

AGENDA

Notice is hereby given of a meeting of the Board of Commissioners of Burkburnett to be held on **Monday, June 16, 2014 at 7:00 p.m.** at City Hall-Council Chambers, 501 Sheppard Road, Burkburnett, Texas for the purpose of considering the following agenda items. The Board of Commissioners may discuss and take action on any item on this agenda. The Board of Commissioners reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

The public may speak on items listed on the posted agenda. All persons desiring to address a specific agenda item must submit an "Appearance before the City Commissioners" form prior to the reading of the item to the City Clerk, Janelle Dolan. The Mayor will allow comments before each agenda item for which they have requested to be heard. Comments will be limited to three (3) minutes with a maximum two (2) minute extension following approval by a majority of the members of the Board of Commissioners.

Item 1. Mayor: Call meeting to order.

Item 2. Invocation-

Item 3. Pledge of Allegiance.

Item 4. CONSENT AGENDA:

- A. Approval of Minutes from May 19, 2014 Special Called Meeting and May 19, 2014

Item 5. Discuss and take any action necessary on variance request for water well location.

Item 6. Mayor to close regular meeting and open "Public Hearing" for the following Planning & Zoning Commission Case:

- A. Case #2014-16, Specific Use Permit for 101 S. Ave D, to construct an accessory building for vehicle storage and a crematory facility.
- B. Case #2014-17 re-zone application for 900 block and 1000 Block of Cheryl Dr., blocks rezoned as a carport overlay district.

Item 7. Mayor to close Public Hearing and reopen the regular meeting and take action on Planning & Zoning Commission Case:

- A. Case #2014-16, Specific Use Permit for 101 S. Ave D, to construct an accessory building for vehicle storage and a crematory facility.
- B. Case #2014-17 re-zone application for 900 block and 1000 Block of Cheryl Dr., blocks rezoned as a carport overlay district.

Item 8. Discuss and take any action necessary on final plat, Lot 1 Block 1, Owens and Brumley Addition.

Item 9. Ordinance Number 856. An Ordinance Superseding Ordinance Number 853 extending the current water rates for an additional 90 days.

Item 10. Ordinance Number 857. An Ordinance specifying the speed limit inside the city limits for the 500 to 700 Block of Davey Drive.

Item 11. Discuss and take any action necessary on appointment to Planning and Zoning Board.

Item 12. Discuss and take any action necessary on appointing an alternate voting proxy for the Nortex Regional Planning Commission.

Item 13. Review of monthly reports.

- A. Administration
- B. Public Works
- C. Public Safety
- D. Economic Development

Item 14. Public Comments.

The Board of Commissioners invites citizens to speak on any topic.

Please fill out an "Appearance before City Commissioners" form in order to address the Commissioners and turn the form in prior to 7:00 p.m. to City Clerk, Janelle Dolan.

Public Comments are limited to five minutes. Time limits can be adjusted by the Mayor as to accommodate more or fewer speakers.

Unless the item is specifically noted on this agenda, the Board of Commissioners is required under the Texas Open Meetings Act to limit its response to one of the following:

Responding with a statement of specific factual information or reciting the City's existing policy on that issue.

Item 15. City Manager's report.

- A. Kiosk Update
- B. Water Vending Machine Update
- C. Events

Item 16. Commissioner's Comments.

Pursuant to Government Code Section 551.0415, City Commissioner Members may make a report about items of Community interest during a meeting of the governing body without having given notice of the report. Items of community interest include:

*Expressions of thanks, congratulations, or condolence;

*Information regarding holiday schedules;

*An honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of the person's public office of public employment is not an honorary or salutary recognition for purposes of this subdivision;

*A reminder about an upcoming event organized or sponsored by the governing body;

*Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and

*Announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

Item 17. Adjournment.

I, Janelle Dolan, City Clerk for the City of Burkburnett, Texas do hereby certify that I posted this agenda on the glass front door of the City Hall, facing the outside at 10:00 a.m. on June 13, 2014 in compliance with the Open Meeting Act Chapter 551.



Janelle Dolan, City Clerk

Posted 6/13/2014 @ 10:00 a.m

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodation or interpretive services must be made 72 hours prior to this meeting. Please contact the City Clerk's office at (940) 569-2263 for further information.

MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas met in a special called meeting on May 19, 2014 at 6:30 p.m. in the Council Chambers of the City Hall, 501 Sheppard Road, Burkburnett, Texas. The meeting was open to the public with notice being given in compliance with the Open Meetings Act. The following Commissioners were present:

| | |
|-----------------|---------------|
| Carl Law | Mayor |
| Bill Lindenborn | Mayor Pro-Tem |
| Josh Andrajack | Commissioner |
| Randy Brewster | Commissioner |
| Don Hardy | Commissioner |
| Marguerite Love | Commissioner |
| Michael Tugman | Commissioner |

Others present: Mike Whaley City Manager; Trish Holley, Director of Administration; Gordon Smith, Director of Public Works; Janelle Dolan, City Clerk; and Ed Stahr, Chief of Police.

Item 1. Mayor Law called the meeting to order and welcomed the visitors.

Item 2. The Commissioners canvassed the election returns for the Municipal Election held on May 10, 2014.

Item 3. Resolution Number 561 was presented in its entirety.

**RESOLUTION NUMBER 561
RESOLUTION CANVASSING ELECTION RETURNS**

On this the 19th day of May 2014, the City Commissioners of the City of Burkburnett, Texas convened in a special session open to the public at the regular meeting place thereof with the following members present, to wit:

| | |
|-----------------|---------------|
| Carl Law | Mayor |
| Bill Lindenborn | Mayor Pro Tem |
| Josh Andrajack | Commissioner |
| Randy Brewster | Commissioner |

Don Hardy Commissioner
Marguerite Love Commissioner
Michael Tugman Commissioner

Mike Whaley City Manager
Janelle Dolan City Clerk

There came to be considered the returns of an election held on the 10th day of May, 2014 for the purpose of electing the herein after named officials, and it appearing from said returns, duly and legally made, that there were cast at said election 877 valid and legal votes (481 Early and 396 Election Day); that each of the candidates in said election received the following votes:

| | Early | Election Day | Mail | Total |
|----------------------|-------|--------------|------|-------|
| Daniel "Bull" Hill | 104 | 80 | 0 | 184 |
| Frank Ducos | 274 | 197 | 0 | 471 |
| Theophile "Ted" Kwas | 192 | 173 | 0 | 365 |
| Don Hardy | 318 | 234 | 0 | 552 |
| Marguerite Love | 306 | 240 | 0 | 546 |
| Mike Tugman | 298 | 214 | 0 | 512 |

Therefore, be it resolved by the Board of Commissioners of the City of Burkburnett, Texas that said election was duly called, that said notice of election was given in accordance with law, and the election was held in accordance with law, and that Frank Ducos, Don Hardy, Marguerite Love, and Mike Tugman were duly elected Commissioners of said City at said election.

Said above named parties are hereby declared duly elected to said respective offices, subject to the taking of their oaths as provided by the laws of the State of Texas.

It is further found and determined that in accordance with the order of this governing body, the City Clerk posted written notice of the date, place and subject of this meeting on the glass front door facing the outside located in the City Hall, a place convenient and readily accessible to the General Public, and said notice having been so posted and remaining posted continuously for at least 72 hours preceding the scheduled time of meeting.

Passed and approved this 19th day of May 2014.

ATTEST:

Carl Law, Mayor

Janelle Dolan, City Clerk

Motion was made by Commissioner Lindenborn, seconded by Commissioner Hardy to approve Resolution Number 562 as read. Motion carried unanimously.

Minutes, May 19, 2014

Item 4. Resolution Number 562, Resolution of Gratitude, was presented by Mayor Carl Law, to Commissioner Andrajack for serving four years on the Board of Commissioners. Mayor Law presented Commissioner Andrajack with a blanket depicting the City of Burkburnett's Flag.

Item 5. The Oath of Office was administered to Frank Ducos, Don Hardy, Marguerite Love and Mike Tugman by City Clerk/Public Notary Janelle Dolan.

Item 6. Janelle Dolan, City Clerk, opened the floor for Election of Mayor for the ensuing year in compliance with Article 4, Section 7 of the City Charter.

Commissioner Tugman nominated Commissioner Carl Law, seconded by Commissioner Brewster.

Janelle Dolan, City Clerk, asked if there were any other nominations. There were none.

Motion carried unanimously to elect Carl Law as Mayor for the next ensuing year.

Item 7. Janelle Dolan, City Clerk, opened the floor for Election of Mayor Pro-Tem for the ensuing year in compliance with Article 4, Section 7 of the City Charter.

Commissioner Brewster nominated Commissioner Lindenborn, seconded by Commissioner Hardy.

Janelle Dolan, City Clerk, asked if there were any other nominations. There were none.

Motion carried unanimously to elect Bill Lindenborn as Mayor Pro-Tem for the next ensuing year.

Item 8. City Manager Comments.

Item 9. Commissioner Comments.

Item 10. There being no further business the meeting was adjourned.

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk

Minutes, May 19, 2014

MINUTES

BOARD OF COMMISSIONERS

The Board of Commissioners of the City of Burkburnett, Texas met in a regular meeting on Monday, May 19, 2014 at 7:00 p.m. in the Council Chambers of the City Hall, 501 Sheppard Road, Burkburnett, Texas. The meeting was open to the public with notice being given in compliance with the Open Meetings Act. The following Commissioners were present:

| | |
|-----------------|---------------|
| Carl Law | Mayor |
| Bill Lindenborn | Mayor Pro Tem |
| Randy Ducos | Commissioner |
| Don Hardy | Commissioner |
| Marguerite Love | Commissioner |
| Michael Tugman | Commissioner |

Others present: Mike Whaley, City Manager; Trish Holley, Director of Administration; Gordon Smith, Director of Public Works; Janelle Dolan, City Clerk; Ed Stahr, Police Chief; and Deana Sheriff, Economic Development Director.

Item 1. Mayor Law called the meeting to order and welcomed the visitors.

Item 2. Invocation was given by Bud Branson, Minister of Central Church of Christ.

Item 3. The Pledge of Allegiance was led by Commissioner Hardy.

Item 4. Consent Agenda.

- A. Approval of Minutes from April 21, 2014 and April 28, 2014 Special Called Meeting

Motion was made by Commissioner Brewster, seconded by Commissioner Love to approve Consent Agenda 4. Motion carried unanimously.

Item 5. Mike Whaley, City Manager, addressed the Mayor and Commissioners and reported a variance request has been submitted by Mr. Charles Adams who resides at 1013 Preston Rd. requesting the Board of Commissioners allow him to drill a private water well in the front yard of his property. Ordinance Number 612 pertaining to drilling of private water wells restricts the well to the rear yard and does not allow for drilling in the front or side yard. Section 12 of the ordinance

does allow for a variance request to be made under cases of emergency and hardship. Mr. Whaley stated another issue at play deals with a state requirement that a well cannot be drilled within 50 feet of a sealed sanitary sewer without seeking a variance from the Texas Department of Licensing and Regulation (TDLR). The TDLR rule prevents Mr. Adams from drilling in the back yard due to the proximity of the sanitary sewer in the alley. The City spoke to TDLR for Mr. Adams and they have agreed to issue a variance (\$100 Fee) but would require an additional casing and concrete barrier to the well to be constructed to protect the well from contamination. Mr. Adams chose not to seek a variance from the TDLR, but instead seek a variance from the City under hardship of the Drought Restrictions.

The following addressed the Mayor and Commissioners:
Charles Adams, 1013 South Preston Rd.

Motion was made by Commissioner Lindenborn, seconded by Commissioner Hardy to approve the variance request for a front yard water well. Motion carried unanimously.

Item 6. Mr. Whaley addressed the Mayor and Commissioners and provided some historical information on the crosswalks on Davey Drive. Mr. Whaley stated a general obligation bond was voted on and passed in 2006. It included 3 propositions which included the following projects: Bishop Road, East Sycamore Drive, South Preston Road, Kramer Road, Cropper Road, College Drive, County Road, Williams Drive, North Preston Road, North Bishop Road and Davey Drive. Mr. Whaley stated North Bishop and Davey Drive were the final projects in the bond. In preparing for discussion with staff and the City's engineering contractor it was determined that out of the two existing crosswalks, only the one closest to Fire Station 3 was being utilized. Mr. Whaley stated the other crosswalks connecting the softball complex with the baseball complex was poorly marked and located as to lead the pedestrian in the direct vehicular traffic flow of an approach for the baseball complex. Mr. Whaley stated while watching the flow of traffic along Davey Drive, it was apparent that a majority of motorist were driving above of the speed limit of 30 mph and were not slowing the rate of speed as they approached the crosswalk. Mr. Whaley stated his conclusion was that Davey Drive needed an increased number of crosswalks to handle the amount of foot traffic observed at various locations, as well as the need to create a crosswalk that had higher visibility. Mr. Whaley stated the City Manager at that time agreed with that conclusion and after discussing the issue with the City's engineering consultant, it was determined that an elevated feature would resolve the issue. It is an engineering technique that is commonly used due to the fact that an elevated feature instinctively causes a motorist to lower their rate of speed. Mr. Whaley stated the City's engineering consultant took the City staff's counsel and incorporated it into the design of the crosswalks.

