

MINUTES

CITY OF WARR ACRES
REGULAR CITY COUNCIL MEETING
TUESDAY
AUGUST 17, 2021
6:00 P.M.

1. The meeting was called to Order at 6:02 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

Mayor Jim Mickley
Councilman Roger Godwin
Councilman Jim Von Thær
Councilman Pat Woolley
Councilman Jon Evans
Councilman Mike Schmidt
Councilman Donnie Ryan (arrived at 6:43 p.m.)
Councilman William Tucker

Absent

Vice-Mayor John Knipp

STAFF PRESENT

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

2. Call to the Public.

Resident Barbara Harris said she has been coming to meeting since the 90's and about once a year she gives a procedure speech about things that bother them in the audience but don't seem to bother the council at least not for very long. You each have a light and could use them to let everyone know when you want to say something but instead you all like to talk over each other. Please use the lights. Her next comment was that she didn't know if it was a game they were playing or what maybe entertainment, but when something comes up on the menu that reads discussion and possible action you seem to

want to see who can be first to get the motion and second. It is irritating to us because all we know is what is on the agenda the basics, we don't know what else and you all do and probably have talked about it. When you do that, it makes me think something is up, something I don't know so please don't do that. The last thing, are you planning for the 75th Anniversary of the city, it is two years away? Mayor Mickley stated that yes, we actually are.

3. Formal presentation to Cade Whitfield and Daniel Swann of their badge and Fire Oath for promotion from rookie to firefighter.

Chief Coy presented Firefighter Whitfield and Swann their badges and collar brass and administered the Oath.

4. CONSENT DOCKET: (individual items may be deleted from the consent docket for discussion and action under #5.)

A. Approval of the minutes from the Regular meeting of July 20, 2021. *****

B. Approval of Expenditures *****

General Fund	\$ 157,771.48
2019 GO Bond	\$ 620,567.69
EPA Fund	\$ 203.87
CIP Fund	\$ 67,572.00

C. Approval of Actual Expenditures for July 2021 and Proposed Expenditures for August 2021. *****

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

E. Approval to surplus two old unusable and obsolete iPads- iPad - Serial # GCTV72L9HLFD, and iPad - Serial # DMPSR8RCG5W1 from the Fire department.

Motion by Woolley, second by Schmidt to approve the consent docket. Poll vote: Tucker, yea; Godwin, yea; Schmidt, yea; Evans, yea; Woolley, yea; Von Thayer, yea; and Mickley, yea.

Motion Passed Unanimously.

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

Moot.

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

Rhodes-showed pictures of the police department and told them what things still needed to be completed. On the Fire department he told them the concrete work was done and

electric and plumbing rough in was complete and the saferoom would be going in soon and they had some delays but they are trying to get back on track.

Patty-starting the process over for the dispatch position, they had a lady that was to come in and do paperwork last week and she never showed up. It is getting harder and harder to find dispatchers and police applicants. Years ago, you would run an ad and get lots of applications but now not many and then many of those don't make it to testing and even less to the interview process. It is not just a Warr Acres thing it is all over every city having the same issues.

Coy-were invited to Putnam City active shooter training and thanked SNU for the use of their pool for training.

Love-letter to OMMA concerning a proposed dispensary that will be to close to the new Dove school.

Turman-Cheryl has been very busy lots of nuisances. And he has two items on the agenda later.

Wallace-MacArthur project is underway with storm sewers and residential street project going well they are working currently on Grove.

Long- Mayor Mickley stated he was pulling item 12 it was not worded correctly, the wording should have just been for information, to tell you that the city would be putting an item on next month's Planning Commission and Council for approval to change the zoning of the 6 acres behind the Fairfield Inn from C-1 to C-3 for a potential grocery store. He thinks would be a great thing for the neighborhood and the city for sure. He continued by saying this is just to let you know it will be going to the Planning Commission and you will be seeing this in the very near future. He said that Marc would give them a brief explanation on this. He then called upon Marc to speak. Marc handed out zoning maps of the area to the councilmembers. He stated that this map is a zoning map that shows the proposed site that is being considered as a Economic development effort by the city. It is currently zoned C-1 a zoning request will be before the Planning Commission and Council next month requesting the zoning be changed from C-1 to C-3. A C-3 would allow for retail services category and C-3 is considered a buffer zone between a residential area and commercial area. In the teal color is Cherokee Crossing housing and so a C-3 would be an appropriate zoning. What is in red on the map is the C-5 zoning so this is very similar to what you did two years ago near the former Buy for Less property. The city initiated a zoning requested, after the TIFF district was established around 36th and MacArthur. The city initiated the zoning request without protest from the property owner or the public allowed the city to change that zoning from an R-3 Multifamily dwelling to a commercial zoning that would be more compatible within the TIFF district. This will come before he Planning Commission and the Council on behalf of the city next month. The property owner is in favor of this change and will be present and supportive at the public hearings. He said he could answer any questions that anyone might have. Councilman Evans stated he had a question. He asked if the

area in yellow was the proposed area and asked about the rest of that area. Mayor Mickley asked if he saw the area in the blue and purple on the map. Planner Long stated that the area in purple is the request for the proposed change. We just put some color to show what area. We are focused on the area in purple. the yellow area indicating C-3 was previously there. Councilman Woolley asked if they were talking about the areas in purple and the blue all the empty lots. Planner Long stated that right now what they are looking at is especially a 5.6-acre tract currently owned by Mr. Meeks. We are looking at the purple and blue area and the exact legal description will be brought forth at the Public Hearing. He asked again if they were talking about both the purple and the blue and he was told yes. The reason it is potentially both is we have to work out with the owner and then we will initiate the application process. So, when it is presented at the Public Hearing it will have the exact legal description in the application. Councilman Woolley asked if Planner Long was working with Mr. Meeks or if he had his own people that would come and present the application to the city. Planner Long stated this will be a city initiation effort, we expect to receive a support letter from the owner of the property as part of the comment during the public hearing. Councilman Woolley said support letter, wow ok. Attorney Love asked Planner Long if this was being initiated because the city might have interested party. Yes, this is being initiated by the city in an economic development effort so that the Mayor, can during negotiation time, let them know that the city is initiating the change. Mayor Mickley stated that this is part of the TIFF district. Councilman Woolley said ok what you just said, or what I think I heard you say is that this is so the Mayor can issue a letter. Planner Long stated, no. Councilman Woolley said then say it again. Planner Long said this is to allow the Mayor during a negotiation process with a potential economic development opportunity, by showing that the city is initiating it, it is demonstrating to the prospect that, Councilman Woolley interrupted by saying the Planning Commission by demonstrating to the Planning Commission right. Attorney Love said to a business, Councilman Woolley asked what? Attorney Love stated to a potential business that is interested in locating here. Councilman Woolley said oh to essential businesses. Mayor Mickley stated that we have a large grocery store that is a national chain that is interested in locating in that area. Attorney Love stated that the zoning does not fit right now. Planner Long said so what we are doing is advising you that in September it will come before the Planning Commission and the Council through public hearings to initiate the process. Councilman Woolley said ok so say it again since he has a hard time hearing. Planner Long apologized and Councilman Woolley stated it was fine it was just him having a hard time, everyone else was able to hear. Councilman Woolley said we are not going to take a vote tonight, he was told no, he continued saying but showing them tonight will allow the Mayor to tell businesses that want to come in that we are in the process of possibly changing the zoning. Planner Long stated that is correct. Time is of the essence and in the competition with another city the Mayor would like to indicate that Warr Acres is being very proactive in starting the process. Councilman Woolley said his one problem is that, are certain businesses going to come in and buy all that property and build on it he does not have too much of a problem if we knew what it was. His only problem with changing it from C-1 to C-3 is that C-1 is a buffer C-3 is not a buffer as you stated C-1 is a buffer C-3 is lighter sales, well he said he has sheets to hand out but he didn't think he would tonight. C-3 is different it allows some kind of sales and repairs and opens the door to if they do not use all of the property.

Then they can come in for a Use for Review and put auto repairs and all kinds of stuff that could possibly cause noise or whatever to the citizens right behind them. I like it as a C-1, I wish that Mr. Meeks could have built some buildings, I know that hurts economic development but I didn't know that a grocery store would locate back there but if a grocery store is locating, I would love to see one. I would love to see them take all 5-acres, but I don't mind them sending a letter out and I don't mind them coming to City Council, I mean Planning Commission, I just hope that when it goes to Planning Commission that we know more that they will definitely come in if we change the zoning. I don't know if that's hard to get a promise to that mayor. Mayor Mickley stated he did not know if he could get a promise like that. Councilman Woolley said he would hate to change that, he would like for when the Planning Commission get it and comes back to City Council we change the zoning on, we approve the zoning change if that type of business is coming in but if they don't and it falls through that we possibly, I don't know if we can put a hold on the change, I just don't like C-3 coming in and Use on Review coming in and all sorts of loud businesses coming in there Mayor. I have sheets to handout that show what can go to C-3, I can hand it out later and you all can see it or I can give it to you. I just worry about C-3 and if one big business comes in like a grocery store I am tickled and would change it in a minute. Mayor Mickley stated that is what we are looking at. Councilman Woolley stated I know that's what you are looking at and I hope we can do it, what your doing is sending it to Planning Commission sounds great to him. If it falls through, I don't want it opened up to where anything can come in there and it will guarantee it will and you will have citizens that won't like it unless they know a big grocery store is coming in, sure their going to love it you know but other stuff they will not like and he doesn't know what your going to get at the public hearing. I am glad you showed us the information, he was concerned when I saw the item where it says discussion and changing is confusing to him because normally changes are a vote. Mayor Mickley stated that was what he said when he started this out that the wording was not correct. Councilman Woolley said oh ok, I am sorry I forgot you did say that, that's fine it is not an action item so we don't have to pull it because its not exact, right Mayor, Matt? Thank you. Anyway, I know this item came two years ago before the Planning Commission, it was pulled that night, to change it from C-1 to C-3, it was pulled, that I didn't know if you got something big coming in I'm willing to look at it, but if it is just changing it to have everything else come in I'm against it. Mayor Mickley stated he did not think anyone else wants that either. Councilman Woolley said no one else wants all that other garbage, I shouldn't say garbage, businesses. Councilman Schmidt asked if they change this, at the Planning Commission could there be a stipulation that it is for this business that you are looking at and if that does not happen it goes back to what it is, existing, so that doesn't happen. Clerk/Treasurer said she had just texted Matt the exact same thing. Councilman Woolley said Matt is scratching his head. Councilman Schmidt said that is a question for Matt. Councilman Godwin said he thinks it is showing good faith that we are as a business, we are saying we are willing got work with you, we are willing to do stuff with you. As a business owner that is what we want to know, we are building development down in Moore and he said he has already spoken to City Council and Planning Commission and told them this is what we are wanting to do is this something you want to look at. So that is the situation so as Warr Acres are we willing to help and serve to make it easier on the business to come in and make their spot. Attorney

Love asked if this was currently zoned PUD. Planner Long stated that it is part of the original PUD. Attorney Love stated that it is currently zoned C-1 but through a PUD. He said he is trying to wrap his head around if there is a way, we can force a change to the PUD not to traditional zoning but to a customized PUD zoning so we could limit the uses from C-3 that could be permitted in this area. Planner Long said and that was why he spoke with Mr. Meeks, about, he was moderately excited about coming back and modifying the definition of the PUD, I don't that, I think he is happy with it and doesn't want to change the definition of the PUD. But that would be one avenue, and I asked the Mayor to let us have a week or two to try and figure out what's the best way, certainly if we did an amendment to the project definition scope to the PUD you could exclude out the certain uses like as you were discussing that may, the C-3 being less of a buffer than what it is already. Attorney Love told Councilman Woolley that is the answer if they can figure out a way to make it a PUD amendment, the joy of it is it is customized zoning its not locking it in to all the C-3 uses, the problem is, we're initiating it verses Meek initiating it, we can force through by removing it from the PUD and making it C-3 so then that opens up to C-3. Planner Long said so its relatively easy for the city to initiate a zoning change because then the applicant can be the city, just like two year ago the owner was non responsive when we made the request we were able to do it we went through the public hearing, we had support of the surround people with in the notification zone there was literally no response from the property owner and therefore we were able to do it. With a modification to the PUD we are going to have to do that in conjunction with the owner and developer. The question there is that Mr. Meeks asked him if it was going to cost him anything because of his effort so at this point a change in the zoning would not cost the property owner anything the PUD change may possibly involve him and that was a cost that he was a little concerned with. Attorney Love said a cost for potentially selling of a very large tract that's worth a lot more money. Councilman Evans said exactly he's the one that stands to gain from this. Planner Long said he understands that and is why I'm brining that up that is a portion that he has to be more involved in the PUD modification. Attorney Love said they can figure something out. That's why we needed a couple of weeks but we wanted you to be aware of it. Bring it up as a discussion item therefore the Mayor can indicate to the prospect that Warr Acres is actually moving that direction. Councilman Schmidt asked if when this is presented to the Planning Commission will it be clear as to what the objectives of the city are, because this is very vague and we don't know what's going on. Planner Long stated that at the Planning Commission and subsequently City Council you will actually have an official agenda item that will either be a request for zoning change per your application process or it will be a PUD modification. Planner Long said it will be very clear what they are doing. Mayor Mickley asked if anyone else had questions and no one did, he thanked Marc.

Item 12 was heard before item 7.

7. MS 4 Annual Informational report. *Turman*

PWD Turman went over the program overseen by the EPA and told when the city had to do each phase of the stormwater program. The street sweeping program has been very

affective. Flyers have been sent out to tell people how to use pesticides to keep them from going into the storm drains. USGS is out surveying looking for over 450 contaminants. Mapping of all waterways are at DEQ.

8. Discussion and possible action on condemnation and/or demolition of a house located at 6031 NW 47th Street, owner had filed an appeal. *Woodard/Turman* ****

Mayor Mickley told the council that the probate had been finalized and they closed on the property on August 16th and the new owners were there working on it this morning. Mayor Mickley pulled the item.

9. Discussion and possible action on appropriating an additional \$620.06 in CIP for the purchase of the television/monitors with wall mounts from Sam's. Last month council approved \$1,699.84 but when they went to purchase the cost had gone up. *Patty* ****

Motion by Ryan, second by Godwin to approve the additional appropriation not to exceed \$2,500 for the television/monitors. Poll vote: Ryan, yea; Tucker, yea; Godwin, yea; Schmidt, yea; Evans, yea; Woolley, yea; Von Thayer, yea; and Mickley, yea.

Motion Passed Unanimously.

10. Discussion and possible action on repair/pipe bursting 300ft of sewer line behind the current fire station.

PWD Turman said this had been an issue for the last couple of years. A contractor ran a video and cleaned out the line so he gave that video to Urban Contractors, they were the only ones that had time to take a look at it, they came out and think there may be something in the line. They would do what is called pipe bursting that puts a plastic casing inside the current line. They felt they needed to do another video but have not gotten the information back to him yet.

Motion by Schmidt, second by Tucker to have PWD Turman get the information and pricing and bring it back next month. Poll vote: Ryan, yea; Tucker, yea; Godwin, yea; Schmidt, yea; Evans, yea; Woolley, yea; Von Thayer, yea; and Mickley, yea.

