

MINUTES

CITY OF WARR ACRES
REGULAR CITY COUNCIL MEETING
TUESDAY
NOVEMBER 21, 2023
6:00 P.M.

1. The meeting was called to order at 6:00, Declaration of a quorum present was given. The Flag salute was led by Chief Coy and the Invocation was given by Mayor Godwin.

ROLL CALL

Present

Absent

Mayor Roger Godwin
Vice-Mayor Mike Schmidt
Councilman Scott Tribbey
Councilman Jim Von Thayer
Councilwoman Judy Myers
Councilwoman Deborah Morris
Councilwoman Lynda Steele
Councilman Randy Prince
Councilwoman Vickie Douglas

STAFF PRESENT

Matt Love, City Attorney
Roger Patty, Police Chief
Stephen Coy, Fire Chief
Pamela McDowell-Ramirez, City Clerk/Treasurer
Dakota Desai, SRB

2. Presentations by Mayor Godwin of Certificates to Volunteers of the year to John Tardibono and Beth Mikkola. Certificates for the Guatemala-Oklahoma winners for 2022-23 and 2023-24.

The Mayor presented John Tardibono and Beth Mikkola with certificates of appreciation recognizing them as the 2023 Volunteers of the year. He also made several other presentation to the winners of the Guatemala-Oklahoma pageant.

Mr. Colin Walke addressed the council concerning issues at Cherokee Crossing.

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 October 17, 2023 and Special meetings of September 26, 2023 and October 24, 2023. *****

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|----|--------------------------------|--------------|---------------|
| B. | Approval of Expenditures ***** | General Fund | \$ 231,207.11 |
| | | Sinking Fund | \$ 151,328.51 |
| | | CIP Fund | \$ 15,674.83 |
- C. Approval of Actual Expenditures for October 2023 and Proposed Expenditures for November 2023. *****
- D. Sales Tax History Report. *****

Motion by Morris, second by Myers to approve A-D of the consent docket. Poll vote: Morris, yea; Steele, yea; Prince, yea; Douglas, yea; Von Thaer, yea; Myers, yea; Tribbey, yea; Schmidt, yea; and Godwin, yea.

Motion Passed Unanimously.

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

Moot.

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

Patty-there is a representative here to talk about collections of warrants, there have been a lot of changes to the laws. There was a mis-communication in getting it on the agenda but if he could be given a few minutes to speak that would be good. Once again the flock cameras are wonderful helped them apprehend a man out of Mcloud who had stabbed two of his sons, and at 10:30 that night was captured in Warr Acres. Officer Laub just graduated from the Police Academy and was top of his class academically and was also awarded Outstanding Character award for the way he interacted with other cadets and staff and willingness to do anything and help with anything.

Coy-the new siren is much better than the old one.

Turman-thanks all the public works guys, the ladies at city hall, Cheryl and Mike.

Desai-they finished an application for ACOG for 63rd and MacArthur and should know around January or February.

The Chief Executive Officer of Perdue Brandon Fielder Collins and Mott LLP addresses the council telling them about their collection services and that only what is turned over to them after the Court Clerks have tired every possible way of collecting. They do not charge the city they tack their fee onto the amount that is owed for the warrants. They are currently working in several Oklahoma cities. Attorney Love stated that Warr Acres is the only one that has not been using an outside company since we have had Vickers, however, with him retiring the city needs someone to do the work.

6. 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. Location: 5914 N.W. 36th Warr Acres, OK 73122. Applicant Name: Michael Winnicki. **** (Planning Commission recommended approval by a unanimous vote with one member absent)

Dakota said this application was on the October Planning Commission but they since filed a new application and SRB has reviewed and they meet all requirements, anything that needs to be done will be addressed in the building permit. The application is for a bar/brewery Things will need to find out are the access to the parking since there is a dispensary there, if the ABLE license will transfer and the location of the dumpster. The applicant was present to answer questions.

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

Motion Passed Unanimously.

