

MINUTES

CITY OF WARR ACRES
REGULAR CITY COUNCIL MEETING
WILL BE REMOTE ONLY TO
INCLUDE TELECONFERENCE AND VIDEO CONFERENCE
TUESDAY,
JUNE 16, 2020
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 Mayor Mickley and the Invocation was given by Mayor Mickley.

ROLL CALL

PRESENT via Zoom Video

Mayor James Mickley
Vice-Mayor John Knipp
Councilman Roger Godwin
Councilman Patrick Woolley
Councilman Jim Von Thaer
Councilwoman Kim Allsup
Councilman Glenn Lipinski
Councilman Donnie Ryan

ABSENT

Councilman Jon Evans

STAFF PRESENT

Matt Love, Attorney
Roger Patty, Police Chief
Stephen Coy, Fire Chief
Mike Turman, Public Works Director
Pamela McDowell-Ramirez, City Clerk/Treasurer
Craig Wallace, City Engineer
Marc Long, City Planner
Troy Rhodes, Project Architect

2. Call to the Public.

Moot.

3. CONSENT DOCKET: (individual items may be deleted from the consent docket for discussion and action under #4.)

- A. Approval of the minutes from the Regular meeting of May 19, 2020. ****
- B. Approval of Expenditures ****

General Fund	\$ 441,748.01
2019 GO Bond	\$ 196,847.97
CIP Fund	\$ 22,636.25
Sewer Line	\$ 2,283.85
- C. Approval of Actual Expenditures for May 2020 and Proposed Expenditures for June 2020. ****
- D. Sales Tax History Report. ****
- E. Approval to surplus from the the following vehicles: 2010 Ford Crown Vic Police Interceptor VIN#2FABP7BV6AX112820; 2010 Ford Crown Vic Police Interceptor VIN#2FABP7BV8AX126816; 2010 Ford Crown Vic Police Interceptor VIN#2FABP7BV5BX156082; 2003 International Leach Garbage Truck VIN#1HTWHAAR93J074671, Packer Serial #20550; 2007 International NewWay Garbage Truck VIN#1HTWCAANX7J460159, Packer Serial #7740-07; 1988 International Swap Loader VIN#1HTLDTVR5JH575971, Loader Serial #D00-433; and 2011 Chevy Silverado VIN#1GC1KVCG2BF224911.

Councilman Woolley asked to pull item B.

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

Motion Passed Unanimously.

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

Councilman Woolley stated that there was not a list in the packet for the Bond fund, CIP fund or Sewer fund. Clerk Ramirez stated she was sorry there were lots of problems getting the agenda run and out this month. Councilman Woolley stated that the amounts were listed on the agenda so would approve.

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

Motion Passed Unanimously.

- 5. Receive reports from Staff: Police Chief, Fire Chief, City Clerk, City Attorney, Public Works Director, City Engineer, City Planner, Projects Architect. ****

Ramirez-pointed out that on their monthly financial report that at the end of May they had spent \$80,000 more than they had received in revenue. This means they had to go to the carryover funds from 2019 to cover the expenses. She stated that she had included spreadsheets for the Bond projects and was working on getting the one on the street's projects together. She also included a list of the right of ways along MacArthur that were needed for the project showing what was already completed and ones that would be approved at this meeting.

Love-reminded the council that items 9 and 10 needed to be tabled to the next meeting. One had an incorrect address on the Planning Commission agenda but is correct on the council agenda. Both items were tabled at the Planning Commission meeting.

Turman-stated that Mike and Cheryl have been very busy, big trash will be July.

Wallace-lots of construction going on, sewer line work underway and the Bond Streets are getting started. Letting for South MacArthur will now be November, work orders have been issued for Cox and OG&E for relocations, all utilities must be moved before letting.

Rhodes-construction at the new city hall is moving along, was a problem with a water leak so lines will be moved overhead, mechanical, plumbing and electrical rough ins are being done. Sewer line to the building for new bathroom is complete. He presented possible signage that would be similar to the ACO, Police and Fire. Councilman Ryan said he thought it was good to have same signage at all buildings. Target date for City Hall is December 3rd and ACO is October 2nd. Construction documents for Police and fire are set to be completed by June 30th. Then will be ready to go out for bids and work to hopefully start August and go for a year for Police and December to November for the Fire. They have been working on what will need to be done about the electric to the building when they are ready to tear down city hall because all electric is currently in city hall.

6. Final Public Hearing and possible action on a sign variance for an electronic message board for Church of the Savior, located at 5600 NW 63rd. ****

Clerk Ramirez stated that there were no protest and one letter was returned undeliverable. Councilman Ryan asked if this sign would replace the current sign and he was told it would.

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

Motion Passed Unanimously.

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

Motion Passed Unanimously.

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

Motion Passed.

7. Discussion and possible action on authorizing the mayor to enter into agreements, accept donations and approve payments for the following properties and owners:

Parcel 9 (Central Power Equipment): Check in the amount of \$9,900.00 made payable to the, *'Tom C. and Becky K. Montgomery Living Trust.'*

Parcel Temp 9 (San Marcos): Check in the amount of \$500.00 made payable to, *'Yolanda Guzman de Ramos Revocable Living Trust.'*

Parcel Temp 19, Temp 20 (Apartments): Check in the amount of \$2,350.00 made payable to, *'333 Park MacArthur, LLC.'*

for the purchase of permanent road way easements and temporary construction easements for the South MacArthur Project. *****

Motion by Godwin, second by Von Thayer to authorize the Mayor to enter into agreements and pay.

8. A. Discussion and possible action on an Ordinance adopting a New Section 19.41.140 (Commercial Medical marijuana Business Uses Prohibited; Exceptions) providing for repeal of conflicting ordinances, severability and declaring an emergency. ***** (Planning Commission recommended approval of this item by a unanimous vote)

There was a very lengthy discussion on this issue. There was concern on who was grandfathered in and about an application that was already turned in prior to this Ordinance being presented but not yet taken up by the city. They want to be fair to everyone. Attorney Love stated that according the State website there are growers and processors licensed by the state located in Warr Acres, however, they will not give him the addresses. The Attorney and several of the council differed on action that he said had taken place concerning other dispensaries in the city being allowed to grow for their own use. The councilmen did not remember this ever being voted on.

Motion by Ryan, second by Lipinski to table the item to the July 21st Regular meeting and for it to be on the agenda after items 9 and 10 from this agenda. Poll vote: Woolley,

nay; Von Thayer, nay; Allsup, yea; Knipp, nay; Godwin, nay; Lipinski, yea; Ryan, yea; and Mickley, nay.

Motion Failed.

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

Motion Passed.

B. Approval of the emergency clause.

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

Motion Passed Unanimously.

9. Final Public Hearing, discussion and possible action on a Use Subject to Review on a medical marijuana dispensary located at the MacArthur Medical & Professional Center. The building was previously divided into 4 units addressed as 7313, 7315, 7317 and 7319 all on North MacArthur. Applicant has already been approved to operate the dispensary out of the unit addressed at 7317 North MacArthur and now seeks approval to expand that use to the remaining portions of the building. Business Name: Urban Flora Applicant Name: Kari Cunningham. ***** (Planning Commission tabled this item by a unanimous vote)

Motion by Woolley, second by Von Thayer to table items 9 and 10 to the July 21st Regular meeting. Poll vote: Woolley, yea; Von Thayer, yea; Allsup, yea; Knipp, yea; Godwin yea; Lipinski, yea; Ryan, yea; and Mickley, yea.

Motion Passed Unanimously.

10. Final Public Hearing, discussion and possible action on a Use Subject to Review concerning a medical marijuana dispensary, Budhead 2 Dispensary/Applicant: Keith Davis, located at 5930 NW 39th Expressway, Warr Acres, OK, 73122. ***** (Planning Commission tabled this item by a unanimous vote)
11. Final Public Hearing, discussion and possible action concerning St. Charles Parking lot expansion project. Applicant: Russell Kent, P.E CFM, LEED AP, DBIA, located at St. Charles Borromeo Catholic Church. ***** (Planning Commission recommended approval of this item by a unanimous vote)

There were no protest.

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

Motion Passed Unanimously.

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

Motion Passed Unanimously.

Motion by Godwin, second by Von Thaer to approve St. Charles parking lot expansion project. Poll vote: Woolley, yea; Von Thaer, yea; Allsup, yea; Knipp, yea; Godwin yea; Lipinski, yea; Ryan, yea; and Mickley, yea.

Motion Passed Unanimously.

12. Discussion and possible action on a supplemental appropriation of non-appropriated funds in the CIP budget in the amount of \$60,000 to purchase and equip them, approval to authorize Chief Patty to purchase two used 2017 Ford Explorer patrol units from Kansas Highway Patrol. *****

They were going to wait until next year to get the cars but they can save money by getting the non-turbo units now, and there is really no need for turbo units here.

Motion by Godwin, second by Von Thaer to approve the supplemental appropriation and authorize the Chief to purchase the units. Poll vote: Woolley, yea; Von Thaer, yea; Allsup, yea; Knipp, yea; Godwin yea; Lipinski, yea; Ryan, yea; and Mickley, yea.

Motion Passed Unanimously.

13. Discussion and possible action to accept the 2019 Annual Audit. *****

Clerk Ramirez pointed out on page 38 of the audit that it shows they started the year with a carryover from 2018 of \$2,555,864, and ended the year with \$1,516,623 being carried over to 2020. Meaning that they once again used carryover from previous year to cover the expenses for 2019 because there is not enough revenue coming in each year to cover the expenses.

Motion by Von Thaer, second by Woolley to accept the 2019 Audit. Poll vote: Woolley, yea; Von Thaer, yea; Allsup, yea; Knipp, yea; Godwin yea; Lipinski, yea; Ryan, yea; and Mickley, yea.

Motion Passed Unanimously.

14. Discussion and possible action on Resolution #546 approving E911 fees for calendar year 2021. ****

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

Motion Passed Unanimously.

15. A. Discussion and possible action on an Ordinance naming a street in Cherokee Crossing Richardson Court. ****

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

Motion Passed Unanimously.

- B. Approval of the emergency clause.

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

Motion Passed Unanimously.

16. Discussion and possible action on re-appointing JoAnn Johnson, Ward I; and Butch Davis, Ward III to the Traffic Commission terms to expire March 2023.

Motion by Woolley, second by Von Thaer to re-appoint JoAnn Johnson and Butch Davis to the Traffic Commission. Poll vote: Woolley, yea; Von Thaer, yea; Allsup, yea; Knipp, yea; Godwin yea; Lipinski, yea; Ryan, yea; and Mickley, yea.

Motion Passed Unanimously.

17. Questions and Comments from Council.

Von Thaer-thanks to Chief Coy for sending the guys over to the American Legion for the flag retirement service.

Woolley-thanks to everyone for putting up with all of his questions, not a debate but a discussion, sorry took so long on the Ordinance.

Godwin-thanks to all at the city, lot going on we need to take care of our Police and Fire they are taking care of all of us.

Ryan-agree with Councilman Godwin. Contact the Putnam City School board if you have a position one way or another concerning the upcoming vote for contacting out of services.

Allsup-thankful for our police and thank you for protecting all our city.

Lipinski-received a voicemail from a resident near 43rd and Stanley wanted to give a shout out to the mowing crew that took care of a property that needed cleaned. The City Clerk again mentioned a shortfall on revenue we have business shut down for a while and some may never open back up and we have certain businesses that want to come in from everything he reads they are making lots of money and they have to be providing some help to Warr Acres, and yet tonight they placed more restrictions on that type of business. Lastly with all this virus stuff going on last few months and now the civil unrest, he is exhausted over it, hope worst is behind us but hearing could be worse in the fall.

Mickley-city hall moving along nicely, if anyone wants to go over and look please do.

18. Adjournment.

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

Motion Passed Unanimously.

The meeting was adjourned at 8:23 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk/Treasurer

MINUTES

**CITY OF WARR ACRES
PUBLIC WORKS AUTHORITY MEETING
WILL BE REMOTE ONLY TO
INCLUDE TELECONFERENCE AND VIDEO CONFERENCE
TUESDAY
JUNE 16, 2020
6:00 p.m.**

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

1. The meeting was called to order at 8:23 p.m. Declaration of a quorum.

ROLL CALL

PRESENT via Zoom Video

ABSENT

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

Trustee Jon Evans

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 April 21, 2020. ****
 - B. Approve payment of claim in the amount of \$53,959.73 to the Bethany-Warr Acres Public Works Authority for the Warr Acres portion of the Joint Trust and Bond Retirement for the month of May, 2020. ****
 - C. Approval of payment of claims for the Sewer department in the amount of \$3,713.14.

Clerk Ramirez stated she had missed changing the minutes for approval to the May minutes and they had already approved the April minutes at the May meeting. She said that she will have the May minutes on for their approval at the July meeting.

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

Motion Passed Unanimously.

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

Moot.

Trustee Knipp left the meeting.

4. Adjournment.

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

Motion Passed Unanimously.

The meeting was adjourned at 8:24 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
Clerk/Treasurer