

MINUTES

**CITY OF WARR ACRES
REGULAR CITY COUNCIL MEETING
TUESDAY,
AUGUST 20, 2019
6:00 P.M.**

1. The meeting was called to order at 6:01 p.m. Declaration of a quorum present was given. The Flag salute was led by Chief Coy and the Invocation was given by Mayor Mickley.

ROLL CALL

PRESENT

ABSENT

Mayor James Mickley
Vice-Mayor John Knipp
Councilman Roger Godwin
Councilman Bo Broadwater
Councilman Jim Von Thaer
Councilman Patrick Woolley
Councilman Jon Evans
Councilwoman Kim Allsup
Councilman Glenn Lipinski
Councilman Donnie Ryan (arrived at 6:43 p.m.)

2. Acceptance of the resignation of Ward 1 Council Member Broadwater and possible action to fill that vacancy. Administer Oath of Office.

Councilman Broadwater read a statement that he had prepared.



August 20, 2019

Dear Mayor Mickley, City Council, City Staff and Citizens of Warr Acres, Oklahoma,

It is with great regret that I must inform you of my intention to resign as ward one council member effective upon the appointment of my successor. And as my last official motion I would like to nominate Jim Von Thaer to replace me on the council. Jim has a background in financial planning and I believe his professional experience will help guide the City during tough economic times and help put us back on firm footing. He has also recently been appointed to the position of Post Commander at the American Legion here in Warr Acres. I believe he would make an excellent replacement for me and would continue to do great work on behalf of the citizens. As someone that has served ward one for many years I know that Warr Acres has many capable people that could fill this seat. At this time, however, I feel duty-bound to find someone as quickly as possible to replace me and I think Jim will do an excellent job.

It has been an absolute pleasure to serve with you and for you over the past several years but my family and I have decided to move in order to be closer to our children's schools and extracurricular activities. I will miss serving with you all and have only gratitude and respect for the time and commitment you give to our City. I want to wish you each continued blessings and I look forward to staying in touch and following along with the great and continued progress Warr Acres is making. I want to thank the residents of Warr Acres for allowing me to represent them, the City Staff for keeping everything running smoothly, and the Police and Fire Departments for keeping all of us safe.

I wish you all success as you continue working to help Warr Acres be the best place to call home in Oklahoma. I feel as though I have been but a small part of a great community and I will look back on my time here with great fondness for the rest of my life.

Respectfully,

Bo Broadwater

Bo Broadwater-Council Member

www.warracres-ok.gov

Motion by Broadwater, second by Knipp to nominate Jim Von Thaer to replace Bo Broadwater as Ward I Councilman. Poll vote: Broadwater, yea; Woolley, yea; Evans, yea; Allsup, yea; Knipp, yea; Godwin, yea; Lipinski, yea; and Mickley, yea.

Motion Passed Unanimously.

Interim Judge Luke Simms swore in Mr. Jim Von Thaer.

3. Formal presentation to Chris Yates of his badge and Fire Oath for promotion from rookie to firefighter.

Chief Coy said some nice things about Chris and stated that Chris already possessed many of the attributes that he wants his firefighter to have and so he has been a great fit for the department. Chief Coy administered the Fire oath to Chris Yates.

4. Presentation by the NW Chamber of Legacy Member Recognition and presentation Tricia Woodward US Census Bureau.

Jill McCartney with the NW Chamber presented a plaque to the city and thanked them for being a part of the Chamber.

Ms. Woodward spoke to the council and audience explaining how important it is for the Census to count everyone and only count them once. She thanked the city for being will to help them.

5. Call to the Public.

Laura Warren with the Warr Acres Library told about the activities that take place at the library.

Mark Nestlen welcomed Mr. Von Thaer to the council and invited him to attend a Cherokee Crossing HOA meeting to meet the residents. He said he was glad to hear the city discussing the rates and he will take the information back to the HOA and let them know what the city is looking at.

