

MINUTES OF REGULAR MEETING OF
MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF ENID, OKLAHOMA,
TRUSTEES OF THE ENID MUNICIPAL AUTHORITY, A PUBLIC TRUST, AND
TRUSTEES OF THE ENID ECONOMIC DEVELOPMENT AUTHORITY, A PUBLIC TRUST
HELD ON THE 2ND DAY OF APRIL 2013

The Mayor and Board of Commissioners of the City of Enid, County of Garfield, State of Oklahoma, the Trustees of the Enid Municipal Authority, a Public Trust, and the Trustees of the Enid Economic Development Authority, a Public Trust, met in regular meeting in the Council Chambers of the Administration Building of the City of Enid, located at 401 West Owen K. Garriott Road in said city, at 6:30 P.M. on the 2nd day of April 2013, pursuant to notice given by December 15, 2012 to the Clerk of the City of Enid, and pursuant to notice thereof displayed at the entrance to the Administration Building of said city, in prominent view and which notice was posted prior to 5:00 P.M. on the 1st day of April 2013.

-MAYOR AND BOARD OF COMMISSIONERS-

Mayor Shewey called the meeting to order with the following members present and absent:

PRESENT: Commissioners Janzen, Stuber, Blackburn, Wilson, Vanhooser and Mayor Shewey.

ABSENT: Commissioner Ritchie.

Staff present were City Manager Eric Benson, Assistant City Manager Joan Riley, City Attorney Andrea Springer, City Clerk Linda Parks, Director of Engineering Services Chris Gdanski, Chief Financial Officer Jerald Gilbert, Public Works Director Jim McClain, Planning Administrator Chris Bauer, Police Chief Brian O'Rourke, Fire Chief Joe Jackson, Director of Marketing and Public Relations Steve Kime, Human Resource Director Sonya Key, Safety Director Billy McBride, Director of Aviation Dan Ohnesorge, Director of Long Range Planning Whitney Box, and Ex-Officio member Col. John Wilson.

Pastor David Burpo from World Harvest Church gave the Invocation, and Col. John Wilson led the Flag Salute.

Motion was made by Commissioner Stuber and seconded by Commissioner Janzen to approve the minutes of the regular Commission meeting of March 19, 2013, with the amendment to correct the spelling of Mr. J. R. Ools on Page 10 of said minutes, and the vote was as follows:

AYE: Commissioners Janzen, Stuber, Blackburn, Wilson, Vanhooser and Mayor Shewey.

NAY: None.

Mr. David Handley presented "Ace", a male mixed birddog, available for adoption at the Enid Animal Shelter.

Proclamations were read and presented proclaiming April 2, 2013 as "Vance Air Force Base Day," April 9, 2013 as "Mayors Day of National Service," and the month of April 2013 as "Civitan Club Awareness Month."

A brief video presentation entitled "Your Town. Your Television," was presented by Ms. Wendy Quarles, Executive Director of PEGASYS, Inc.

Comments were made by City Manager Eric Benson who stated that PEGASYS, currently located in the Cherokee Strip Conference Center, was facing a challenge created by the future elimination of the Center. He stated that a potential new home had been identified in the Non-Profit Center, located at 114 South Independence, and stated that the City had, by contractual obligation, the requirement to provide for the expenses associated with the move. He went on to say that commissioners would be given the opportunity in the next budget year, to identify funding for the relocation, which was estimated at \$399,630.00.

Comments were received from Ms. Cheri Ezzell, Executive Director of the Community Development Support Association, who spoke regarding plans to relocate PEGASYS in the Non-Profit Center.

A hearing was conducted regarding a request to modify the Land Use Map of the Enid Metropolitan Area Comprehensive Plan 2025, from Agriculture Designation to High Intensity Industrial Designation for property described as Lots 1 and 2 and the South Half of the Northeast Quarter, and Lots 3-5 and the Southeast Quarter of the Northwest Quarter of Section 6, Township 22 North, Range 5 West of the Indian Meridian, and all of the Southeast Quarter of Section 6, Township 22 North, Range 5 West, lying north and east of the railroad right-of-way in said Quarter, located at 2301 North 66th Street, for a proposed canola plant. It was noted that the Area Planning Commission, at its meeting of March 18, 2013, recommended approval of the land use amendment.

Planning Administrator Chris Bauer spoke regarding the land use change, stating that the proposed amendment was consistent with the overall Plan and allowed expansion of the existing high intensity industrial land use classification located south of Willow Road along 54th Street. He stated to support the land use amendment, the following infrastructure improvements were required: 1) 66th Street would be improved from Highway 412 to Willow Road; 2) A new water line would extend east of 54th Street along Chestnut Avenue to 66th Street, north to Willow, and west to the existing water line at Pioneer School, which would complete a loop to the existing water system; and 3) A new sewer line would extend from the plant routed south, to intercept the existing sewer south to the existing lift station. He added that funding for all of the improvements would be provided by tax increment financing.

No comments were received.

A hearing was held regarding a request to rezone property described as Lots 1 and 2 and the South Half of the Northeast Quarter, and Lots 3-5 and the Southeast Quarter of the Northwest Quarter of

Section 6, Township 22 North, Range 5 West of the Indian Meridian, and all of the Southeast Quarter of Section 6, Township 22 North, Range 5 West, lying north and east of the railroad right-of-way in said Quarter, from “A” Agriculture District to “I-3” Heavy Industrial District, located at 2301 North 66th Street, for a proposed canola plant. It was noted that the Metropolitan Area Planning Commission, at its meeting of March 18, 2013, recommended approval of said rezoning.

No comments were received.

A hearing was held regarding an appeal filed by Central Christian Church regarding the denial of a Certificate of Appropriateness by the Historic Preservation Commission, to demolish a residence at 1115 West Maine, located in the Waverley Historic District.

Comments were made by Mr. Bauer regarding the appeal. He stated that an application for a Certificate of Appropriateness to demolish the residence was presented to the Historic Preservation Commission on April 5, 2012, at which time the item was tabled to allow the Church to develop an alternative to demolition. The Certificate of Appropriateness was reviewed again by the Historic Preservation Commission on September 6, 2012, with no alternatives being offered. A hearing was then held, with the Certificate of Appropriateness denied based on the following five (5) criteria, and demolition of the residence was postponed for 180 days:

1. The purpose and intent of this article.
The Historic Preservation Commission determined the purpose and intent of the article was to conserve structures in the historic district;
2. The degree to which the proposed removal of the historic resources would serve to destroy the integrity and continuity of the historic preservation district of which it is a part.
The structure is located on the north edge of the Waverley Historic District and removal would serve to destroy the integrity and continuity of the historic district by five percent (5%);
3. The nature of the resource as a representative type or style of architecture, socioeconomic development, historic association or other element of the original designation criteria applicable to such structure or site.
The structure is a contributing architectural style to the Waverley Historic District, which is a bungalow/craftsman architectural style;

4. The condition of the resource from the standpoint of structural integrity and the extent of work necessary to stabilize the structure.

The Historic Preservation Commission determined the exterior could be repaired;

5. Allowing the Church time to develop alternate uses for the property or possibly sell the property.

It was noted that a second hearing was held before the Historic Preservation Commission on March 7, 2013. The Certificate of Appropriateness was again denied, based on the criteria above, and on March 12, 2013, the Church appealed the decision to the Mayor and Board of Commissioners for an additional hearing.

Commissioners were advised that they could enter an order approving the demolition, or enter an order postponing the demolition for an additional period not to exceed 120 days from the date of such order.

Following brief comments from commissioners, the hearing concluded.

Motion was made by Commissioner Stuber and seconded by Commissioner Janzen to approve a Resolution modifying the Land Use Map of the Enid Metropolitan Area Comprehensive Plan 2025, from Agriculture Designation to High Intensity Industrial Designation for property described as Lots 1 and 2 and the South Half of the Northeast Quarter, and Lots 3, 4, 5 and the Southeast Quarter of the Northwest Quarter of Section 6, Township 22 North, Range 5 West of the Indian Meridian, and all of the Southeast Quarter of Section 6, Township 22 North, Range 5 West, lying north and east of the railroad right-of-way in said Quarter, located at 2301 North 66th Street, with the caveat that the land use amendment is dependent upon the canola plant's successful development, and the vote was as follows:

AYE: Commissioners Janzen, Stuber, Blackburn, Wilson, Vanhooser and Mayor Shewey.

NAY: None.

(Copy Resolution)

Motion was made by Commissioner Stuber and seconded by Commissioner Blackburn to adopt an Ordinance rezoning property described as Lots 1 and 2 and the South Half of the Northeast Quarter, and Lots 3, 4, 5 and the Southeast Quarter of the Northwest Quarter of Section 6, Township 22 North, Range 5 West of the Indian Meridian, and all of the Southeast Quarter of Section 6, Township 22 North, Range 5 West, lying north and east of the railroad right-of-way in said Quarter, located at 2301 North 66th Street, from Class "A" Agriculture District to Class "I-3" Heavy Industrial District, with the caveat that the rezoning is dependent upon the canola plant's successful development, and the vote was as follows:

AYE: Commissioners Janzen, Stuber, Blackburn, Wilson, Vanhooser and Mayor Shewey.

NAY: None.

ORDINANCE NO. 2013-24

AN ORDINANCE AMENDING TITLE 11 CHAPTER 2, SECTION 11-2-1 OF THE ENID MUNICIPAL CODE, 2003, BY CHANGING THE ZONING ON A CERTAIN PROPERTY AND DESCRIBING THE SAME, AMENDING THE ZONING MAP ACCORDINGLY.

Discussion was held regarding a Certificate of Appropriateness for the demolition of a structure located at 1115 West Maine.

Mr. Roy Smith, Board Moderator for Central Christian Church, asked that Attorney James Cox be allowed to speak regarding the Certificate of Appropriateness.

Mr. James Cox, Attorney for Central Christian Church, addressed the Commission. He cited numerous issues associated with the structure, and stated that demolition was in the best interests of the Church and the historic district. He asked that commissioners approve the appeal.

Mr. Aaron Brownlee, Metropolitan Area Planning Commission representative to the Historic Preservation Commission, addressed commissioners, stating that the structure should be demolished.

Motion was made by Commissioner Wilson and seconded by Commissioner Stuber to approve the demolition of the structure at 1115 West Maine, and the vote was as follows:

AYE: Commissioners Janzen, Stuber, Blackburn, Wilson, Vanhooser and Mayor Shewey.

NAY: None.

Discussion was held regarding authorizing the City Manger to negotiate the sale of property owned by the City of Enid, located at 501, 503 and 505 West Owen K. Garriott Road.

Mr. Bauer stated that the properties were originally acquired to abate dilapidated structures and offer them for sale for commercial development. He advised commissioners that the property was currently zoned "R-7" Residential Multi-Family District, and that the Metropolitan Area Planning Commission would consider rezoning the property to "C-3" General Commercial District at its April meeting, which would allow for commercial development on the property.

Mr. Benson stated that two (2) proposals for the property had been received, both to construct medical office buildings. He went on to say that the Commission's approval would allow him to respond to the proposals and enter into negotiations for the sale of the property.

Mr. Curt Bowman, 620 South Madison, addressed the Commission, stating that he had submitted a proposal to purchase the property, and spoke of plans to build a dental facility, if his proposal was approved.

Motion was made by Commissioner Wilson and seconded by Commissioner Stuber to authorize the City Manager to negotiate the sale of property owned by the City of Enid, located at 501, 503, and 505 West Owen K. Garriott Road, and the vote was as follows:

AYE: Commissioners Janzen, Stuber, Blackburn, Wilson, Vanhooser and Mayor Shewey.

NAY: None.

Motion was made by Commissioner Stuber and seconded by Commissioner Wilson to approve a Resolution amending the 2012-2013 Capital Improvement Fund Budget by appropriating additional funds

in the amount of \$58,114.00 to fund Change Order No. 8 with Key Construction, LLC, for Project No. M-1109E, Enid Event Center, and the vote was as follows:

AYE: Commissioners Janzen, Stuber, Blackburn, Wilson and Mayor Shewey.

NAY: Commissioner Vanhooser.

(Copy Resolution)

Discussion was held regarding Change Order No. 8 with Key Construction, LLC, for Project No. M-1109E, Enid Event Center.

Mr. Bob Meyers, Program Manager from Carter and Associates, Inc., explained that the Change Order would add electrical connections to provide peak power response and capabilities to increase the scope and range of eligible performance options in the Event Center, at a cost of \$58,114.00, for a total revised contract amount of \$18,485,300.00.

