

**MINUTES
JENKS CITY COUNCIL
TUESDAY, JUNE 06, 6:00 P.M.
JENKS CITY HALL, 211 NORTH ELM**

The Agenda for the Jenks City Council was posted on the City's website at 3:56 p.m. on June 02, 2023. The meeting was called to order at 6:03 p.m. on the above date with Mayor Cory Box presiding at Jenks City Hall.

A roll call vote of members was taken as follows:

Craig Murray	Present
Rodney Cline	Present
Kevin Short	Absent
Donna Ogez	Present
Jere Schelling	Present
Gary Isbell	Present
Mayor Cory Box	Present

Invocation was given by Pastor Tommy Davis of New Directions International

Pledge of Allegiance was given

Animal Welfare Spotlight Animal Control Officer Fred Reid presented an animal for adoption

Citizen Comments The following citizens gave comments about items not on the agenda:

- Kaye Lynn (208 E Beaver St)
- Rick Evans (10708 S Forest)
- Nick Halter (2921 W 120th St)
- Karen Anderson (517 E Comanche)

Business

Official action can only be taken on items which appear on the agenda. The City Council may adopt, approve, ratify, deny, defer, recommend, amend, strike, or continue any agenda item (except for Item 1).

1. Consideration and appropriate action relating to a request for approval of the Consent Agenda. (All matters listed under "Consent" are considered by the City Council to be routine and will be enacted by one motion. Any Councilor may, however, remove an item from the Consent Agenda by request. A motion to adopt the Consent Agenda is non-debatable.)
 - A. Approve minutes of the regular meeting held on May 16, 2023
 - B. Approve Encumbrances and Expenditures
 - C. Monthly Reports
 - D. Continue PA 23-28 to the June 27, 2023, City Council Special Meeting, a request for a Comprehensive Land Use Map Amendment from Parks and Open Space to Local Commercial. General Location: 10596 S Peoria

- E. Approve Final Plat for South County Crossing II. General Location: N of 121st, between Elwood and Elm.
- F. Approve Professional Transportation Service contract with the Metropolitan Tulsa Transit Authority for Fiscal Year 2023-2024 at a cost of \$32,032.
- G. Continue the public hearing for JZ 23 PUD 141, a request by Christopher Challis for a Zone Change from AG (Agriculture) & CG (Commercial General) to CS (Commercial Shopping) and a Planned Unit Development to allow for mixed used development at the general location of 121st and HWY 75, to the June 22, 2023, Jenks Planning Commission
- H. Approve a Service Agreement with the Metropolitan Environmental Trust (M.e.t.) providing for a public education, household hazardous waste disposal, and related services for the City of Jenks; setting terms of agreement, termination, compliance with applicable Federal, State, and local laws; and authorizing the Jenks Public Works Authority to make payment of \$17,080.00 within the FY 23-24 Budget to the M.e.t. for the cost of said services through June 30, 2024
- I. Approve award of mowing, weedeating, and flower bed maintenance services for the period of July 1, 2023, to October 21, 2023, to: Abundant Life Lawn Services in an amount of \$49,030.00 (Account No. 50-522-5250), and \$8,160.00 (Account No. 50-523-5250), and \$26,540.00 (Account No. 10-561-5250); MowTown Outdoors in an amount of \$35,270.00 (Account No. 50-522-5250), and \$15,940.00 (Account No. 50-523-5250), and \$93,888.00 (Account No. 10-561-5250); Hazelwood's Lawn Service in the amount of \$4,235.00 (Account No. 50-522-5250), and \$540.00 (Account No. 10-561-5250), to be paid from FY 23-24 budget.
- J. Approve request by the Jenks Chamber to use Jenks streets from 3:00 p.m. until 9:00 p.m. on July 15, 2023, for their "Shark in the Park" event.

Craig Murray made a motion to approve Item 1. Donna Ogez seconded the motion. A roll call vote of members was taken as follow:

Gary Isbell	Yes
Craig Murray	Yes
Rodney Cline	Yes
Donna Ogez	Yes
Jere Schelling	Yes
Mayor Cory Box	Yes

Motion Carried.