The following addressed the Mayor and Commissioners:

Susan Mitchell, 1422 Hiawatha
James Dickson, 1039 Pawhuska

Motion was made by Commissioner Brewster, seconded by Commissioner Love to remove the existing crosswalks on Davey Drive. Motion carried unanimously.

Item 7. Motion was made by Commissioner Tugman, seconded by Commissioner Brewster to defer Item 7 until such time that a workshop can be held. Motion carried unanimously.

Item 8. Mr. Whaley, addressed the Mayor and Commissioners and stated as you know, the City of Wichita Falls has recently amended their Drought Contingency Plan to include language concerning Stage 5 Drought Catastrophe which is defined and triggered when combined lake levels reach 25%. The most recent report has the combined lake levels below 25% prompting the City of Wichita Falls to declare Stage 5 Drought Catastrophe active Saturday. As a wholesale water customer, the City of Burkburnett is obligated to follow the same trigger for our Stage 5 Drought Restrictions. What we have presented is Staff's recommendations for Stage 5 Drought Restrictions. In our recommendation, all requirements of stage 2, 3, and 4 shall remain in effect during Stage 5 except these recommended changes. *1) It shall be prohibited to fill, refill or add potable water to any residential pool. All water features (waterfalls, sprays, slides, etc.) for residential pools shall be prohibited. 2) Commercial car washes shall only operate 8 hours a day, 6 days a week, between the hours of 10:00a.m. and 6:00p.m. 3) It shall be an affirmative defense that a car dealer or car rental company was preparing a vehicle for pickup and washed that vehicle on the day of pick up by the customer.*

4) Residential Meters

\$6.00 per 1,000 gallons for usage between 10,001 gallons and 15,000 gallons

\$9.00 per 1,000 gallons for usage between 15,001 gallons and 20,000 gallons

\$12.00 per 1,000 gallons for usage between 20,001 gallons and 25,000 gallons

\$15.00 per 1,000 gallons for usage over 25,000 gallons

Mr. Whaley stated the following will also need to be added to Stage 5 Restrictions:

There will be no washing cars when Lakes Arrowhead & Kickapoo are between 20% and 25%.

The following addressed the Mayor and Commissioners:

Douglas Stroud, 1521 Oak Forest Dr., Graham, TX – owner of Turtle Hole Auto Bath, Burkburnett, TX

Motion was made by Commissioner Brewster, seconded by Commissioner Hardy to approve the proposed language for Stage 5 Drought Restrictions with the following changes:

(e) Commercial car washes shall only operate 17 hours a day, 7 days a week, between the hours of 5:00 a.m. and 10:00 p.m.

Motion carried unanimously.

Item 9. Ordinance Number 854 was presented. Caption of same being:

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AMENDING APPENDIX J OF THE WATER CONSERVATION PLAN; ESTABLISHING CRITERIA FOR THE DROUGHT CONTINGENCY PLAN; PROVIDING PENALTIES, SEVERABILITY AND AN EFFECTIVE DATE.

Motion made by Commissioner Brewster, seconded by Commissioner Hardy to approve Ordinance Number 854 with the approved changes in the proposed language for Stage 5 Drought Restrictions. Motion carried unanimously.

Item 10. Mike Whaley, addressed the Mayor and Commissioner and stated Ordinance Number 855 pertains to the use of the City's water vending machine and establishes a policy for customers for the new automated water dispensing station. Mr. Whaley stated it will be limited to county residents who have no other option for potable water than to purchase water from the water vending machine and haul water to their residence. Also there has been a purchase limit set at 10,000 gallons per month per customer. The City has established a rate of \$6.15 per thousand gallons, with a deposit of \$75.00, and an administrative fee of \$25.00 per month, \$20.00 retained by the City for an administrative fee and \$5.00 will be paid to the County for their service in verifying an affidavit confirming identity, residency within Wichita County, and access to a potable water system. Mr. Whaley stated Staff believes this policy is necessary to establish control of the water vending machine and accountability of the water customers.

Motion made by Commissioner Ducos, seconded by Commissioner Brewster to approve the proposed language for water vending machine. Motion carried unanimously.

Item 11. Ordinance Number 855 was presented. Caption of same being:

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AMENDING CHAPTER 53, WATER VENDING MACHINE IN THE CODE OF ORDINANCES, PROVIDING AN EFFECTIVE DATE.

Motion made by Commissioner Brewster, seconded by Commissioner Hardy to approve Ordinance Number 855 as presented. Motion carried unanimously.

Item 12. Mr. Whaley addressed the Mayor and Commissioners and stated the Interlocal Agreement with Wichita County would establish a partnership between the City of Burkburnett and Wichita County in regards to providing water to County residents who otherwise have no other availability to a potable water system, in other words have no other option to haul their water. Mr. Whaley stated within this agreement, the City would utilize a \$25.00 administration fee in which \$5.00 of that fee would be set aside and paid to the County for their service. That service specifically would be to review an affidavit submitted by potential water customers in order to verify their identification, residence in Wichita County, and access to a potable water supply.

Motion made by Commissioner Brewster, seconded by Commissioner Law to approve the Interlocal agreement with Wichita County. Motion carried unanimously.

Item 13. Mr. Whaley addressed the Mayor and Commissioners and explained the City entered into a purchase and sale agreement with Fred Dwyer for acreage adjacent to Ashton Road. This agreement allows Mr. Dwyer to occupy and use the property for agricultural and farming purposes. The Farm Lease will need to be executed in order to meet the terms of the purchase and sale agreement. Mr. Whaley stated the City Attorney has reviewed and approved the farm lease.

Motion was made Commissioner Love, seconded by Commissioner Hardy to approve the Farm Lease as presented. Motion carried unanimously.

Item 14. Ed Stahr, Chief of Police, addressed the Mayor and Commissioners and stated he is seeking alternate methods for disposal of animals other than euthanasia. Chief Stahr requested the Board of Commissioners authorization to enter into any necessary agreements on behalf of the City regarding the adoption of animals in police department custody and giving him, as the Chief of Police, the authority to implement and operate an animal adoption program for such animals.

Motion was made by Commission Lindenborn, seconded by Commissioner Tugman to approve Chief Stahr's request to set up an animal adoption program. Motion carried unanimously.

Item 15. Resolution Number 559 was presented it is entirety. A resolution ordering payment of up to \$55,000 for the purchase of a new electronic Community Center sign, 2nd and final reading.

Motion was made by Commissioner Hardy, seconded by Commissioner Ducos to approve Resolution Number 559 as presented. Motion carried unanimously.

Item 16. Resolution Number 563 was presented in its entirety. A resolution denying a rate increase under Atmos Second Annual RRM Rate Increase under the Renewed RRM Tariff. Mr. Whaley addressed the Mayor and Commissioners and stated the Atmos Cities Steering Committee submitted a memorandum and model staff report to the 164 cities served by the Atmos Energy Mid-Tex Division and provided a proposed resolution denying the rate increase requested by Atmos Energy.

Motion was made by Commission Lindenborn, seconded by Commissioner Hardy to approve Resolution Number 563 as presented. Motion carried unanimously.

Item 17. Review of monthly reports.

- A. Administration-None.
- B. Public Works- Mr. Smith provide updated update on water well field, 16 wells have been drilled, wells are projected to be up and running in 30 days or less.
Mr. Smith reported there has been a short delay at the Family Aquatic Center due to change in project manager. Mr. Smith reported the water well for the Family Aquatic Center has been drilled and is producing 12 gallons per minute.
- C. Public Safety- Ed Stahr, Chief of Police, reported there is an event (rally) set for May 24 on Jimmy Smith's property, with approximately 1000 people anticipated to participate.
- D. Economic Development-Deana Sheriff, Economic Development Director, reported she is working with four active prospects. Ms. Sheriff also reported that Domino's pizza is will be opening in Burkburnett in late Fall.

Item 18. Public comments.

The following addressed the Mayor and Commissioners:

Bill Morgan, 602 Forest

Item 19. City Manager's report.

- A. Kiosk Update- Mr. Whaley reported the kiosk has been delivered. There are some renovations that need to be made for the installation of the Kiosk. Mr. Whaley stated the drive thru will stay open.
- B. Water Vending Machine Update-Mr. Whaley stated the electrical work is being completed at the water vending machine.
- C. Events-TML Region 5 Quarterly Meeting scheduled for June 19th in Lakeside City.

Item 20. Commission comments.

Item 21. Motion was made by Commissioner Tugman, seconded by Commissioner Hardy to adjourn. Motion carried unanimously.

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk



City Commission Agenda Memo

From: Gordon Smith, Director of Public Works
Date: June 10, 2014
Item: Variance Request for front yard water well-1111 Cheryl Dr.

Background

A variance request has been submitted by Mr. Adam Shinpaugh who resides at 1111 Cheryl Dr. He is requesting the Board of Commissioners allow him to drill a private water well in the front yard of his property.

Ordinance Number 612 pertaining to drilling of private water wells restricts the well to the rear yard and does not allow for drilling in the front or side yard. It does however in Section 12 of the ordinance allow for a variance request to be made under cases of emergency or hardship.

Mr. Shinpaugh has chosen to seek a variance from the City under hardship of the Drought Restrictions.

Utility pole locations and site constraints will not allow the driller to enter the back yard to drill the well even with sections of fence to be removed. The proposed well site if approved will be required to have a well cover that is aesthetically pleasing.

Fiscal Impact

N/A

Options

- Approve Variance
- Not approve Variance

Staff Recommendation

Staff has no specific recommendation

Attachments

Mr. Shinpaugh's request and site plan drawing

APPLICATION FOR THE DRILLING OF A WATER WELL

Request to drill a water well located within the boundaries of Burkburnett, Tx

I Adam Shinpaugh request a permit to drill a water well located at 1111 Cheryl Drive, Burkburnett, Texas, Lot 17, Block 2 Ashton Addition. The well will be located 15 feet from the west boundary line and 20 feet from the North boundary line. The well will be drilled to a total depth of 40 feet. A 9-inch hole will be drilled and if successful 5-inch PVC schedule 40 casing will be set. A ½ HP submersible pump (10 GPM) will we used. If successful the well will be covered with man made rock with an address plate attached, as shown on attached paper.

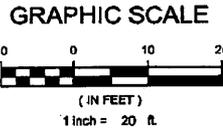
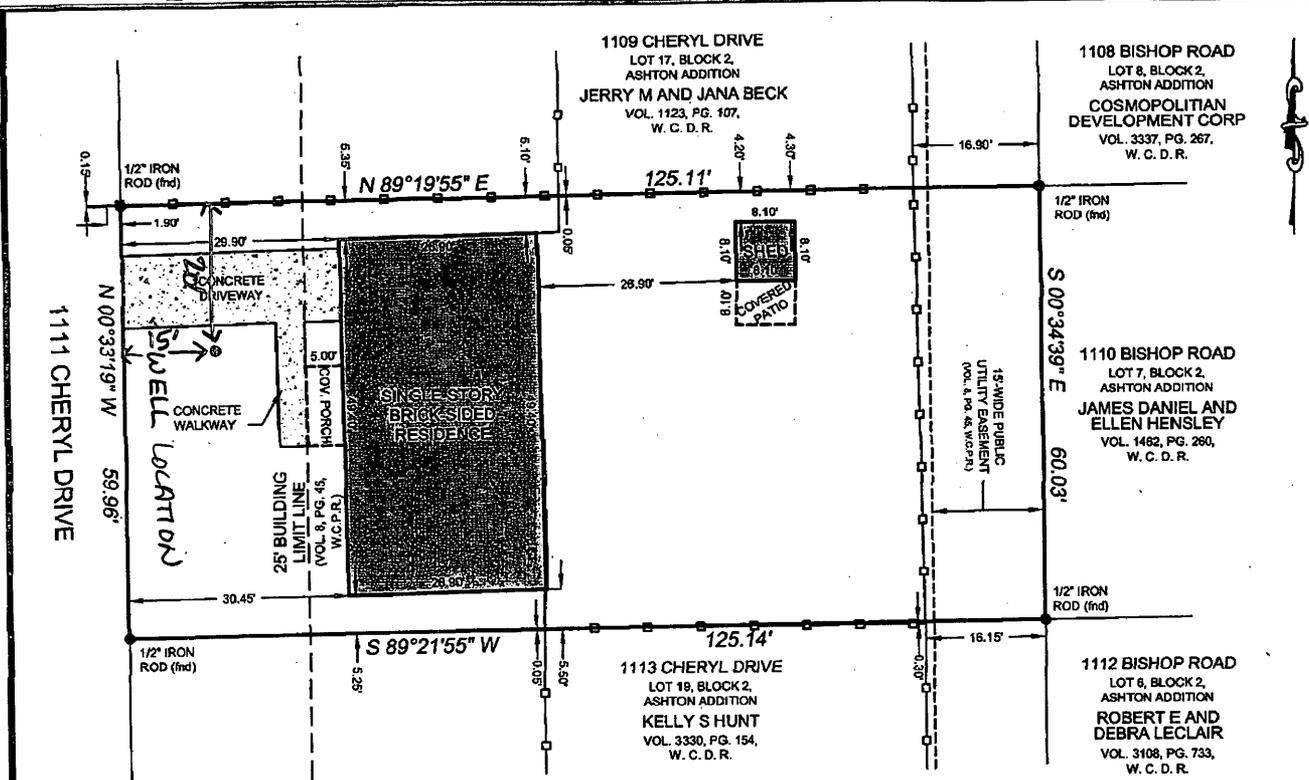
This well is being drilled in the front yard of the residence because there is no access for a Rig to the back yard. The Utility Easement of 15 feet wide in the back of the lot only has one way in and out. This entrance coming off of Bishop Road makes a 90 degree turn and a Drilling Rig cannot make the turn.

