

**MINUTES
JENKS CITY COUNCIL
TUESDAY, MARCH 4, 2025, 6:00 PM
JENKS CITY HALL, 211 NORTH ELM**

CALL TO ORDER

The Agenda for the Jenks City Council was posted on the City's website at 3:39 p.m. on February 28, 2025. The meeting was called to order at 6:05 p.m. on the above date with Mayor Cory Box presiding at Jenks City Hall.

ROLL CALL

A roll call vote of members was taken as follows:

Present

Absent

John Brown

Kevin Short

Matthew Emmons

Donna Ogez

Adam Abel

Craig Murray

Mayor Cory Box

INVOCATION

Chloe Graves gave the invocation.

PLEDGE OF ALLEGIANCE

ANIMAL WELFARE SPOTLIGHT

Animal Control Officer Caleb Foster presented an animal for adoption.

CITIZEN COMMENTS

Ethan Homes (2310 W 117th S) gave a public comment.

BUSINESS

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 February 04, 2025.
 - B. Approve Encumbrances and Expenditures
 - C. Monthly Reports
 - D. Approve request by Addyson Pritchett to use Jenks roads from 8:00 am until 11:00 am on March 8, 2025, for the "Jenks DUB Run."
 - E. Approve request by the Jenks Chamber of Commerce to use Jenks roads from 7:00 am until 7:00 pm on May 31, 2025, for the "Jenks America Food Truck Festival."
 - F. Approve quote from Softchoice (State contract SW1079) for 270 Microsoft M365 E3

GCC Licenses for \$105,362. [Sims]

- G. Approve Resolution 859, a Supplemental Appropriation in the amount of \$53,598 in account 10-321-5254 (General Fund - Central Dispatch - Subscriptions) to acquire a new E-911 dispatch training platform through Total Response. Funds to be reimbursed to the City by a grant awarded by the Oklahoma Department of Emergency Management and the 911 Management Authority. [Sims]
- H. Note in the minutes Oklahoma Department of Environmental Quality (DEQ) Permit Number WL000072240989 for the construction of 2,151 linear feet of twelve (12) inch PVC, ten (10) inch PVC potable water line and all appurtenances to serve the South Elm Street Widening Phase 1, City of Jenks, Tulsa County, Oklahoma.
- I. Note in the minutes Oklahoma Department of Environmental Quality (DEQ) Permit Number SL000072240715 for the construction of 2,443 linear feet of ten (10) inch PVC, 127 linear feet of ten (10) inch HDPE, 1,005 linear feet of eight (8) inch PVC sanitary sewer line and all appurtenances to serve the Raw Development, City of Jenks, Tulsa County, Oklahoma.
- J. Note in the minutes Oklahoma Department of Environmental Quality (DEQ) Permit Number WL000072240716 for the construction of 134 linear feet of eight (8) inch HDPE, 1,517 linear feet of eight (8) inch PVC, 30 linear feet of six (6) inch PVC potable water line and all appurtenances to serve the Raw Development, City of Jenks, Tulsa County, Oklahoma.
- K. Approve purchase of a new vehicle for Animal Control in the amount of \$35,256. Funding provided for in the FY 24-25 budget.
- L. Note in the minutes Oklahoma Department of Environmental Quality (DEQ) Permit Number WL000072250072 for the construction of 108 linear feet of eight (8) inch PVC potable water line and all appurtenances to serve Dollar General, City of Jenks, Tulsa County, Oklahoma.
- M. Note in the minutes Oklahoma Department of Environmental Quality (DEQ) Permit Number SL000072250073 for the construction of 147 linear feet of eight (8) inch PVC sanitary sewer line and all appurtenances to serve Dollar General, City of Jenks, Tulsa County, Oklahoma.
- N. Note in the minutes Oklahoma Department of Environmental Quality (DEQ) Permit Number WL000072240516 for the construction of 1,240 linear feet of six (6) inch PVC potable water line and all appurtenances to serve the Ranch Property, City of Jenks, Tulsa County, Oklahoma.
- O. Approve request by Dan Masom to use Jenks roads from 12:00 p.m. on March 14 until 3:00 a.m. on March 16 for the "Maggie's Music Box St Patrick Street Party" event.
- P. Approve Plat 25-10, an amendment to the Crain and Wilson Industrial Park Addition Plat, amending the building setback line for the west lot line of Lot 1 Block 1 to 25 feet. General Location: 531 W "H" St. [Item will go before Planning Commission on 2025.03.06 before approval is granted]

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

Yes: Cory Box, Donna Ogez, John Brown, Matthew Emmons, Craig Murray, Adam

Abel, Kevin Short
Motion Carried.

2. Consideration and appropriate action relating to items removed from the Consent Agenda
Withdrawn.
3. PA 25-45: Comprehensive Future Land Use Map Amendment from Local Commercial to Medium Intensity Single Family. General Location: 131st & Harvard
Planning Director Marcaé Hilton introduced Items 3 and 4 then answered questions. Ryan McCarty (P.O. Box 548; applicant representative) addressed the Council and answered questions. Charlotte Montgomery (10612 S Fir) addressed the Council on this Item. Kevin Short made a motion to approve Item 3. Donna Ogez seconded the motion. A roll call vote of members was taken as follows:
Yes: Cory Box, Donna Ogez, Matthew Emmons, Craig Murray, Adam Abel, Kevin Short
No: John Brown
Motion Carried.
4. Ordinance 1666 - related to JZ 25 PUD 152 - an Ordinance amending the Zoning Map of the City of Jenks, Oklahoma by rezoning a tract of land to RS-2 (Residential Single Family) and adding PUD 152 Overlay; repealing all Ordinances or parts thereof in conflict herewith; providing for severability; and declaring an emergency. General Location: 131st St & Harvard Ave [Hilton]
Donna Ogez made a motion to approve Item 4. Matthew Emmons seconded the motion. A roll call vote of members was taken as follows:
Yes: Cory Box, Donna Ogez, Matthew Emmons, Craig Murray, Adam Abel, Kevin Short
No: John Brown
Motion Carried.
5. Emergency Clause for Ordinance No. 1666, making it effective immediately upon passage since the immediate operations of the provisions of the Ordinance is necessary for the preservation of public health and safety.
Donna Ogez made a motion to approve Item 5. Craig Murray seconded the motion. A roll call vote of members was taken as follows:
Yes: Cory Box, Donna Ogez, Matthew Emmons, Craig Murray, Adam Abel, Kevin Short
No: John Brown
Motion Carried.
6. PA 25-44: Comprehensive Future Land Use Map Amendment from Parks and Open Space to Local Commercial for parcel east of Elm and north of 106th
Planning Director Marcaé Hilton introduced Items 6 and 7 then answered questions. City Manager Christopher Shrout and Assistant City Manager Robert Carr also answered questions. Ronnie Robinson (702 W 108th) spoke on this item. Matthew Emmons made a motion to approve Item 6. Donna Ogez seconded the motion. A roll call vote of members was taken as follows:
Yes: Cory Box, Donna Ogez, John Brown, Matthew Emmons, Craig Murray, Adam

Abel, Kevin Short

No: None

Motion Carried.

7. Ordinance 1665, an Ordinance amending the Zoning Map of the City of Jenks, Oklahoma by partially rezoning a tract of land to CS (Commercial Shopping) and adding PUD-142.MA1 Overlay; repealing all Ordinances or parts thereof in conflict herewith; providing for severability; and declaring an emergency. Ordinance is related to JZ 25 PUD 142.MA1 - a Major Amendment to Planned Unit Development 142 (PUD 142) to allow for additional General Entertainment Uses "Outdoors," Residential Uses "Multifamily," and Commercial Shopping uses. General Location: 106th St. & Elm St[Hilton]

Adam Doverspike (applicant representative) addressed the Council about the application. The following citizens gave a public comment on this item:

- Ronnie Robinson (702 W 108th)
- Tom Anderson (517 E Comanche)
- Charlotte Montgomery (10612 S Fir)
- Seth Phillips
- Steve Eaton (307 E 111th)
- Wayne Parker (432 W 115th)
- Gary Scrivner (11201 S Juniper)
- John Dorman (OKC - spoke about Item 8. *He gave a letter to Council which will be attached to the end of the Minutes*)

Assistant City Manager Robert Carr answered questions. City Attorney Teresa Nowlin addressed the Council and answered questions. Adam Doverspike addressed the Council again. John Brown made a motion to approve Item 7. Donna Ogez seconded the motion. A roll call vote of members was taken as follows:

Yes: Cory Box, Donna Ogez, John Brown, Matthew Emmons, Craig Murray, Adam Abel, Kevin Short

No: None

Motion Carried.