- 2. Consideration and appropriate action relating to items removed from the Consent Agenda.
Withdrawn
- 3. Potential Executive Session for the purpose of discussing matters pertaining to economic development, including the transfer of property or the creation of a proposal to entice a business to location with the City of Jenks where public disclosure of the matter discussed would interfere with eh development of products or services or if public disclosure would violate the confidentiality of the business as allowed by 25 O.S. §307(C)(11) (Tulsa Premium Outlets campus) Craig Murray made a motion to enter Executive Session. Rodney Cline seconded the motion. A roll call vote of members was taken as follow:

Gary Isbell	Yes
Craig Murray	Yes
Rodney Cline	Yes
Donna Ogez	Yes
Jere Schelling	Yes
Mayor Cory Box	Yes

Motion Carried. *Council entered Executive Session at 6:29 p.m. and returned at 7:19 p.m. No other business was discussed.*

4. Public Hearing for the proposed budget for Fiscal Year 2023-2024 [Sauceda] Finance Director Robert Saucedo introduced Item 4. He and City Manager Christopher ShROUT answered questions. The Mayor opened the floor for comments. Karen Anderson (517 E Comanche) addressed the Council and asked questions. Fire Chief Greg Ostrum responded to the questions. The Mayor closed the floor after all the comments were heard.

5. Resolution No. 802 appropriating and approving the Fiscal Year 2023-2024 Annual Budget, providing for a pay plan and benefits program for the City of Jenks, Oklahoma, and providing for an effective date of July 1, 2023. Finance Director Robert Saucedo introduced Item 5. Donna Ogez made a motion to approve Item 5 with the condition revenues be amended appropriately if Resolution 803 is approved. Gary Isbell seconded the motion. A roll call vote of members was taken as follow:

Gary Isbell	Yes
Craig Murray	Yes
Rodney Cline	Yes
Donna Ogez	Yes
Jere Schelling	Yes
Mayor Cory Box	Yes

Motion Carried.

6. Establish a pilot Parklet Policy for Downtown Jenks Planning Director Marcaé Hilton introduced Item 6 and answered questions. City Manager Christopher ShROUT also answered questions. Gary Isbell made a motion to approve Item 6, striking the words “between the building and the parklet” on 7(a)(iii). Rodney Cline seconded the motion. A roll call vote of members was taken as follow:

Gary Isbell	Yes
Craig Murray	Yes
Rodney Cline	Yes
Donna Ogez	Yes
Jere Schelling	No
Mayor Cory Box	Yes

Motion Carried.

7. Project Agreement for Aquarium Drive (E. “B” St. to S. Elm St.) and Elm Street (W. 101st St. to W. 111th St. S.) Trail Rehabilitation Project No.: TAP3-8106(004)IG, State Job No.: 38106(04) with the Oklahoma Department of Transportation (ODOT) and authorize the Mayor to execute the document. [Cloyde] City Engineer Chris Cloyde introduced Item 7.

Finance Director Robert Saucedo answered questions. Craig Murray made a motion to approve Item 7. Donna Ogez seconded the motion. A roll call vote of members was taken as follows:

Gary Isbell	Yes
Craig Murray	Yes
Rodney Cline	Yes
Donna Ogez	Yes
Jere Schelling	Yes
Mayor Cory Box	Yes

Motion Carried.

8. Ordinance No. 1616 amending Chapter 3 of the City of Jenks Code of Ordinances, "Animals," by repealing and replacing the Chapter in its entirety; Providing for Definitions, General Regulations, Impoundment and Adoption of Animals, Prohibiting Exotic Animals with Exceptions; Providing for Penalties; Providing for Severability; Repealing all Ordinances or parts thereof in conflict herewith; and declaring an emergency. [Nowlin] Police Chief Jason Jackson introduced Item 8 and answered questions. Charlotte Montgomery (10612 S Fir St) asked questions about the ordinance. City Attorney Teresa Nowlin and City Manager Christopher Shroust then answered the questions. Donna Ogez made a motion to approve Item 8. Craig Murray seconded the motion. A roll call vote of members was taken as follows:

Gary Isbell	Yes
Craig Murray	Yes
Rodney Cline	Yes
Donna Ogez	Yes
Jere Schelling	Yes
Mayor Cory Box	Yes

Motion Carried.