Thank you for your consideration on this application.



Adam Shinpaugh

ASL



BASIS OF BEARINGS
N 00°33'19" W FOR THE WEST LINE OF SUBJECT PROPERTY PER PLAT OF RECORD...

SURVEYOR'S CERTIFICATION

To: ARCHER TITLE, AMERICAN NATIONAL BANK, AND ADAM SHINPAUGH
I, Brian Salter, Registered Professional Land Surveyor, hereby certify that this survey of the property located at: 1111 CHERYL DRIVE BURKBURNETT, TX 76354 and legally described hereon was made on the ground on this, the 19TH day of JANUARY 2010 by me or under my supervision and correctly shows the boundary lines, dimensions, and area of the land, and all alleys, streets, rights-of-way, easements, and other matters of record which, to my knowledge, affect the property. The undersigned further certifies that there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, protrusions, overlapping of improvements, easements, or rights-of-way except as shown hereon.

Brian Salter
BRIAN SALTER, PROFESSIONAL LAND SURVEYOR NO. 5597

THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT STANDARDS AND SPECIFICATIONS FOR A.T.S.P.S. CATEGORY 1A, CONDITION 2 SURVEY.

LEGAL DESCRIPTION

Lot 18, Block 2, ASHTON ADDITION
SECTION ONE, an addition to the CITY OF BURKBURNETT,
Texas, as shown on that certain map or plat thereof recorded in VOLUME 8
PAGE 45 of the WICHITA County PLAT Records.

FLOODPLAIN INFORMATION

ALL OR PART OF THE PROPERTY SHOWN DOES NOT LIE WITHIN THE 100-YEAR FLOOD HAZARD AREA AS SHOWN ON THE FOLLOWING F.E.M.A. FLOOD INSURANCE RATE MAP:

FLOOD ZONE: ZONE X
BASE FLOOD ELEVATION: N/A
CITY / COUNTY: BURKBURNETT/WICHITA
MAP PANEL NUMBER: 4848SC0185 G
DATE: FEBRUARY 3, 2010

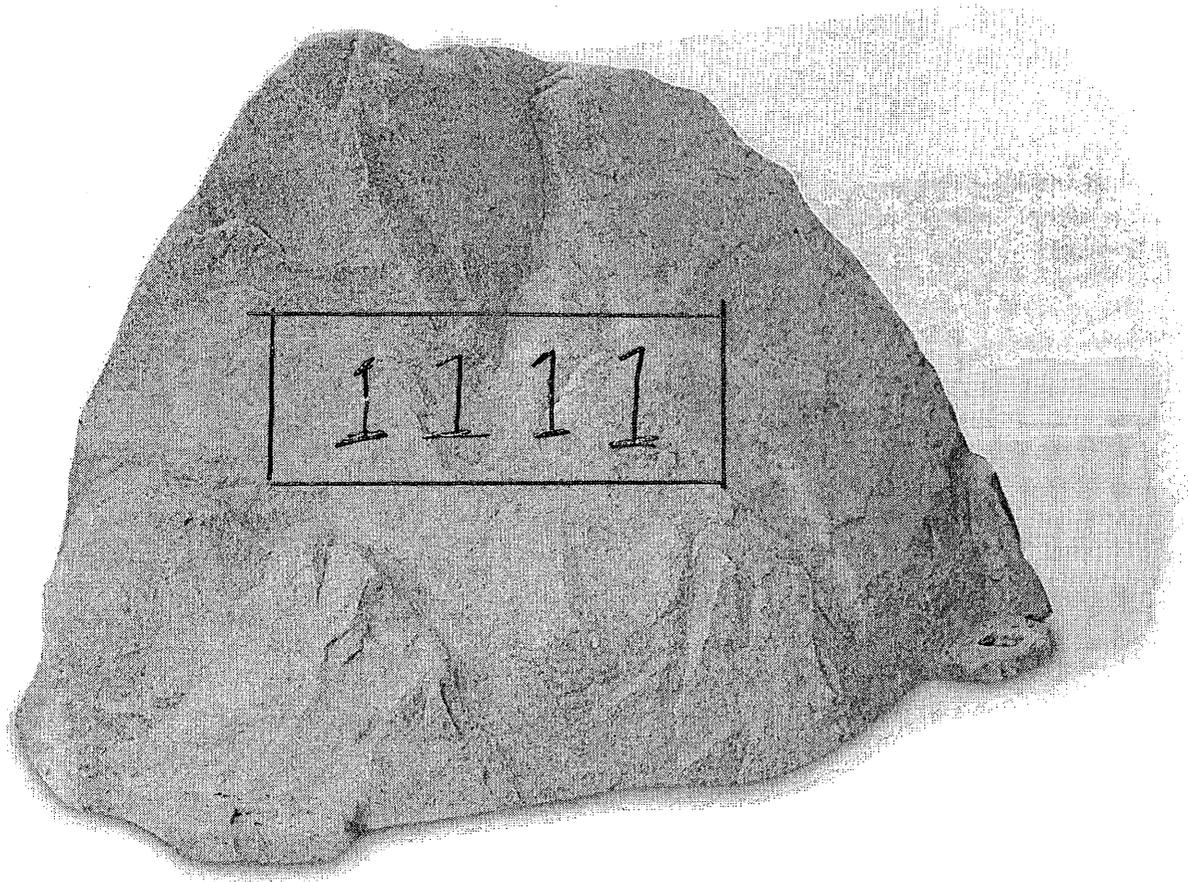
THIS FLOOD STATEMENT IS BASED ON CURRENTLY AVAILABLE INFORMATION THAT IS SUBJECT TO CHANGE. DOES NOT IMPLY THAT THE PROPERTY AND STRUCTURES SHOWN WILL BE FREE FROM FLOODING OR FLOOD DAMAGE, AND SHALL NOT CREATE ANY LIABILITY ON THE PART OF THE SURVEYOR.

WILL INSTALL ROCK COVER WITH ADDRESS PLATE



810 OFFICE PARK CIRCLE, SUITE 130
LEWISVILLE, TX 75057
(940) 723-8000 Tel (940) 723-9003 Fax
www.CranellEng.com

| BK | PG | CAD FILE | SCALE |
|----|----|------------|----------|
| 37 | 90 | 100009.dwg | 1" = 20' |





City Commission Agenda Memo

From: Gordon Smith, Director of Public Works

Date: June 10, 2014

Item: Discuss and take any action necessary on a Specific Use Application and Site Plan to construct an accessory building for vehicle storage and a crematory facility at 101 S. Ave D. Burkburnett Texas.

Background

Steven J. Mendenhall, Owner of Owens and Brumley presented an application request for a Specific Use Provision to construct an accessory building for vehicle storage and a crematory facility at 101 S. Ave D. Burkburnett Texas. The property is zoned Commercial Business and a Specific Use Provision is required for the crematory.

The Proposed Accessory Building is 30 feet x 70 feet (2,100 sq.ft) of steel construction. The elevation presented will provide 4 vehicle bay doors and 1 side entry door. The crematory unit is proposed in the interior between the single bay doors.

Owners 's Representative stated the Crematory process is as follows; the vehicle would enter the building close the doors and make the transfer and then begin crematory process wholly enclosed in the security of the building. See attached specification on the crematory unit and operation. Owner or representative is scheduled to attend the meeting.

Planning and Zoning is scheduled to meet on June 13, 2014 and a recommendation will be forthcoming prior to and at the City Commission meeting.

Owner has submitted a variance request to Zoning Board of Adjustment (ZBA) to reduce the side set back from 25 feet to 10 feet and the rear set back from 25 feet to 16 feet to keep the harmonious building line with the adjacent Family Dollar Store. The ZBA is scheduled to meet on June 17, 2014 to review the request.

Public Notices have been submitted as required by the Zoning Ordinance.

Fiscal Impact

N/A

Options

- Recommend Approval to City Commission the Specific Use Application as presented.
- Recommend Not Approving to City Commission the Specific Use Application as presented.
- Recommend Approval to City Commission the Specific Use Application with additional requirements. (i.e., front building façade improvements; additional landscape or fence screening; etc.)

Staff Recommendation

Staff is recommending to Planning and Zoning Board additional screening and /or façade improvements that would enhance the relationship of the development to the adjacent uses in the terms of harmonious design and negate any possible negative impacts.

Further recommending upon a SUP approval a Building Permit to be issued only after City Staff is in receipt of a full complete set of construction plans of the building.

Note: Motion on the SUP would need to include contingent on the ZBA action on the variance request.

Additional recommendation will be forthcoming.

Attachments

- 1) Specific Use Application.
- 2) Crematory Specifications and proposed building elevation.
- 3) Proposed Site plan for Owens and Brumley Accessory Building.

Staff recommends to Planning and Zoning Board additional screening and /or façade improvements that would enhance the relationship of the development to the adjacent uses in the terms of harmonious design and negate any possible negative impacts.

Further recommend upon a SUP approval a Building Permit to be issued only after City Staff is in receipt of a full complete set of construction plans of the building.

Note: Motion on the SUP would need to include contingent on the ZBA action on the variance request.

Attachments

- 1) Specific Use Application.
- 2) Crematory Specifications and proposed building elevation.
- 3) Proposed Site plan for Owens and Brumley Accessory Building.

CITY OF BURKBURNETT
SPECIFIC USE
APPLICATION

OFFICE USE:
CASE NO. 2014-16
FEE PAID _____

Property Address 101 S. Ave "D" Burkburnett, TX 76354
Legal Description 160X191 Abstract 419 Darby
Tax Account No. 000118938, 000301361
Proposed Use GARAGE Storage & Crematory (Total 4 GARAGE BAYS 1 BAY Housing Cremation Chamber)
Present Use VACANT LOT Zoning COMMERCIAL
Property Platted? Yes No
Applicant's Name STEVEN J. MENDENHALL Daytime Phone # 940-867-0884
Mailing Address 1317 9th STREET
Wichita Falls, TX Zip 76301

I hereby certify that all information contained herein is true and correct; that I have been informed of the date and time that this request will be considered by the Planning and Zoning Commission; and that all required submissions (see reverse) have been provided.

Applicant's Signature [Signature] DATE May 12, 2014
Owner's Signature [Signature] DATE May 12, 2014

- Note:
- Application must be submitted with a site plan.
 - See reverse side for instructions for site plan submission requirements.

Permit (To be completed by the Planning Department.)

A conditional use permit is hereby:

- Approved
- Disapproved
- Conditionally Approved (conditions attached) based on the Planning and Zoning Commission's action on _____

NOTE: A CONDITIONAL USE PERMIT IS VALID FOR 1 YEAR UNLESS A BUILDING PERMIT IS ISSUED AND CONSTRUCTION IS ON GOING.