8. Emergency Clause for Ordinance No. 1665, making it effective immediately upon passage since the immediate operations of the provisions of the Ordinance is necessary for the preservation of public health and safety.

Donna Ogez made a motion to approve Item 8. Craig Murray seconded the motion. A roll call vote of members was taken as follows:

Yes: Cory Box, Donna Ogez, John Brown, Matthew Emmons, Craig Murray, Adam Abel, Kevin Short

No: None

Motion Carried.

OTHER BUSINESS

1. City Manager's Report

City Manager Christopher Shrout gave his update.

2. Committee Reports
3. Mayor's Report

ADJOURNMENT

Jenks City Council adjourned at 8:24 p.m.


Cory Box, MAYOR
CITY CLERK

JOHN E. DORMAN
(405) 844-9900
jdorman@spencerfane.com



March 4, 2025

Mayor and City Council
City of Jenks, Oklahoma

RE: March 4, 2025 City Council Meeting
Item No. 8 – Emergency Clause Ordinance No. 1665

Honorable Mayor and Councilmembers:

With regard to Item No. 8 on the March 4, 2025 City Council Meeting Agenda, and on behalf of the Jenks Coalition for Smart Growth, I urge you in the strongest possible way to please vote no on the proposed emergency clause for Ordinance No. 1665.

Art. V, Sec. 2 of the Oklahoma Constitution expressly reserves to the people of this state the right to practice direct democracy through the initiative and referendum. This power was not granted by the Legislature nor is it a matter of legislative grace. The people reserved the power to themselves as a check on state and local government authority. It is so important that the Oklahoma Supreme Court has repeatedly referred to the exercise of this right as “sacred.”

The only limitation on the constitutional power of referendum is when the implementation of an ordinance is “necessary for the immediate preservation of peace, health, or safety.” This same language is found in 11 O.S. § 43-103 which provides for the use of an “emergency clause” in municipal ordinances. When this clause is invoked pursuant to this statute, the governing body must articulate a reason for the emergency to make the ordinance go into effect immediately.

Some may tell you that the courts in this state will generally defer to your collective judgment as to whether an emergency exists. However, some decisions of the Oklahoma Supreme Court hold that a city council cannot adopt an emergency clause if the purpose for doing so is to defeat the citizens’ right to call for a referendum on an ordinance. In such instances, the courts will scrutinize the justification for invoking an emergency very closely and will invalidate the action if it is not clear from the face of the ordinance that the action was justified.

Rezoning a property does not constitute an emergency. The Oklahoma Supreme Court has already said so. *Hunzicker v. Pulliam*, 1934 OK 371; 37 P. 2d 417.

The same is true here. Neither the rezoning action nor the amendment of a Planned Unit Development meets the criteria for attaching an emergency clause. There is no immediate threat to public peace that this ordinance will rectify. Same for public health or safety. All this

ordinance does is authorize the future development of certain parcels of land in a particular manner and to amend certain regulations pertinent to this activity.

Nothing that the developer has publicly told you or the Planning Commission requires that the council adopt an ordinance that goes into effect immediately. To the contrary, the developer's attorney told the Planning Commission last month that the project would not get underway until summer and that it would take a full 48 months to complete.

A developer's need to move quickly on a project is not an emergency. The developer's desire is simply not a public peace, health, or safety issue. It is his problem, not the city's.

The Jenks Coalition for Smart Growth is contemplating the circulation of a petition to refer this ordinance to the voters of the City of Jenks for their consideration. Unless you can legitimately articulate one of the Constitutional criteria for declaring an emergency on this ordinance -- something you cannot do -- you will be violating the constitutional right of every registered voter in this city.

In closing, I remind you, that even if you vote in favor of the ordinance, you are under no obligation to vote in favor of an emergency clause. The ordinance will still go into effect in thirty days if you vote no on attaching the emergency.

Please stand up for the rights of the citizens of this community. Vote "no" on the proposed emergency clause for Ordinance No. 1665.

Respectfully,

A handwritten signature in blue ink, appearing to read "J E Dorman", followed by a horizontal line.

John E. Dorman
Attorney for Jenks Coalition for Smart Growth