is consistent with the typical use of the area. Also, the request is in conformance with the Comprehensive Plan's residential designation for this area. The 2005 Comprehensive Plan states that neighborhood commercial may be included in these areas "when appropriate." Since the area has an established history of commercial use, this would be an appropriate situation for a rezone to neighborhood commercial.

The rezone is required to conform to Section 22-165.2 of the Zoning Code, "Uses," which assures that the C-1 zoning district is used for unified grouping of buildings of retail shops and stores and personal services of limited size and service area that provide for the regular needs and are for the convenience of the citizens residing in the adjacent residential neighborhood. The applicant intends to use the structure as an office building. The rezone is also required to conform to Section 22.165.4 of the Zoning Code, "Dimensional Standards,". If rezoned to C-1, it would conform to these standards.

**The subject request is in conformance with the City Zoning Code and Comprehensive Plan; Therefore, Staff hereby recommends approval on the requested rezone from R-1 (Single-Family Residential) to C-1 (Neighborhood Commercial).**

APPROVE

APPROVE WITH CONDITIONS

DENY

ATTACHMENTS:  
(CIRCLE)

SUBMITTED  
PLANS

PUBLIC HEARING  
PETITION/  
APPLICATION FORM

LEGAL NOTICE

LEGAL DESCRIPTION

PUBLIC COMMENTS

AGENCY COMMENTS

RESPONSE TO STANDARDS

Attachments:



## PLANNING COMMISSION APPLICATION

### Planning Department

222 N. Broadway  
Shawnee, OK 74801  
(405) 878-1616 Fax (405) 878-1587  
[www.ShawneeOK.org](http://www.ShawneeOK.org)

For Office Use Only

Case Number: P18-18

Project Number: 181088

Date Filed: November 16th, 2018

Cheylene Pettigrew  
Planning Commission Secretary

### REQUEST:

☒ Rezoning  
☐ Conditional Use Permit

☐ Rezoning w/Conditional Use Permit  
☐ Planned Unit Development

I, the undersigned, do hereby respectfully make application and petition to the City Commission to amend the zoning map, and to change the zoning district of the Shawnee area, from R1 District to C1 District, as hereinafter requested, and in support of this application, the following facts are shown:

PROPERTY LOCATION (STREET ADDRESS): 420 W. FEDERAL St.

LEGAL DESCRIPTION: ROSE GARDEN BLK 42 Lots 21 thru 23

PROPERTY OWNER (S): DBZ PROPERTIES INC

PROPERTY AGENT (APPLICANT): DAVID CARTER

APPLICANT'S ADDRESS: 25 W. MACARTHUR St.

CITY: SHAWNEE STATE: OKLA ZIP: 74804

EMAIL ADDRESS: DAVID@DAGIVAHOMES.COM

TELEPHONE NUMBER: ( ) CONTACT NUMBER: (405) 831-1952

DIMENSIONS OF PROPERTY: AREA: 10500 SF WIDTH: 75'  
LENGTH: 140' FRONTAGE:

CURRENT ZONING: R1 CURRENT USE: RESIDENTIAL

PROPOSED ZONING: C1 PROPOSED USE: OFFICE BUILDING

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

APPLICATION, OFFICIAL OWNERSHIP LIST AND PAYMENT  
MUST BE RECEIVED 30 DAYS PRIOR TO MEETING

[Signature]  
SIGNATURE OF APPLICANT

### FOR STAFF USE ONLY

REZONING &/OR C.U.P FEE \$ 280.00

RECEIPT NO. 02278830

PLANNED UNIT DEVELOPMENT FEE \$ 550.00

SIGN DEPOSIT \$ 50.00

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

PLANNING COMMISSION ACTION: DATE:

CITY COMMISSION ACTION: DATE:

PLACE ON ZONING MAP: ORDINANCE NO.:

CITY OF SHAWNEE  
PUBLIC HEARING NOTICE  
CASE #P18-18

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

The property requesting rezoning is described as follows:

ROSE GARDEN BLOCK 42, LOTS 21 THROUGH 23

|                                  |                                                |
|----------------------------------|------------------------------------------------|
| General Location Known As:       | <u>420 W. Federal Street, Shawnee, OK</u>      |
| Current Zoning Classification:   | <u>R-1; Single Family Residential District</u> |
| Requested Zoning Classification: | <u>C-1; Neighborhood Commercial District</u>   |
| Proposed Use of Property:        | <u>Office Building</u>                         |
| Applicant:                       | <u>David Carter</u>                            |

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

The public hearing will be held in the City Commission Chambers in City Hall, 16 W. 9<sup>th</sup> St. Shawnee, Oklahoma, as follows:

February 4<sup>th</sup>, 2019 AT 6:00 P.M.: CITY OF SHAWNEE CITY COMMISSION

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

Witness my hand this 4<sup>th</sup> day of January, 2019.



Lisa Lasyone  
Lisa Lasyone, City Clerk



**NOTICE OF CANCELLATION OF PUBLIC HEARING**  
**PLANNING COMMISSION ITEM**  
**P18-18**

Notice is hereby given that the scheduled City of Shawnee City Commission Public Hearing on January 22, 2019 at 6:00 p.m. regarding the property described below has been cancelled and this item will be heard at a later date

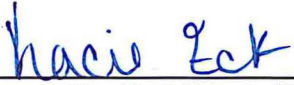
ROSE GARDEN BLOCK 42, LOTS 21 THROUGH 23

General Location Known As: 420 W. Federal Street, Shawnee, OK  
Current Zoning Classification: R-1; Single Family Residential District  
Requested Zoning Classification: C-1; Neighborhood Commercial District  
Proposed Use of Property: Office Building  
Applicant: David Carter

*To be completed by person filing notice:*

NAME: Joseph Barker  
TITLE: Assistant City Planner  
ADDRESS: 222 N. Broadway  
Shawnee, OK 74801  
PHONE: (405) 878-1672

Filed in the office of the municipal clerk at 12:10 a.m./p.m. on 1/4/19

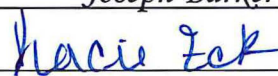
SIGNED:   
City Clerk/Deputy Clerk

=====

**FOR CITY CLERK'S OFFICE USE ONLY**

DATE NOTICE RELEASED TO NEWS MEDIA: 1/4/19

PERSON FILING NOTICE: Joseph Barker

NOTICE VERIFIED BY: 







***First American Title Insurance Company***

*123 West Highland*

*Shawnee, OK 74801*

*Phone: (405)275-0266 / Fax: (866)721-6216*

**PR:** SOCENT

**Ofc:** 2199 (542)

**Final Invoice**

**To:** DBZ Properties Inc.  
25 West MacArthur Street  
Shawnee, OK 74804

**Invoice No.:** 542 - 219952529

**Date:** 11/05/2018

**Our File No.:** 2364459-SH99

**Title Officer:**

**Escrow Officer:**

**Customer ID:** 4855823

**Liability Amounts**

**Attention:**

**Your Ref.:**

**RE: Property:**  
420 West Federal, Shawnee, OK

**Buyers:**

**Sellers:** DBZ Properties Inc

| Description of Charge | Invoice Amount |
|-----------------------|----------------|
| Ownership Report      | \$400.00       |

**INVOICE TOTAL**

**\$400.00**

**Comments:** DELIVER TO: DBZ PROPERTIES  
REF# 420 W. FEDERAL

OWNERSHIP REPORT

**Thank you for your business!**

*To assure proper credit, please send a copy of this Invoice and Payment to:*

*Attention: Accounts Receivable Department*

*PO Box 776119*

*Chicago, IL 60677-6119*

**CERTIFICATE OF BONDED ABTRACTOR**  
**(300 FEET RADIUS REPORT)**

STATE OF OKLAHOMA

)

) §:

COUNTY OF POTTAWATOMIE

)

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

Lots Twenty-one (21), Twenty-two (22) and Twenty-three (23), Block Forty-two (42), ROSE GARDEN ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof.

and find the following owners, addresses and brief legal descriptions on the attached pages numbered from (1) to (3 ), both inclusive.

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

Dated: October 26, 2018 at 7:30 AM

**First American Title Insurance Company**

By: 

Michelle Cook

Abstractor License No. 3286

OAB Certificate of Authority # 017

File No. 2364459-SH99

**OWNERSHIP LIST****ORDER NO. 2364459**

DATE PREPARED: November 5, 2018

EFFECTIVE DATE: October 26, 2018 @ 7:30 am

| <b>OWNER</b>                                                         | <b>LOT</b>               | <b>BLK</b> | <b>ADDITION</b> |
|----------------------------------------------------------------------|--------------------------|------------|-----------------|
| DBZ PROPERTIES INC<br>25 W MACARTHUR ST<br>SHAWNEE, OK 74804         | 21-23                    | 42         | ROSE GARDEN     |
| K & K PARSONS LLC<br>1601 N MARKET<br>SHAWNEE, OK 74804              | 24-26                    | 42         | ROSE GARDEN     |
| HIBBEN THOMAS D & SHERRY R<br>402 W FEDERAL<br>SHAWNEE, OK 74804     | S/2 OF 27-32             | 42         | ROSE GARDEN     |
| BUSHONG ROSEMARIE<br>1 TURKEY KNOB<br>SHAWNEE, OK 74804              | N/2 OF 27-32             | 42         | ROSE GARDEN     |
| VAGUE CASEY<br>2020 N PARK<br>SHAWNEE, OK 74804                      | 1 & 2 EX E19'<br>of S22' | 42         | ROSE GARDEN     |
| BROOKS LAWRENCE L & ELKA<br>409 W ROSA<br>SHAWNEE, OK 74804          | 3-4                      | 42         | ROSE GARDEN     |
| ROSS CHRIS FAMILY IRR TRUST<br>6108 BETHEL RD<br>SHAWNEE, OK 74804   | 5-6                      | 42         | ROSE GARDEN     |
| PYEATT STACEY J & KEVIN R<br>5742 S NUCLA CT<br>CENTENNIAL, CO 80015 | 7-8                      | 42         | ROSE GARDEN     |
| HIBBEN THOMAS D & KATHRYN<br>419 W ROSA<br>SHAWNEE, OK 74804         | 9-10                     | 42         | ROSE GARDEN     |
| MARINI DOMENICA<br>15 DELL CIR<br>TRUMBULL, CT 06611                 | 11-12                    | 42         | ROSE GARDEN     |
| MARINI DOMENICA<br>15 DELL CIR<br>TRUMBULL, CT 06611                 | 13-16                    | 42         | ROSE GARDEN     |



|                                                                                       |              |    |                                                                                                                                                                                                                                                                                             |
|---------------------------------------------------------------------------------------|--------------|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| RICK CHRISTOPHER & KATHRYN A<br>P O BOX 1445<br>SHAWNEE, OK 74802                     |              |    | BLK 42 A PART OF LOTS<br>17, 18, 19 & 20 BEGINNING<br>SW/C OF LOT 17 N 39' POB<br>S43°57'11"E47.38' E66.99'<br>TO A POINT ON THE EAST<br>LINE OF LOT 20 BEING 5'<br>NORTH OF THE SE/C OF<br>LOT 20 N135' TO THE NE/C<br>OF LOT 20 W100' TO THE<br>NW/C OF LOT 17 S101' POB<br>(ROSE GARDEN) |
| BARRON INVESTMENT INC<br>2101 N KICKAPOO<br>SHAWNEE, OK 74804                         | S/2 OF 17-20 | 31 | ROSE GARDEN                                                                                                                                                                                                                                                                                 |
| HOSTER KIRK F & DARIA LYNN<br>45 SERENADA CT<br>SHAWNEE, OK 74804                     | 21-22        | 31 | ROSE GARDEN                                                                                                                                                                                                                                                                                 |
| ROSS CHRIS FAMILY IRR TRUST<br>6108 BETHEL RD<br>SHAWNEE, OK 74804                    | 23-24        | 31 | ROSE GARDEN                                                                                                                                                                                                                                                                                 |
| ENGLER CONNIE L & TRAVIS R &<br>TREVER R ENGLER<br>123 W CHICAGO<br>SHAWNEE, OK 74804 | 25-26        | 31 | ROSE GARDEN                                                                                                                                                                                                                                                                                 |
| DENHAM ALLEN A<br>1110 N 13TH<br>TECUMSEH, OK 74873                                   |              |    | BLK 1 E210' LOT 1 LESS A<br>TR TO CITY DESCRIBED<br>AS BEG NE/C LOT 1 W5.27'<br>N1°E59.38' N43°W23.22'<br>E19.26' S76.44' POB<br>CONTAINING .01AC OF<br>NEW R-O-W<br>(SUN SET PARK 2)                                                                                                       |
| CENTURY 21 GOLDEN KEY<br>REALTY<br>2004 N KICKAPOO<br>SHAWNEE OK 74804-0000           |              |    | BLK 1 BEG NE/C LOT 2<br>W225' S50' E35' S25' E190'<br>N75' POB LESS .01AC<br>(SUN SET PARK 2)                                                                                                                                                                                               |
| RAMSEYER PHYLLIS<br>2002 N KICKAPOO<br>SHAWNEE, OK 74804                              |              |    | SUN SET PARK 2ND - RE-<br>SUB LOT 3 BLK 1 E190'<br>LOTS 1 & 2 LESS A TR TO<br>CITY DESCRIBED AS BEG<br>SE/C LOT 2 N25.09' W7'<br>FOR POB N78.91' E7' S71.9'<br>S45W9.93' POB<br>CONTAINING .01AC OF<br>NEW R-O-W<br>(SUN SET PARK 2-RESUB)                                                  |

