

## **MINUTES**

**CITY OF WARR ACRES  
REGULAR CITY COUNCIL MEETING  
TUESDAY  
APRIL 18, 2023  
6:00 P.M.**

1. The meeting was called to Order at 6:00 p.m. Declaration of a quorum present was given. The Flag salute was led by Chief Coy and Invocation was given by Pastor Chris Gulley, Cherokee Hills Baptist Church.

### **ROLL CALL**

#### **Present**

Mayor Roger Godwin  
Vice-Mayor Mike Schmidt  
Councilman John Knipp  
Councilwoman Deborah Morris  
Councilman Jim Von Thaer  
Councilwoman Judy Myers  
Councilman Randy Prince

#### **Absent**

Councilman Scott Tribbey

### **STAFF PRESENT**

Roger Patty, Police Chief  
Stephen Coy, Fire Chief  
Veronica Thompson, Asst. City Clerk  
Craig Wallace, City Engineer  
Marc Long, City Planner

2. Administer Oath of office to Councilman Ward I, Jim Von Thaer by Judge Luke Simms.  
  
Judge Simms administered the Oath of office to Jim Von Thaer.

3. Recess for cake and punch.

**Moot.**

4. Reconvene.

**Moot.**

5. CONSENT DOCKET: (individual items may be deleted from the consent docket for discussion and action under #6.)  
  
A. Approval of the minutes from the Regular meeting of March 21, 2023. \*\*\*\*

- |    |                                |                 |               |
|----|--------------------------------|-----------------|---------------|
| B. | Approval of Expenditures ***** | General Fund    | \$ 174,348.73 |
|    |                                | CIP Fund        | \$ 317,194.62 |
|    |                                | Sewer Line Fund | \$ 7,010.00   |
- C. Approval of Actual Expenditures for March 2023 and Proposed Expenditures for April 2023. \*\*\*\*\*
- D. Sales Tax History Report. \*\*\*\*\*
- E. Approval of supplemental appropriation of funds carried over to the CIP budget for 2023 that were not expended by December 31, 2022 that we are now receiving and needing to pay, CIP line-item Dual Certified Wildland/Rescue Gear \$16,000.

Motion by Schmidt, second by Myers to approve items A-E of the consent docket. Poll vote: Von Thaer, yea; Myers, yea; Schmidt, yea; Knipp, yea; Morris, yea; Prince, yea and Godwin, yea.

**Motion Passed Unanimously.**

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

**Moot.**

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

Craig- James Capps & 63<sup>rd</sup> 65% plans on NEPA are complete. Working on utility coordination. Had a meeting with facilities, doing some digging to work through that so they are clear to move forward with final plans. Sanitary/sewer project Prebid didn't draw any bidders, timing issue. Marc is working on looking at plans that need to be refined and the industry to see when it would be a good time to go back out to bid. The sidewalk to connect West side of MacArthur to connect 63<sup>rd</sup> with NW Expressway submitted through ACOG TAP and ODOT TAP Funding. We didn't receive funds from ACOG but did receive funding from ODOT for the sidewalk, we were awarded 80% of the funds.

Lights on MacArthur- spoke with OGE and their supplier is PELCO out of Tulsa, they are the main supplier regionally, they haven't received the materials, they expected it to be delivered in November, then pushed to April 10, still didn't come in. They were told to be in 1<sup>st</sup> week of May. He will check back with OGE. The construction crews have it on their schedule but waiting on material.

Turman- Parks project the contractor has finished 99% of work. There is a roof panel missing and Grandma's Park. Bunch of kids playing at all the parks, good to see. Will be addressing the delinquent lighting at the parks.

City Clerk- Nothing

Roger- Nothing

Stephen- attended the Metro Chiefs Meeting and there were discussions of a couple of Chief's wanting to build new Fire Stations. New Fire Stations are going for 460sq ft- 500sq ft. We paid 300sq ft so the timing of the Bond Election and the building of the project was impeccable. Edmond is purchasing a new fire truck identical to the one we purchased. We paid \$703,000, which we haven't received it, yet but they are paying \$989,000 and won't receive it until 2027. He is grateful for when they ordered and for how much.