6. CONSENT DOCKET: (individual items may be deleted from the consent docket for discussion and action under #7.)

A. Approval of the minutes from the Regular meeting of July 16, 2019. *****

B. Approval of Expenditures *****	General Fund	\$ 164,048.19
	2019 GO Bond	\$ 5,084.10
	CIP Fund	\$ 729.65
	Sewer Line	\$ 8,090.00

C. Approval of Actual Expenditures for July 2019 and Proposed Expenditures for August 2019. *****

D. Sales Tax History Report. *****

E. Approval of Supplemental Appropriation of \$52,044.45 to the Police department account Safety Equipment of the funds received through the sell and release of property that had been held by the Police department.

Motion by Woolley, second by Knipp to approve the consent docket items A, B, D and E. Poll vote: Von Thaer, yea; Woolley, yea; Evans, yea; Allsup, yea; Knipp, yea; Godwin, yea; Lipinski, yea; and Mickley, yea.

Motion Passed Unanimously.

7. Discussion and possible action on items removed from the consent docket.

Item C.

Councilman Woolley questioned a claim on the proposed expenditures. Clerk Ramirez explained that the taxes had been called in late and so the city had been charged a late fee. The correction has been taken care of and the mistake will not happen again.

Motion by Woolley, second by Evans to approve item C. Poll vote: Von Thaer, yea; Woolley, yea; Evans, yea; Allsup, yea; Knipp, yea; Godwin, yea; Lipinski, yea; and Mickley, yea.

Motion Passed Unanimously.

8. Receive reports from Staff: Police Chief, Fire Chief, City Clerk, City Attorney, Public Works Director, City Engineer, and City Planner. ****

Ramirez-stated that she would be providing them with a monthly financial report on the General Fund.

Wallace-the environmental study for the South MacArthur project should be completed this month. Because it took so long there will be a delay and so funding will be from 2020 not 2019. The city will have to present a letter to ACOG to ask for the 20202 funding. Councilman Woolley asked if there were any problems with the right-of-way's for the project he recalled that there would not be any acquisitions but now it shows there will be. Engineer Wallace stated that in order to do an intersection and take it from 4 lanes to 5 lanes those have to be identified and there are 17 ft easements but they have to make sure there are not any issues for each of those.

Item 9 was heard before item 4 so that Mr. Rhodes could make it to another place, he needed to be by 6:30 p.m.

9. Discussion and possible action to accept proposal from Troy Rhodes as the architect on the city hall building. ****

Mayor Mickley pointed out certain items in the contract and stated that Mr. Rhodes has worked hard to get this project going and he believes that Mr. Rhodes will continue to work hard all the way through.

Motion by Evans, second by Knipp to accept the proposal and hire Troy Rhodes. Poll vote: Von Thaer, yea; Woolley, yea; Evans, yea; Allsup, yea; Knipp, yea; Godwin, yea; Lipinski, yea; and Mickley, yea.

Motion Passed Unanimously.

Councilman Ryan arrived at the meeting at 6:43 p.m.

10. Final Public Hearing, discussion and possible action on a Use Subject to Review: for Auto sales new or used at 5920 N.W. 39th. St. Business Name: Red Rock Auto. **** (Planning Commission recommended approval by a unanimous vote)

Motion by Ryan, second by Knipp to open the public hearing. Poll vote: Von Thaer, yea; Woolley, yea; Evans, yea; Allsup, yea; Knipp, yea; Godwin, yea; Ryan, yea; Lipinski, yea; and Mickley, yea.

Motion Passed Unanimously.

This will be service and sales the waste oil will be hauled off.

Motion by Evans, second by Knipp to close the public hearing. Poll vote: Von Thaer, yea; Woolley, yea; Evans, yea; Allsup, yea; Knipp, yea; Godwin, yea; Ryan, yea; Lipinski, yea; and Mickley, yea.

Motion Passed Unanimously.

Motion by Allsup, second by Woolley to approve the Use Subject to Review. Poll vote: Von Thaer, yea; Woolley, yea; Evans, yea; Allsup, yea; Knipp, yea; Godwin, yea; Ryan, yea; Lipinski, yea; and Mickley, yea.

Motion Passed Unanimously.