City Planning Administrator Date

[2014 Sales Deals](#)

[Thermal Dynamic Engineering \(Waste\)](#)

[Translation](#)

[Select Language](#) ▼

[Home](#)

[Human Cremation](#)

[Animal Cremation](#)

[Incinerators](#)

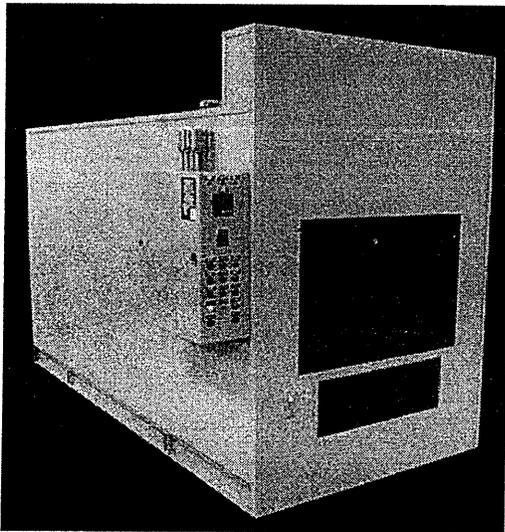
[Services](#)

[Company Information](#)

B&L Cremation Systems, Inc. | N-20SA Human Crematory

[Back To Human Cremation](#)

[Next Human Crematory -->](#)



Made In The United States Of America

The B&L Cremation Systems, Inc. N-20SA human crematory is our low volume production system, with average cremation times of 150 minutes.

[Download Installation Manual](#)

| Specification | U.S Standard | Metric System |
|----------------------|--------------------------------------|------------------------------------|
| Length: | 11' - 6" | 3.51 m |
| Width: | 5' - 2" (6' - 1" with Control Panel) | 1.57 m (1.85 m with Control Panel) |
| Height: | 7' - 8" (8' - 2" with Doorcap) | 2.34 m (2.49 m with Doorcap) |
| Weight: | 20,000 lbs | 9,071.85 kg |
| Door Opening: | 3' - 2" Width x 2' - 1" Height | 0.97 m Width x 0.64 m Height |

| | | |
|---------------------------------|--|--|
| Gas Pressure: | Natural Gas: 7" W.C. Propane Gas: 11" W.C. | Natural Gas: 1.74 kPa W.C. Propane Gas: 2.74 kPa W.C. |
| Power Requirements: | 220 V, Single Phase, 30 AMPS 110 V, Single Phase, 10 AMPS | |
| Body Weight Capability: | 400 lbs | 181.44 kg |
| Cremation Rate: | 150 lbs/hr | 68.04 kg/hr |
| Stack Height From Grade: | Minimum 18' | 5.49 m |
| Stack Sections: | 24" O.D. | 60.96 cm O.D. |
| Chamber Dimensions: | Length: 89.50" Width: 38" Height: 32" 63 ft ³ | Length: 227.33 cm Width: 96.52 cm Height: 81.28 cm 1.78 m ³ |
| Burner Output: | Afterburner Maximum: 1,000,000 BTU per Hour Cremation Burner: 500,000 BTU per Hour Ignition Burner: 300,000 BTU per Hour Maximum Input Rating: 1,500,000 BTU per Hour | Afterburner Maximum: 1,055,055.85 kJ per Hour Cremation Burner: 527,527.93 kJ per Hour Ignition Burner: 316,516.76 kJ per Hour Maximum Input Rating: 1,582,583.78 kJ per Hour |
| Air Requirements: | Outside air inlet louvers in the room located at or below burner height, capable of passing 2,500 ft ³ per minute of free air. | Outside air inlet louvers in the room located at or below burner height, capable of passing 70.79 m ³ per minute of free air. |

Features Of The N-20SA Human Crematory

CONTROL SYSTEM AND POLLUTION MONITORING - This system constantly monitors the stack gases to prevent visible emissions. Integrated with the automatic system, this feature enables the unit to make all necessary adjustments automatically.

FRONT CLEAN OUT - A stainless steel remains removal pan, located in the front of the unit, is included to enable the operator to pull the remains to the front of the chamber, then sweep the remains into the clean out chute.

FULLY-AUTOMATIC CONTROL SEQUENCE - Operation is made simple by the fully-automatic control sequence. A microprocessor temperature controller with a digital readout ensures optimum control while providing the lowest fuel consumption. Visual verification of each stage is provided on the control panel. Operator override is achieved by a turn of a switch for semi-manual control.

HOT HEARTH DESIGN - First introduced by B&L, this design allows for wasted afterburning heat to be recycled through the floor, eliminating fluid problems, lowering fuel consumption, and extending the hearth life.

HYDRAULIC LOADING DOOR - Push-button operated, this feature enables the operator to open the door to the desired height from the control panel. An important safety feature for busy installations, it provides better fuel efficiency and longer refractory life.

LOW NOISE - The secondary combustion blower has been manufactured and installed to allow for low noise operation.

MULTI-CHAMBER AIR CONTROLLED DESIGN - The entire combustion process is completed within the air controlled chambers, allowing for 24 hour operation, eliminating burning in the stack, and providing for greater fuel efficiency over excess air designs.

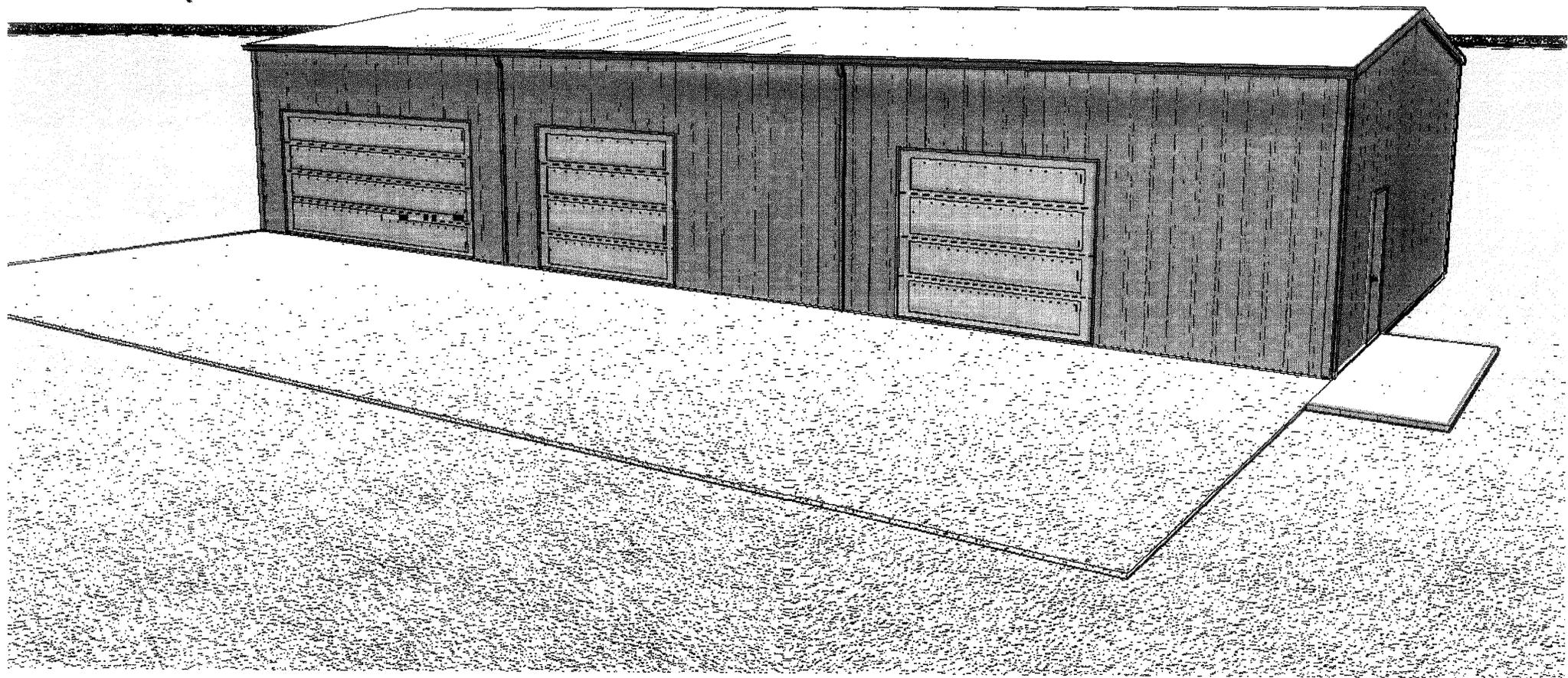
PAINTED STEEL FRONT - Our high temperature paint is sprayed on, then rolled for a textured finish. Our classic colors are B&L gray sides and front with a black loading door, but we also offer custom colors to reflect your company.

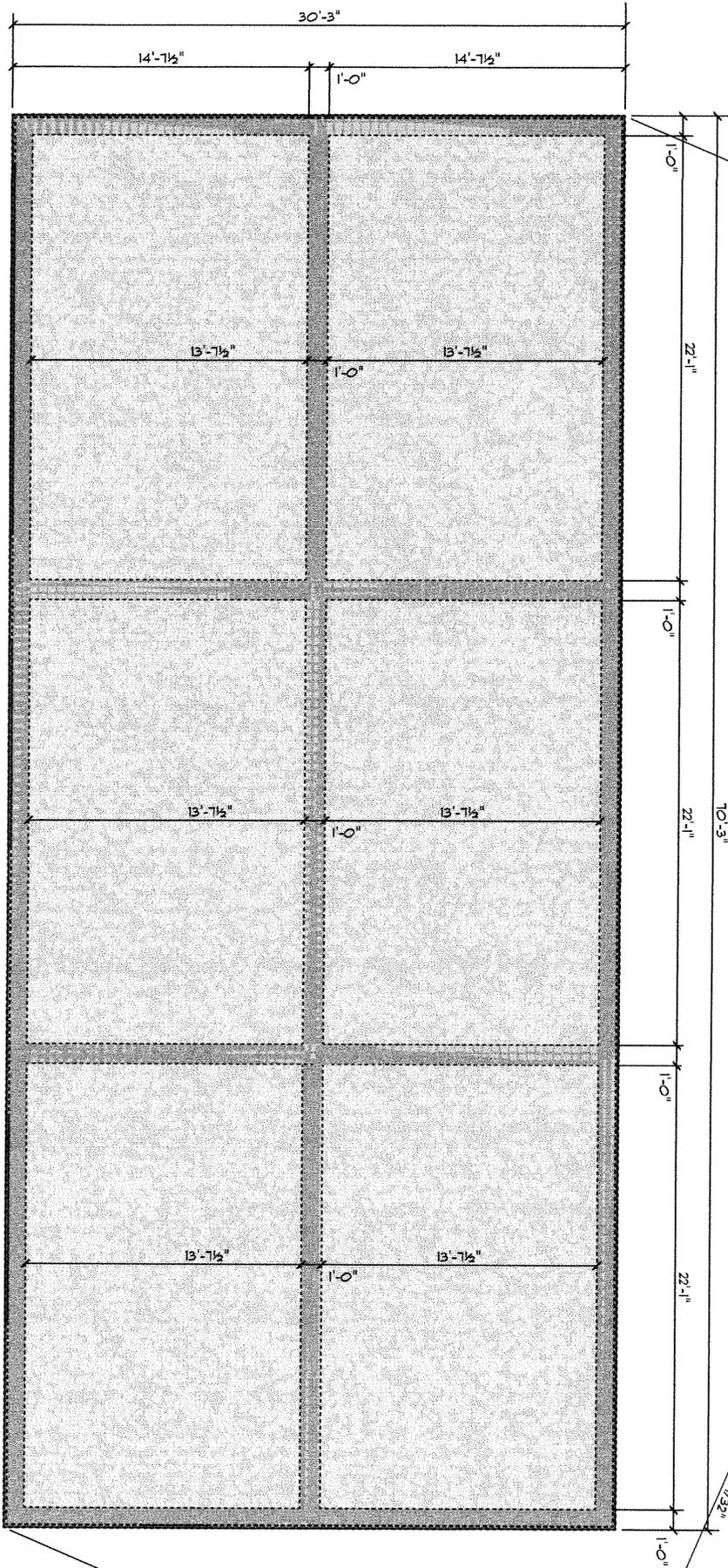
REFRACTORY - The refractory for our N-20SA is made from 4.50 inch thick, 3,000 degree Fahrenheit high-duty refractory walls in all chambers. This is the standard among most major crematories. The hearth is cast from 3,000 degree Fahrenheit abrasive resistant material, and the main chamber ceiling is insulating firebrick to provide better fuel efficiency and longevity.

REFRACTORY LINED STACK - A three inch insulating liner is provided as a safety feature. While gases seldom exceed 1,000 degrees Fahrenheit, the liner reduces heat penetration under every condition, preventing the possibility of fire. A ten year warranty is offered on the stack liner.