11. Discussion and possible action on appropriation of fund in the CIP fund in the amount of \$31,500 for the purchase of a 2020 Dodge Durango Police Pursuit SUV from Kansas Highway Patrol and for the paint, graphics and equipment for the vehicle. *Patty* ****

Chief Patty explained that one of the units was recently destroyed in an accident and so he needed to get it replaced and when we get the insurance money it will be put back in CIP.

Motion by Godwin, second by Von Thayer to approve the appropriation for the Pursuit vehicle and authorize the Chief to purchase the vehicle. Poll vote: Ryan, yea; Tucker, yea; Godwin, yea; Schmidt, yea; Evans, yea; Woolley, yea; Von Thayer, yea; and Mickley, yea.

Motion Passed Unanimously.

12. Discussion on possible changing the zoning in the TIF District on 72nd Street behind the hotel from C-1 to C-3. *Mickley & Long*

Pulled.

13. Discussion and possible action on Resolution #556 approving E911 fees for calendar year 2022. ****

Motion by Woolley, second by Von Thayer to approve Resolution #556. Poll vote: Ryan, yea; Tucker, yea; Godwin, yea; Schmidt, yea; Evans, yea; Woolley, yea; Von Thayer, yea; and Mickley, yea.

Motion Passed Unanimously.

14. Questions and Comments from Council.

Ryan-really likes the street sweeping makes streets look much better.

Tucker-congrats to the new firefighters, appreciates all the employees. Agrees with Barbara Harris that they need to do better and not talk over each other.

Godwin-thanked everyone that serves the city, so happy that we are showing support for our Police, people that are not supporting the Police are dumb thank you Chief and your guys and the council for supporting them. Love seeing the new guys get their badges, and enjoy getting to see that and supporting them. He said that in the past the mask issue was very contentious and he thinks we need to stand up as a city and allow citizens to have their freedom of choice, has had many calls from friends and family. People are afraid of losing their jobs because they can't get the vaccine. He thinks the city should stand up for that it is their body and their choice and they can talk to their physician and not risk losing their jobs.

Von Thayer-thanks to all involved with the city, awesome city and everyone does an awesome job.

Woolley-like to thank Mike, Chief Patty and Chief Coy appreciates what their people do. Appreciates Pam and her gals for what they do at City Hall. He said again thanks to Pam and everything the girls do everyday at City Hall. He then told Pam that he wanted all the discussion from item 12 put in the minutes, understands it is a lot of work but would like for her to do that for him. Thanks to the council for showing up and doing what they do.

Evans-wanted to echo some of the comments, congrats to the two new firemen, congrats to the Chief who has to willing and able-bodied guys. Glad they were able to replace the police unit. Agrees we need to support our emergency services it is vital for their constituents and for all of us.

Schmidt-congrats to Cade and Daniel for everything they do. Every thing Police and Fire do is appreciated. Would like to see nice parks in every Ward. Would be nice to show the investing in the community with the parks, maybe splash pads on some properties that we have to condemn and we could buy, thinks city should look into it. We have been investing in infrastructure and think now, kind of like the maps projects, time to look at other things that would attract people to Warr Acres. Traffic around the new Capps Middle School is terrible and the school zone lights do not work together so you have lanes of traffic traveling at 45 in a 25 concerned someone will get hit. Wants to know about a signal lights or school zone lights across the road like at Grove and 39th. Planner Long stated that the city has worked with ACOG and has funding for a signal and will be bidding soon. On 58th people are parking along the street and having their kids walk to their cars so they don't have to go in from 63th so it is like a parking lot along 58th. Thanks to everyone that attends the meetings. He liked the presentation and how it was on the screen behind them and on the side tv. He would like for the agenda to be on the side tv so those in attendance can see the items. When the council makes a motion, the people don't know what they are taking action on, so everyone needs to state what the motion is and have it on the side tv so they can see it.

Mickley-as he has told them previously he will not be at the next meeting he is having knee surgery and will be spending hours on a bike rehabbing his knee. He will be available by phone. He appreciates the support from the staff Pam, Roger, Stephen and Mike and doubts anyone has any idea how much each of them does daily. We are close to turning in to FEMA from the ice storm, Mike and Stephen have spent a numerous hours working on this. Economic development news the Super Mercado is progressing, construction has started next to the dentist office for the new Scooters. Another fast food restaurant will be going next door a third business will also be coming, but he has not been told what it is yet. Have also heard that they are close to a deal on the old Long John Silvers property and we will soon be able to announce something for the spot between Zaxby's and What-a burger. There are two potential places to go at 38th and MacArthur.

15. Adjournment.

Motion by Woolley, second by Godwin to adjourn. Poll vote: Ryan, yea; Tucker, yea; Godwin, yea; Schmidt, yea; Evans, yea; Woolley, yea; Von Thae, yea; and Mickley, yea.

Motion Passed Unanimously.

The meeting was adjourned at 7:35 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk/Treasurer

Pursuant to the Oklahoma Meeting Act (25 O.S. Section 311-14), notice is hereby given that the Trustees of the Public Works Authority will hold a meeting as follows:

MINUTES

CITY OF WARR ACRES
PUBLIC WORKS AUTHORITY MEETING
TUESDAY
AUGUST 17, 2021
6:00 p.m.

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

1. The meeting was called to order at 7:35 p.m. Declaration of a quorum present was given.

ROLL CALL

Present

Chairman Jim Mickley
Trustee Roger Godwin
Trustee Jim Von Thaer
Trustee Pat Woolley
Trustee Mike Schmidt
Trustee Jon Evans
Trustee Donnie Ryan
Trustee Willian Tucker

Absent

Vice-Chairman John Knipp

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 20, 2021. *****
 - B. Approve payment of claim in the amount of \$57,006.02 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, 2021. *****
 - C. Approval of payment of claims for the Sewer department in the amount of \$6,134.48.

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

Motion Passed Unanimously.

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

Moot.

4. Adjournment.

Motion by Ryan, second by Tucker to adjourn. Poll vote: Ryan, yea; Tucker, yea; Godwin, yea; Schmidt, yea; Evans, yea; Woolley, yea; Von Thaeer, yea; and Mickley, yea.

Motion Passed Unanimously.

The meeting was adjourned at 7:36 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk/Treasurer

Pursuant to the Oklahoma Meeting Act (25 O.S. Section 311-14), notice is hereby given that the Trustees of the Economic Development Authority will hold a meeting as follows:

**SPECIAL
MINUTES**

CITY OF WARR ACRES
SPECIAL
ECONOMIC DEVELOPMENT AUTHORITY MEETING
TUESDAY
AUGUST 17, 2021
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 7:36 p.m. Declaration of a quorum present was given.

ROLL CALL

Present

Chairman Jim Mickley
Trustee Roger Godwin
Trustee Jim Von Thaer
Trustee Pat Woolley
Trustee Mike Schmidt
Trustee Jon Evans
Trustee Donnie Ryan
Trustee Willian Tucker

Absent

Vice-Chairman John Knipp

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 May 18, 2021 *****

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

Motion Passed Unanimously.

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

Moot.

4. Discussion and possible action on authorizing the Mayor, along with Jeff Sabine from to be able to negotiate with businesses looking to go into the TIF districts, such as 50% sales tax rebate for a certain number of years.

Chairman Mickley pulled this item.

5. Adjournment.

Motion by Godwin, second by Schmidt to adjourn. Poll vote: Ryan, yea; Tucker, yea; Godwin, yea; Schmidt, yea; Evans, yea; Woolley, yea; Von Thar, yea; and Mickley, yea.

Motion Passed Unanimously.

The meeting was adjourned at 7:43 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk/Treasurer