11. Final Public Hearing, discussion and possible action on a Use Subject to Review: on a medical marijuana dispensary located at 5708 NW Expressway: Ricardo Westhure/Gruver Bruver. **** (Planning Commission recommended approval by a unanimous vote)

Motion by Godwin, second by Knipp to open the public hearing. Poll vote: Von Thaer, yea; Woolley, yea; Evans, yea; Allsup, yea; Knipp, yea; Godwin, yea; Ryan, yea; Lipinski, yea; and Mickley, yea.

Motion Passed Unanimously.

Councilman Ryan asked if they met the distance requirements from a church or school. They do. They will be open 8am to Midnight 7 days a week and will also sell CBD and have a CBD lounge. Councilman Knipp asked how they would keep the patrons from using the Medical Marijuana in the CBD lounge. *****

Motion by Godwin, second by Von Thaer to close the public hearing. Poll vote: Von Thaer, yea; Woolley, yea; Evans, yea; Allsup, yea; Knipp, yea; Godwin, yea; Ryan, yea; Lipinski, yea; and Mickley, yea.

Motion Passed Unanimously.

Motion by Allsup, second by Von Thær to approve the Use Subject to Review. Poll vote: Von Thær, yea; Woolley, abstain; Evans, yea; Allsup, yea; Knipp, nay; Godwin, abstain; Ryan, yea; Lipinski, yea; and Mickley, yea.

Motion Passed.

12. Final Public Hearing, discussion and possible action on a Use Subject to Review: on a medical marijuana dispensary located at 5912 N.W. 36th St.: Alireza Abdesahhahian. **** (Planning Commission recommended approval with stipulations of a 6-foot tall fence be placed between C3 properties to the south and the west, by a 4-1 vote)

Motion by Ryan, second by Allsup to open the public hearing. Poll vote: Von Thær, yea; Woolley, yea; Evans, yea; Allsup, yea; Knipp, yea; Godwin, yea; Ryan, yea; Lipinski, yea; and Mickley, yea.

Motion Passed Unanimously.

The planning commission recommended approve but with a stipulation that a fence must be placed between the C3 properties to the south and the west the applicant was asked if he was agreeable. He stated that he was.

Motion by Allsup, second by Knipp to close the public hearing. Poll vote: Von Thær, yea; Woolley, yea; Evans, yea; Allsup, yea; Knipp, yea; Godwin, yea; Ryan, yea; Lipinski, yea; and Mickley, yea.

Motion Passed Unanimously.

Motion by Allsup, second by Evans to approve the Use Subject to Review with the stipulation that they must put up a fence between the C3 properties to the south and west. Poll vote: Von Thær, yea; Woolley, yea; Evans, yea; Allsup, yea; Knipp, nay; Godwin, abstain; Ryan, yea; Lipinski, yea; and Mickley, yea.

Motion Passed.

13. Final Public Hearing, discussion and possible action on a lot split and rezoning from R-3 (Multiple Dwelling) to C-4 (General Business) located at 5930 and 5928 NW 37th. St. for lot stilt and 5930 NW 37th. St. for proposed rezoning. ***** (Planning Commission recommended approval by a unanimous vote)

Motion by Knipp, second by Godwin to open the public hearing. Poll vote: Von Thær, yea; Woolley, yea; Evans, yea; Allsup, yea; Knipp, yea; Godwin, yea; Ryan, yea; Lipinski, yea; and Mickley, yea.

Motion Passed Unanimously.

City Planner Long addressed the council telling them that originally the city asked for the zoning change, however, in looking into the property it was determined that a lot split never occurred from the past as they first believed. The county has it shown as two tracts

and one record of an official lot split. Councilman Ryan stated that the city needed to make sure the home owner was protect.

Motion by Godwin, second by Knipp to close the public hearing. Poll vote: Von Thaeer, yea; Woolley, yea; Evans, yea; Allsup, yea; Knipp, yea; Godwin, yea; Ryan, yea; Lipinski, yea; and Mickley, yea.

Motion Passed Unanimously.

Motion by Knipp, second by Godwin to approve the lot split and re-zone to C4. Poll vote: Von Thaeer, yea; Woolley, yea; Evans, yea; Allsup, yea; Knipp, yea; Godwin, yea; Ryan, yea; Lipinski, yea; and Mickley, yea.