STARTUP - Startup is made easy, as our units are fully piped, tested, and wired prior to shipment from the factory. Once the machine has been off-loaded and the stack and utilities hooked up, our factory-trained crematory technicians are available for startup and training service for up to five people.

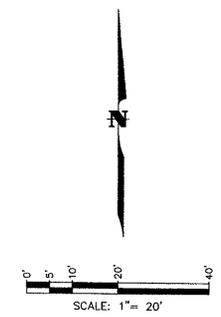
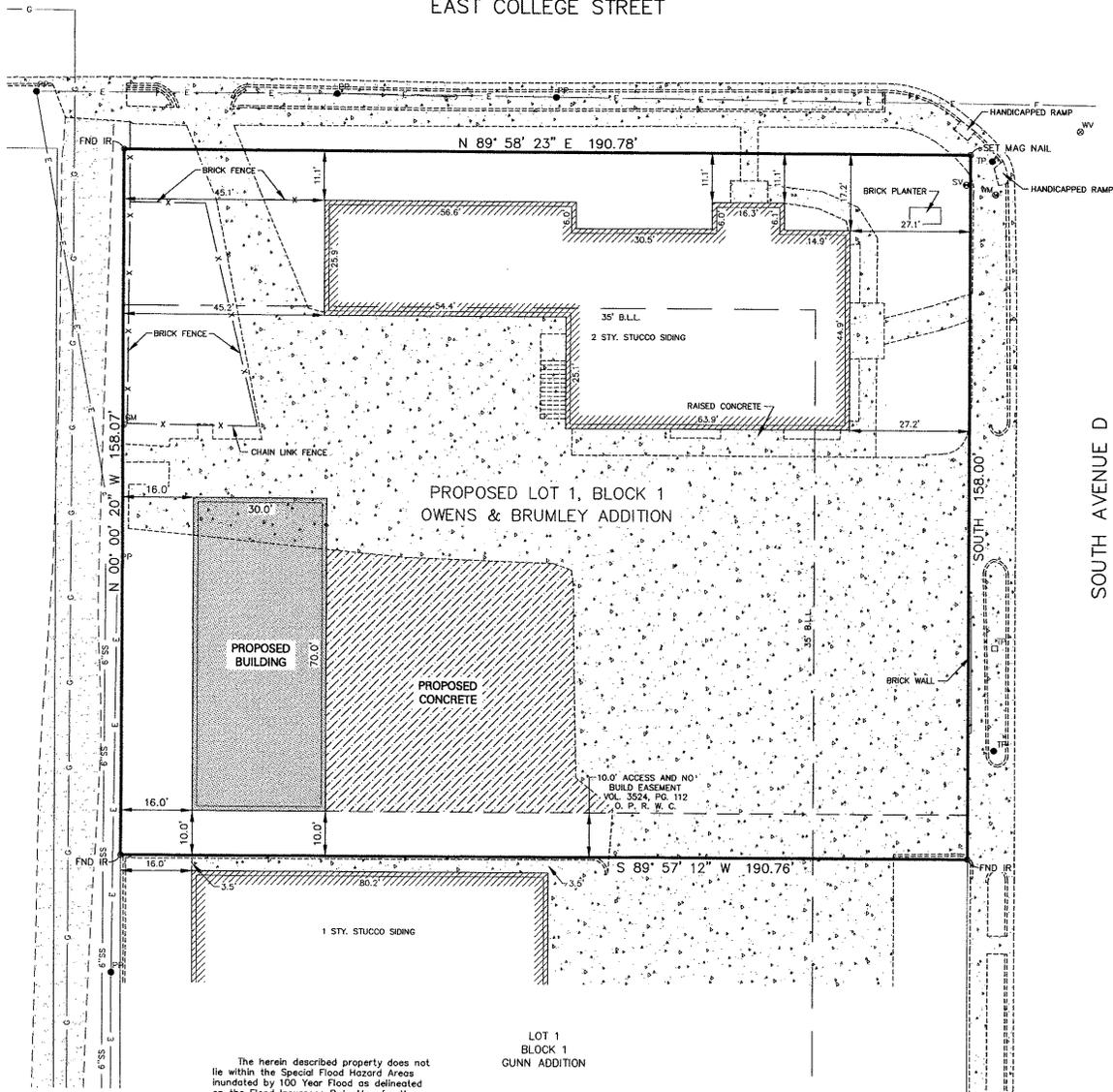
© 2014 B&L Cremation Systems, Inc.
7205 114th Avenue North | Largo, FL 33773
[Contact Us](#)
1-800-622-5411





1/2 inch rebar ditch
 3/8 inch rebar Floor
 5 1/2 inch pour

EAST COLLEGE STREET



LEGEND

- FIRE HYDRANT
- GAS METER
- SIGN
- POWER POLE
- TELEPHONE POLE
- SPRINKLER CONTROL VALVE
- TELEPHONE PEDESTAL
- WATER METER
- WATER VALVE
- EXISTING ELECTRIC LINE
- EXISTING FENCE
- EXISTING GAS LINE
- EXISTING 6" SANITARY SEWER LINE
- GUY WIRE
- EXISTING ASPHALT
- EXISTING CONCRETE
- PROPERTY CORNER (AS NOTED)



Dennis Probst 5-15-14
 DENNIS PROBST
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5352

SITE PLAN
 PROPOSED LOT 1, BLOCK 1
 OWENS & BRUMLEY ADDITION
 BURKBURNETT, WICHITA COUNTY, TEXAS

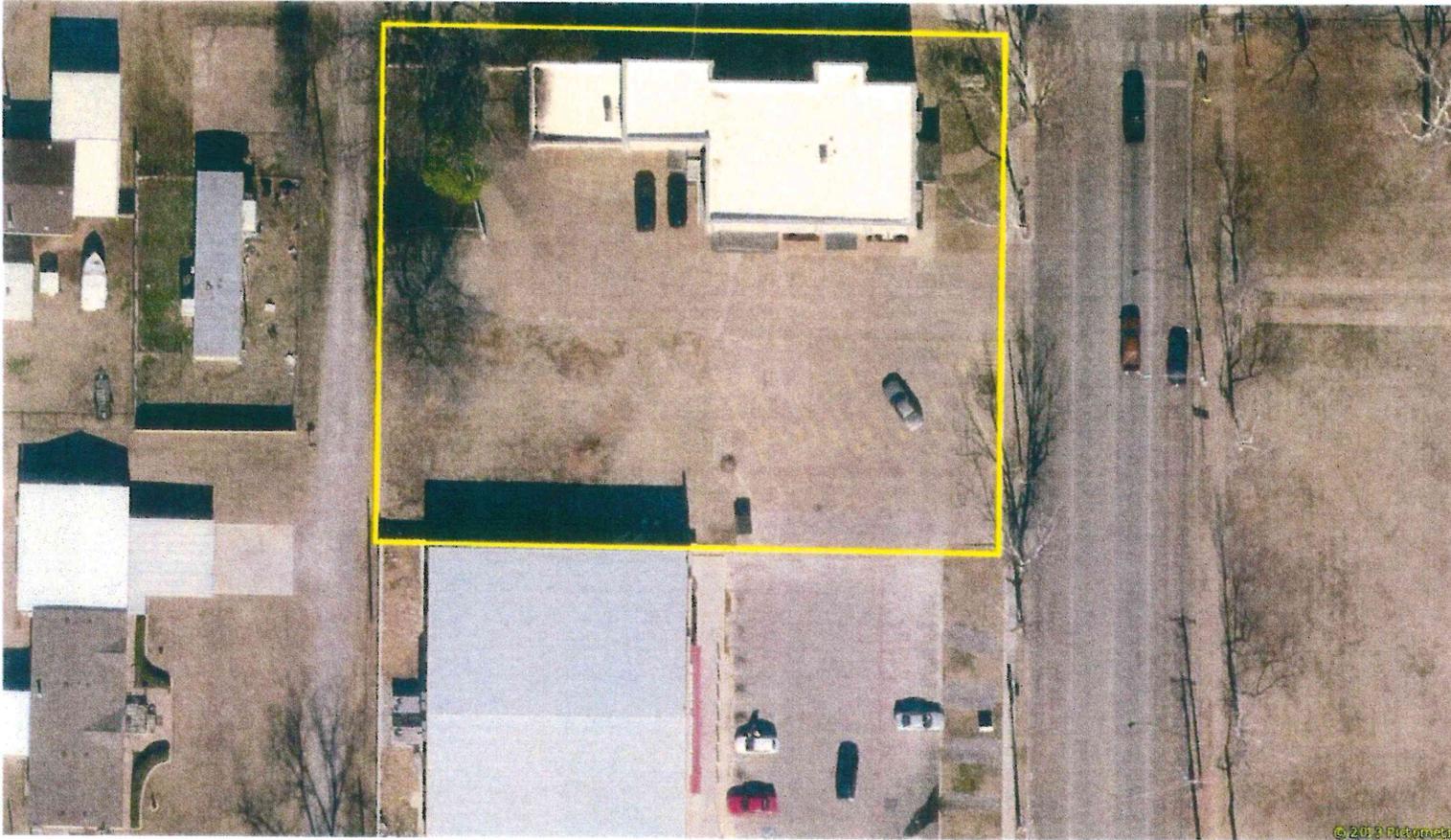
| | |
|---------------------|-----|
| DRAWN | WAT |
| CHECKED | DLP |
| APPROVED | DLP |
| PHONE (940)723-1485 | |
| FAX (940)397-0549 | |

CORLETT, PROBST & BOYD, P.L.L.C.
 ENGINEERS - SURVEYORS
 4605 OLD JACKSBORO HIGHWAY
 WICHITA FALLS, TEXAS 76302

The herein described property does not lie within the Special Flood Hazard Areas inundated by 100 Year Flood as delineated on the Flood Insurance Rate Map for the City of Burkburnett, Wichita County, Texas.
 Map Number: 48485C0185G,
 Dated: February 3, 2010
 as published by the U.S. Department of Homeland Security, Federal Emergency Management Agency.
 Flood Zone designation is Zone X.

LOT 1
 BLOCK 1
 GUNN ADDITION

C:\MULTI\2014\BTR\BTR\BTR\BTR.DWG PROPOSED P-5/15/2014 9:25 AM 5-15-14/2014 9:25 AM 5-15-14/2014 9:25 AM WAT



Owens & Brumley

Print Date: 04/10/2014
Image Date: 01/18/2013
Level: Neighborhood



City Commission Agenda Memo

From: Gordon Smith, Director of Public Works

Date: June 10, 2014,

Item: Rezone Application: Carport Overlay District

Background

The application was presented by Edward Frye owner of property located at 980 Cheryl Dr. This request is to allow for a carport overlay district on the 900 block and 1000 Block of Cheryl Dr. All publishing and mail out requirements have been met. Also, the required amount of signatures (75%) has been satisfied and ownership has been verified by City staff. 24 out of the 32 total property owners on the block has signed the petition.

Public Notices as required by the Zoning Ordinance were sent to the proposed district and all properties 200 feet adjacent to the proposed district.

Planning and Zoning will meet on June 13, 2014 to review the request and make recommendation to City Commission.

Zoning Ordinance

The request follows the guidelines as set forth by the Zoning Ordinance.

Comprehensive Plan

N/A

Subdivision Ordinance

N/A

Staff Recommendation

Approval

Attachments

Application

Petition

Area map highlighting block to be overlaid

CITY OF BURKBURNETT
REZONING APPLICATION

OFFICE USE:

CASE NO. 2014-17

FEE PAID 150.00 chtt

PROPERTY ADDRESS: 980 Cheryl Dr.

LEGAL DESCRIPTION: 11 6 3 Ashton
LOT(S) BLOCK SECTION SUBDIVISION

AREA IN ACRES _____

PRESENT ZONING CLASSIFICATION non carports PROPOSED ZONING Carports

PRESENT USE non carport residential

PROPOSED USE Carport residential

REASON FOR REQUEST Carport to residential property

NAME OF APPLICANT Edward J. Frye + Mary C. Frye

ADDRESS 980 Cheryl Dr. Burkburnett TX 76354

PHONE # 940-569-1187

I hereby certify that all information contained herein is true and correct, and that all required submissions (see reverse) have been submitted.