We have received the zoll monitor and have had in service training and it is in service now.

On the report it states we had a Forest, woods, wildland fire, it was not in Warr Acres it was part of the Wild Lands Task Force. Sent 2 in the brush pumper to Charter Oak and sent 4 individuals to Simmons and Post and Waterloo and Post area.

Mayor- thanked FD for helping and including Warr Acres to go and help on the Wildland Task Force Fires. Also, we had structural fire a lot of the neighbors thanking the FD for protecting them and knocking on the doors making sure everyone was safe.

Dakota/Marc- continued working on the City fee review. They haven't been updated since the 1990's. Coordinated and researched the ordinances and bringing the old fees up-to-date. Received items and research for PC Schools upcoming PUD application, for a Centennial Center. Also, reviewed parking analysis for all upcoming special use permit applications. Working with Chief Coy on updating the GIS system to provide better location and new location for fire hydrants that have not been in the system.

8. Final Public Hearing, Discussion and possible action on a Use Subject to Review concerning eating or drinking establishments. Review uses: Beer tavern, nightclub or bar. NIGHTCLUB OR BAR: A place of business on whose premises the dispensing of beverages occurs, which are composed, in whole or in part, of alcoholic beverages containing more than 3.2 percent alcohol, for consumption on site, is the primary activity; where the serving and selling of food items is the secondary or limited activity accounting for less than fifty percent (50%) of the annual combined total of food and beverage sales; and where live and /or prerecorded music and other entertainment media and facilities, such as dancing, are provided for customers. Business Name: OKCULTURE LOUNGE & PATIO BAR LLC. Location: 5708 N.W. Expressway, Warr Acres, OK 73132. Applicant Name: Jenni Richardson. (Planning Commission recommended denial, due to them failing to meet the parking requirements, by a 5-2 vote.) \*\*\*\*\*

**Moot**

Applicant withdrew the application.

Schmidt- asked if they will get ticketed for operating as a business, they do not have a license to operate.

Marc- when the applicant determined there was a large hurdle to overcome with the Title 19 and parking. They were given the option, at the Planning Commission, to go ahead with a vote and continue with the special use or to withdraw the application. They went ahead with the vote. The vote of the Planning Commission was the applicant was not going to be able to meet the requirements of the parking, they are significantly under the ability to do that without a cross use or other parking arrangements. Their attorney got the vote he wanted; we needed a decision by today. He could continue to bring it to the City Council to review it or to pull the application. It was explained to him the City Council does not have the ability to waive City Ordinance. He was asking for a waiver to the parking requirements of Title 19. Neither the Planning Commission as a recommending body nor the City Council have the ability to waive an ordinance. The Council can review and amend an Ordinance but we cannot waive that. Therefore, the decision was made around 3:00 P.M. this afternoon to withdraw the application.

To answer Councilman Schmidt's question, the applicant has a license for an approved dispensary that is within the city ordinance. They have an outside restaurant/bar but they do not have, without this application and SUP being granted, the right to be operating a mixed-use operation with a restaurant or a bar in the retail area.

Von Thaer- when he drove by, the parking lot was full, along with Shipleys parking lot and old Golden Coral.

It would be poor practice for the City to allow continuation of the operation when you are saying you can't meet parking requirements and you have not been approved as a special use, as the city you are not condoning them to use every other adjacent parking lot. It is a private property matter and the other property owners do have the right to tow people that are not using the parking lot for their establishment.

Marc reiterated the applicant only has a license for a dispensary. They have a mixed use that they started as a restaurant and then became a bar and that has not been approved.

Knipp asked if they are operating illegally who will shut them down. Marc answered Code Enforcement but, you have noise complaints that can be filed and parking on private property, the owner can have them towed. The City has done everything they can do, but there also has to be participation by the neighboring business owners.