Motion Passed Unanimously.

14. Discussion and possible action on condemnation and/or demolition of a house and out buildings located at 5808 NW 58th Street. (this item is being brought back from the February, May and June meetings where time extensions were granted by the council)

The Inspector went out took some pictures. PWD Turman stated that significant changes have been made but there is much more work that needs to be done. They need to keep working.

Motion by Godwin, second by Lipinski to table this item to the November 19th meeting. Poll vote: Von Thaeer, yea; Woolley, yea; Evans, nay; Allsup, yea; Knipp, nay; Godwin, yea; Ryan, yea; Lipinski, yea; and Mickley, yea.

Motion Passed Unanimously.

15. Discussion and possible action on condemnation and/or demolition of a house located at 5853 NW 58th Street. ****

The owner was not present but sent a contractor on his behalf. The contractor was told that he would have to get permits to get the house up to code. The contractor does not have a contract to redo this property. He was told it needed to be secured and the pool had to be secured. PWD Turman stated that over time the homeowner has had several contractors but nothing gets done.

Motion by Knipp, second by Von Thaeer to condemn the property and have the Mayor work with the contractor. Poll vote: Von Thaeer, yea; Woolley, yea; Evans, yea; Allsup, yea; Knipp, yea; Godwin, yea; Ryan, yea; Lipinski, yea; and Mickley, yea.

Motion Passed Unanimously.

16. Discussion and possible action to rescind the condemnation and order of demolition of a building located at 4614 N. MacArthur Blvd. Council voted on March 18, 2019, to condemn the building and order its demolition.

Most of the things on the list from last month have been completed, the windows are on order. The Attorney representing the property owner stated that there is no incentive for the owner to keep working on the building and putting more money into it and then have the city tear it down. Some of the council disagreed that if the condemnation was lifted then there would be no incentive to continue to work on it. The Attorney stated that they were in negotiations with several tenants and want to fix the building up in the way the new tenants would like. Councilman Woolley stated that the doors are not secure. He was told that when they have the building occupiable, they will put glass in the doors. Attorney Love stated that the council can put the condemnation back on if they do not follow through and keep working on the building. Councilman Knipp stated that for 12 years it has needed work and until the city condemned it nothing was done.

Motion by Lipinski, second by Von Thayer to rescind the condemnation. Poll vote: Von Thayer, yea; Woolley, yea; Evans, yea; Allsup, yea; Knipp, yea; Godwin, abstain; Ryan, yea; Lipinski, yea; and Mickley, yea.

Motion Passed Unanimously.

17. Discussion and possible action on the annual Fire Equipment agreement with Oklahoma County Emergency Management. ****

Motion by Ryan, second by Allsup to approve the agreement. Poll vote: Von Thayer, yea; Woolley, yea; Evans, yea; Allsup, yea; Knipp, yea; Godwin, yea; Ryan, yea; Lipinski, yea; and Mickley, yea.

Motion Passed Unanimously.

18. Discussion and possible action on the annual Hazardous Waste Inter-Governmental agreement with Oklahoma City. ****

Motion by Evans, second by Woolley to approve the agreement. Poll vote: Von Thayer, yea; Woolley, yea; Evans, yea; Allsup, yea; Knipp, yea; Godwin, yea; Ryan, yea; Lipinski, yea; and Mickley, yea.

Motion Passed Unanimously.

19. Discussion and possible action on replacing the two main lift station pumps at the Ann Arbor Lift Station located at 3809 N Ann Arbor by purchasing two Flygt pumps for \$41,003.26 from Automatic Engineering Company in Broken Arrow, OK. *Turman* ****

PWD Turman stated that the work will be done by city employees. These pumps should last a long time.

Motion by Lipinski, second by Ryan to purchase the pumps. Poll vote: Von Thayer, yea; Woolley, yea; Evans, yea; Allsup, yea; Knipp, yea; Godwin, yea; Ryan, yea; Lipinski, yea; and Mickley, yea.

Motion Passed Unanimously.