SIGNATURE OF APPLICANT Edward Frye DATE 5/1/14

SIGNATURE OF PROPERTY OWNER Mary C. Frye DATE 5/1/14

SEE REVERSE SIDE FOR INSTRUCTIONS
Attach PUD application for a Planned Unit Development

II (To be completed by the Planning Department)

The rezoning request is hereby approved based on Ord. No. _____

The rezoning request is hereby disapproved by City Council on _____

of Planning Date _____

City of Burk Burnett



Carpport Overlay District (CP) Request Form

Note: All property owners should verify deed restrictions regarding carports prior to signing

| Property Address | Property Legal Description | Property Owner | Contact Number | Signature |
|------------------|----------------------------|------------------------|----------------|------------------------|
| 987 Cheryl | 12-1-3 | | | |
| 988 Cheryl | 7-6-3 | Jana Gibson | 940-983-6516 | Jana Gibson |
| 989 Cheryl | 11-1-3 | Rachael Foley | | Rachael Foley |
| 990 Cheryl | 6-6-3 | Juan E. Gil | 940 782 9085 | Juan E. Gil |
| 991 Cheryl | 10-1-3 | Don Northman | 569-6012 | Don Northman |
| 992 Cheryl | 5-6-3 | Ronald Robertson | 569-3273 | Ronald Robertson |
| 993 Cheryl | 9-1-3 | Nathan Simpson | 580 695 0909 | Nathan Simpson |
| 994 Cheryl | 4-6-3 | | | |
| 995 Cheryl | 8-1-2 | Cheryl Dresbach | | Cheryl Dresbach |
| 996 Cheryl | 34 W6' 2-6-2 | WANDA McEwen | | Wanda McEwen |
| 997 Cheryl | 7-1-2 | Ronald H. Bejessre | 940 569-0670 | Ronald H. Bejessre |
| 999 Cheryl | 6-1-2 | | | |
| 1001 Cheryl | 5-1-2 | Heidi & Andrew Wichita | | Heidi & Andrew Wichita |
| 1003 Cheryl | 4-1-2 | Russell Smith | | Russell Smith |

24-758

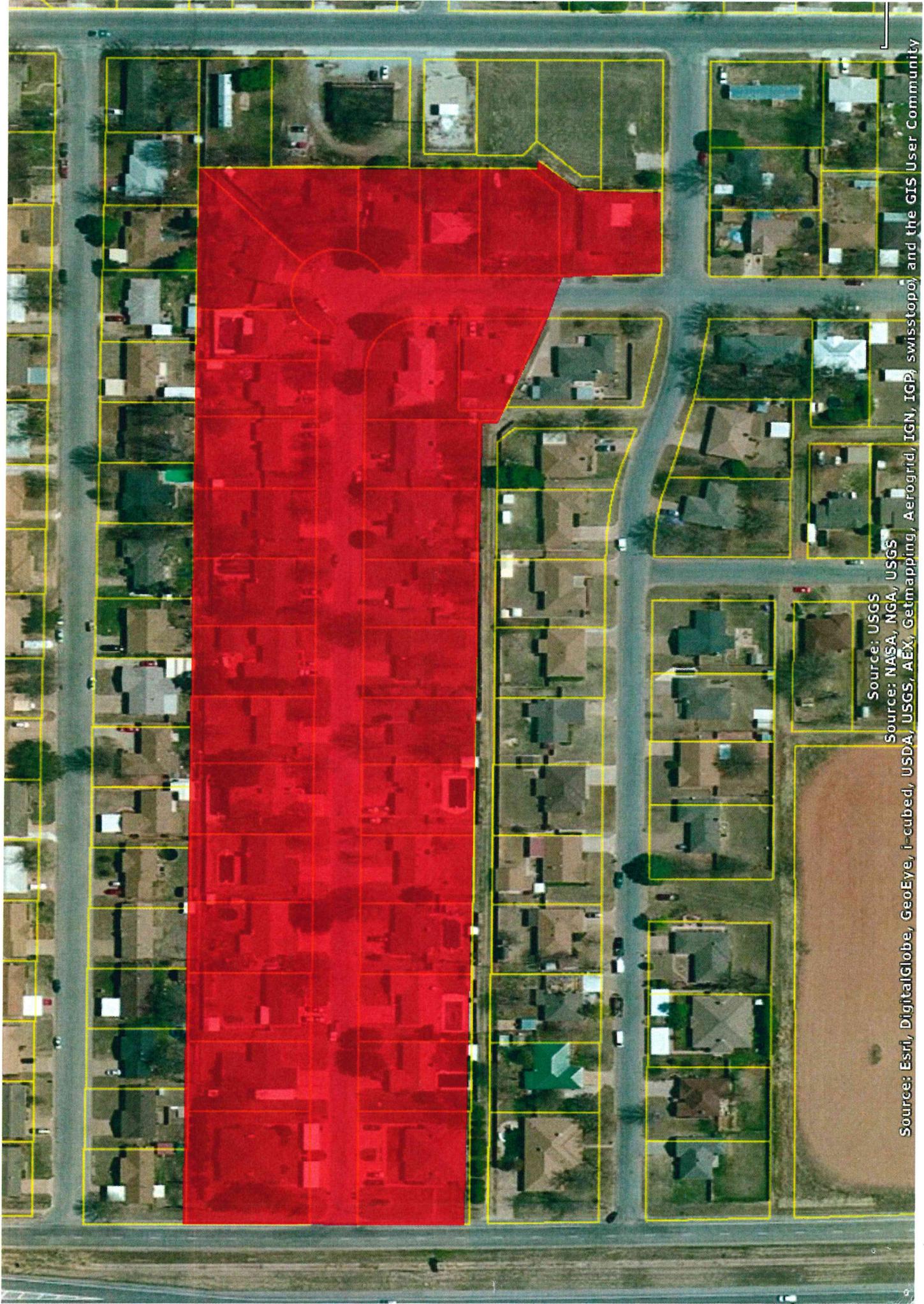
City of Burkburnett



Carpport Overlay District (CP) Request Form

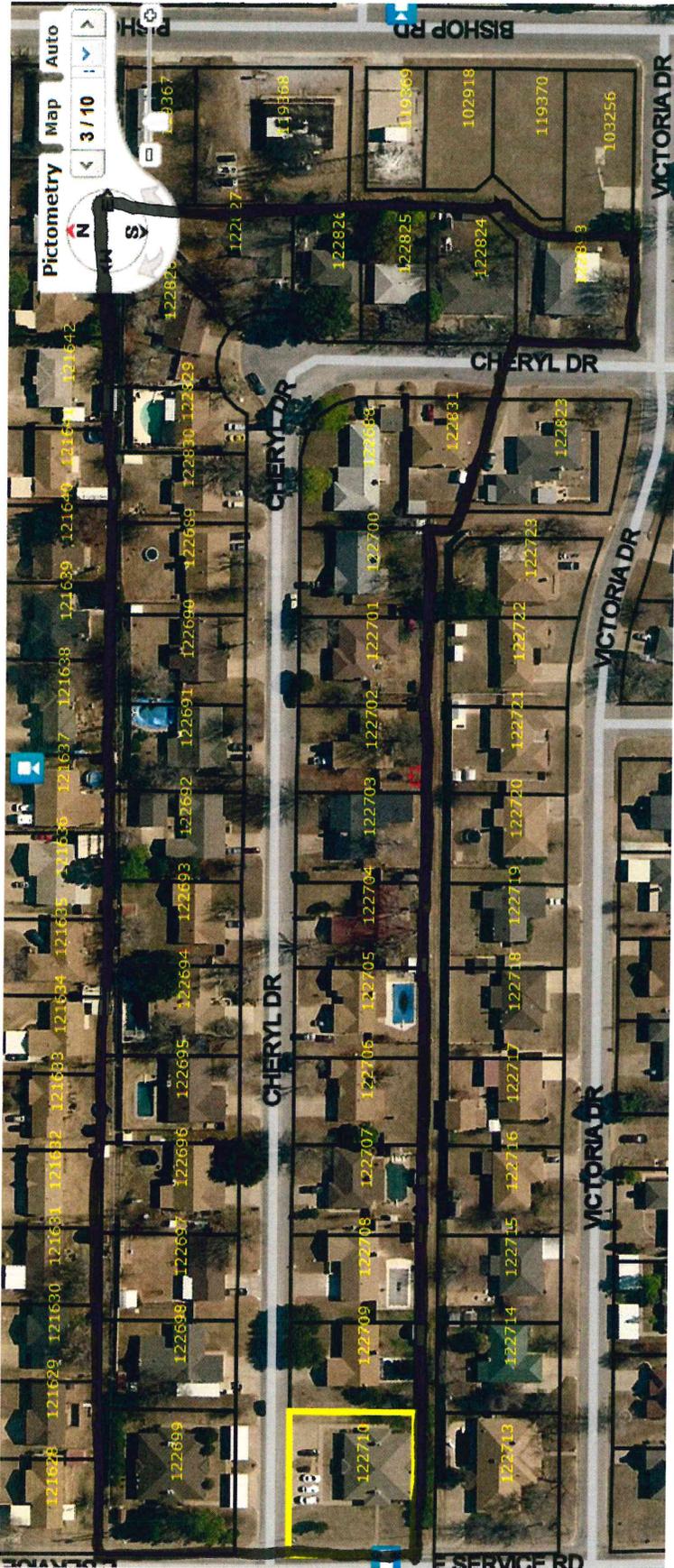
Note: All property owners should verify deed restrictions regarding carports prior to signing

| Property Address | Property Legal Description | Property Owner | Contact Number | Signature |
|------------------|----------------------------|-------------------------------------|----------------|-------------------|
| 973 Cheryl | 19-1-3 | | | |
| 974 Cheryl | 14-6-3 | | | |
| 975 Cheryl | 18-1-3 | Marc Hauer | 940-631-7771 | Marc Hauer |
| 976 Cheryl | 13-6-Ashton | Joseph Casteen Elizabeth Casteen | (940) 81-0142 | Elizabeth Casteen |
| 977 Cheryl | 17-1-32 | Wesley Boyd | 569-0082 | Wesley Boyd |
| 978 Cheryl | 12-6-3 | S Sgt Paulson Scottie Danner | 940-224-6479 | Scottie Danner |
| 979 Cheryl | 16-1-3 | Randy Francine West | 940-764-9999 | Randy West |
| 980 Cheryl | 11-6-3 | Edward J Frige Mary C Frige | 569-1187 | Edward Frige |
| 981 Cheryl | 15-1-3 | BRUCE DONALD | 636-7423 | Bruce Donald |
| 982 Cheryl | 10-6-3 | BARRY SPUDLOCK | 636-8656 | Barry Spudlock |
| 983 Cheryl | 14-1-3 | Dale Hess | 781-2714 | Dale Hess |
| 984 Cheryl | 9-6-Ashton | | | |
| 985 Cheryl | 13-1-3 | DIANE PIPER | 569-1970 | Diane Piper |
| 986 Cheryl | 8-6-Ashton | | | |



Source: USGS
Source: NASA, NGA, USGS

Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community





City Commission Agenda Memo

From: Gordon Smith, Director of Public Works

Date: June 5, 2014

Item: Discuss and take any action necessary on a final plat, Owens and Brumley Addition Block 1, Lot 1

Background

Steven J. Mendenhall, Owner of Owens and Brumley presented an application request for a Final Plat to construct an accessory building for vehicle storage and a crematory facility at 101 S. Ave D. Burkburnett Texas. The property is zoned Commercial Business. The plat reflects proper building lot lines and easements. It also meets minimum requirements per the Zoning Ordinance and does not conflict with the Comprehensive plan or the subdivision ordinance.

Fiscal Impact

N/A

Options

- Approve Final Plat
- Not approve Final Plat

Staff Recommendation

Staff recommends to City Commissioners approval of the final plat of Owens and Brumley Addition Block 1, Lot 1.

Attachments

- 1) Final Plat of Owens and Brumley Addition Block 1, Lot 1
- 2) Proposed Site plan for Owens and Brumley accessory building.

STATE OF TEXAS
COUNTY OF WICHITA

WHEREAS, OBWF REALTY, LLC is the owner of a certain 0.692 acre tract of land out of the J. G. Hardin Pre-Emption (G. W. Darby) Survey, A-419, City of Burkburnett, Wichita County, Texas, as recorded in Volume 2739, Page 516, Official Public Records of Wichita County, Texas, and described by metes and bounds as follows:

BEGINNING at an iron rod found in the West right-of-way line of South Avenue D (Spur 267), a dedicated street, said rod being the Northeast corner of Lot 1, Block 1, Gunn Addition, an addition to the City of Burkburnett, Texas as recorded in Volume 28, Page 646 of the Wichita County Plat Records, Wichita County, Texas, for the Southeast corner and PLACE OF BEGINNING of this description;

THENCE leaving said West line of South Avenue D, S 89° 57' 12" W a distance of 190.76 feet to a found iron rod in the East line of a certain 15 foot alley, said rod being the Northwest corner of said Lot 1, Block 1, Gunn Addition, for the Southwest corner of this tract;

THENCE with the East line said 15 foot wide alley, N 00° 00' 20" W a distance of 158.07 feet to an iron rod found at the intersection of said East line of alley and the South right-of-way of East College Street, a dedicated street, for the Northwest corner of this tract;

THENCE with the South right-of-way of East College Street, N 89° 58' 23" E a distance of 190.78 feet to a set mag nail at the intersection of the South right-of-way of East College Street with the West line of South Avenue D, a dedicated street, for the Northeast corner of this tract;

THENCE SOUTH with the West line of South Avenue D, a distance of 158.00 feet to the PLACE OF BEGINNING and containing 0.692 acre of land.