Mike Turman- asked the Mayor if there is going to be a letter sent to the owner of the business stating they are operating illegally because Cheryl and Mike Woodward won't be able to contain 100's of people to convince them to leave. He suggested that he, the Mayor, Chief Patty, Mike Woodard and Matt Love construct a letter and reach out to the owners and explain what will happen. The Mayor was in agreeance.

9. Final Public Hearing, Discussion and possible action on a Use Subject to Review concerning a body piercing and/or tattoo establishment. Business Location: 5900 N.W. 50<sup>th</sup> Street Suite C, Warr Acres, OK. 73122. (Planning Commission recommended approval by a unanimous vote.) \*\*\*\*

The applicant, Sarah Lewis, is present.

Motion by Von Thaer, second by Prince to open the public hearing. Poll vote: Von Thaer, yea; Myers, yea; Schmidt, yea; Knipp, yea; Morris, yea; Prince, yea and Godwin, yea.

**Motion Passed Unanimously.**

Motion by Schmidt, second by Von Thaer to close the public hearing. Poll vote: Von Thaer, yea; Myers, yea; Schmidt, yea; Knipp, yea; Morris, yea; Prince, yea and Godwin, yea.

**Motion Passed Unanimously.**

Motion by Myers, second by Von Thaer to approve the body piercing and /or tattoo establishment. Poll vote: Von Thaer, yea; Myers, yea; Schmidt, yea; Knipp, nay; Morris, yea; Prince, yea and Godwin, yea.

**Motion Passed.**

10. Final Public Hearing, Discussion and possible action on a Use Subject to Review concerning a Lot Split. Business Name: Sooner Holdings LLC. Location: 5945 N.W. 49<sup>th</sup> Street, Warr Acres, OK 73122. (Planning Commission recommended approval with a stipulation they must prepare and file a 10' sewer private utility easement approved by the city engineer; by a unanimous vote.) \*\*\*\*

Motion by Von Thaer, second by Knipp to open the public hearing. Poll vote: Von Thaer, yea; Myers, yea; Schmidt, yea; Knipp, yea; Morris, yea; Prince, yea and Godwin, yea.

**Motion Passed Unanimously.**

The applicant, Sooner Holdings LLC, is present.

Dakota- The application does meet the lot size and zoning requirements. The concern is utility easement. There is only one utility easement on the norther part of the north lot. Sewer, the applicant needed to file a 10ft easement on the east side of the property.

Marc explained to the property owner that he will need to go to Oklahoma County and file a legal description along with the proposed easements to get the utility easement before he can get his building permit. Sewer line is at the north end of the property and

they need it for the south end of the property. The water service is at 49<sup>th</sup> and the other will be on Hammond. They will have to relocate the existing house and that service to the new proposed easement.

Marc stated approve this subject to review before the permits are issued, he will have to prove that this has been filed at Oklahoma County.

Motion by Von Thaer, second by Knipp to close the public hearing. Poll vote: Von Thaer, yea; Myers, yea; Schmidt, yea; Knipp, yea; Morris, yea; Prince, yea and Godwin, yea.

**Motion Passed Unanimously.**

Motion by Schmidt, second by Myers to approve the lot split subject to the applicant submitting the 10ft private utility easement approved by the City Engineer. Poll vote: Von Thaer, yea; Myers, yea; Schmidt, yea; Knipp, nay; Morris, yea; Prince, yea and Godwin, abstain.

**Motion Passed.**

11. Discussion and possible action to send 3 firefighters and the Assistant Chief to Appleton, Wisconsin to a pre-construction conference on the New Fire Truck, at no charge to the city. \*Coy\* \*\*\*\*\*

Motion by Knipp, second by Von Thaer to approve. Poll vote: Von Thaer, yea; Myers, yea; Schmidt, yea; Knipp, yea; Morris, yea; Prince, yea and Godwin, yea.

**Motion Passed Unanimously.**

12. Discussion and possible action to authorize PWD Turman to purchase 30 PRT bottoms for dumpsters and have them welded to the present dumpsters and purchase 6 plastic 4 yd dumpsters, cost not to exceed 20,000. (budgeted in the CIP fund for \$30,000). \*Turman\* \*\*\*\*\*

Motion by Knipp, second by Prince to authorize PWD Turman to purchase 30 PRT bottoms for dumpsters and have them welded to the present dumpsters and purchase 6 plastic 4 yd dumpsters. Poll vote: Von Thaer, yea; Myers, yea; Schmidt, yea; Knipp, yea; Morris, yea; Prince, yea and Godwin, yea.

**Motion Passed Unanimously.**

13. Consideration of approval to participate in the 2022 global opioid settlements with CVS, Wal-Mart, Walgreens, Allergan, and Teva, including agreeing to the terms of the global settlements, the release of all claims against these entities, and the permissible uses of monies received pursuant to the settlements for opioid abatement and designation of an

authorized representative to sign the subdivision participation forms to finalize participation in these settlements. \*\*\*\*

Motion by Von Thaer, second by Knipp to approve participation in the 2022 global opioid settlement. Poll vote: Prince, yea; Morris, yea; Knipp, yea; Schmidt, yea; Myers, yea; Von Thaer, yea; and Godwin, yea.

**Motion Passed Unanimously.**

14. Discussion and possible action on a new agreement with Local Government Testing Consortium for our DOT & Non-DOT Drug/Alcohol testing. \*\*\*\*

Motion by Schmidt, second by Knipp to approve. Poll vote: Von Thaer, yea; Myers, yea; Schmidt, yea; Knipp, yea; Morris, yea; Prince, yea and Godwin, yea.

**Motion Passed Unanimously.**

15. Discussion and possible action on Traffic Commission appointment of Curtis Yerby Ward I, term to expire March 2026.

**This item was pulled.**

16. Discussion and possible action on clarification that William Tucker was appointed to the At-Large Ward IV Planning Commission seat, term to expire October 2024.

Motion by Knipp, second by Prince to approve. Poll vote: Von Thaer, yea; Myers, yea; Schmidt, yea; Knipp, yea; Morris, yea; Prince, yea and Godwin, yea.

**Motion Passed Unanimously.**

17. Discussion and possible action on appointing Barry Curl to the vacant At-Large Board of Adjustment seat, term to expire October 2023.

Motion by Prince, second by Morris to approve. Poll vote: Von Thaer, yea; Myers, yea; Schmidt, yea; Knipp, yea; Morris, yea; Prince, yea and Godwin, yea.

**Motion Passed Unanimously.**

18. Question and comments from Council.

Von Thaer- Thanked everyone for helping on the election. Thanked FOP and FD unions for their support. Thanked is #1 supporter, his wife.

Prince- thanked ALL of the city employees. Told Mike that he saw the street sweeper is up and running early in the morning. He appreciates the good job they are doing.

Myers- thanked the FD for fighting the fire close to her house. Asked on an update for Jack in the Box. Marc haven't seen anything since the application 9 months ago. Mike Woodard, stated they basically withdrew the application. Noticed venue change for the multicultural festival. Thanked all the employees for the work they have done.

Morris- grateful for the Planning Commission for doing the research and background work. Thanked the City Planners for making the councils job easy.

Schmidt- April 4, 2023, had the first animal control center meeting, He, Councilwoman Myers, Councilwoman Morris and Councilwoman Morris's daughter- in- law who works at Neil Vet, the animal control officers and Police Chief Patty and Asst. Police Chief, Anderson and Marc Ebby CEO Oklahoma Animal Humane Society. Toured the shelter. Had everyone look around the shelter to see what, if any, improvements or recommendations that need to be addressed. Next meeting is May 9, 2023, with their list improvements and/or needs. The June meeting, they will decide what items on the list are going to be presented to the council for the July meeting for the next year's budget. Asked to take a moment of silence for the Murrah Building victims, survivors and first responders, for the 28-year anniversary tomorrow, April 19, 2023.