|                                                                                                                    |       |    |                                                                                                                                                                                                                                      |
|--------------------------------------------------------------------------------------------------------------------|-------|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| STORE MASTER FUNDINGX LLC<br>C/O GOODWILL INDUSTRIES OF<br>CEN<br>316 S BLACKWELDER AVE<br>OKLAHOMA CITY, OK 73108 | 1     | 1  | FEDERAL PLAZA                                                                                                                                                                                                                        |
| KALIES PROPERTIES LLC<br>13204 COKER RD<br>SHAWNEE, OK 74801                                                       |       |    | LOTS 25 THRU 30 BLK 17<br>LESS A TR TO CITY<br>DESCRIBED AS BEG NW/C<br>LOT 25 E26.83' S5' FOR<br>POB S39*W42.32' N5.73'<br>N45*E38.06' POB<br>CONTAINING .01AC OF<br>NEW R-O-W FRATELI'S<br>ITALIAN RESTAUR<br>(VERMILLION HEIGHTS) |
| HILL CHARLES F JR & MARY M<br>TRUSTEES OF HILL FAMILY TRUST<br>P O BOX 1341<br>SHAWNEE, OK 74802                   | 31-33 | 17 | VERMILLION HEIGHTS                                                                                                                                                                                                                   |
| BASS INVESTMENTS LLC<br>1121 INVERNESS CIR<br>SHAWNEE, OK 74801                                                    | 17-18 | 17 | VERMILLION HEIGHTS                                                                                                                                                                                                                   |
| CHADWICK JOSEPH M & KATIE<br>1956 N LOUISA<br>SHAWNEE, OK 74804                                                    | 19-20 | 17 | VERMILLION HEIGHTS                                                                                                                                                                                                                   |
| BROYLES CHESTER W<br>1958 N LOUISA<br>SHAWNEE, OK 74804                                                            | 21-22 | 17 | VERMILLION HEIGHTS                                                                                                                                                                                                                   |
| OLI - TY PROPERTIES LLC<br>609 POOL CT<br>SHAWNEE, OK 74801                                                        | 23-24 | 17 | VERMILLION HEIGHTS                                                                                                                                                                                                                   |
| ANGEL ESPERANZA MELISSA<br>311 W FEDERAL<br>SHAWNEE, OK 74804                                                      | 25-26 | 18 | VERMILLION HEIGHTS                                                                                                                                                                                                                   |
| SMITH NOVIS ALINE<br>1955 N LOUISA<br>SHAWNEE, OK 74804                                                            | 27-28 | 18 | VERMILLION HEIGHTS                                                                                                                                                                                                                   |



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

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, TO-WIT: ROSE GARDEN BLOCK 42, LOTS 21 THROUGH 23 IN THE CITY OF SHAWNEE POTTAWATOMIE COUNTY, OKLAHOMA. FROM ZONING CLASSIFICATION R-1; SINGLE FAMILY RESIDENTIAL DISTRICT TO C-1; NEIGHBORHOOD COMMERCIAL DISTRICT AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

WHEREAS, pursuant to notice duly given as required by law, a public hearing conducted by the Board of Commissioners of the City of Shawnee, Oklahoma on the 4th day of February, 2019, upon an application to rezone certain properties located in the City of Shawnee, Oklahoma from zoning classification R-1; Single Family Residential District to C-1; Neighborhood Commercial District.

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

WHEREAS, it appears to be in the best interest of the City of Shawnee and the inhabitants thereof for said properties to be rezoned to C-1; Neighborhood Commercial District.

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

SECTION 1: That the following described property located in the City of Shawnee, Oklahoma, to-wit: ROSE GARDEN BLOCK 42, LOTS 21 THROUGH 23 IN THE CITY OF SHAWNEE POTTAWATOMIE COUNTY, OKLAHOMA. FROM ZONING CLASSIFICATION R-1; SINGLE FAMILY RESIDENTIAL DISTRICT TO C-1; NEIGHBORHOOD COMMERCIAL DISTRICT AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

PASSED AND APPROVED this 4th day of February, 2019.

\_\_\_\_\_  
RICHARD FINLEY, MAYOR

(SEAL)

ATTEST:

\_\_\_\_\_  
LISA LASYONE, CMC, CITY CLERK

Approved as to form and legality this 4<sup>th</sup> day of February, 2019.

\_\_\_\_\_  
JOSEPH VORNDRAH, CITY ATTORNEY

**Regular Board of Commissioners**

**7.**

Meeting Date: 02/04/2019

P19-18 Rezoning

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

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Information

Title of Item for Agenda

Public hearing and consideration of an ordinance to rezone property located at 806 East Grant Street from C-1; Neighborhood Commercial District to C-1; Neighborhood Commercial District with Condition Use Permit. Case No. P19-18. Applicant: Crafton Tull & Associates. *(Public hearing rescheduled from January 22, 2019 to February 4, 2019.)*

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Attachments

Staff Rpt

Ordinance

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RECOMMENDATION TO:

MAYOR  
BOARD OF CITY COMMISSIONERS  
CITY OF SHAWNEE  
CITY OF SHAWNEE  
PLANNING COMMISSION

RECOMMENDATION FROM:

SUBJECT:

APPLICANT: Crafton Tull & Associates

FOR: Conditional Use

LOCATION: 806 East Grant Street, Shawnee, OK

PROJECT# 181167 CASE# P19-18

LEGAL DESCRIPTION:

SEE OWNERSHIP LIST

CURRENT CLASSIFICATION:

C-1; Neighborhood Commercial

REQUESTED CLASSIFICATION:

C-1; Neighborhood Commercial w/ Conditional Use

PROPOSED PROPERTY USE:

Childcare Center

PLANNING COMMISSION MEETING DATE: January 2<sup>nd</sup>, 2019

PLANNING COMMISSION RECOMMENDATION: Approval

VOTE OF THE PLANNING COMMISSION:

*MEMBERS PRESENT:* 5

| MEMBERS:              | 1ST | 2ND | AYE | NAY | ABSTAIN | COMMENTS |
|-----------------------|-----|-----|-----|-----|---------|----------|
| DEEM                  |     | X   | X   |     |         |          |
| MATTHEWS              |     |     | X   |     |         |          |
| WALKER                |     |     |     |     |         |          |
| BERGSTEN (CHAIRMAN)   |     |     | X   |     |         |          |
| COWEN (VICE-CHAIRMAN) | X   |     | X   |     |         |          |
| KIENZLE               |     |     |     |     |         |          |
| ROWELL                |     |     | X   |     |         |          |

RESPECTFULLY SUBMITTED,

*Joseph Barker*

SECRETARY, PLANNING COMMISSION

ACTION BY CITY COMMISSION:

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

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

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

|                                                                                                                                                                                                                                         |                                                                                   |                                                                                                                                            |                                                                                                                                     |                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| City of Shawnee<br>Planning Department<br>222. N. Broadway<br>Shawnee, OK 74801<br>(405) 878-1616<br>Fax: (405) 878-1587<br>www.ShawneeOK.org                                                                                           |  |                                                                                                                                            | CASE # P19-18<br>PUBLIC HEARING DATE:<br>January 2 <sup>nd</sup> , 2019<br>CITY COMMISSION DATE:<br>January 22 <sup>nd</sup> , 2019 |                                     |
| APPLICANT:<br><b>Crafton Tull</b>                                                                                                                                                                                                       |                                                                                   | <b>14 West Edwards Street, Suite 111<br/>         Edmond, Oklahoma, 73003</b>                                                              |                                                                                                                                     | <b>Chris.Gray@craftontull.com</b>   |
| PROPERTY ADDRESS/LOCATION:<br><b>806 East Grant Street, Shawnee, Oklahoma, 74801</b>                                                                                                                                                    |                                                                                   |                                                                                                                                            |                                                                                                                                     |                                     |
| <p>The applicant is requesting a conditional use permit (CUP) approval to place a childcare center at 806 East Grant Street.</p> <p>There are currently two structures on the lot, both of which the applicant intends to demolish.</p> |                                                                                   |                                                         |                                                                                                                                     |                                     |
| EXISTING ZONING:<br><b>C-1</b>                                                                                                                                                                                                          | EXISTING LAND USE:<br><b>Childcare center</b>                                     | SURROUNDING ZONING & LAND USE:<br><b>R-1<br/>         R-2 (w/ CUP)<br/>         R-3<br/>         C-1<br/>         C-2<br/>         C-3</b> | School District:<br><b>I-93</b>                                                                                                     | PROPERTY SIZE:<br><b>1.68 acres</b> |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                            |                                                          |                              |                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|----------------------------------------------------------|------------------------------|--------------------------|
| <b>STAFF RECOMMENDATION</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                            |                                                          |                              |                          |
| <p>The applicant has stated they intend to use the lot for a childcare center, which is what the current use is. The reason the applicant is required to apply for a conditional use permit despite the fact that this lot is already being used for a childcare center is because the applicant intends to demolish both structures due to the poor conditions of both buildings. According to the submitted application, the subject site is 1.38 acres in size and abuts the Beverly Hills Addition, the Yates Addition, and the Harrison Ridge Addition. Adjacent properties are zoned R-1 (Single Family Residential District), R-2 (Medium Density Residential District) with a conditional use permit, R-3 (Multi Family Residential District), C-1 (Neighborhood Commercial District), C-2 (Office Commercial District), and C-3 (Highway Commercial District).</p> <p>The requested use for a childcare center is not unprecedented, as this already is the current use of the lot. The southern section of this lot was rezoned from R-1 to C-1 on January 21<sup>st</sup>, 2003, and the northern section from R-3 to C-1 on January 20<sup>th</sup>, 2004.</p> <p><b>Staff hereby recommends approval on the requested conditional use for a childcare center.</b></p> |                            |                                                          |                              |                          |
| <b>APPROVE</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                            | <b>APPROVE WITH CONDITIONS</b>                           |                              | <b>DENY</b>              |
| <b>ATTACHMENTS:<br/>(CIRCLE)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>SUBMITTED<br/>PLANS</b> | <b>PUBLIC HEARING<br/>PETITION/<br/>APPLICATION FORM</b> | <b>LEGAL NOTICE</b>          | <b>LEGAL DESCRIPTION</b> |
| <b>PUBLIC COMMENTS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>AGENCY COMMENTS</b>     |                                                          | <b>RESPONSE TO STANDARDS</b> |                          |
| <b>Exhibit 1: Site Plan</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                            |                                                          |                              |                          |





## PLANNING COMMISSION APPLICATION

### Planning Department

222 N. Broadway  
Shawnee, OK 74801  
(405) 878-1616 Fax (405) 878-1587  
[www.ShawneeOK.org](http://www.ShawneeOK.org)

| For Office Use Only                    |                   |
|----------------------------------------|-------------------|
| Case Number:                           | <u>P-19-18</u>    |
| Project Number:                        | <u>187167</u>     |
| Date Filed:                            | <u>11-03-2018</u> |
| _____<br>Planning Commission Secretary |                   |

### REQUEST:

☐ Rezoning  
☒ Conditional Use Permit  
☐ Rezoning w/Conditional Use Permit  
☐ Planned Unit Development

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

**PROPERTY LOCATION (STREET ADDRESS):** 1535 N MCKINLEY, SHAWNEE, OKLAHOMA 74801

**LEGAL DESCRIPTION:** SEE ATTACHED

**PROPERTY OWNER (S):** CENTRAL TRIBES OF THE SHAWNEE AREA, INC

**PROPERTY AGENT (APPLICANT):** CRAFTON TULL & ASSOCIATES

**APPLICANT'S ADDRESS:** 14 WEST EDWARDS STREET, SUITE 111

**CITY:** EDMOND **STATE:** OK **ZIP:** 73003

**EMAIL ADDRESS:** CHRIS.GRAY@CRAFTONTULL.COM

**TELEPHONE NUMBER:** ( 405 ) 787-6270 **CONTACT NUMBER:** ( 405 ) 408-0377

**DIMENSIONS OF PROPERTY:** AREA: 59,873 SQ FT WIDTH: 199 FT  
LENGTH: 396 FT FRONTAGE: 396 FT ALONG MCKINLEY  
199 FT ALONG E GRANT ST.