THEREFORE, the owner of the land shown on this plat and whose name is subscribed thereon and in person or through a duly authorized agent, hereby dedicates to the public forever all streets, alleys, parks, water courses, drains, easements, and public places thereon shown for the purposes and considerations therein expressed.

STEVE MENDENHALL, President
OBWF REALTY, LLC

STATE OF TEXAS
COUNTY OF WICHITA

BEFORE ME, the undersigned authority, on this day personally appeared STEVE MENDENHALL, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

Given under my hand and seal of office this the _____ day of _____, 2014.

Notary Public in and for State of Texas

The Plat of OWENS & BRUMLEY ADDITION, BLOCK 1, LOT 1, an addition to the City of Burkburnett, Texas, has been submitted to and considered by the City Commission of the City of Burkburnett, Texas, and is hereby approved by such Board.

Dated this _____ day of _____, 2014.

Carl Law, Mayor

I hereby certify that this plat has been prepared from an actual survey of the land made under my supervision and direction in APRIL, 2014, and that all information shown is true and correct to the best of my knowledge, and that all monuments were properly placed in accordance with the Subdivision Regulations of the City of Burkburnett, Texas.

Dennis Probst 5-29-14
DENNIS PROBST
Registered Professional Land Surveyor No. 5352



This is to certify that all taxes due and collected by Burkburnett Independent School District on the above described property have been paid up to and including _____ with the following exceptions:

This certification is conditional on values certified by the Appraisal District as of this date. Any changes to the certified value made subsequent to the date of the certification are not included.

Tax Collector: _____

by Deputy: _____

Date: _____

This is to certify that all taxes due and collected by the City of Burkburnett, on the above described property have been paid up to and including _____ with the following exceptions:

This certification is conditional on values certified by the Appraisal District as of this date. Any changes to the certified value made subsequent to the date of the certification are not included.

Tax Collector: _____

by Deputy: _____

Date: _____

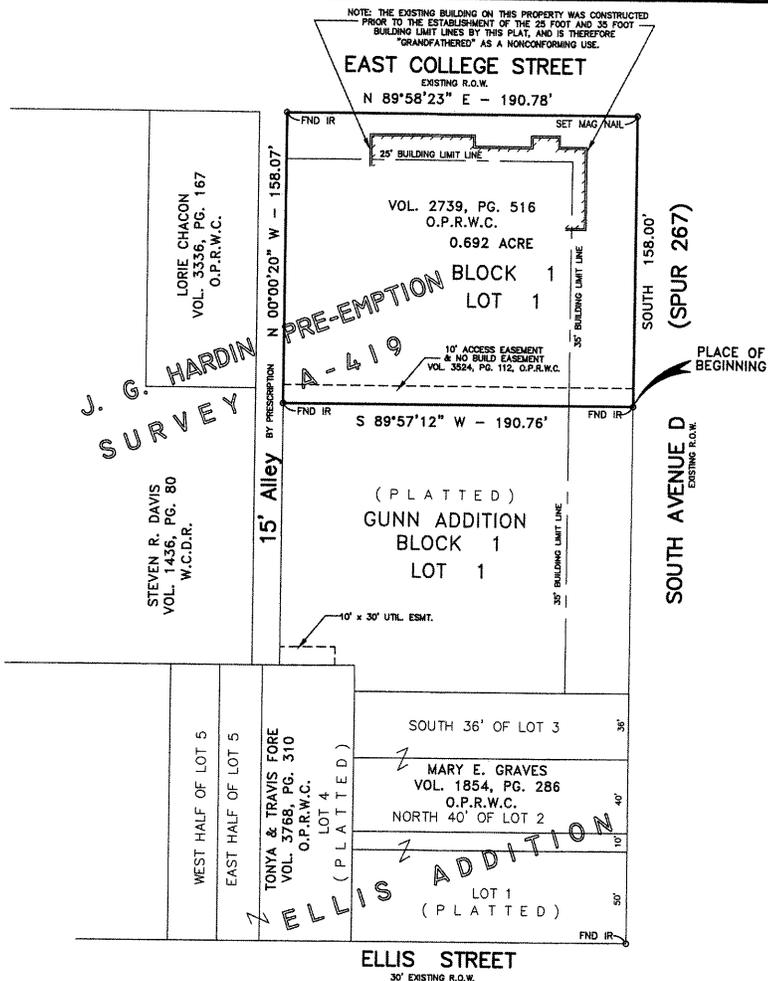
This is to certify that all taxes due and collected by the County of Wichita, on the above described property have been paid up to and including _____ with the following exceptions:

This certification is conditional on values certified by the Appraisal District as of this date. Any changes to the certified value made subsequent to the date of the certification are not included.

Tax Collector: _____

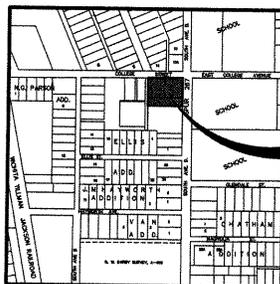
by Deputy: _____

Date: _____



BASIS OF BEARING IS THE WEST LINE OF AVENUE D (SPUR 267) = S 00°00'00" W

The herein described property does not lie within the Special Flood Hazard Areas inundated by 100 Year Flood as delineated on the Flood Insurance Rate Map for the City of Burkburnett, Wichita County, Texas, Map Number: 48485 C 0185 G, Dated: February 3, 2010, as published by the U.S. Department of Homeland Security, Federal Emergency Management Agency, Flood Zone designation is Zone X.



LOCATION MAP
NOT TO SCALE

FINAL PLAT

OWENS & BRUMLEY ADDITION, BLOCK 1, LOT 1, BURKBURNETT, TEXAS

(AN ADDITION TO THE CITY OF BURKBURNETT, TEXAS
OUT OF THE J. G. HARDIN PRE-EMPTION
[G. W. DARBY] SURVEY, A-419, WICHITA COUNTY, TEXAS)

APRIL 2014
SCALE: 1" = 50'

OWNER:
OBWF REALTY, LLC

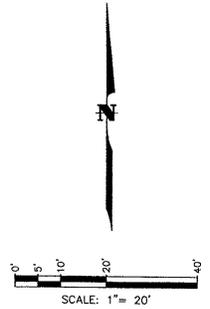
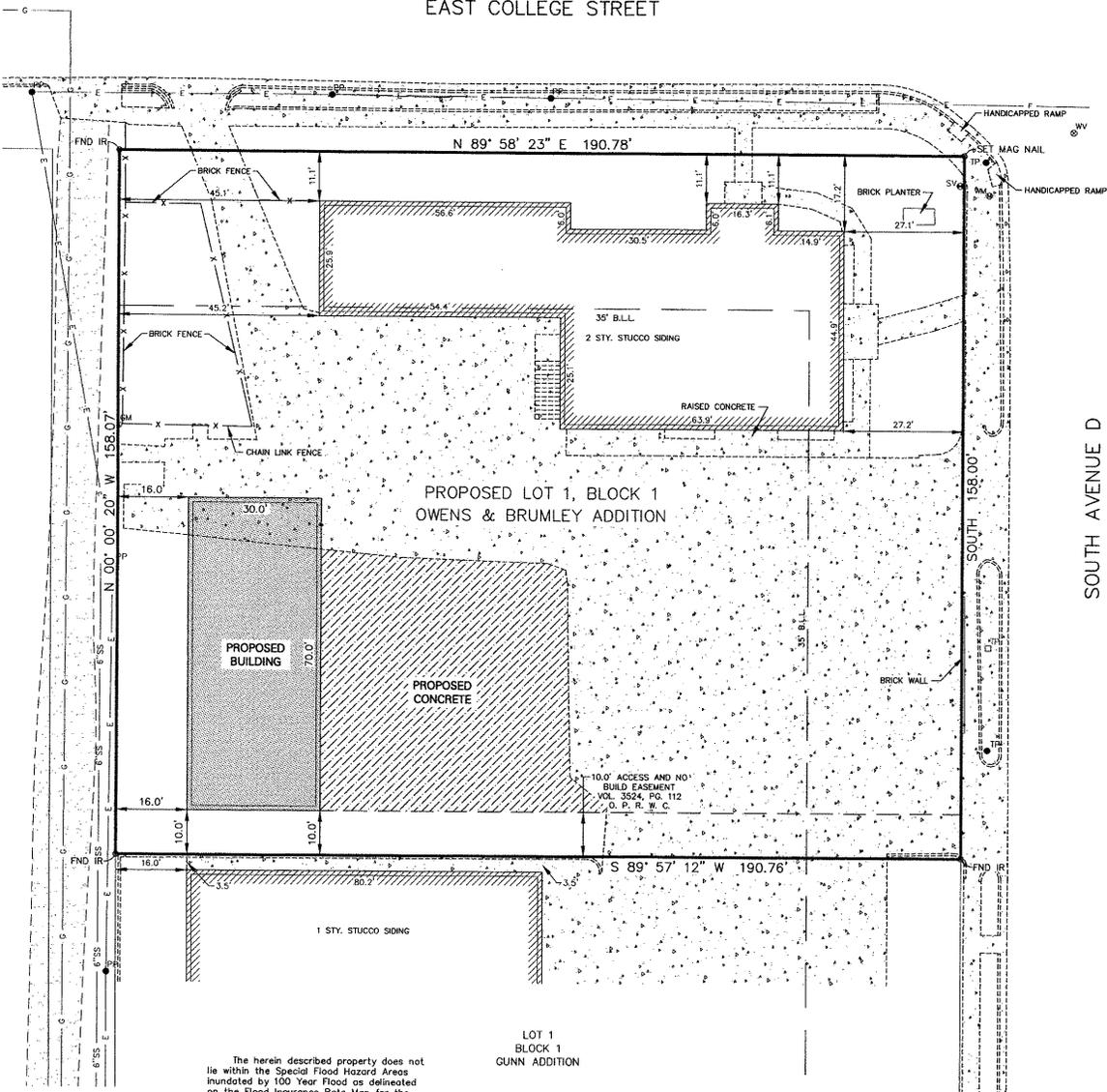
1317 9th STREET
WICHITA FALLS, TEXAS 76301
PHONE: (806) 638-0616

PREPARED BY:
CORLETT, PROBST & BOYD, P.L.L.C.

ENGINEERS & SURVEYORS
4605 JACKSBORO HIGHWAY
WICHITA FALLS, TEXAS 76302
PHONE (940) 723-1455

C:\AR\2014\OWENS & BRUMLEY ADDITION BLOCK 1 LOT 1.dwg AND BURK097502P.DWG LAYOUT P=5/29/2014 11:38 AM 5/29/2014 11:38 AM R4

EAST COLLEGE STREET



LEGEND

- FIRE HYDRANT
- GAS METER
- SIGN
- POWER POLE
- TELEPHONE POLE
- SPRINKLER CONTROL VALVE
- TELEPHONE PEDESTAL
- WATER METER
- WATER VALVE
- EXISTING ELECTRIC LINE
- EXISTING FENCE
- EXISTING GAS LINE
- EXISTING 6" SANITARY SEWER LINE
- GUY WIRE
- EXISTING ASPHALT
- EXISTING CONCRETE
- PROPERTY CORNER (AS NOTED)



Dennis Probst 5-15-14
 DENNIS PROBST
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5352

SITE PLAN
 PROPOSED LOT 1, BLOCK 1
 OWENS & BRUMLEY ADDITION
 BURKBURNETT, WICHITA COUNTY, TEXAS

| | |
|----------|-----|
| DRAWN | WAT |
| CHECKED | DLP |
| APPROVED | DLP |

CORLETT, PROBST & BOYD, P.L.L.C.
 ENGINEERS - SURVEYORS
 4605 OLD JACKSBORO HIGHWAY
 WICHITA FALLS, TEXAS 76302

PHONE (940)723-1455
 FAX (940)397-0549

SCALE: 1" = 20'

MAY, 2014

SHEET 1 OF 1

The herein described property does not lie within the Special Flood Hazard Areas inundated by 100 Year Flood as delineated on the Flood Insurance Rate Map for the City of Burkburnett, Wichita County, Texas.