9. Emergency Clause for Ordinance No. 1616, making it effective immediately upon passage since the immediate operation of the provisions of the Ordinance is necessary for the preservation of public health, welfare and safety. Donna Ogez made a motion to approve Item 9. Gary Isbell seconded the motion. A roll call vote of members was taken as follows:

Gary Isbell	Yes
Craig Murray	Yes
Rodney Cline	Yes
Donna Ogez	Yes
Jere Schelling	Yes
Mayor Cory Box	Yes

Motion Carried.

10. Consideration and appropriate action relating to Ordinance No. 1617, an Ordinance of the City of Jenks, Oklahoma (the "City") approving and adopting an amendment to Tax Increment District No. 4, City of Jenks, to remove certain undeveloped property from the boundaries of the Increment District; ratifying and confirming the actions, recommendations and findings of the Review Committee and the Planning Commission;

providing for severability; declaring an emergency; and containing other provisions related thereto. Donna Ogez made a motion to continue Items 10-14 to the June 27, 2023, Special City Council meeting. Craig Murray seconded the motion. A roll call vote of members was taken as follows:

Gary Isbell	Yes
Craig Murray	Yes
Rodney Cline	Yes
Donna Ogez	Yes
Jere Schelling	Yes
Mayor Cory Box	Yes

Motion Carried.

11. Emergency Clause for Ordinance No. 1617, making it effective immediately upon passage since the immediate operation of the provisions of the Ordinance is necessary for the preservation of public health, welfare and safety. *Item continued*
12. Consideration and appropriate action relating to Ordinance No. 1618, an Ordinance of the City of Jenks, Oklahoma (the "City") approving utilization of apportioned tax revenues authorized by statewide vote adopting Article 10, Section 6C of the Oklahoma Constitution and implemented by the Local Development Act, 62 O.S. §850, et seq.; approving and adopting the Coal Creek Village Economic Development Project Plan and expressing intent to carry out the Project Plan; ratifying and confirming the actions, recommendations and findings of the review Committee and the Planning Commission; designating and adopting two distinct Increment District boundaries and the Project Area boundaries; establishing and/or deferring the naming and effective date for the creation of the Increment Districts; adopting certain findings; reserving to the City the authority to make minor amendments to the Project Plan; authorizing the City Council of the City to carry out and administer the Project Plan; establishing a tax apportionment fund; authorizing directions for prospective apportionment of tax increments; establishing an allocation of use for tax increments; declaring apportionment funds to be funds of the City and limiting the pledge of apportioned increments to increments actually apportioned by the City; authorizing the City Council of the City, or a public trust designated thereby, to implement the Project Plan utilizing apportioned tax increments to pay or reimburse project costs directly and/or to issue bonds or notes, if feasible and desirable, to pay project costs and to retire said bonds or notes from apportioned tax increments; providing for severability; declaring an emergency; and containing other provisions related thereto. *Item continued*
13. Emergency Clause for Ordinance No. 1618, making it effective immediately upon passage since the immediate operation of the provisions of the Ordinance is necessary for the preservation of public health, welfare and safety. *Item continued*
14. Consideration and appropriate action relating to Resolution No. 804, a Resolution creating, naming, and establishing the commencement date for Increment District No. 5, City of Jenks; ratifying and confirming Ordinance No. 1618 of the City Council of the City of Jenks, Oklahoma, providing for severability; and containing other provisions related thereto. *Item continued*

15. Potential Executive Session for the purpose of discussing the possible purchase of real property. 25 O.S. §307(B)(3) (10596 S Peoria Ave; parcel number 98225822504130) Craig Murray made a motion to enter Executive Session. Donna Ogez seconded the motion. A roll call vote of members was taken as follows:

Gary Isbell	Yes
Craig Murray	Yes
Rodney Cline	Yes
Donna Ogez	Yes
Jere Schelling	Yes
Mayor Cory Box	Yes

Motion Carried. *Council entered Executive Session at 8:05 p.m. and returned at 8:37 p.m. No other business was discussed.*

16. Approve and ratify Purchase and Sale agreement with F&W Investments LLC for property located at 10596 S Peoria Ave, Jenks, OK, for the purpose of providing for parks and recreational services and potentially other general government services. [Shrout] City Manager Christopher Shrout gave a statement [*statement attached to the end of the minutes*] and answered questions from the Council. The Mayor opened the floor for comments, and the following individuals spoke and asked questions:

- Charlotte Montgomery (10612 S Fir St)
- Kaye Lynn (208 E Beaver)
- Karen Anderson (517 E Comanche)
- Brad Lenhart (777 W 106th St)
- Matt Bowler (312 E 124th St)

After the floor was closed, Rodney Cline read a message that Kevin Short prepared [*message attached at the end of the minutes*]. Donna Ogez made a motion to approve Item

16. Rodney Cline seconded the motion. A roll call vote of members was taken as follows:

Gary Isbell	Yes
Craig Murray	Yes
Rodney Cline	Yes
Donna Ogez	Yes
Jere Schelling	Yes
Mayor Cory Box	Yes

Motion Carried.