20. Discussion and approval of the 2019-2020 Sinking Fund Schedules, Estimate of Needs pertaining to the bonds. ****

Motion by Ryan, second by Von Thaer to approve the Sinking Fund Schedules, Estimate of Needs with a correction made to page 3 to read Warr Acres, not Wewoka. Poll vote: Von Thaer, yea; Woolley, yea; Evans, yea; Allsup, yea; Knipp, yea; Godwin, yea; Ryan, yea; Lipinski, yea; and Mickley, yea.

Motion Passed Unanimously.

21. Discussion on options regarding the Sanitation Collections and Rates.

Mayor Mickley brought this up for discussion and looking for Council input. He proposed three options: Keep the service the way it is and have a significant increase in the rates; Out source the commercial and keep residential the same but still raise rate but not as much; or Out source everything with small increase. He explained each option and opened it up for other ideas. This discussion went on for a while with no other options being proposed. He asked the council to please be in contact with him with their ideas. He said he would do a survey to see what the residents thought.

22. A. Discussion and possible action on an Ordinance adopting a new section 9.62.020 relating to Larceny of a Leased or Rented Personal Property or Motor Vehicle.
Patty/Love

Motion by Godwin, second by Ryan to approve the Ordinance. Poll vote: Von Thaer, yea; Woolley, yea; Evans, yea; Allsup, yea; Knipp, yea; Godwin, yea; Ryan, yea; Lipinski, yea; and Mickley, yea.

Motion Passed Unanimously.

- B. Approval of the emergency clause.

Motion by Ryan, second by Godwin to approve the emergency clause. Poll vote: Von Thaer, yea; Woolley, yea; Evans, yea; Allsup, yea; Knipp, yea; Godwin, yea; Ryan, yea; Lipinski, yea; and Mickley, yea.

Motion Passed Unanimously.

23. A. Discussion and possible action on an Ordinance adopting a new section 10.32.210 relating to Possession of a Certificate of Registration for all Motor Vehicles and amending section 10.88.030 to authorize towing of vehicles with an altered registration or no registration. *Patty/Love*

Attorney Love stated that State law requires it and the city needs to match State law.

Motion by Knipp, second by Ryan to approve the Ordinance. Poll vote: Von Thaer, yea; Woolley, yea; Evans, yea; Allsup, yea; Knipp, yea; Godwin, nay; Ryan, yea; Lipinski, yea; and Mickley, yea.

Motion Passed.

B. Approval of the emergency clause.

Motion by Knipp, second by Woolley to approve the emergency clause. Poll vote: Von Thaer, yea; Woolley, yea; Evans, out during vote; Allsup, yea; Knipp, yea; Godwin, yea; Ryan, yea; Lipinski, yea; and Mickley, yea.

Motion Passed Unanimously.

24. A. Discussion and possible action on an Ordinance amending section 19.36.030 to Prohibit Medical Marijuana Retail (Dispensaries) in the C-3 Zoning Districts as a Use Subject to Review. *Mickley/Love* **** (Planning Commission recommended approval by a unanimous vote)

Councilman Woolley stated he would like to see them removed from C-4 zoning also. He was told that could be taken up by the Planning Commission next month is he so desired.

Motion by Woolley, second by Knipp to approve the Ordinance by accepting the Planning Commission's recommendation to remove Dispensaries from C-3 zoning. Poll vote: Von Thaer, yea; Woolley, yea; Evans, yea; Allsup, yea; Knipp, yea; Godwin, nay; Ryan, nay; Lipinski, nay; and Mickley, yea.

Motion Passed.

B. Approval of the emergency clause.

Motion by Ryan, second by Von Thaer to approve the emergency clause. Poll vote: Von Thaer, yea; Woolley, yea; Evans, yea; Allsup, yea; Knipp, out during vote; Godwin, yea; Ryan, yea; Lipinski, yea; and Mickley, yea.

Motion Passed Unanimously.

25. Questions and Comments from Council.

Godwin-said loved his trip to Africa was great experience

Ryan-welcome back Roger and welcome to the council Jim Von Thaer.

Lipinski-thank you to Councilman Von Thaer for now having the most difficult name to pronounce.