Map Number: 48485C0185C.

Dated: February 3, 2010

as published by the U.S. Department of Homeland Security, Federal Emergency Management Agency.

Flood Zone designation is Zone X.

LOT 1
 BLOCK 1
 GUNN ADDITION

C:\WALL\2014\23788\23788E1.DWG PROPOSED P-5/15/2014 9:25 AM S-1/12/2014 9:25 AM WALL



City Commission Agenda Memo

From: Mike Whaley
City Manager

Date: June 16th, 2014

Item: Ordinance Number 856, Extending water rate charges

Background

Ordinance 856 is an extension of Ordinance 856 which was approved by the Board of Commissioners on March 17th. The ordinance continues a water rate increase to help offset the deficit in water revenue due to the reduction of water sales in our current position concerning the drought and conservation efforts. The first 20,000 gallons within the rate structure has a flat rate of \$20.00, the next 8,000 gallons had previously been \$4.15 per thousand. The increase only effected the next 8,000 gallons and the rate was increased from \$4.15 to \$6.15 per thousand. Also, the ordinance stated that after 90 days, pending no further action by the Board of Commissioners, the rate would revert back to \$4.15 per thousand for the next 8,000 gallons. In order to extend this rate structure, the Board of Commissioners would need to approve Ordinance Number 856. This would extend the rate structure through August.

Fiscal Impact

Water Rate Structure:

\$20.00 Base Rate/1st 2,000 gallons
\$ 6.15 per 1,000/next 8,000 gallons: adjusted rate
\$ 4.40 per 1,000/next 10,000 gallons
\$ 4.60 per 1,000/next 5,000 gallons
\$ 4.70 per 1,000 gallons over 25,000

Extension of the water rate increase will continue to help protect our reserve fund by offsetting a portion of the deficit experienced by loss of water sales

Options

- Approve Ordinance Number 856 extending the water rate increase
- Do not approve Ordinance Number 856 in which case the rate will be adjusted back to \$4.15 per thousand on the next 8,000 gallons

Staff Recommendation

Staff recommends approving Ordinance 856

Attachments

Ordinance Number 856

ORDINANCE NUMBER 856

AN ORDINANCE SUPERSEDING ORDINANCE NUMBER 853 OF THE CITY OF BURKBURNETT, TEXAS PRESENTLY CODIFIED AS CHAPTER 53, WATER IN THE CODE OF ORDINANCES, SPECIFYING THE EFFECTIVE DATE; DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS; THAT:

Section 1. That Chapter 53 of the Code of Ordinances of the City of Burkburnett be as follows:

SECTION 53.20-RATES; BILLING

(A) That the water rates to be charged and collected per month by the City of Burkburnett, Texas, from all customers within the city limits obtaining service from said Waterworks System of said City, shall be and are hereby fixed as follows:

| | |
|-----------------------------|---------------------------|
| Minimum First 2,000 Gallons | \$ 20.00 |
| Next 8,000 Gallons | \$ 6.15 per 1,000 gallons |
| Next 10,000 Gallons | \$ 4.40 per 1,000 gallons |
| Next 5,000 Gallons | \$ 4.60 per 1,000 gallons |
| Over 25,000 Gallons | \$ 4.70 per 1,000 gallons |

(B) That all customers outside the city limits of Burkburnett obtaining service from the Waterworks System of said City, shall pay double the above fixed rates.

Section 2. This Ordinance shall take effect immediately. All other ordinances and resolutions and parts of thereof in conflict with any part of this Ordinance are hereby expressly repealed to the extent of such conflict. The water usage rate increase of \$6.15 per 1,000 gallons will remain in effect for a period of 90 days, at such time with no further action by council, rates will revert to \$4.15 per 1,000 gallons.

Section 3. In the event any one or more of the provision of this Ordinance should be declared to be invalid, unenforceable or illegal; such invalidity, unenforceability or illegality shall not affect the validity, enforcement, or legality of the remaining portions of this Ordinance.

Section 4. It is hereby officially found and determined that said meeting at which this Ordinance is passed is open to the public as required by law and that notice of said time, place and purpose of said meeting was given.

PASSED AND APPROVED on this 16th day of June, 2014.

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk



City Commission Agenda Memo

From: Ed Stahr, Chief of Police

Date: 06-10-2014

Item: Ordinance Number 857

Background

During the Council meeting of May 2014, The Board of Commissioners requested the speed limit on Davey Drive be reduced from 30mph to 25mph for the overall safety of the area.

Fiscal Impact

New Signage

Options

Approve Ordinance Number 857

Disapprove Ordinance Number 857

Staff Recommendation

Approve Ordinance Number 857

Attachments

Ordinance Number 857

ORDINANCE NUMBER 857

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS SPECIFYING THE SPEED LIMIT INSIDE THE CITY LIMITS FOR THE 500 TO 700 BLOCK OF DAVEY DRIVE; AMENDING SECTION 71.05(B) OF THE CITY OF BURKBURNETT CODE OF ORDINANCES; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND ORDERING PUBLICATION IN ACCORDANCE WITH THE CHARTER OF THE CITY OF BURKBURNETT.

WHEREAS, the Texas Legislature in Transportation Code §545.356(b-1) authorized the governing body of a municipality to declare a lower speed limit on a highway or part of a highway in the municipality that is not a designated or marked highway or road in the state highway system if the governing body determines that the prima facie speed limit is unreasonable or unsafe;

WHEREAS, the 500 to 700 block of Davey Drive is located in the City limits of Burkburnett; is not part of the state highway system; is part of a two-lane, undivided highway and runs parallel to City parks;

WHEREAS, the Board of Commissioners of the City of Burkburnett has determined and now determines that the prima facie speed limit for vehicles in the 500 to 700 block of Davey Drive according to Section 545.352 of the Texas Transportation Code is greater than reasonable and safe under conditions found to exist;

WHEREAS, this Ordinance has been filed with the City Clerk and posted at City Hall in accordance with Article IV, Section 18(B) of the Charter of the City of Burkburnett; and

WHEREAS, the Board of Commissioners of the City of Burkburnett therefore determines and declares the reasonable and safe prima facie speed limits be changed to 25 miles per hour.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Burkburnett, Texas:

SECTION 1. That the prima facie speed limit of vehicles set forth in Section 545.352 Transportation Code of the State of Texas, is greater than reasonable and safe under conditions found to exist in the 500 to 700 block of Davey Drive laying within the city limits of the City of Burkburnett.

SECTION 2. The Board of Commissioners of the City of Burkburnett determines and declares the reasonable and safe prima facie speed limit upon such portion of Davey Drive to be 25 miles per hour.

SECTION 3. The Burkburnett Code of Ordinances is amended by adding the following language to §71.05(B) Prima Facie Speed Limits:

| | | |
|-------------|--|----|
| Davey Drive | From the intersection of East Williams Drive to the intersection of East Kramer Road; the 500 to 700 block of Davey Drive | 25 |
|-------------|--|----|

SECTION 4. A person commits an offense if the person operates a motor vehicle at a speed greater than that which is lawful pursuant to Section 2 above.

SECTION 5. In the event any one or more of the provisions of this Ordinance should be declared to be invalid, unenforceable, or illegal; such invalidity, unenforceability or illegality shall not affect the validity, enforcement or legality of the remaining portions of this ordinance.

SECTION 6. That the meeting at which this Ordinance is passed was open to the public as required by law.

SECTION 7. This Ordinance shall take effect after it is published in accordance with Article IV, Section 20 of the Charter of the City of Burburnett.

PASSED AND APPROVED on this _____ day of _____ 2014.

Carl Law, Mayor

ATTEST:

Janelle Dolan, City Clerk



City Commission Agenda Memo

From: Mike Whaley
City Manager

Date: June 16th, 2014

Item: Nominations to fill two expired terms for the Planning and Zoning Board

Background

We have two members of the Planning and Zoning Board whose terms are expiring this month, Jerry Coker and Howard Locklin. Both Mr. Locklin and Mr. Coker have expressed a willingness to serve another term. Also we have received an application from Mr. Aaron King who has stated a desire to serve on the Planning and Zoning Board.

Fiscal Impact

N/A

Options

Reappoint two existing members
Appoint one existing member and Aaron King
Make other nominations

Staff Recommendation

Staff has no specific recommendation

Attachments

Aaron King Application

Name: Phillip Aaron King Maiden (if applicable):

Address: 1005 Taylor, Burkburnett E-mail Address: aaronking@hotmail.com

Date of Birth: 8/11/1977 Social Security # (not mandatory): Home Phone: 923-0787

Spouse's Name: Jamie King Work Phone: 569-2054

of Children: 2 Years Residing in Burkburnett 7 Other Cities Lived In: Durant, Keller, TX

High School Name: Mineral Wells HS Location: Mineral Wells

College Information:

| Name of College(s) | Location | Degree | Date Degree Received |
|-----------------------|--------------|--------------------------|----------------------|
| 1. Tarleton State Un. | Stephenville | BS Exercise Sports Study | 2001 |
| 2. | | Minor - Education | |
| 3. | | | |

Occupation: Self-employed Employer: Chicken Express

Employer's Address: 1006 S. Red River Expy, Burk (City, State, Zip)

Professional Associations/Organizations: Texas Restaurant Assoc.

Previous & Current Community Service: (Memberships, Offices held, etc.) Roustabouts, Senior Citizen Board

Hobbies/Interests: hunting, fishing, family

Clubs & Organizations:

Selection of Boards (Indicate first, second, third and fourth choices for board memberships by placing a number in space adjacent to the board's name)

- Cemetery Board
- Parks/Recreation
- HOT Committee
- Burkburnett Develop. Corp.
- Planning & Zoning
- Friends of Library
- Appraisal Review
- Zoning Board of Adjustment
- Golf Committee
- Library Board of Directors
- Ad Hoc Charter Committee

Are you registered to vote in Wichita County? Yes No

Please explain why you want to serve on the boards listed above and/or your qualifications:

I have been wanting to become more involved in our community, so when approached by Marguerite Love to become a part of the Planning and Zoning Committee, I thought it was a great opportunity. 569-4192



City Commission Agenda Memo

From: Mike Whaley
City Manager

Date: June 16th, 2014

Item: NORTEX Regional Planning Commission Proxy/Alternate Designation

Background

As a member of the NORTEX Regional Planning Commission, the Mayor for the City of Burkburnett is seated on the General Membership Committee. In the event the Mayor is unable to attend, a proxy from the City of Burkburnett is required to be assigned. In order to do so a letter assigning the proxy must be signed by a quorum of the member entity's governing body. You have a copy of the notice and approval form in your packet for approval.

Fiscal Impact

N/A

Options

Approve City Manager as proxy
Assign alternate proxy

Staff Recommendation

Staff has recommends approval

Attachments

NORTEX letter and form



May 27, 2014

To: General Membership Committee

From: Dennis Wilde, Executive Director

Subject: Updating Proxy Form

It has been awhile since we have updated the Proxy Forms. Proxies are always welcome to attend however they must be designated according to the bylaws of the organization. Attached is Section 15 of the bylaws of Nortex Regional Planning Commission that clearly outlines the procedure for allowing alternate or proxy voting delegates. Please take a few minutes to complete this Proxy Form and return back to Nortex Regional Planning Commission in the attached envelope.

SECTION 15. Alternate or Proxy Voting Delegates.

A. Elected officials who serve as a voting alternate (proxy): Any voting alternate (or proxy) who is an elected official from the member entity's governing body must (1) be a resident within the member's entity's local jurisdiction and (2) must be appointed by a letter signed by a quorum of the member entity's governing body.

B. Non-elected officials who serve as a voting alternate (proxy): Any voting alternate (or proxy) who is not an elected official from the member entity's governing body must (1) be a resident within the member entity's local jurisdiction and (2) must be appointed by a letter signed by a quorum of the member entity's governing body.

C. Member entities shall have the responsibility of complying with the terms set forth in this section and notifying the alternate (proxy) of any meetings in which the voting alternate (proxy) is to be seated upon Nortex Regional Planning Commission's Executive and/or General Membership meetings.

D. Jointly elected Executive Committee representatives may designate his/her voting alternate (proxy) to the Executive Committee.

**NORTEX REGIONAL PLANNING COMMISSION
PROXY/ALTERNATE DESIGNATION
2014**

These designations are the actions of our governing body.

Mayer, Carl Law, is the designated representative from
the City of Burkburnett (Membership/Entity).

Date: 6-16-2014

In his/her absence, proxy is assigned as follows:

1. Michael Whaley, City Manager
2. _____
3. _____

Governing Body Signatures:

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

Please remit to:
Chairman
Nortex Regional Planning Commission
P O Box 5144
Wichita Falls, Texas 76307