17. Request approval of Resolution No. 803, a resolution amending the annual appropriations by \$2,647,500 in account number 10-525-5392 (City Operating Fund – Small Capital Projects – Building and Improvements) for Fiscal Year ending June 30, 2023, to fund the purchase of property at 10596 S. Peoria Ave, Jenks, OK. [Sauceda] Finance Director Robert Sauced introduced Item 17. Donna Ogez made a motion to approve Item 17. Gary Isbell seconded the motion. A roll call vote of members was taken as follows:

Gary Isbell	Yes
Craig Murray	Yes
Rodney Cline	Yes
Donna Ogez	Yes

Jere Schelling
Mayor Cory Box

Yes
Yes

Motion Carried.

Other Business

1. City Manager's Report City Manager Christopher Shrout gave his report and answered questions.
2. Committee Reports None given
3. Mayor's Report None given

Adjournment. The Jenks City Council adjourned at 9:43 p.m.


Cory Box, MAYOR


CITY CLERK

Attachment A: City Manager's Statement

Related to the development of the area around 106th and Elm, it is staff's view that because nearly every other hard corner or signalized intersection within the City has been set aside for commercial development, it was appropriate and in line with City Council policy dating back decades to allow commercial development on this corner as well.

For example, the intersections of 91st and Elm, Main and Elm, 111th and Elm, 121st and Elm, 131st and Elm, 141st and Elm, 121st and Elwood, 131st and Harvard, and 141st and Harvard all have commercial contemplated at the intersections backing up to residential. In many instances the commercial property backs up to residential property with houses 30 feet away from the commercial property.

With most houses at 106th and Elm hundreds of feet from the proposed commercial development we did not find a solid argument for not allowing commercial development based on proximity to residential property. I know traffic has been brought up as well, but with utilities being actively relocated for the widening of Elm from 111th to 131st the existing bottleneck at 111th will soon be relieved. In addition, there are currently over 20,000 cars a day (over seven million annually) utilizing south Elm, an additional 100,000 or 200,000 cars visiting the potential commercial uses on an annual basis at 106th and Elm would have a minimal impact on traffic, percentage wise.

My concern potentially denying the change to commercial on the ranch property is that the Planning Commission approved the commercial use on the east side of Elm but denied the commercial use on the west side. I have not identified a defensible legal argument for one side of the road being allowed commercial uses while the ranch side would be denied those uses.

So, due to your concerns and the concerns of fellow citizens as well as our own concerns, the Mayor and I re-evaluated the potential uses for the ranch property. I visited the property and learned there is an 11,000 square foot multipurpose gym/office/activity center on the property, as well as a 5,000 square foot barn, and two residential structures totaling almost 5,000 square feet.

The purchase of the ranch property could assist the City with several concerns we have with our current facilities. The City Council has been working to identify a larger space for the senior citizens for the last decade. We thought we had settled on a location if the Police Department were to move out of their existing building – renovations could be funded to retrofit that space for the seniors. However, we would need to identify a location for the PD to move to. We've thought it would make sense for PD to move into City Hall since that is where the existing jail and dispatch are located and the department could be in one building. However, then we would need to identify where the staff that currently offices at City Hall could be relocated. In addition to this shuffling, the Jenks Chamber of Commerce is outgrowing their existing location at the Hive building at 1st and Main Street. Compound that with the development we have planned on Main Street and we also have an impending public parking shortage.

As you are aware, we are currently working on the construction design of a new fire station to be located at Central Park. The new fire station will effectively eliminate one of our few public park spaces in Jenks. Listening to the citizens, it was clear that parks and open spaces are a priority.