Motion was made by Commissioner Stuber and seconded by Commissioner Wilson to approve said Change Order as presented, and the vote was as follows:

AYE: Commissioners Janzen, Stuber, Blackburn, Wilson and Mayor Shewey.

NAY: Commissioner Vanhooser.

Discussion was held regarding an Ordinance creating Section 6-7-14 in Chapter 7, Title 6, of the Enid Municipal Code, 2003, entitled "Prohibition Against Operating Motor Vehicles On City-Owned Trails," which would prohibit motor vehicles in City-owned parks and trails, and allow enforcement by Enid police officers.

Commissioner Janzen suggested that an amendment to the ordinance be made to prohibit motor vehicles on properties adjacent to the trails.

Police Chief Brian O'Rourke stated that his concerns were four-wheelers being ridden next to, and damaging the trails while citizens were walking and running on them. He stated that he would like to see a little leeway on each side of the trails.

City Attorney Andrea Springer stated that the proposed ordinance, and others, would cover any adjacent property owned by the City of Enid, but would not cover private property.

Assistant City Attorney Shandi Campbell stated that an amendment incorporating additional boundaries could be brought back for consideration in two (2) weeks.

Motion was made by Commissioner Stuber to approve said ordinance. Motion was withdrawn.

Mr. Mike Henderson, 2103 South Van Buren, urged commissioners to vote in favor of banning motorized vehicles on City trails. He spoke regarding the Southside Thruway Trail behind the former Sage Room on South Van Buren, and cited various sections regarding the vision, goals and objectives, and operations, maintenance and management of the trails, addressed in the Trails Master Plan.

Motion was made by Commissioner Stuber and seconded by Commissioner Wilson to adopt said ordinance as presented, and the vote was as follows:

AYE: Commissioners Janzen, Stuber, Blackburn, Wilson, Vanhooser and Mayor Shewey.

NAY: None.

ORDINANCE NO. 2013-25

AN ORDINANCE AMENDING ENID MUNICIPAL CODE, 2003, BY CREATING TITLE 6, ENTITLED "MOTOR VEHICLES AND TRAFFIC," CHAPTER 7, ENTITLED "MISCELLANEOUS RULES," SECTION 6-7-14, ENTITLED "PROHIBITION AGAINST OPERATING MOTOR VEHICLES ON CITY-OWNED TRAILS," TO ALLOW FOR ENFORCEMENT BY ENID POLICE OF NO MOTOR VEHICLES ON CITY-OWNED TRAILS; PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY, AND CODIFICATION.

Motion was made by Commissioner Janzen and seconded by Commissioner Wilson to adopt an Ordinance amending Section 1-11-10 in Chapter 11, Title 1 of the Enid Municipal Code 2003, entitled

“Bail Bond Procedure,” to allow for officer discretion regarding whether or not to arrest for petit larceny, and the vote was as follows:

AYE: Commissioners Janzen, Stuber, Blackburn, Wilson, Vanhooser and Mayor Shewey.

NAY: None.

ORDINANCE NO. 2013-26

AN ORDINANCE AMENDING ENID MUNICIPAL CODE, 2003, TITLE 1, ENTITLED “ADMINISTRATION,” CHAPTER 11, ENTITLED “MUNICIPAL COURT 1,2,” SECTION 1-11-10, ENTITLED “BAIL BOND PROCEDURE,” TO ALLOW FOR OFFICER DISCRETION REGARDING WHETHER OR NOT TO ARREST FOR PETIT LARCENY; PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY, AND CODIFICATION.

Discussion was held regarding a request to place a four (4) way stop at the intersection of Maine Avenue and 10th Street.

Motion was made by Commissioner Wilson and seconded by Commissioner Stuber to approve the placement of the four (4) way stop at said intersection as requested, and the vote was as follows:

AYE: Commissioners Janzen, Stuber, Blackburn, Wilson, Vanhooser and Mayor Shewey.

NAY: None.

Mayor Shewey asked that warning signs be placed on Maine Avenue and 10th Street before the intersection, to alert residents of the four-way stop.

Motion was made by Commissioner Stuber and seconded by Commissioner Janzen to approve staff recommendations on the following Consent Items as listed, and the vote was as follows:

AYE: Commissioners Janzen, Stuber, Blackburn, Wilson, Vanhooser and Mayor Shewey.

NAY: None.

- (1) Acceptance of Permit from the Oklahoma Department of Environmental Quality for Project No. W-1308A, Waterline Extension for Oakwood Court Addition;

- (2) Acceptance of the following described Easement for Public Highway in Block One (1), Woodlands Subdivision, from Carl and Marilyn Lightfield, in conjunction with Project No. R-0303, Willow Road Widening:

(Copy Description)

and

- (3) Allowance of the following claims for payment as listed:

(List Claims)

Mayor Shewey recessed the meeting to convene as the Enid Municipal Authority.

-TRUSTEES OF THE ENID MUNICIPAL AUTHORITY-

PRESENT: Trustees Janzen, Stuber, Blackburn, Wilson, Vanhooser, Chairman Shewey, Trust Manager Eric Benson, Trust Attorney Andrea Springer, and Secretary Linda Parks.

ABSENT: Trustee Ritchie.

Motion was made by Trustee Stuber and seconded by Trustee Blackburn to approve a Resolution increasing the 2012-2013 Fiscal Financial Plan for the Enid Municipal Authority in the amount of \$58,114.00, to fund Change Order No. 8 with Key Construction Company, LLC, for Project M-1109E, Enid Event Center, and the vote was as follows:

AYE: Trustees Janzen, Stuber, Blackburn, Ritchie, Wilson and Chairman Shewey.

NAY: Trustee Vanhooser.

(Copy Resolution)

Motion was made by Trustee Stuber and seconded by Trustee Janzen to allow the following claims for payment as listed, and the vote was as follows:

AYE: Trustees Janzen, Stuber, Blackburn, Wilson, Vanhooser and Chairman Shewey.

NAY: None.

(List Claims)

Chairman Shewey recessed the meeting to convene as the Enid Economic Development Authority.

-TRUSTEES OF THE ENID ECONOMIC DEVELOPMENT AUTHORITY-

PRESENT: Trustees Janzen, Stuber, Blackburn, Wilson, Vanhooser, Chairman Shewey, General Manager Eric Benson, Trust Attorney Andrea Springer, and Secretary Linda Parks.

ABSENT: Trustee Ritchie.

Motion was made by Trustee Janzen and seconded by Trustee Stuber to allow the following claims for payment as listed, and the vote was as follows:

AYE: Trustees Janzen, Stuber, Blackburn, Wilson, Vanhooser and Chairman Shewey.

NAY: None.

(List Claims)

Chairman Shewey adjourned the meeting to reconvene as the Enid City Commission.

- MAYOR AND BOARD OF COMMISSIONERS-

Motion was made by Commissioner Stuber and seconded by Commissioner Wilson to convene into Executive Session to discuss economic development, pursuant to 25 Okla. Stat. Section 307(C)(10), to discuss "matters pertaining to economic development, including the transfer of property, financing, or

the creation of a proposal to entice a business to remain or to locate within their jurisdiction,” because public disclosure would violate the confidentiality of the businesses involved, and the vote was as follows:

AYE: Commissioners Janzen, Stuber, Blackburn, Wilson, Vanhooser and Chairman Shewey.

NAY: None.

The meeting convened into Executive Session at 7:39 P.M.

In Executive Session the Commission discussed economic development.

Motion was made by Commissioner Stuber and seconded by Commissioner Blackburn to reconvene into regular session, and the vote was as follows:

AYE: Commissioners Janzen, Stuber, Blackburn, Wilson, Vanhooser and Chairman Shewey.

NAY: None.

The meeting reconvened into regular session at 8:11 P.M.

Motion was made by Commissioner Stuber and seconded by Commissioner Vanhooser to offer a one-percent (1%) sales tax rebate to Hunt Properties on all new sales tax received by the City of Enid from sales at the old Homeland building up to a maximum of \$950,000.00, and direct the City Attorney to draft an economic development agreement between the City of Enid, or one of its authorities, and Hunt Properties, and the vote was as follows:

AYE: Commissioners Janzen, Stuber, Blackburn, Wilson, Vanhooser and Chairman Shewey.

NAY: None.

There being no further business to come before the Board at this time, motion was made by Commissioner Vanhooser and seconded by Commissioner Blackburn that the meeting adjourn, and the vote was as follows:

AYE: Commissioners Janzen, Stuber, Blackburn, Wilson, Vanhooser and Mayor Shewey.

NAY: None.

The meeting adjourned at 8:12 P.M.