Knipp- Thanked the PD, FD, PW, City Hall girls.

Mayor- Thanked everyone who shows up and participates and contributes to the City. Thanked Schmidt for the moment of silence. We have a great connection with the State and NYC with first responders etc. Route 66 coming up June 10, 2023 9-12:00, Tri City Event. Coming to Warr Acres, Bethany and Yukon. We will have Native American Youth Dancers and Tribal VFW doing the colors. Multicultural Festival June 3, 2023, at the Event Center on 36<sup>th</sup> and MacArthur. Thanked the 15-person committee. They are working hard on getting vendors and sponsors. Thanked Morelos- Supermercados for being the key sponsoring for the event and helping. Today is Earth Day, OG&E came out and planted 10 trees at the park by the Fire Station. A few of the Public Works guys helped with the planting of the trees. Thanked Jason, Roberto, Jesse, Antonio and Mike. Councilman Von Thaer came and helped as well. Thanked OG&E and Arbor for the trees. Anyone in Ward 4 who wants to serve, we have an open seat.

19. Adjournment.

Motion by Myers, second by Von Thaer to adjourn. Poll vote: Von Thaer, yea; Myers, yea; Schmidt, nay; Knipp, yea; Morris, yea; Prince, yea and Godwin, yea.

**Motion Passed.**

The meeting was adjourned at 6:58 p.m.

Respectfully submitted,

Veronica Thompson  
Asst. City Clerk



**MINUTES**  
**CITY OF WARR ACRES**  
**PUBLIC WORKS AUTHORITY MEETING**  
**TUESDAY**  
**APRIL 18, 2023**  
**6:00 p.m.**

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

1. The meeting was called to Order at 6:59 p.m. Declaration of a quorum present was given.

**ROLL CALL**

Present

Chairman Roger Godwin  
Vice-Chairman Mike Schmidt  
Trustee John Knipp  
Trustee Deborah Morris  
Trustee Jim Von Thaer  
Trustee Judy Myers  
Trustee Randy Prince

Absent

Trustee Scott Tribbey

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 March 21, 2023. \*\*\*\*
  - B. Approve payment of claim in the amount of \$57,548.79 to the Bethany-Warr Acres Public Works Authority for the Warr Acres portion of the Joint Trust and Bond Retirement for the month of March, 2023. \*\*\*\*
  - C. Approval of payment of claims for the Sewer department in the amount of \$1,003.60.

Motion by Von Thaer, second by Schmidt to approve the consent docket. Poll vote: Von Thaer, yea; Myers, yea; Schmidt, yea; Knipp, yea; Morris, yea; Prince, yea and Godwin, yea.

**Motion Passed Unanimously.**

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

**Moot.**

4. Discussion and possible action on authorizing PWD Turman to have Haynes Equipment replace and installed new pumps and components at the Grove Lift Station, not to exceed \$36,000. \*Turman\* \*\*\*\*\*

Motion by Von Thaer, second by Morris to authorize PWD Turman to have Haynes Equipment replace and installed new pumps and components at the Grove Lift Station.  
Poll vote: Von Thaer, yea; Myers, yea; Schmidt, yea; Knipp, yea; Morris, yea; Prince, yea and Godwin, yea.

**Motion Passed Unanimously.**

5. Adjournment.

Motion by Myers, second by Knipp to adjourn. Poll vote: Von Thaer, yea; Myers, yea; Schmidt, yea; Knipp, yea; Morris, yea; Prince, yea and Godwin, yea.

**Motion Passed Unanimously.**

The meeting was adjourned at 7:02 p.m.

Respectfully submitted,

Veronica Thompson  
Asst. City Clerk