**CURRENT ZONING:** C1 **CURRENT USE:** CHILDCARE CENTER

**PROPOSED ZONING:** C1 **PROPOSED USE:** CHILDCARE CENTER

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

**APPLICATION, OFFICIAL OWNERSHIP LIST AND PAYMENT  
MUST BE RECEIVED 30 DAYS PRIOR TO MEETING**

  
SIGNATURE OF APPLICANT

### FOR STAFF USE ONLY

**REZONING &/OR C.U.P FEE \$ 280.00**

**RECEIPT NO.** 02237779

**PLANNED UNIT DEVELOPMENT FEE \$ 550.00**

**SIGN DEPOSIT \$ 50.00**

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

**PLANNING COMMISSION ACTION:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**CITY COMMISSION ACTION:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**PLACE ON ZONING MAP:** \_\_\_\_\_ **ORDINANCE NO.:** \_\_\_\_\_



Key Plan

[illegible]

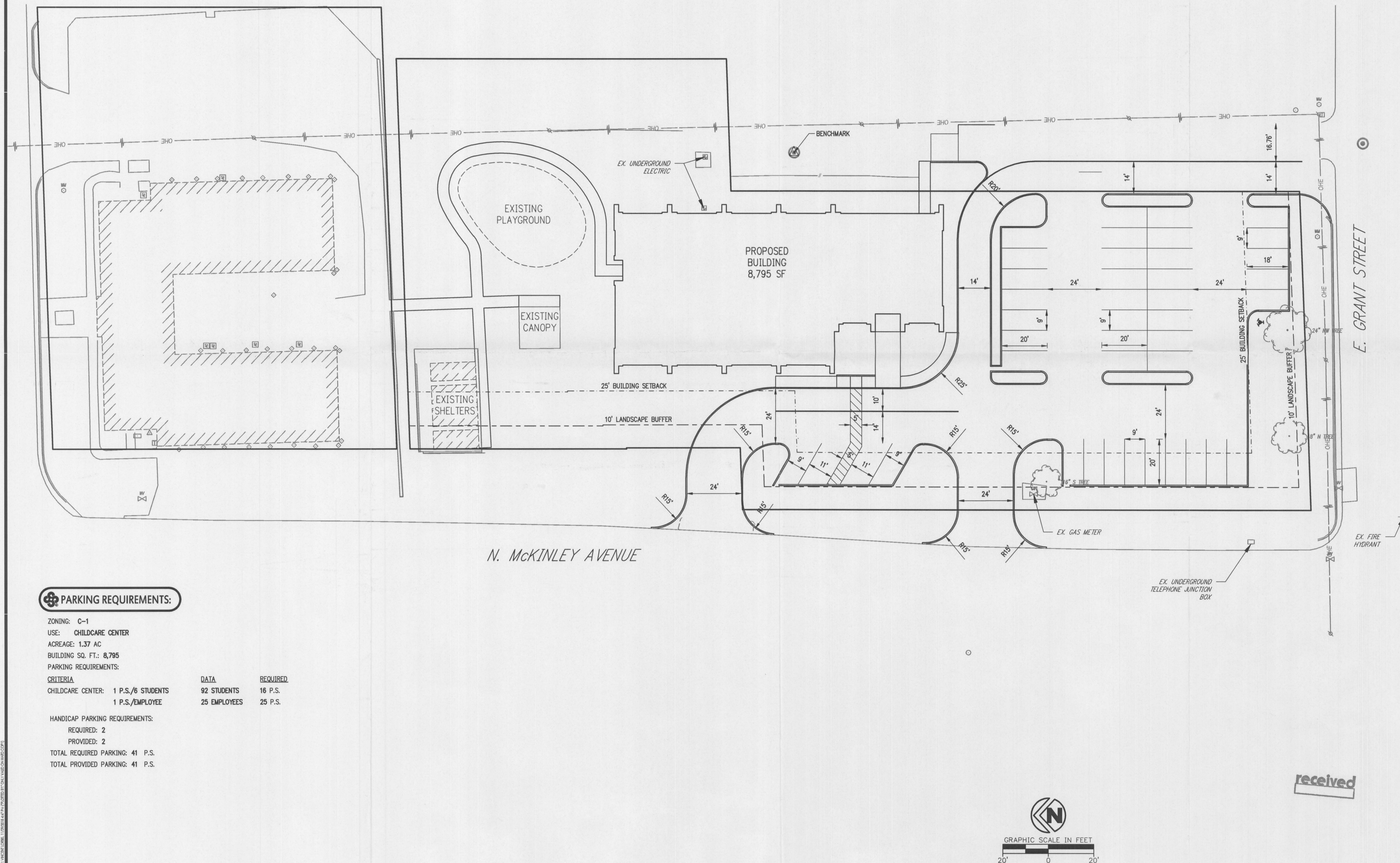
This document, and the ideas and designs incorporated herein as an instrument of professional service, is the property of Crafton, Tull & Associates, Inc., and is not to be used, in whole or in part, for any other project, without the written authorization of Crafton, Tull & Associates, Inc.

PROJECT NO: 18615700  
ISSUE DATE: 11/29/18  
CONTACT: C. GRAY  
CHECKED BY:

## PRELIMINARY PLANS

## SITE PLAN

C-102





CITY OF SHAWNEE  
PUBLIC HEARING NOTICE  
CASE #P19-18

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

The property requesting rezoning is described as follows:

LOTS ONE (1), TWO (2), THREE (3), FOUR (4), FIVE (5), ELEVEN (11), TWELVE (12), THIRTEEN (13), FOURTEEN (14), FIFTEEN (15) AND SIXTEEN (16), BLOCK FORTY-NINE (49), BEVERLY HILLS ADDITION, TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF; AND A TRACT OF LAND DESCRIBED AS BEGINNING 172.50 FEET WEST AND 50 FEET NORTH OF THE SOUTHEAST CORNER OF BLOCK FOUR (4), YATES ADDITION, TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, THENCE WEST 171.50 FEET; THENCE NORTH 95.30 FEET; THENCE EAST 171.50 FEET; THENCE SOUTH 95.30 FEET TO THE POINT OF BEGINNING; AND A TRACT OF LAND DESCRIBED AS BEGINNING 25 FEET EAST OF THE SOUTHWEST CORNER OF BLOCK FOUR (4), YATES ADDITION, TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE NORTH 50 FEET; THENCE EAST 171 FEET; THENCE SOUTH 50 FEET; THENCE WEST 171 FEET TO THE POINT OF BEGINNING

|                                  |                                                       |
|----------------------------------|-------------------------------------------------------|
| General Location Known As:       | <u>806 E. Grant Street, Shawnee, OK</u>               |
| Current Zoning Classification:   | <u>C-1; Neighborhood Commercial District</u>          |
| Requested Zoning Classification: | <u>C-1; Neighborhood Commercial District (w/ CUP)</u> |
| Proposed Use of Property:        | <u>Childcare Center</u>                               |
| Applicant:                       | <u>Crafton Tull &amp; Associates</u>                  |

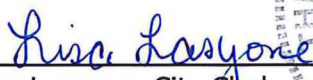
The "Zoning Map of the City of Shawnee, Oklahoma" will be amended accordingly to reflect such change if approved by the City Commission.

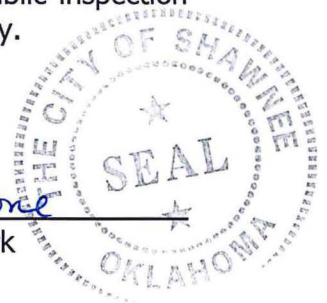
The public hearing will be held in the City Commission Chambers in City Hall, 16 W. 9<sup>th</sup> St. Shawnee, Oklahoma, as follows:

February 4<sup>th</sup>, 2019 AT 6:00 P.M.: CITY OF SHAWNEE CITY COMMISSION

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

Witness my hand this 4<sup>th</sup> day of January, 2019.

  
\_\_\_\_\_  
Lisa Lasyone, City Clerk



**NOTICE OF CANCELLATION OF PUBLIC HEARING**  
**PLANNING COMMISSION ITEM**  
**P19-18**

Notice is hereby given that the scheduled City of Shawnee City Commission Public Hearing on January 22, 2019 at 6:00 p.m. regarding the property described below has been cancelled and this item will be heard at a later date

LOTS ONE (1), TWO (2), THREE (3), FOUR (4), FIVE (5), ELEVEN (11), TWELVE (12), THIRTEEN (13), FOURTEEN (14), FIFTEEN (15) AND SIXTEEN (16), BLOCK FORTY-NINE (49), BEVERLY HILLS ADDITION, TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF; AND A TRACT OF LAND DESCRIBED AS BEGINNING 172.50 FEET WEST AND 50 FEET NORTH OF THE SOUTHEAST CORNER OF BLOCK FOUR (4), YATES ADDITION, TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, THENCE WEST 171.50 FEET; THENCE NORTH 95.30 FEET; THENCE EAST 171.50 FEET; THENCE SOUTH 95.30 FEET TO THE POINT OF BEGINNING; AND A TRACT OF LAND DESCRIBED AS BEGINNING 25 FEET EAST OF THE SOUTHWEST CORNER OF BLOCK FOUR (4), YATES ADDITION, TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE NORTH 50 FEET; THENCE EAST 171 FEET; THENCE SOUTH 50 FEET; THENCE WEST 171 FEET TO THE POINT OF BEGINNING

General Location Known As: 806 E. Grant Street, Shawnee, OK  
Current Zoning Classification: C-1; Neighborhood Commercial District  
Requested Zoning Classification: C-1; Neighborhood Commercial District (w/ CUP)  
Proposed Use of Property: Childcare Center  
Applicant: Crafton Tull & Associates

*To be completed by person filing notice:*

NAME: Joseph Barker  
TITLE: Assistant City Planner  
ADDRESS: 222 N. Broadway  
Shawnee, OK 74801  
PHONE: (405) 878-1672

Filed in the office of the municipal clerk at 12:10 a.m./p.m. on 1/4/19

SIGNED: \_\_\_\_\_

Haris Eck  
City Clerk/Deputy Clerk

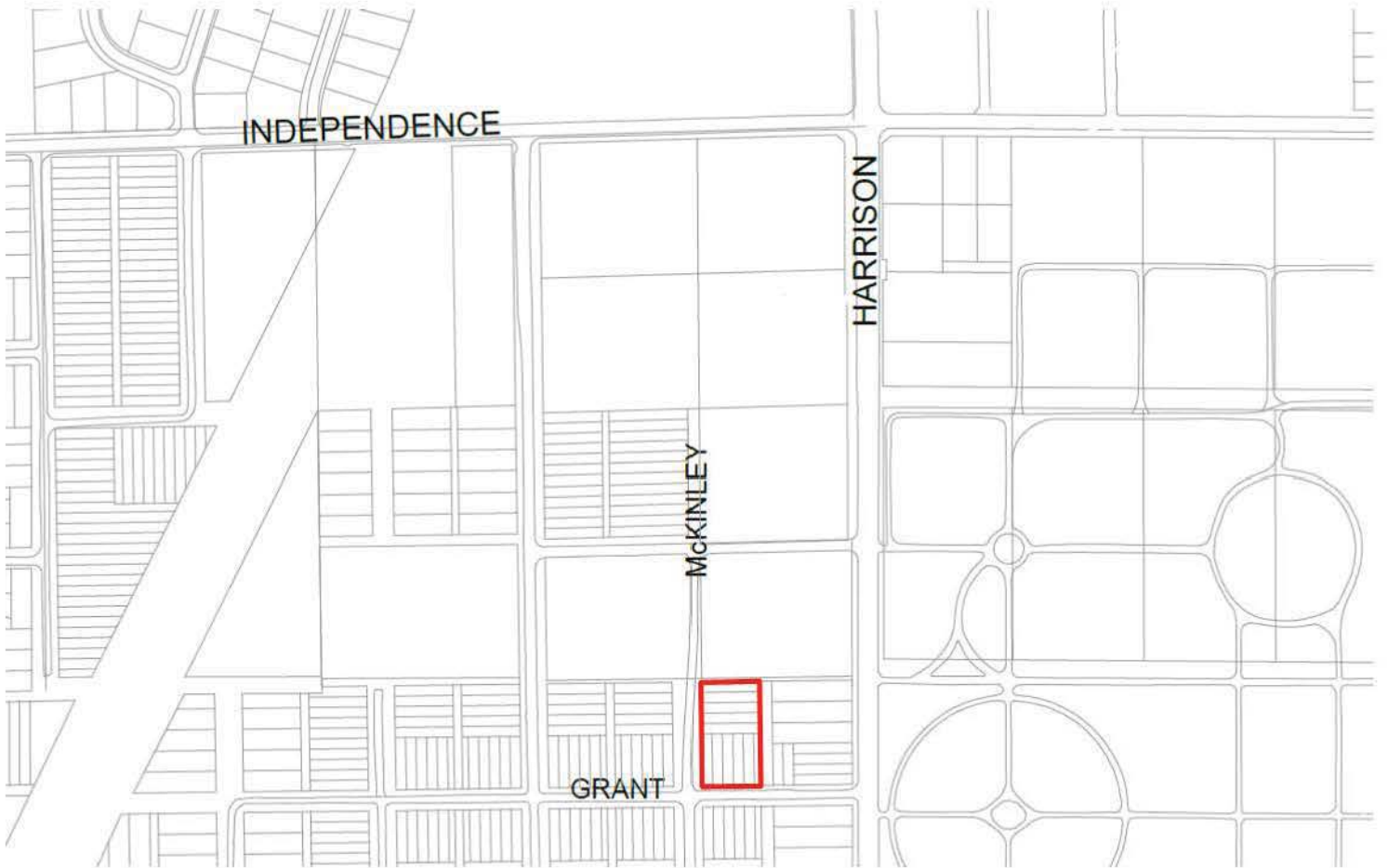
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**FOR CITY CLERK'S OFFICE USE ONLY**

DATE NOTICE RELEASED TO NEWS MEDIA: 1/4/19

PERSON FILING NOTICE: Joseph Barker

NOTICE VERIFIED BY: Haris Eck





**CERTIFICATE OF BONDED ABTRACTOR**  
**(300 FEET RADIUS REPORT)**

STATE OF OKLAHOMA                     )  
                                                      ) §:  
COUNTY OF POTTAWATOMIE         )

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

Lots One (1), Two (2), Three (3), Four (4), Five (5), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15) and Sixteen (16), Block Forty-nine (49), BEVERLY HILLS ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof; AND A tract of land described as beginning 172.50 feet West and 50 feet North of the Southeast Corner of Block Four (4), YATES ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof; thence West 171.50 feet; thence North 95.30 feet; thence East 171.50 feet; thence South 95.30 feet to the point of beginning; AND A tract of land described as beginning 25 feet East of the Southwest Corner of Block Four (4), YATES ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof; thence North 50 feet; thence East 171 feet; thence South 50 feet; thence West 171 feet to the point of beginning.

AND

Beginning 151.15 feet North and 150 feet West of the Southeast corner of Block Four (4), YATES ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof; thence West 194 feet; thence North 151.15 feet; thence East 194 feet; thence South 151.15 feet to the point of beginning.

and find the following owners, addresses and brief legal descriptions on the attached pages numbered from (1) to (4 ), both inclusive.

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

Dated: November 16, 2018 at 7:30 AM

**First American Title Insurance Company**

By: 

Michelle Cook  
Abstractor License No. 3286

OAB Certificate of Authority # 017  
File No. 2368962-SH99

**OWNERSHIP LIST****ORDER NO. 2368962**

DATE PREPARED: November 29, 2018

EFFECTIVE DATE: November 16, 2018 @ 7:30 am

| <b>OWNER</b>                                                                                 | <b>LOT</b> | <b>BLK</b> | <b>ADDITION</b>                                                                                  |
|----------------------------------------------------------------------------------------------|------------|------------|--------------------------------------------------------------------------------------------------|
| CENTRAL TRIBES OF THE SHAWNEE<br>AREA<br>1535 N MCKINLEY<br>SHAWNEE, OK 74801                |            |            | LOTS 1 THRU 5 & LOT 11 EXCEPT<br>10' X 15' NW/C & LOTS 12 THRU<br>16, BLK 49<br>BEVERLY HILLS    |
| CENTRAL TRIBES OF THE SHAWNEE<br>AREA<br>1535 N MCKINLEY<br>SHAWNEE, OK 74801                |            |            | BEG 151.15'N 150'W SE/C BLK 4<br>W194' N151.15' E194' S151.15'<br>POB SEVIECE MALL<br>YATES      |
| ONE GAS INC ATTN: ACCOUNTS<br>PAYABLE<br>PO BOX 21049<br>TULSA, OK 74121                     |            |            | 10'x15' NW/C OF LOT 11, BLK 49<br>BEVERLY HILLS                                                  |
| CENTRAL TRIBES OF THE SHAWNEE<br>AREA<br>1535 N MCKINLEY<br>SHAWNEE, OK 74801                |            |            | BEG 172.5'W & 50'N SE/C BLK 4<br>W171.5' N95.30' E171.5' S95.30'<br>POB .38AC<br>YATES           |
| CENTRAL TRIBES OF THE SHAWNEE<br>AREA<br>1535 N MCKINLEY<br>SHAWNEE, OK 74801                |            |            | BEG 25'E SW/C BLK 4 N50' E171'<br>S50' W171' POB<br>YATES                                        |
| CLEEK RAMONA J TRUST<br>13001 VINEHAVEN BLVD<br>OKC, OK 73170                                | 17-18      | 49         | BEVERLY HILLS                                                                                    |
| JOHNSON JEROME L & SHIRLEY J 2009<br>REVOCABLE TRUST<br>1311 N 1082 RD<br>LAWRENCE, KS 66046 |            |            | LOTS 20 THRU 22 LESS BEG SE/C<br>LOT 22 W20' N44*51'E28.28'<br>S20' POB, BLK 49<br>BEVERLY HILLS |
| SHAWNEE MEMORIALS INC<br>1311 N 1082 RD<br>LAWRENCE, KS 66046                                | 19         | 49         | BEVERLY HILLS                                                                                    |
| SHAWNEE MEMORIALS INC<br>1311 N 1082 RD<br>LAWRENCE, KS 66046                                | 9-10       | 49         | DEXTER'S 2                                                                                       |
| SHAWNEE MEMORIALS INC<br>1311 N 1082 RD<br>LAWRENCE, KS 66046                                | 8          | 49         | DEXTER'S 2                                                                                       |



|                                                                                             |   |   |                                                                                                                                                               |
|---------------------------------------------------------------------------------------------|---|---|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| MORGAN TIRE & AUTO INC ATTN TAX DEPT<br>535 MARRIOTT DR<br>NASHVILLE, TN 37214              |   |   | BEG SE/C BLK 4 W172.5' N100'<br>E172.5' S100' POB .40AC<br>YATES                                                                                              |
| CHRIS CARRELL INSURANCE LLC<br>1400 N HARRISON<br>SHAWNEE, OK 74801                         |   |   | BEG 100'N SE/C BLK 4 W172.5'<br>N51.5' E172.5' S51.5' POB<br>YATES                                                                                            |
| CHURCH<br>1420 N HARRISON<br>SHAWNEE, OK 74801                                              |   |   | E150' OF N1/2 BLK 4 (FAMILY<br>WORSHIP CENTER)<br>YATES                                                                                                       |
| KFC US PROP INC<br>P O BOX 35370<br>LOUISVILLE, KY 40232                                    |   |   | BEG SE/C BLK 3 YATES ADDN W<br>ALG S LINE OF BLK 3 200'<br>N153.60' E200' S153.60' POB<br>KENTUCKY FRIED CHICKEN<br>YATES                                     |
| DREW HOLDINGS LLC<br>1410 N HARRISON<br>SHAWNEE, OK 74801                                   |   |   | LESS N16.4' OF E200' & W170'<br>BLK 3 LESS BEG SE/C W200'<br>N153.60' E200' S153.60' POB<br>LESS .13 AC (REC#2009-361 DR.<br>DREW DENTAL OFFICE)<br>YATES     |
| STORE MASTER FUNDINGVI LLC<br>27 E SHERIDAN AVE<br>OKC, OK 73104                            | 1 | 1 | HARRISON RIDGE RP TACO BELL<br>(JIMMY'S EGG)                                                                                                                  |
| ALKO CORPORATION ANOKLA CORP<br>ATTN REAL ESTATE DEPT.<br>PO BOX 28606<br>ATLANTA, GA 30358 |   |   | (A RE-SUB OF BYLERS & W 170'<br>BLK 3 YATES) BLK 1 LOT 1 (UPS)                                                                                                |
| CLINTON TRADE CENTERLLC & HINTON<br>TRADE CENTER LLC<br>11217 E RENO<br>YUKON, OK 73099     |   |   | BEG NE/C BLK 5 W230' S175'<br>E230' N175' POB .92AC CLINTON<br>TRADE CENTER LLC 50% INT &<br>HINTON TRADE CENTER LLC 50%<br>YATES                             |
| WEBLEY DARIN EUGENE& SHELLY R<br>7440 B JOHNSON RD<br>SHAWNEE, OK 74804                     |   |   | BEG 25'W & 70'N SE/C BLK 5<br>N70' W185.5' S70' E185.5' POB<br>YATES                                                                                          |
| CROSSROADS YOUTH & FAMILY SER INC<br>1650 W TECUMSEH RD SUITE 500<br>NORMAN, OK 73069       |   |   | BEG 25'W SE/C BLK 5 N70'<br>W185' S70' E185' POB .30AC<br>YATES                                                                                               |
| D R B REVOCABLE TRUST<br>3121 SE 36TH AVE<br>NORMAN, OK 73026                               |   |   | BEG SW/C BLK 5 N315' E140'<br>S315' W140' POB 1 AC M/L AND<br>BEG 210'W SE/C BLK 5 N140'<br>W18.5' S140' E18.5' POB .06 AC<br>1529-1531 MARTIAL ARTS<br>YATES |



|                                                                                               |                                  |    |               |
|-----------------------------------------------------------------------------------------------|----------------------------------|----|---------------|
| CROSSROADS YOUTH & FAMILY SER INC<br>1650 W TECUMSEH RD SUITE 500<br>NORMAN, OK 73069         | 1-4                              | 48 | BEVERLY HILLS |
| D R B REVOCABLE TRUST<br>3121 SE 36TH AVE<br>NORMAN, OK 73026                                 | 9-10                             | 48 | BEVERLY HILLS |
| HURST JACK & DORIS<br>18 SENECA DR<br>SHAWNEE, OK 74801                                       | 6-8                              | 48 | BEVERLY HILLS |
| BROWN GREG DBA GREGBROWN<br>HOME<br>2510 E INDEP # 400<br>SHAWNEE, OK 74804                   | 15-16                            | 48 | BEVERLY HILLS |
| VINEYARD CASTLEBERRYCAPITOL<br>HOLDINGS LLC<br>P.O. BOX 1801<br>SHAWNEE, OK 74802             | 17-18                            | 48 | BEVERLY HILLS |
| LARABEE TRUDY LYNN TRS<br>1506 N MCKINLEY<br>SHAWNEE, OK 74801                                | 5 & N35' OF 19-24                | 48 | BEVERLY HILLS |
| ORANGETREE II LLC<br>295 E HIGHWAY 50 STE 5<br>CLERMONT, FL 34711                             | S90' OF 19 & 20                  | 48 | BEVERLY HILLS |
| TAYLOR EARNEST W & COURTNEY<br>GILLEY & KELSEY GILLEY<br>1502 N MCKINLEY<br>SHAWNEE, OK 74801 | S90' OF 21-24                    | 48 | BEVERLY HILLS |
| WREN RAY ALVIN & VERNA PAULINE<br>1423 N TUCKER<br>SHAWNEE, OK 74801                          | N75' OF 9-14                     | 37 | BEVERLY HILLS |
| ACOCK PROPERTIES LLC<br>2026 N BEARD AVE<br>SHAWNEE, OK 74804                                 | 7-8                              | 37 | BEVERLY HILLS |
| TAYLOR EARNEST<br>1502 N MCKINLEY<br>SHAWNEE, OK 74801                                        | N65' & VAC ALLEY<br>ADJ LOTS 3-6 | 37 | BEVERLY HILLS |
| DUGGAN ELDON C & CYNTHIA L<br>1418 N MCKINLEY<br>SHAWNEE, OK 74801                            | S60' OF 3-6                      | 37 | BEVERLY HILLS |
| COWAN FAMILY PROPERTIES LLC<br>18 FAIRVIEW LN<br>SHAWNEE, OK 74804                            | 20-22                            | 37 | BEVERLY HILLS |
| TRINITY BAPTIST CHURCH<br>1315 N MCKINLEY<br>SHAWNEE, OK 74801                                | 23                               | 37 | BEVERLY HILLS |