Mickley-negotiations for 2020 are underway, they are aware of the finances of the city. They received 9 request for qualifications on the bond issues and the sub-committee has finished and the full committee will be meeting tomorrow night. The Mayor is hoping to have a special council meeting on September 10th at 6 pm. to allow the council to hear the presentations and vote to hire the consultants for the projects.

26. Adjournment.

Motion by Knipp, second by Ryan to adjourn. Poll vote: Von Thaer, yea; Woolley, nay; Evans, yea; Allsup, yea; Knipp, yea; Godwin, yea; Ryan, yea; Lipinski, yea; and Mickley, yea.

Motion Passed.

The meeting was adjourned at 9:58 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk/Treasurer

MINUTES

**CITY OF WARR ACRES
PUBLIC WORKS AUTHORITY MEETING
TUESDAY
AUGUST 20, 2019
6:00 p.m.**

(Immediately following completion of the regularly scheduled City Council meeting)

1. The meeting was called to order at 9:58. Declaration of a quorum present was given.

ROLL CALL

PRESENT

ABSENT

Chairman James Mickley
Vice-Chairman John Knipp
Trustee Pat Woolley
Trustee Jim Von Thaer
Trustee Jon Evans
Trustee Kim Allsup
Trustee Glenn Lipinski
Trustee Donnie Ryan
Trustee Roger Godwin

2. CONSENT DOCKET: (individual items may be deleted from the consent docket for discussion and action under #3.)
 - A. Approve the minutes of the Warr Acres Public Works Authority Meeting of July 16, 2019. *****
 - B. Approve payment of claim in the amount of \$57,143.72 to the Bethany-Warr Acres Public Works Authority for the Warr Acres portion of the Joint Trust and Bond Retirement for the month of July, 2019. *****
 - C. Approval of payment of claims for the Sewer department in the amount of \$2,592.38.

Motion by Woolley, second by Knipp to approve the consent docket. Poll vote: Von Thaer, yea; Woolley, yea; Evans, yea; Allsup, yea; Knipp, yea; Godwin, yea; Ryan, yea; Lipinski, yea; and Mickley, yea.

Motion Passed Unanimously.

3. Discussion and possible action on items removed from the consent docket.

Moot.

4. Adjournment.

Motion by Knipp, second by Ryan to adjourn. Poll vote: Von Thær, yea; Woolley, nay; Evans, yea; Allsup, yea; Knipp, yea; Godwin, yea; Ryan, yea; Lipinski, yea; and Mickley, yea.

Motion Passed.

The meeting was adjourned at 9:59 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk/Treasurer

MINUTES

**CITY OF WARR ACRES
SPECIAL
ECONOMIC DEVELOPMENT AUTHORITY MEETING
TUESDAY
AUGUST 20, 2019
6:00 p.m.
(Immediately following completion of the regularly scheduled City Council and Public Works
Authority meetings)**

1. The meeting was called to order at 9:59 p.m. Declaration of a quorum present was given.

ROLL CALL

PRESENT

ABSENT

Chairman James Mickley
Vice-Chairman John Knipp
Trustee Pat Woolley
Trustee Jim Von Thaer
Trustee Jon Evans
Trustee Kim Allsup
Trustee Glenn Lipinski
Trustee Donnie Ryan
Trustee Roger Godwin

2. CONSENT DOCKET: (individual items may be deleted from the consent docket for discussion and action under #3.)
 - A. Approve the minutes of the Economic Development Authority meeting of July 16, 2019 *****
 - B. Approval of payment of claims in the amount of \$5,445.60.

Motion by Woolley, second by Allsup to approve the consent docket. Poll vote: Von Thaer, yea; Woolley, yea; Evans, yea; Allsup, yea; Knipp, yea; Godwin, yea; Ryan, yea; Lipinski, yea; and Mickley, yea.

Motion Passed Unanimously.

3. Discussion and possible action on items removed from the consent docket.

Moot.

4. Adjournment.

Motion by Woolley, second by Knipp to adjourn. Poll vote: Von Thaer, yea; Woolley, yea; Evans, yea; Allsup, yea; Knipp, yea; Godwin, yea; Ryan, yea; Lipinski, yea; and Mickley, yea.

Motion Passed Unanimously.

The meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez