

**MINUTES
JENKS CITY COUNCIL
TUESDAY, JANUARY 21, 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 3:32 pm on January 17, 2025. The meeting was called to order at 6:01 pm on the above date with Mayor Cory Box presiding at Jenks City Hall.

ROLL CALL

Present

John Brown

Kevin Short

Matthew Emmons

Adam Abel

Craig Murray

Mayor Cory Box

Absent

Donna Ogez

INVOCATION

Lance Brewer from First Baptist Church Jenks gave the invocation

PLEDGE OF ALLEGIANCE

ANIMAL WELFARE SPOTLIGHT

Animal Control Officer Caleb Foster presented an animal for adoption

CITIZEN COMMENTS

None

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 January 07, 2025
 - B. Approve Encumbrances and Expenditures
 - C. Monthly Reports
 - D. Approve request by Kibo Group International to use Jenks streets from 8:00 am until 11 am on April 04, 2025, for the "Run to the Well" event.
 - E. Approve request by RunnersWorld Racing to have police support at intersections from 7:00 am until 12:00 pm on May 04, 2025, for the "Tulsa Area Triathletes Spring Fever Triathlon" event.
 - F. Approve request by Bob Beard to use Veterans Park from 6:00 am until 3:00 pm on April 26, 2025, for "Quackfest" event.

- G. Approve request by Amy McAbee to use Jenks streets from 7:00 am until 6:00 pm on April 26, 2025, for the "Jenks Herb 'n' Plant Festival" event.
- H. Approve Plat 25-07, a request for approval for the Preliminary Plat for Crossvine. General Location: 126th & Elm St
- I. Approve Resolution 855 requesting the Indian Nations Council of Governments to program Tulsa Urbanized Area Transportation Funds for consideration of funding in Federal Fiscal Year 2025-2026 for extension of the North 5th Street Sidewalk.
- J. Approve Resolution 856 requesting the Indian Nations Council of Governments to program Tulsa Urbanized Area Transportation Funds for consideration of funding in Federal Fiscal Year 2025-2026 for the Parkwest Trail Extension.
- K. Request to note in the minutes Oklahoma Department of Environmental Quality (DEQ) Permit Number SL000072240899 for the construction of 360 linear feet of eight inch (8") PVC gravity sanitary sewer line and all appurtenances to serve Revitalize Medical Spa (Aquarium Drive near Main Street), City of Jenks, Tulsa County, Oklahoma.
- L. Request to note in the minutes Oklahoma Department of Environmental Quality (DEQ) Permit Number SL000072241005 for the construction of 6,147 linear feet of eight (8) inch PVC, 977 linear feet of fifteen (15) inch HDPE sanitary sewer line and all appurtenances to serve The Reserve at Southern Woods (111th Street near 33rd West Avenue), City of Jenks, Tulsa County, Oklahoma.
- M. Request to note in the minutes Oklahoma Department of Environmental Quality (DEQ) Permit Number WL000072241006 for the construction of 6,960 linear feet of eight (8) inch PVC, 1,415 linear feet of twelve (12) inch PVC potable water line and all appurtenances to serve The Reserve at Southern Woods (111th Street near 33rd West Avenue), City of Jenks, Tulsa County, Oklahoma.

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

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

Motion Carried.

- 2. Consideration and appropriate action relating to items removed from the Consent Agenda
Withdrawn
- 3. Presentation by PSO regarding recent power outages in Jenks
Representatives from PSO (Roderigo Rojas, Duane Apple, Ashley Nolte) addressed the Council about recent power outages and answered questions. Keith Montgomery (10612 S Fir Ave) asked a question, to which the PSO representatives responded.
- 4. Appoint a member of Council to the INCOG Board of Directors as the City of Jenks Alternate

City Manager Christopher Shrout introduced Item 4. Cory Box made a motion to appoint John Brown to INCOG Board of Directors. Kevin Short seconded the motion.

A roll call vote of members was taken as follow:

Yes: Matthew Emmons, Craig Murray, Adam Abel, Kevin Short, Mayor Cory Box

Abstain: John Brown

Motion Carried.

5. Ordinance #1662, related to JZ 25-697, rezoning a piece of property to CS (Commercial Shopping), repealing all ordinances or parts thereof in conflict herewith, providing for severability, and declaring an emergency. General Location: 515 W Aquarium Pl

Planning Director Marcaé Hilton introduced Item 5 and answered questions. Robert Bell (101 E Aquarium) addressed the Council about the application. Craig Murray made a motion to approve Item 5. Matthew Emmons seconded the motion. A roll call vote of members was taken as follow:

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

Motion Carried.

6. Emergency Clause for Ordinance #1662, 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.

Craig Murray made a motion to approve Item 6. Matthew Emmons seconded the motion. A roll call vote of members was taken as follow:

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

Motion Carried.

7. Ordinance #1659, an Ordinance An Ordinance amending Chapter 2 of the City of Jenks Code of Ordinances "Alcohol" and Chapter 14 of the City of Jenks Code of Ordinances "Offenses" by adding definitions to Section 2-1-1 aligned with State law definitions; adding a State Statute reference to Section 2-2-1(a); deleting "or be intoxicated in a public place" and adding that language to Section 2-3-25 "Intoxication and Drinking in a Public Place"; repealing section 2-3-14 "Penalties for Failure to Possess a Distiller's License"; replacing "county jail" with "municipal jail" in section 2-3-22; replacing "peace officer" with "police officer" and repealing definition of "peace officer" in Section 2-3-23; adding Section 2-3-25 "Intoxication and Drinking in a Public Place"; creating Section 2-3-26 "Maintaining a Place where Intoxicating Liquor is Sold Contrary to Law"; creating Section 2-3-27 "Required Signage for Retail Establishments"; creating Section 2-3-28 "Hired Bus or Limousine Prohibited from Transporting Minors Possessing or Consuming Alcoholic Beverages; Penalties"; Creating section 2-3-29 "Cocktails To Go"; repealing Section 14-2-17 "Possession of Intoxicating Liquors, etc."; repealing Section 14-2-19 "Maintaining a Place where Intoxicating Liquor is Sold Contrary to Law."; repealing Section 14-2-20 "Drunkenness and Drinking in a Public Place."; repealing Article 9 "Alcohol or Substance Abuse Offenses by Persons Under 21 Years of Age"; repealing all ordinances or parts in conflict herewith; providing for severability; and declaring an emergency.

City Attorney Teresa Nowlin introduced Item 7 and answered questions. Matthew Emmons made a motion to approve Item 7. Kevin Short seconded the motion. A roll

call vote of members was taken as follow:

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

Motion Carried.

8. Emergency Clause for Ordinance 1659, 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.

Matthew Emmons made a motion to approve Item 8. Craig Murray seconded the motion. A roll call vote of members was taken as follow:

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

Motion Carried.

9. Ordinance 1660, an Ordinance amending Chapter 14 of the City of Jenks Code of Ordinances "Offenses" by repealing Section 14-2-5 "Begging Prohibited"; clarifying scope of offense and adding penalty to Section 14-2-9 "Immoral Conduct; Consorting"; amending Section 14-2-15 "Nudity; Improper Dress; Indecent Exposure"; amending Section 14-2-16 "Unseemly Conduct; Acts Detrimental to Good Morals; Peeping"; updating title, ages and products and enforcement in section 14-2-22 "Furnishing Tobacco Products to Minors"; creating Section 14-2-23 "purchase or Possession of Tobacco, nicotine or Vapor Products by Persons Under Twenty-One (21) Years of Age; Falsification of Proof of Age"; repealing Section 14-3-1 "Carrying Certain Concealed Weapons Prohibited"; repealing section 14-3-2 "Carrying Certain Concealed Weapons Prohibited; Confiscation"; adding types of weapons to Section 14-3-3 "Discharging Firearms, Air Rifles, and Bb Guns"; deleting part of Section 14-3-5 "Assembly on Streets; Permits"; repealing Section 14-3-7 "Disturbing Religious Worship"; repealing Section 14-3-8 "Disturbing Public Assembly"; repealing Section 14-3-9 "Loud Noise or Music Prohibited"; repealing Section 14-3-10 "Displaying Insulting Signs, etc."; repealing Section 14-3-11 "Literature or Language Ridiculing Deity, etc."; deleting a word from Section 14-5-2 "Molesting Automobiles and Other Vehicles"; repealing section 14-7-2 "Insulting Teachers"; repealing Section 14-7-4 "Failure to Pay for Ambulance Service"; repealing all ordinances or parts in conflict herewith; providing for severability; and declaring an emergency.