|                                                               |     |     |                                            |
|---------------------------------------------------------------|-----|-----|--------------------------------------------|
| COWDEN G RANDY & JOYE E<br>1902 KATIE RD<br>SHAWNEE, OK 74804 | 7-9 | 36  | DEXTER'S 2                                 |
| CITY OF SHAWNEE<br>P O BOX 1448<br>SHAWNEE, OK 74802          |     | 6-9 | MCDIVITT                                   |
| CITY OF SHAWNEE<br>P O BOX 1448<br>SHAWNEE, OK 74802          |     |     | NW4 17-10N-4E<br>SHAWNEE FAIRVIEW CEMETERY |

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

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, TO-WIT: LOTS ONE (1), TWO (2), THREE (3), FOUR (4), FIVE (5), ELEVEN (11), TWELVE (12), THIRTEEN (13), FOURTEEN (14), FIFTEEN (15) AND SIXTEEN (16), BLOCK FORTY-NINE (49), BEVERLY HILLS ADDITION, TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF; AND A TRACT OF LAND DESCRIBED AS BEGINNING 172.50 FEET WEST AND 50 FEET NORTH OF THE SOUTHEAST CORNER OF BLOCK FOUR (4), YATES ADDITION, TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, THENCE WEST 171.50 FEET; THENCE NORTH 95.30 FEET; THENCE EAST 171.50 FEET; THENCE SOUTH 95.30 FEET TO THE POINT OF BEGINNING; AND A TRACT OF LAND DESCRIBED AS BEGINNING 25 FEET EAST OF THE SOUTHWEST CORNER OF BLOCK FOUR (4), YATES ADDITION, TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE NORTH 50 FEET; THENCE EAST 171 FEET; THENCE SOUTH 50 FEET; THENCE WEST 171 FEET TO THE POINT OF BEGINNING IN THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA. FROM ZONING CLASSIFICATION C-1; NEIGHBORHOOD COMMERCIAL DISTRICT TO C-1; NEIGHBORHOOD COMMERCIAL DISTRICT WITH CONDITIONAL USE PERMIT AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

WHEREAS, pursuant to notice duly given as required by law, a public hearing conducted by the Board of Commissioners of the City of Shawnee, Oklahoma on the 4th day of February, 2019, upon an application to rezone certain properties located in the City of Shawnee, Oklahoma from zoning classification C-1; Neighborhood Commercial District to C-1; Neighborhood Commercial District with Conditional Use Permit.

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

WHEREAS, it appears to be in the best interest of the City of Shawnee and the inhabitants thereof for said properties to be rezoned to C-1; Neighborhood Commercial District with Conditional Use Permit.

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

SECTION 1: That the following described property located in the City of Shawnee, Oklahoma, to-wit: LOTS ONE (1), TWO (2), THREE (3), FOUR (4), FIVE (5), ELEVEN (11), TWELVE (12), THIRTEEN (13), FOURTEEN (14), FIFTEEN (15) AND SIXTEEN (16), BLOCK FORTY-NINE (49), BEVERLY HILLS ADDITION, TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF; AND A TRACT OF LAND DESCRIBED AS BEGINNING 172.50 FEET WEST AND 50 FEET NORTH OF THE SOUTHEAST CORNER OF BLOCK FOUR (4), YATES ADDITION, TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, THENCE WEST 171.50 FEET; THENCE NORTH 95.30 FEET; THENCE EAST 171.50 FEET; THENCE SOUTH 95.30 FEET TO THE POINT OF BEGINNING; AND A TRACT OF LAND DESCRIBED AS BEGINNING 25 FEET EAST OF THE SOUTHWEST CORNER OF BLOCK FOUR (4), YATES ADDITION, TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE NORTH 50 FEET; THENCE EAST 171 FEET; THENCE SOUTH 50 FEET; THENCE WEST 171 FEET TO THE POINT OF BEGINNING IN THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA. FROM ZONING CLASSIFICATION C-1; NEIGHBORHOOD COMMERCIAL DISTRICT TO C-1; NEIGHBORHOOD COMMERCIAL DISTRICT WITH CONDITIONAL

USE PERMIT AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

PASSED AND APPROVED this 4th day of February, 2019.

(SEAL)

ATTEST:

\_\_\_\_\_  
LISA LASYONE, CMC, CITY CLERK

\_\_\_\_\_  
RICHARD FINLEY, MAYOR

Approved as to form and legality this 4<sup>th</sup> day of February, 2019.

\_\_\_\_\_  
JOSEPH VORNDRAN, CITY ATTORNEY



**Regular Board of Commissioners**

**8.**

Meeting Date: 02/04/2019

P20-18 Rezoning

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

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Information

Title of Item for Agenda

Public hearing and consideration of an ordinance to rezone property located at 3 Burlison Road from A-1; Rural Agricultural to A-1; Rural Agricultural with Conditional Use Permit. Case No. P20-18. Applicant: Kevin Drechsel. *(Public hearing rescheduled from January 22, 2019 to February 4, 2019.)*

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Attachments

Staff Rpt

Ordinance

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RECOMMENDATION TO:

MAYOR  
BOARD OF CITY COMMISSIONERS  
CITY OF SHAWNEE  
CITY OF SHAWNEE  
PLANNING COMMISSION

RECOMMENDATION FROM:

SUBJECT:

APPLICANT: Kevin Drechsel  
FOR: Conditional Use  
LOCATION: 3 Burlison Road, Shawnee, OK  
PROJECT# 181197 CASE# P20-18

LEGAL DESCRIPTION:

SEE OWNERSHIP LIST

CURRENT CLASSIFICATION: A-1; Rural Agricultural  
REQUESTED CLASSIFICATION: A-1; Rural Agricultural w/ Conditional Use  
PROPOSED PROPERTY USE: Manufactured Home

PLANNING COMMISSION MEETING DATE: January 2<sup>nd</sup>, 2019

PLANNING COMMISSION RECOMMENDATION: Approval

VOTE OF THE PLANNING COMMISSION:

*MEMBERS PRESENT:* 5

| MEMBERS:              | 1ST | 2ND | AYE | NAY | ABSTAIN | COMMENTS |
|-----------------------|-----|-----|-----|-----|---------|----------|
| DEEM                  |     |     | X   |     |         |          |
| MATTHEWS              |     |     | X   |     |         |          |
| WALKER                |     |     |     |     |         |          |
| BERGSTEN (CHAIRMAN)   |     |     | X   |     |         |          |
| COWEN (VICE-CHAIRMAN) | X   |     | X   |     |         |          |
| KIENZLE               |     |     |     |     |         |          |
| ROWELL                |     | X   | X   |     |         |          |

RESPECTFULLY SUBMITTED,

Joseph Barker

SECRETARY, PLANNING COMMISSION

ACTION BY CITY COMMISSION:

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

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

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

|                                                                                                                                                                                 |                                                                                   |                                                                                     |                                                                                                                                            |                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|
| <p>City of Shawnee<br/>Planning Department<br/>222. N. Broadway<br/>Shawnee, OK 74801<br/>(405) 878-1616<br/>Fax: (405) 878-1587<br/>www.ShawneeOK.org</p>                      |  |                                                                                     | <p>CASE # P20-18<br/>PUBLIC HEARING DATE:<br/>January 2<sup>nd</sup>, 2019<br/>CITY COMMISSION DATE:<br/>January 22<sup>nd</sup>, 2019</p> |                                             |
| <p>APPLICANT: <b>32590 County Highway 3</b><br/><b>Kevin Drechsel</b> <b>Erhard, Minnesota, 56534</b></p>                                                                       |                                                                                   |                                                                                     |                                                                                                                                            |                                             |
| <p>PROPERTY ADDRESS/LOCATION:<br/><b>3 Burlison Road, Shawnee, Oklahoma, 74804</b></p>                                                                                          |                                                                                   |                                                                                     |                                                                                                                                            |                                             |
| <p>The applicant is requesting a conditional use permit (CUP) approval to place a manufactured home at 3 Burlison Road</p> <p>There are currently no structures on the lot.</p> |                                                                                   |  |                                                                                                                                            |                                             |
| <p>EXISTING ZONING:<br/><b>A-1</b></p>                                                                                                                                          | <p>EXISTING LAND USE:<br/><b>Vacant</b></p>                                       | <p>SURROUNDING ZONING &amp; LAND USE:<br/><b>A-1</b></p>                            | <p>School District:<br/><b>I-3</b></p>                                                                                                     | <p>PROPERTY SIZE:<br/><b>1.07 acres</b></p> |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                            |                                                          |                     |                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|----------------------------------------------------------|---------------------|------------------------------|
| <b>STAFF RECOMMENDATION</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                            |                                                          |                     |                              |
| <p>The applicant has stated they intend to use the lot for a manufactured home. As per Table 22-155.2.1 of the Zoning Ordinance, manufactured homes are permitted under a conditional use in the A-1 district. According to the submitted application, the subject site is 1.07 acres in size. Adjacent properties are zoned A-1 (Rural Agricultural)</p> <p>The requested use for a manufactured home is not unprecedented. There is already another manufactured home at the end of Burlison Road.</p> <p><b>Staff hereby recommends approval on the requested conditional use for a manufactured home.</b></p> |                            |                                                          |                     |                              |
| <b>APPROVE</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                            | <b>APPROVE WITH CONDITIONS</b>                           |                     | <b>DENY</b>                  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                            |                                                          |                     |                              |
| <b>ATTACHMENTS:<br/>(CIRCLE)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>SUBMITTED<br/>PLANS</b> | <b>PUBLIC HEARING<br/>PETITION/<br/>APPLICATION FORM</b> | <b>LEGAL NOTICE</b> | <b>LEGAL DESCRIPTION</b>     |
| <b>PUBLIC COMMENTS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                            | <b>AGENCY COMMENTS</b>                                   |                     | <b>RESPONSE TO STANDARDS</b> |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                            |                                                          |                     |                              |





## PLANNING COMMISSION APPLICATION

### Planning Department

222 N. Broadway  
Shawnee, OK 74801  
(405) 878-1616 Fax (405) 878-1587  
[www.ShawneeOK.org](http://www.ShawneeOK.org)

| For Office Use Only                    |                   |
|----------------------------------------|-------------------|
| Case Number:                           | <u>P-2018</u>     |
| Project Number:                        | <u>181197</u>     |
| Date Filed:                            | <u>12-07-2018</u> |
| _____<br>Planning Commission Secretary |                   |

### REQUEST:

☐ Rezoning  
☒ Conditional Use Permit  
☐ Rezoning w/Conditional Use Permit  
☐ Planned Unit Development

I, the undersigned, do hereby respectfully make application and petition to the City Commission to amend the zoning map, and to change the zoning district of the Shawnee area, from A1 District to A1P District, as hereinafter requested, and in support of this application, the following facts are shown:

**PROPERTY LOCATION (STREET ADDRESS):** \_\_\_\_\_

**LEGAL DESCRIPTION:** SEE Warranty deed

**PROPERTY OWNER (S):** Kevin Drechsel

**PROPERTY AGENT (APPLICANT):** Same

**APPLICANT'S ADDRESS:** N/A

**CITY:** Shawnee **STATE:** MO **ZIP:** 74801

**EMAIL ADDRESS:** N/A

**TELEPHONE NUMBER:** (281) 731 5102 **CONTACT NUMBER:** (214) 731 5102

**DIMENSIONS OF PROPERTY:** AREA: \_\_\_\_\_ WIDTH: 466.66  
LENGTH: 466.66 FRONTAGE: \_\_\_\_\_

**CURRENT ZONING:** A1 **CURRENT USE:** A1

**PROPOSED ZONING:** A1P **PROPOSED USE:** Mobile home

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

**APPLICATION, OFFICIAL OWNERSHIP LIST AND PAYMENT  
MUST BE RECEIVED 30 DAYS PRIOR TO MEETING**

Kevin Drechsel  
SIGNATURE OF APPLICANT

### FOR STAFF USE ONLY

**REZONING &/OR C.U.P FEE \$ 280.00**

**RECEIPT NO.** \_\_\_\_\_

**PLANNED UNIT DEVELOPMENT FEE \$ 550.00**

**SIGN DEPOSIT \$ 50.00**

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

**PLANNING COMMISSION ACTION:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**CITY COMMISSION ACTION:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**PLACE ON ZONING MAP:** \_\_\_\_\_ **ORDINANCE NO.:** \_\_\_\_\_

CITY OF SHAWNEE  
PUBLIC HEARING NOTICE  
CASE #P20-18

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

The property requesting rezoning is described as follows:

Beginning at the Northwest Corner of the Northeast Quarter of Section Twenty-one (21), Township Ten (10) North, Range Two (2), East of Indian Meridian, THENCE South 466.69 feet; THENCE East 466.69 feet; THENCE North 466.69 feet; THENCE West 466.69 feet to the point of beginning, containing 5 Acres more or less situated in the Northwest Corner of the Northeast Quarter of the Northeast Quarter of Section Twenty-one (21), Township Ten (10) North, Range Two (2) East of the Indian Meridian, Pottawatomie County.

|                                  |                                                  |
|----------------------------------|--------------------------------------------------|
| General Location Known As:       | <u>3 Burlison Road, Shawnee, OK</u>              |
| Current Zoning Classification:   | <u>A-1; Rural Agricultural District</u>          |
| Requested Zoning Classification: | <u>A-1; Rural Agricultural District (w/ CUP)</u> |
| Proposed Use of Property:        | <u>Manufactured Home</u>                         |
| Applicant:                       | <u>Kevin Drechsel</u>                            |

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

The public hearing will be held in the City Commission Chambers in City Hall, 16 W. 9<sup>th</sup> St. Shawnee, Oklahoma, as follows:

February 4<sup>th</sup>, 2019 AT 6:00 P.M.: CITY OF SHAWNEE CITY COMMISSION

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

Witness my hand this 4<sup>th</sup> day of January, 2019.



Lisa Lasyone  
Lisa Lasyone, City Clerk



**NOTICE OF CANCELLATION OF PUBLIC HEARING**  
**PLANNING COMMISSION ITEM**  
**P20-18**

Notice is hereby given that the scheduled City of Shawnee City Commission Public Hearing on January 22, 2019 at 6:00 p.m. regarding the property described below has been cancelled and this item will be heard at a later date

Beginning at the Northwest Corner of the Northeast Quarter of Section Twenty-one (21), Township Ten (10) North, Range Two (2), East of Indian Meridian, THENCE South 466.69 feet; THENCE East 466.69 feet; THENCE North 466.69 feet; THENCE West 466.69 feet to the point of beginning, containing 5 Acres more or less situated in the Northwest Corner of the Northeast Quarter of the Northeast Quarter of Section Twenty-one (21), Township Ten (10) North, Range Two (2) East of the Indian Meridian, Pottawatomie County.

General Location Known As: 3 Burlison Road, Shawnee, OK  
Current Zoning Classification: A-1; Rural Agricultural District  
Requested Zoning Classification: A-1; Rural Agricultural District (w/ CUP)  
Proposed Use of Property: Manufactured Home  
Applicant: Kevin Drechsel

*To be completed by person filing notice:*

NAME: Joseph Barker  
TITLE: Assistant City Planner  
ADDRESS: 222 N. Broadway  
Shawnee, OK 74801  
PHONE: (405) 878-1672

Filed in the office of the municipal clerk at 12:10 a.m./p.m. on 1/4/19

SIGNED: *Hacie Eck*  
City Clerk/Deputy Clerk

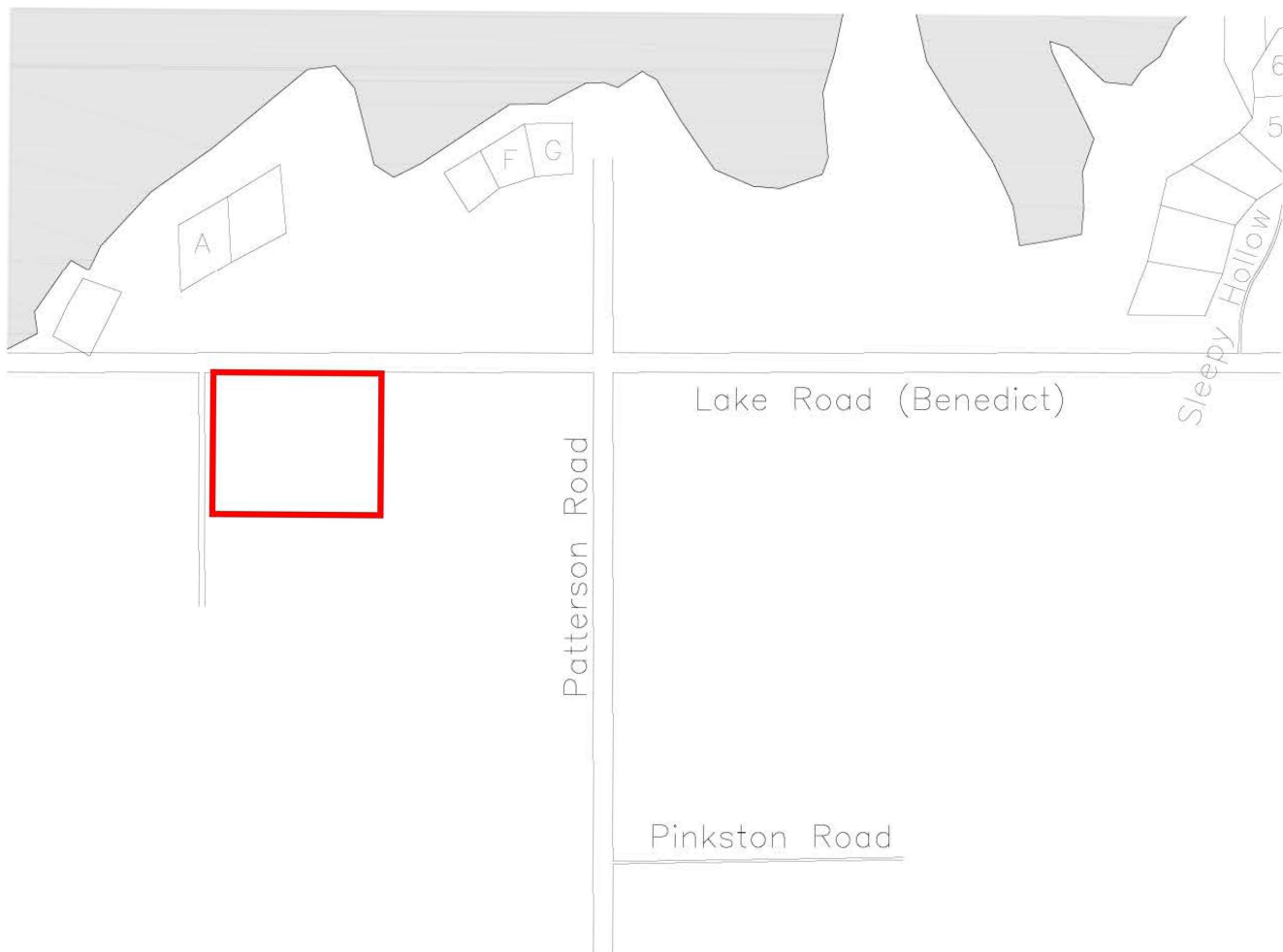
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**FOR CITY CLERK'S OFFICE USE ONLY**

DATE NOTICE RELEASED TO NEWS MEDIA: 1/4/19

PERSON FILING NOTICE: Joseph Barker

NOTICE VERIFIED BY: *Hacie Eck*





**CERTIFICATE OF BONDED ABTRACTOR**  
**(300 FEET RADIUS REPORT)**

STATE OF OKLAHOMA                                 )  
                                                              ) §:  
COUNTY OF POTTAWATOMIE                     )

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

Beginning at the Northwest Corner of the Northeast Quarter of Section Twenty-one (21), Township Ten (10) North, Range Two (2), East of Indian Meridian, THENCE South 466.69 feet; THENCE East 466.69 feet; THENCE North 466.69 feet; THENCE West 466.69 feet to the point of beginning, containing 5 Acres more or less situated in the Northwest Corner of the Northeast Quarter of the Northeast Quarter of Section Twenty-one (21), Township Ten (10) North, Range Two (2) East of the Indian Meridian, Pottawatomie County.

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

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

Dated: November 16, 2018 at 7:30 AM

**First American Title Insurance Company**

By: 

Michelle Cook  
Abstractor License No. 3286  
OAB Certificate of Authority # 017  
File No. 2368344-OK99

# OWNERSHIP LIST

ORDER NO. 2368344

DATE PREPARED: November 27, 2018

EFFECTIVE DATE: November 16, 2018 @ 7:30 am

| OWNER                                                                       | LOT | BLK | ADDITION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------------------------------------------------------------------|-----|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DRECHSEL KEVIN ALLEN<br>32590 COUNTY HWY 3<br>ERHARD, MN 56534              |     |     | BEG NW/C NE NE S466.69'<br>E466.69' N466.69' W466.69' POB<br>LESS 20' EASEMENT<br>(NE4 21-10N-2E)                                                                                                                                                                                                                                                                                                                                                                                                   |
| DRECHSEL KEVIN ALLEN<br>32590 COUNTY HWY 3<br>ERHARD, MN 56534              |     |     | BEG 466.89'S NW/C NE NE<br>E466.69' S203' W466.69' N203'<br>POB & 20' EASEMENT<br>(NE4 21-10N-2E)                                                                                                                                                                                                                                                                                                                                                                                                   |
| HASKINS TRENT & AUTUMN<br>9 BURLISON<br>SHAWNEE, OK 74801                   |     |     | BEG 669.69'S NW/C NE NE<br>S373.35' E466.69' N373.35'<br>W466.69' POB & BEG 1043.04'S<br>NW/C NE NE S93.34' E466.69'<br>N93.34' W466.69' POB<br>(NE4 21-10N-2E)                                                                                                                                                                                                                                                                                                                                     |
| UNITED LAND INVESTMENTS LLC<br>P O BOX 30057<br>EDMOND, OK 73003            |     |     | SW/4 NE/4 & SE/4 NW/4 & E/2<br>NE/4 LESS BEGINING NE/C NE/4<br>SOUTH 8 RODS WEST 20 RODS<br>NORTH 8 RODS EAST 20 RODS<br>POB & LESS BEGINNING NW/C<br>NE/4 NE/4 E823.69' S466.69'<br>W357' S669.69'W466.69' N1136'<br>POB & LESS BEGINNING 132'S<br>NE/C NE/4 W330' S132' E330'<br>N132' POB & LESS BEGINNING<br>330'W NE/C NE/4 NE/4 S466.69'<br>W166.31' N466.69' E166.31' POB<br>& LESS BEGINNING 853.31'W &<br>1136.38'S NE/C NE/4 NE/4 S174'<br>W466.69' N174' E466.69' POB<br>(NE4 21-10N-2E) |
| GIDDENS JAMES R & PAIGE<br>31807 LAKE RD<br>SHAWNEE, OK 74804               |     |     | BEG 466.69'E NW/C NE NE E153'<br>S466.69' W153' N466.69' POB<br>(NE4 21-10N-2E)                                                                                                                                                                                                                                                                                                                                                                                                                     |
| CITY OF SHAWNEE<br>XXXXXXXXX, OK 00000                                      |     |     | NE NW & NW NE<br>(NE4 21-10N-2E)                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| COMMISSIONERS OF LAND OFFICE<br>204 N ROBINSON AVE STE 900<br>OKC, OK 73102 |     |     | SHAWNEE SCHOOL LAND S/2 OF<br>SECTION (LESS 57.95 ACRES,<br>PLATTED INTO SHAWNEE<br>SCHOOL LAND LOTS 1-45)<br>(S/2 16-10N-2E)                                                                                                                                                                                                                                                                                                                                                                       |

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

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, TO-WIT: BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION TWENTY-ONE (21), TOWNSHIP TEN (10) NORTH, RANGE TWO (2), EAST OF INDIAN MERIDIAN, THENCE SOUTH 466.69 FEET; THENCE EAST 466.69 FEET; THENCE NORTH 466.69 FEET; THENCE WEST 466.69 FEET TO THE POINT OF BEGINNING, CONTAINING 5 ACRES MORE OR LESS SITUATED IN THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION TWENTY-ONE (21), TOWNSHIP TEN (10) NORTH, RANGE TWO (2) EAST OF THE INDIAN MERIDIAN, POTTAWATOMIE COUNTY, OKLAHOMA. FROM ZONING CLASSIFICATION, A-1; RURAL AGRICULTURAL DISTRICT TO A-1; RURAL AGRICULTURAL DISTRICT WITH CONDITIONAL USE PERMIT AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

WHEREAS, pursuant to notice duly given as required by law, a public hearing conducted by the Board of Commissioners of the City of Shawnee, Oklahoma on the 4th day of February, 2019, upon an application to rezone certain properties located in the City of Shawnee, Oklahoma from zoning classification A-1; Rural Agricultural District to A-1; Rural Agricultural District with Conditional Use Permit.

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

WHEREAS, it appears to be in the best interest of the City of Shawnee and the inhabitants thereof for said properties to be rezoned to A-1; Rural Agricultural District with Conditional Use Permit.

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

SECTION 1: That the following described property located in the City of Shawnee, Oklahoma, to-wit: BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION TWENTY-ONE (21), TOWNSHIP TEN (10) NORTH, RANGE TWO (2), EAST OF INDIAN MERIDIAN, THENCE SOUTH 466.69 FEET; THENCE EAST 466.69 FEET; THENCE NORTH 466.69 FEET; THENCE WEST 466.69 FEET TO THE POINT OF BEGINNING, CONTAINING 5 ACRES MORE OR LESS SITUATED IN THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION TWENTY-ONE (21), TOWNSHIP TEN (10) NORTH, RANGE TWO (2) EAST OF THE INDIAN MERIDIAN, POTTAWATOMIE COUNTY, OKLAHOMA. FROM ZONING CLASSIFICATION, A-1; RURAL AGRICULTURAL DISTRICT TO A-1; RURAL AGRICULTURAL DISTRICT WITH CONDITIONAL USE PERMIT AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

PASSED AND APPROVED this 4th day of February, 2019.

\_\_\_\_\_  
RICHARD FINLEY, MAYOR

(SEAL)

ATTEST:

\_\_\_\_\_  
LISA LASYONE, CMC, CITY CLERK

Approved as to form and legality this 4<sup>th</sup> day of February, 2019.

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JOSEPH VORNDRAN, CITY ATTORNEY



**Regular Board of Commissioners**

**9.**

Meeting Date: 02/04/2019

Parks and Rec

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

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Information

Title of Item for Agenda

Discussion and consideration of an ordinance creating a Parks and Recreation Committee. (*Deferred from the January 14, 2019 City Commission meeting.*)

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Attachments

Memo

Ordinance

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Office of the Director of Operations

**Date:** January 28, 2018  
**To:** Mayor and Commissioners  
**From:** James Bryce, Director of Operations  
**RE: Parks and Recreation Board**

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Mayor and Commissioners,

In front of you is an ordinance establishing a Parks and Recreation Committee.

As the ordinance is written the Committee would consist of:

- Four members and one City Commissioner all appointed by the City Commission.
- Each member would serve a Three-year term.
- Per historical precedence, all members would reside within the city limits.  
(Exception: Beautification Committee.)
- All recommendations from the committee would be presented to the commission for final approval.
- Annual report of the board's actions presented to the City Commission.

Due to historical precedence in other committee makeups, these points listed above were developed. The points can be reworked if you, the commission, see a need to edit or change. If a change/edit is needed, staff will make the suggested changes and present the ordinance for a final approval.

The Staff feels as though the Parks and Recreation Committee would help make recommendations and decisions centered on what the citizens of Shawnee have said they expect to see. These facts are found though the Parks Master Plan, community surveys, and participation in our facilities and programs.

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

AN ORDINANCE AMENDING CHAPTER 21 “PARKS AND RECREATION” OF THE CITY CODE OF THE CITY OF SHAWNEE, OKLAHOMA BY ADDING A SECTION THAT CREATES A PARKS AND RECREATION COMMITTEE, AND REGULATES THE SAME; AND PROVIDING FOR CODIFICATION, REPEALER, AND SEVERABILITY.

**WHEREAS**, the Code of Ordinances of the City of Shawnee must be amended from time to time to comply with the laws of the State of Oklahoma and the Charter of the City of Shawnee; and

**WHEREAS**, the Mayor and City Commission have determined that other amendments must be made for the more efficient and practical operations for the City of Shawnee:

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA THAT CHAPTER 21 “PARKS AND RECREATION” OF THE CITY CODE SHALL BE BE AMENDED TO ADD THE FOLLOWING SECTION THAT PROVIDES FOR THE CREATION, AND REGULATION, OF A PARKS AND RECREATION COMMITTEE:**

**SECTION I:** Chapter 21 “Parks and Recreation” of the City of Shawnee, Oklahoma Municipal Code is herein amended by adding Section 21-26, which shall include, and place into effect, the following language:

**Section 21-26. -- Parks and Recreation Committee**

- A. Definitions. The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Parks and Recreation Committee or Committee.* The Parks and Recreation Committee is herein defined as the city committee responsible for advising the City Commissioners on policies pertaining to the use of the park and recreational facilities of the City.

- B. Creation and establishment of a city Parks and Recreation Committee. There is hereby created and established a city Parks and Recreation committee, hereafter referred to as the "Committee", as approved by the Mayor and City Commission.

- C. Composition, appointment, and term of committee members.

1. Composition. The Committee will consist of one (1) City Commissioner and four (4) At-large Members whom shall only include individuals that are residents of the City.
2. Appointment. At-large Members shall be appointed by the City Commission.
3. Term. The term of At-large Members shall be three (3) years. In the event that a vacancy shall occur during the term of any member, his/her successor shall be appointed for the unexpired portion of the term.

- D. Compensation. Members of the Committee shall serve without compensation.

- E. Duties and responsibilities of the parks and recreation board. The Parks and Recreation Committee shall advise the City Commissioners on policies pertaining to use of the park and recreational facilities of the City, and pursuant thereto:

1. Propose rules and regulations for the maintenance of order, safety, and decency in those parks and recreational facilities;
2. Consider and investigate any matter affecting the development and improvement of parks and recreational facilities and policies pertaining to the use of those facilities;

3. Make recommendations to improve the park and recreational facilities;
  4. Make recommendations regarding systems of supervised recreation, and modifications in existing recreational programs;
  5. Provide copies of the minutes of its meetings to the office of the City Clerk within ten (10) days from the date of their approval; and
  6. Provide an annual report of the Board's acts and affairs.
- F. Operation. The Committee shall choose its own officers, make its own rules and regulations, and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.
- G. Expenditures of City funds; reimbursement of expenses.
1. The Committee shall neither authorize nor incur the expenditures of any City funds for any purpose except as may be authorized and appropriated therefor by the Commissioners.
  2. Members of the Committee are entitled to reimbursement for their actual and necessary expenses, so long as those expenses were incurred in the performance of their duties as Committee members and prior authorization for said expenses were authorized by the City Manager.

**SECTION II: Severability.** The provisions of this ordinance are severable and, if any sentence, provision, or other part of this Ordinance shall be held invalid, the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this ordinance.

**SECTION III: Codification.** This Ordinance shall be codified in the Shawnee Municipal Code, and the codifier is authorized to set out the ordinance as appropriate.

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

PASSED AND APPROVED this 4th day of February, 2019.

\_\_\_\_\_  
RICHARD FINLEY, MAYOR

ATTEST:

(SEAL)

\_\_\_\_\_  
LISA LASYONE, CMC, CITY CLERK

APPROVED AS TO FORM AND LEGALITY THIS 4th day of February, 2019.

\_\_\_\_\_  
JOSEPH M. VORNDRAN  
CITY ATTORNEY



**Regular Board of Commissioners**

**10.**

Meeting Date: 02/04/2019

Appointment

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

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Information

Title of Item for Agenda

Consider an appointment of a City Commissioner to the Parks and Recreation Committee.

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Attachments

*No file(s) attached.*

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**Regular Board of Commissioners**

**11.**

Meeting Date: 02/04/2019

Retirement Ordinance

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

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Information

Title of Item for Agenda

Discussion and consideration of an ordinance amending the employee retirement system, defined contribution plan for the City of Shawnee, Oklahoma; providing retirement benefits for eligible employees of the City of Shawnee, Oklahoma; pertaining to plan design; pertaining to vesting; providing for repealer and severability; and declaring an emergency. (DC)

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Attachments

Retirement Ordinance

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

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

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

**Section 1. AMENDATORY.** The Employee Retirement System, Defined Contribution Plan, of the **City of Shawnee**, Oklahoma, is hereby amended as reflected on the attached Exhibit "A", which is incorporated herein and adopted by reference. These amendments shall become effective on **February 1, 2019**.

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

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

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

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

The foregoing ordinance was introduced before the City Commission of the City of Shawnee on the 4th day of February, 2019, and was duly adopted and approved by the Mayor and City Commission on the 4<sup>th</sup> day of February, 2019, after compliance with notice requirements of the Open Meeting Law (25 OSA, Section 301, et seq.).

**City of Shawnee**

ATTEST:  
(SEAL)

\_\_\_\_\_  
RICHARD FINLEY, MAYOR

\_\_\_\_\_  
LISA LASYONE, CMC, CITY CLERK

Emergency clause separately passed and approved this 4<sup>th</sup> day of February, 2019.

ATTEST:  
(SEAL)

\_\_\_\_\_  
RICHARD FINLEY, MAYOR

\_\_\_\_\_  
LISA LASYONE, CMC, CITY CLERK

Approved as to form and legality on this 4<sup>th</sup> day of February, 2019.

\_\_\_\_\_  
JOSEPH M. VORNDRAN,  
CITY ATTORNEY



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

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

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

**1. Dates.**

- ☐ This instrument is a new Plan effective \_\_\_\_ (date may not be prior to Plan Year of the date of execution).
- ☒ This instrument is an amendment, restatement and continuation of the Previous Plan, which was originally effective October 1, 2001. The effective date of this Joinder Agreement is **February 1, 2019** (date may not be prior to Plan Year of the date of execution), except as otherwise stated in the Plan and the Joinder Agreement

**2. Employee.**

The word "Employee" shall mean:

- ☒ Any person, other than a Leased Employee, who, on or after the Effective Date, is considered to be a regular full-time employee in accordance with the Employer's standard personnel policies and practices, and is receiving remuneration for such services rendered to the Employer (including any elected official and any appointed officer or employee of any department of the Employer, whether governmental or proprietary in nature), including persons on Authorized Leave of Absence. Employees shall not include independent contractors. Elected members of the City Council shall not be considered to be Employees solely by reason of their holding such office.
- ☐ Any person, other than a Leased Employee, who, on or after the Effective Date, is considered to be a regular employee in accordance with the Employer's standard personnel policies and practices (including part-time, seasonal and temporary employees), and is receiving remuneration for such services rendered to the Employer (including any elected official and any appointed officer or employee of any department of the Employer, whether governmental or proprietary in nature), including persons on Authorized Leave of Absence. Employees shall not include independent contractors. Elected members of the City Council shall not be considered to be Employees solely by reason of their holding such office.
- ☐ Any person who, ☐ on or after the Effective Date, ☐ as of , holds the position of:
- ☐ City Manager, City or Town Administrator, President, Chief Executive Officer, General Manager, or District Manager, as applicable.
  - ☐ Assistant City Manager                      ☐ Chief of Police                      ☐ Fire Chief
  - ☐ Department Head or Department Manager
  - ☐ Finance Director or Chief Financial Officer
  - ☐ General Counsel or Municipal Attorney                      ☐ Municipal Judge
  - ☐ (specify position)

The word "Employee" shall not include:

- ☒ Any person who is currently accruing benefits under any other state retirement system.
- ☐ Any person in the following position and who is covered under another retirement program or system approved by the City:
- ☐ City Manager, City or Town Administrator, President, Chief Executive Officer, General Manager, or District Manager, as applicable.
  - ☐ Assistant City Manager                      ☐ Chief of Police                      ☐ Fire Chief
  - ☐ Department Head or Department Manager
  - ☐ Finance Director or Chief Financial Officer
  - ☐ General Counsel or Municipal Attorney                      ☐ Municipal Judge
  - ☐ (specify position)
- ☒ Any person who was hired before July 1, 2013, who makes the one-time election as of September 1, 2013, to continue participation in the City of Shawnee Defined Benefit Plan.