That is why we thought it would be a good idea to create a new public open space. The ranch just so happens to offer space to accommodate a new public park, a new space for the Jenks Chamber of Commerce and community to gather, space at the Hive for the seniors to immediately begin utilizing, and even potential access to a huge conservation area northwest of the turnpike owned by the Oklahoma Turnpike Authority that we may be able to provide public access to. We thought we were proposing a solution that would alleviate citizen concerns with development of the ranch property while also providing a wonderful amenity to the entire community.

Regarding concerns of the value of the purchase of the ranch property, there is an existing 11,000 square foot gym, office and recreation space, two residential buildings totaling 4,000 square feet, and a 5,000 square foot barn. The sale includes all real and personal property on the land, including tractors, and all contents of the gym which include a full weight room, basketball court, hoops, office furniture, TVs, pool table, shuffleboard, and other recreational equipment. Our architect has said the construction value of the gym is at least \$2.5 million. Taking into account the gym, residential buildings, and the personal property we can conservatively value all of the improvements at \$3 million. That leaves a \$3.5 million value on the 25 acres of land. Based on that, the land would be valued at \$3.22 per foot. When the City acquired part of the the trailer park property (across the street on the east side of Elm) through eminent domain in 2015 that property was valued around \$3 per foot. The outlet mall and pickleball concept both purchased their property for over \$5 per foot in 2019 and 2023 respectively. Land on Elm within the floodplain has been purchased for significantly more - Salad and Go paid \$45 per foot for their land at Main and Elm. The purchase of the ranch property, and any additional improvements, is also reimbursable through the tax increment finance district.

The money to purchase the ranch is proposed to be from a mix of Federal Cares Act funds and Federal ARPA funds. In order to fund a construction project with Federal ARPA funds we are required to follow federal guidelines set forth in Biden's Build America, Buy America program (The Build America, Buy America Act requires that all of the iron, steel, manufactured products, and construction materials used in infrastructure projects are produced in the United States.) as well as other federal restrictions. These requirements make construction projects using federal funds much more cumbersome, complicated, and expensive. That is why we think using the federal funds on a property with existing usable buildings is more practical than constructing buildings or other infrastructure with the federal money.

Finally, the purchase of the ranch property does not impact the timeline on any existing or planned project within the City, including the new fire station. The fire station is planned to be built across the street from City Hall in the existing Central Park. Because Central Park will be replaced with a fire station we propose replacing Central Park with a portion of the ranch property. The fire station is in the construction design process. When the construction design is complete it will be presented to the City Council for approval, bid, and construction will commence. We expect the design process will be complete by the end of the year.

Although the City has an option to purchase the ranch property, it is just that, an option. The City Council will take this issue up for discussion and potential action at tonight's meeting.

Related to the property east of Elm.

The property transferred to the developer on the east side of Elm contains 28 acres of land that can be developed and 12 acres of land within conservation easements. The land agreement stipulates the 12 acres in conservation easements will go through the lot split process and be deeded back to the City.

In addition, land behind Waterfront Grill and the Holiday Inn previously owned by the developer has been deeded to the City. In exchange for the property on Elm, the developer is responsible for developing a sales tax producing use and which would ultimately pay the City back for the property. If a sales tax producing use is not developed because the developer fails to perform or if the zoning is not approved, the riverfront land becomes the permanent property of the City (plus the developer pays the difference in value, if any) or the developer must pay the full appraised value for the land.

In addition to the protections spelled out in the property transfer contract, the City is eligible to be reimbursed for any expenses incurred related to the land transfer and/or development from the tax increment finance district.

Attachment B: Councilor Kevin Short's Statement

I want you to know I fully support the ranch acquisition.

I would like to express my firm support for the City of Jenks acquisition of the ranch property located near 106th on the west side of Elm.

This land acquisition accomplishes several objectives for the City and our residents. We will be acquiring approximately 25 acres along with functional structures that will be utilized by many of our residents. We will be acquiring land that will allow for an attractive public park and other needed amenities and features for our citizens. The replacement cost of the structures provide a sensible cost-benefit analysis and the land cost per square foot is very attractive.

This acquisition is not mutually-exclusive of other infrastructure priorities we have identified, namely a new, state-of-art fire station. We will be able to financially manage the necessary infrastructure projects to efficiently manage our ongoing growth.

In conclusion, I am in full support of approving this contract for land purchase of the ranch property. It is an effective use of our Federally-awarded ARPA funding. It is a win-win for our community.

Statement read by Councilor Rodney Cline during the meeting.