City Attorney Teresa Nowlin introduced Item 9 and answered questions. Police Chief Jason Jackson also answered questions. John Brown made a motion to approve Item 9, removing the changes to the following code sections: 14-2-15, 14-3-7, 14-3-8, 14-3-9, 14-3-10, 14-3-11, and 14-7-2. Matthew Emmons seconded the motion. A roll call vote of members was taken as follow:

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

Motion Carried.

10. Emergency Clause for Ordinance 1660, 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.

None made a motion to approve Item 10. Kevin Short seconded the motion. A roll call vote of members was taken as follow:

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

Motion Carried.

11. Consideration and appropriate action relating to Ordinance No. 1661, an Ordinance of the City of Jenks, Oklahoma (the "City") approving and adopting an Amendment to the Jenks River Entertainment District Economic Development Project Plan, to clarify the legal boundaries of Increment District No. 6; providing for severability; declaring an emergency; and containing other provisions related thereto.

Finance Director David Sims introduced Item 11 and answered questions. City Attorney Teresa Nowlin also answered questions. Kevin Short made a motion to approve Item 11. Matthew Emmons seconded the motion. A roll call vote of members was taken as follow:

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

Motion Carried.

12. Emergency Clause for Ordinance 1661, 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.

Kevin Short made a motion to Approve Item 12. Matthew Emmons seconded the motion. A roll call vote of members was taken as follow:

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

Motion Carried.

13. Potential Executive Session to engage in confidential communications between a public body and its attorney, pursuant to 25 O.S. §307(B)(4), concerning pending claim or litigation upon the advice of the attorney that disclosure would seriously impair the ability of the public body to process the claim to conduct pending litigation (City of Jenks v. Sparkman Land, LLC., CJ-2015-1817)

Craig Murray made a motion to enter Executive Session. John Brown seconded the motion. A roll call vote of members was taken as follow:

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

Motion Carried. *Council entered Executive Session at 7:18 pm and returned at 8:09 pm.*

14. Resolution 857, a Resolution declaring the necessity of acquiring a Perpetual Easement on certain property owned by Sparkman Land, LLC, and authorizing the City's Attorney to file a Second Amended Petition in the current Condemnation Proceedings to acquire the same.

Attachments to the Resolution were given to the Council during the meeting and will

be attached at the end of the minutes. Kevin Short made a motion to approve Item 14. Matthew Emmons seconded the motion. A roll call vote of members was taken as follow:

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

Motion Carried.

OTHER BUSINESS

1. City Manager's Report
City Manager Christopher Shrout gave his report
2. Committee Reports
Committee reports were given.
3. Mayor's Report
Mayor Cory Boxy gave his report

ADJOURNMENT

The meeting adjourned at 08:27 pm.


Cory Box, MAYOR
Donna Ogez, Vice Mayor


CITY CLERK

ATTACHMENT "A"

RESOLUTION NO. 857

A Resolution Declaring the Necessity of Acquiring a Perpetual Easement on Certain Property Owned by Sparkman Land, LLC, and Authorizing the City's Attorney to file a Second Amended Petition in the current Condemnation Proceedings to Acquire the Same

Whereas, the City of Jenks ("Jenks" or "City") and the Oklahoma Turnpike Authority previously determined the need for improvements to the Turnpike System and City roadways including the construction and modification of ramps and parallel City roadways along the Creek Turnpike and related utility relocations and drainage improvements; and,

Whereas, said improvements were necessary to accommodate the increased traffic usage and to provide for the public safety and welfare; and,

Whereas, the City of Jenks previously filed a condemnation proceeding to acquire certain property belonging to Sparkman Land, LLC necessary for the Roadway and Drainage Improvements Resulting from the Turnpike Modifications Project and City Roadway Alignments, (the "Project") styled The City of Jenks, Oklahoma v. Sparkman Land, LLC et al., Tulsa County District Court CJ-2015-1817, and that case is still pending; and

Whereas, it is necessary for Jenks to acquire a perpetual easement on a portion of the property owned by Sparkman Land, LLC as a result of and related to the Project including the construction of the South Access Road; and

Whereas, the perpetual easement is to be on the property as shown on the drawing attached as Exhibit "A" and as legally described in Exhibit "B"; and

Whereas, due to placement of dirt "fill" in the floodplain as part of the construction of the South Access Road, compensatory storage is necessary to accommodate for the total volume of fill placed in the floodplain, and accordingly that same volume of dirt will be excavated and removed from the area designated for the perpetual easement; and

Whereas, following the completion of the construction of the South Access Road, Sparkman Land, LLC's representative and an appraiser retained by it testified under oath that a significant portion if not all of the area designated for the perpetual easement has flooded and experienced a tremendous increase in the flow of water across the same, and that such flooding and increased water flow have caused damage to the property owned by Sparkman Land, LLC; and

Whereas, based on the assertion of Sparkman Land, LLC that following the construction of the South Access Road the area designated for the perpetual easement floods and there is an increase in flow of water across such property, the perpetual easement will be used for the perpetual right

ATTACHMENT "A"

to from time to time and at any time, for the flowage of water over, upon, across or through the perpetual easement; and

Whereas, following the construction of the South Access Road, Sparkman Land, LLC brought to the attention of the City that certain improvements related to the South Access Road were constructed on property owned by Sparkman Land, LLC, outside of the initial right-of-way acquired by the City in fee simple, and therefore it is necessary to acquire a perpetual easement for the area on which such improvement were constructed, including for the inspection and maintenance of the improvements in the future; and

Whereas, it is necessary to have the right of ingress and egress at any time over and upon the property described in the perpetual easement to inspect and maintain said property for the purposes stated in this Resolution; and

Whereas, in Tulsa County District Court Case No. CJ-2015-1817, the District Court Judge has declared in its Order dated January 13, 2021, that the City has the legal right to use the natural waterway located on the property known as Wilmott Creek and to use the Easement and Right-Of-Way filed on or about June 2, 1947, and recorded in Book 1810 Page 351, for the drainage of excess surface and storm waters; and

Whereas, the perpetual easement will be subject to any easements of records on the described property, including but not limited to the Easement and Right-Of-Way filed on or about June 2, 1947 and recorded in Book 1810 Page 351.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Jenks, Oklahoma, that the City's Attorney be authorized to file a Second Amended Petition in the lawsuit styled the City of Jenks, Oklahoma v. Sparkman Land, LLC et al., Tulsa County District Court CJ-2015-1817 to acquire a perpetual easement for the purposes described herein on the property as shown on the drawing attached as Exhibit "A" and as legally described in Exhibit "B".

Approved this 21st day of Jan, 2025.

CITY OF JENKS, OKLAHOMA

(seal)

Attest:

B. Macy
City Clerk

[Signature]
Mayor

Approved as to Form:

[Signature]
City Attorney



ATTACHMENT "A"



Exhibit "A"

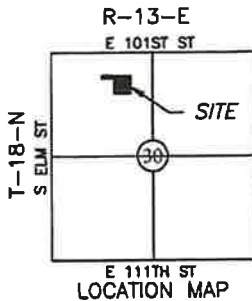
ATTACHMENT "A"

PERPETUAL EASEMENT

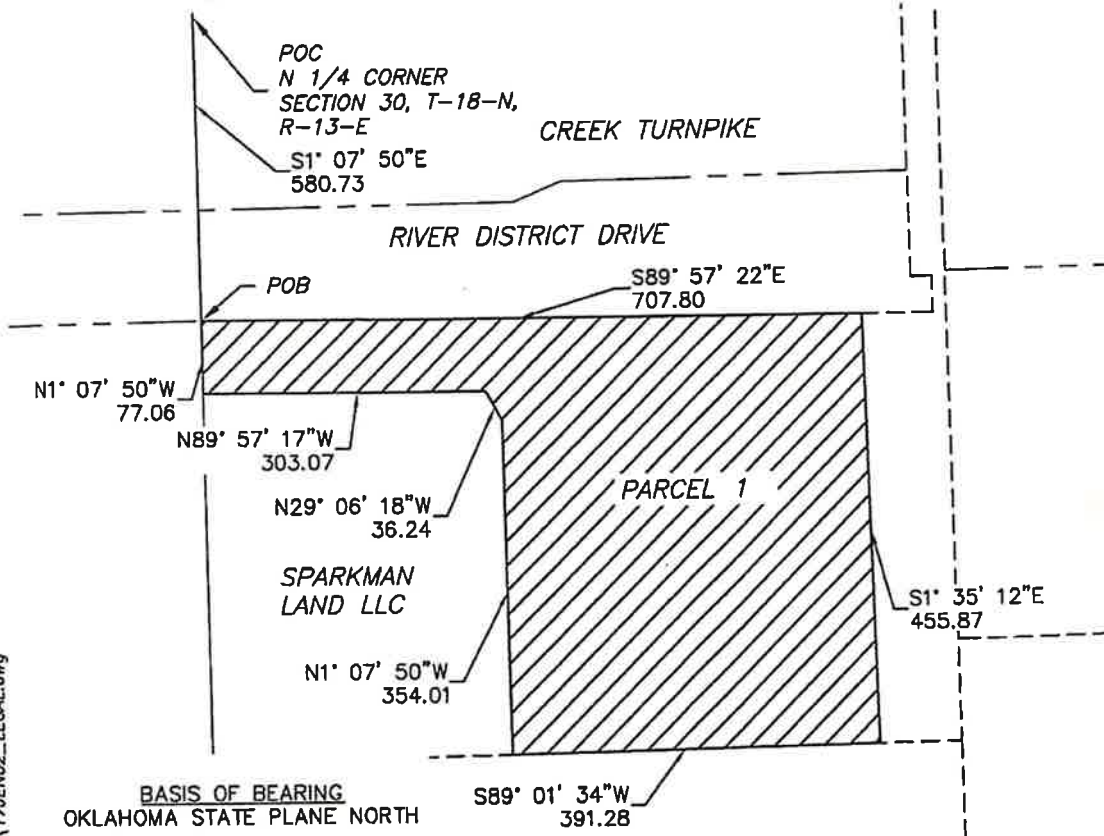
EXHIBIT PARCEL 1

SURVEYOR

Meshek & Associates, LLC
1437 South Boulder Ave, Ste. 1550
Tulsa, Oklahoma 74119
Certificate of Authorization No. 1478
Expires June 30, 2025



SCALE: 1"=150'



LEGAL DESCRIPTION

A TRACT OF LAND IN THE NORTHEAST QUARTER (NE/4) OF THE NORTHWEST QUARTER (NW/4) OF SECTION 30, T-18-N, R-13-E, 1B&M, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NE/4 OF THE NW/4 OF SECTION 30, T-18-N, R-13-E; THENCE S01°07'50"E ALONG THE EAST LINE OF SAID NW/4 A DISTANCE OF 580.73 FEET TO A POINT ON THE EXISTING RIGHT-OF-WAY OF RIVER DISTRICT DRIVE ALSO BEING THE POINT OF BEGINNING; THENCE S89°57'22"E ALONG SAID RIGHT-OF-WAY A DISTANCE OF 707.80 FEET; THENCE S01°35'12"E A DISTANCE OF 455.87 FEET; THENCE S89°01'34"W A DISTANCE OF 436.75 FEET; THENCE N01°07'50"W A DISTANCE OF 354.01 FEET; THENCE N29°06'18"W A DISTANCE OF 36.24 FEET; THENCE N89°57'17"W A DISTANCE OF 303.07 FEET; THENCE N01°07'50"W A DISTANCE OF 77.06 FEET TO A POINT ON THE EXISTING RIGHT-OF-WAY OF RIVER DISTRICT DRIVE ALSO BEING THE POINT OF BEGINNING, CONTAINING 4.68 ACRES MORE OR LESS.

SURVEYOR'S CERTIFICATION

I, MICHAEL ROYCE, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF OKLAHOMA, DO HEREBY STATE THAT THE BELOW MAP REPRESENTS A SURVEY PERFORMED IN THE FIELD AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS OF THIS DATE. THIS EXHIBIT MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

MICHAEL ROYCE PLS# 1627
NO. CA 1487
EXP. 06/30/2025

01/17/25

DATE OF SIGNATURE



Exhibit "B"