**3. Entry Date.**

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

- ☐ **months** (any number of months up to twelve) after the later of the Employee's Employment Commencement Date or the date the definition of Employee in Section 2 hereof was met, provided that the individual has met the definition of Employee in Section 2 hereof throughout such period.
- ☒ **On the Employee's Employment Commencement Date.** (If the Employer has opted out of Old Age and Disability Insurance (OADI), this option must be elected).

**4. Definition of Compensation.**

Compensation shall exclude the item(s) listed below:

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

**5. Plan Design.**

The Employer hereby elects the following Plan design:

- ☒ **Pick-up Option.** Each Employee shall be required to contribute to the Plan 4.25% of his or her Compensation. These contributions shall be picked up and assumed by the Employer and paid to the Fund in lieu of contributions by the Participant. No Participant shall have the option of receiving the contributed amounts directly as Compensation.

- ☐ **Thrift Plan Option.**

☐ A Participant may elect to contribute to the Plan for each Valuation Period an amount which is at least 1%, but no more than % of his Compensation ("Mandatory Contributions"). Mandatory Contributions shall be made by payroll deductions. A Participant shall authorize such deductions in writing on forms approved by, and filed with the Committee.

- ☐ The Employer shall contribute to the Fund an amount equal to % of the total Mandatory Contributions contributed by Participants.

The Employer contribution shall be allocated in the proportion which the Mandatory Contributions of each such Participant for such Valuation Period bear to the total Mandatory Contributions contributed by all such Participants for such Valuation Period. Forfeitures attributable to Employer contributions under the Thrift Plan Option of this Section 5 shall be used to reduce Employer contributions under such Option.

- ☒ **Fixed Contribution.** With respect to each Participant, for each payroll period during the Plan Year the Employer will make an Employer Contribution in an amount equal to the applicable percentage of the Participant's Compensation for the payroll period in accordance with the following table:

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

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

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

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

☒ **Variable Option.**

☒ **The Employer intends to make a contribution to the Plan for the benefit of the Participants hired on or after July 1, 2013 for each Valuation Period. The contribution may be varied from year to year by the Employer.** (Select one option below)

☐ Option A: The Employer contribution shall be allocated in the proportion that each such Participant's total points awarded bear to the total points awarded to all Participants with respect to such year. A Participant shall be awarded one point for each Year of Service.

☒ Option B: **The Employer contribution shall be allocated in the proportion which the Compensation of each such Participant for such Valuation Period bears to the Compensation paid to all such Participants for such Valuation Period.**

☐ Option C: A combination of Options A and B in the following ratios: \_\_\_\_% for Option A, and \_\_\_\_% for Option B.

☐ 401(k) Option.

(This Option available only if elected prior to May 1, 1986)

☐ Participant Deferral Elections shall be allowed under the provisions of Section 4.8 of the Plan. Participants shall be allowed to defer no more than % of their Compensation for each election period.

☐ Section 4.8(d) of the Plan ("Roth Elective Deferrals") shall apply to contributions after \_\_\_\_ (enter a date later than January 1, 2006, but not earlier than the date the Roth option was initially adopted), and the Plan will accept a direct rollover from another Roth elective deferral account under an applicable retirement plan as described in Code Section 402A(e)(1).

☐ Matching Contribution Option. The Employer shall contribute to the Fund an amount equal to \_\_\_\_% of the Participant's contributions under the Employer's Section 457(b) Deferred Compensation Plan. The Employer matching contribution shall be limited to \_\_\_\_% of the Participant's Compensation. Forfeitures attributable to Employer matching contributions under this Matching Contribution Option of Section 5 shall be used to reduce Employer matching contributions under such Option.

☐ No Employer Contribution Option.

**6. Other Participant Contribution Options.**

☒ Voluntary Nondeductible Contributions by Participants shall be allowed under the provisions of Section 4.4 of the Plan.

☐ A Participant may not withdraw Voluntary Nondeductible Contributions.

☐ Participants shall not contribute to the Plan.

**7. Self-Directed Investments.**

☒ Are permitted.

☐ Are not permitted.

**8. Allocation of Forfeitures Available.**

Forfeitures of Employer contributions attributable to the Fixed Option or Variable Option under Section 5 hereof:

☐ Shall be added to Employer contribution under such Option.

☒ Shall reduce the Employer contribution under such Option.

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

If a Participant is on an Authorized Leave of Absence and is receiving worker's compensation during such Authorized Leave of Absence, such Participant

☒ shall be credited with Service for such period for purposes of vesting only and not for purposes of allocations of Employer Contributions.

☐ shall not be credited with Service for such period.

## 10. Vesting.

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

### ☐ Option A

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

### ☐ Option B

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

### ☐ Option C

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

### ☐ Option D

| <u>Years of Service</u> | <u>Vested Percentage</u> | <u>Forfeited Percentage</u> |
|-------------------------|--------------------------|-----------------------------|
| Immediate 100% Vesting  | 100%                     | 0%                          |

### ☒ Option E

The Schedule indicated below (the sum of the Vested Percentage and Forfeited Percentage at each Year of Service must equal 100%) the vesting schedule must be at least as favorable as one of the safe harbor pre-ERISA schedules. The safe harbor vesting schedules are:

- 15-year cliff vesting schedule: The plan provides that a participant is fully vested after 15 years of creditable service (service can be based on years of employment, years of participation, or other creditable years of service).
- 20-year graded vesting schedule: The plan provides that a participant is fully vested based on a graded vesting schedule of 5 to 20 years of creditable service (service can be based on years of employment, years of participation, or other creditable years of service).
- 20-year cliff vesting schedule for qualified public safety employees: The plan provides that a participant is fully vested after 20 years of creditable service (service can be based on years of employment, years of participation, or other creditable years of service). This safe harbor would be available only with respect to the vesting schedule applicable to a group in which substantially all of the participants are qualified public safety employees (within the meaning of Section 72(t)(10)(B)).

| <u>Years of Service</u>    | <u>Vested Percentage</u> | <u>Forfeited Percentage</u> |
|----------------------------|--------------------------|-----------------------------|
| less than 1                | 0%                       | 100%                        |
| at least 1 but less than 2 | 20%                      | 80%                         |
| at least 2 but less than 3 | 40%                      | 60%                         |
| at least 3 but less than 4 | 60%                      | 40%                         |
| at least 4 but less than 5 | 80%                      | 20%                         |
| 5 or more                  | 100%                     | 0%                          |



☐ **Option F**

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

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

**11. Participant Loans.**

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

☐ Participant loans shall not be offered.

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

☐ Direct transfer of a Participant's accounts to another defined contribution plan sponsored by the Employer is not permitted.

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

**13. Valuation Date.** Except with respect to any Special Valuation Date determined in accordance with Section 5.10, the Valuation Date for the Plan shall be:

☐ Monthly: Midnight on the last work day of the calendar month.

☐ Weekly: Midnight on the last work day of the calendar week.

☒ Daily: Beginning effective on the first date reasonably available to the Oklahoma Municipal Retirement Fund, on each business day of the Plan Year for which Plan assets are valued on an established market.

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

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

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

City of Shawnee

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

Attest:

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

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

(SEAL)

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

OKLAHOMA MUNICIPAL RETIREMENT FUND

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

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

Attest:

\_\_\_\_\_  
Secretary

(SEAL)

**Required Disclosures.** This Joinder Agreement is to be used only with the Oklahoma Municipal Retirement Fund Master Defined Contribution Plan. Failure to properly complete this Joinder Agreement may result in failure of the Plan to qualify under Code Section 401(a). In accordance with IRS Rev. Proc. 2011-49, the Volume Submitter Practitioner who has obtained Internal Revenue Service approval of the Oklahoma Municipal Retirement Fund Master Defined Contribution Plan has authority under the Plan document to amend the Plan on behalf of adopting employers for certain changes in the Code, regulations, revenue rulings, other statements published by the Internal Revenue Service, including model, sample or other required good faith amendments. The Volume Submitter Practitioner will inform adopting employers of any such amendments or of the discontinuance or abandonment of the volume submitter plan document. The name, address and telephone number of the Volume Submitter Practitioner are: McAfee & Taft A Professional Corporation, 211 N. Robinson, Oklahoma City, OK 73102, telephone (405) 552-2231. Any inquiries by the adopting employer regarding the adoption of the Plan, the meaning of Plan provisions, or the effect of the Internal Revenue Service advisory letter on the volume submitter plan may be directed to the Volume Submitter Practitioner.

**Regular Board of Commissioners**

**12.a.**

Meeting Date: 02/04/2019

Pasture Land Bid Open

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

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Information

Title of Item for Agenda

Lease of the City of Shawnee property located at the Northeast corner of Leo Street and Westech Road, Shawnee, Oklahoma for the purpose of pasture land (Open)

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Attachments

Notice to Bidders

Plan Holders List

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## NOTICE TO BIDDERS

Sealed bids will be received by the City of Shawnee, 9th & Broadway, P. O. Box 1448, Shawnee, Oklahoma, up to 4:00 p.m., Monday, February 4<sup>th</sup>, 2019, for:

### **Lease of the City of Shawnee Property Located at the N.E. corner of Leo Street & Westech Road, Shawnee, Oklahoma for the purpose of pasture land**

Instructions and bid documents are available to qualified bidders at the Fairview Cemetery Office, 1400 N. Center Shawnee, Oklahoma 74801 (405) 878-1529.

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

### **BID - Lease of the City of Shawnee Property Located at the N.E. corner of Leo Street & Westech Road, Shawnee, Oklahoma for the purpose of pasture land February 4<sup>th</sup>, 2019**

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

Bids will be opened and considered by the Board of City Commissioners at a Public Meeting in the City Hall Commission Chambers, Shawnee, Oklahoma, at 6:00 p.m., Monday, February 4<sup>th</sup>, 2019.

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



(SEAL)

ATTEST:

Lisa Lasyone  
Lisa Lasyone, City Clerk

CITY OF SHAWNEE, A Municipal Corporation

By: Eric Benson  
Eric Benson, Interim City Manager



**Regional Property Lease Plan Holders**

|                     |                |
|---------------------|----------------|
| <b>Name (Print)</b> | <b>Company</b> |
| Dace Dockery        | N/A            |

|                     |                      |
|---------------------|----------------------|
| <b>Phone Number</b> | <b>Email Address</b> |
| 273-3799            |                      |

|                     |                |
|---------------------|----------------|
| <b>Name (Print)</b> | <b>Company</b> |
|                     |                |

|                     |                      |
|---------------------|----------------------|
| <b>Phone Number</b> | <b>Email Address</b> |
|                     |                      |

|                     |                |
|---------------------|----------------|
| <b>Name (Print)</b> | <b>Company</b> |
|                     |                |

|                     |                      |
|---------------------|----------------------|
| <b>Phone Number</b> | <b>Email Address</b> |
|                     |                      |

|                     |                |
|---------------------|----------------|
| <b>Name (Print)</b> | <b>Company</b> |
|                     |                |

|                     |                      |
|---------------------|----------------------|
| <b>Phone Number</b> | <b>Email Address</b> |
|                     |                      |

**Regular Board of Commissioners**

**13.a.**

Meeting Date: 02/04/2019

Budget Update

Submitted By: Kacie Eck, City Clerk

Department: City Clerk

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Information

Title of Item for Agenda

Budget Update – Finance Director, Chance Allison

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Attachments

*No file(s) attached.*

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