The applicant said the parking was an issue the first time they applied so they did some changes and not is ok. Councilman Prince wanted to know if there was anything hazardous that would be used that might end up in the sewer system or in the air and affect the citizens. The answer was no. The council was concerned about loud music. Planning on events maybe monthly. There is concern that the brewery closes at 10 but the dispensary closes at 12. Will the brewery be closed off so that the ones one the dispensary do not have access after 10. The city is already dealing with a similar facility already. There will be a new application filed with ABLE for the new location but in order to do that he has to get approval to use the property for this purpose.

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

Motion Passed Unanimously.

Motion by Schmidt, second by Morris to approve the Use Subject to Review for a eating and drinking establishment. Poll vote: Morris, yea; Steele, yea; Prince, yea; Douglas, abstain; Von Thaer, yea; Myers, yea; Tribbey, nay; Schmidt, yea; and Godwin, yea.

Motion Passed.

7. Final Public Hearing, discussion and possible action on a Use Subject to review concerning an auto dealership/used cars. Location: 5926 NW 39th Street Warr Acres OK 73122. **** (Planning Commission recommended approval by a unanimous vote with one member absent)

Motion by Myers, second by Steele to open the public hearing. Poll vote: Morris, yea; Steele, yea; Prince, yea; Douglas, yea; Von Thayer, yea; Myers, yea; Tribbey, yea; Schmidt, yea; and Godwin, yea.

Motion Passed Unanimously.

Dakota told the council the property is C5 zoning was a pawn shop, there was an issue with the dumpster location, no mechanical work will be done on location. Applicant was present to answer questions. He has another lot down the street. The front part will be a showroom and the back for detailing the cars. He will be leasing it out to someone else. There is concern that all of 39th is becoming a car lot and the city gets on sales tax on them.

Motion by Steele, second by Myers close the public hearing. Poll vote: Morris, yea; Steele, yea; Prince, yea; Douglas, yea; Von Thayer, yea; Myers, yea; Tribbey, yea; Schmidt, yea; and Godwin, yea.

Motion Passed Unanimously.

Councilman Schmidt questioned the comment that was made that the property could be used for something else. The applicant said that most likely will be a car dealership. Councilman Schmidt said it was a sales tax business but now will not and then could possibly be used for something else not sure he can vote for something that he doesn't know what it will be. Attorney Love said not making a decision on whether should be a tax generating business but if the property can be used as a car dealership.

Motion by Morris, second by Myers to approve the Use Subject to Review for a auto dealership/used cars. Poll vote: Morris, yea; Steele, nay; Prince, yea; Douglas, nay; Von Thayer, yea; Myers, yea; Tribbey, nay; Schmidt, yea; and Godwin, nay.

Motion Passed.

8. Discussion and possible action to appoint David Davis to serve as alternate legal counsel to the Warr Acres Board of Adjustment in the event the Board's legal counsel has a legal conflict. * Love * ****

Attorney Love stated that normally the Asst. Attorney who is also the prosecutor for the city would do the BOA meeting, however, he has been dealing with them in court so it would be better to have Mr. Davis handle the BOA.

Motion by Prince, second by Von Thaeer to appoint David Davis as alternate legal counsel for the BOA. Poll vote: Morris, yea; Steele, yea; Prince, yea; Douglas, yea; Von Thaeer, yea; Myers, yea; Tribbey, yea; Schmidt, yea; and Godwin, yea.

Motion Passed Unanimously.

9. Discussion and possible action on Resolution #580 authorizing OMAG to apply Escrow account funds in the amount of \$72,080.77 to the Workers' Compensation policy premium. *Ramirez* ****

Clerk/Treasurer Ramirez stated that this will allow the escrow to be used towards the Workers' Comp premium when it comes due.

Motion by Morris, second by Douglas to approve Resolution #580. Poll vote: Morris, yea; Steele, yea; Prince, yea; Douglas, yea; Von Thaeer, yea; Myers, yea; Tribbey, yea; Schmidt, yea; and Godwin, yea.

Motion Passed Unanimously.

10. Annual Stormwater Report by PWD Turman. ****

PWD Turman told the council that starting in 2005 the city fell under the requirements to comply with the Stormwater Act. Every year he has to give a report telling what kinds of things they look at to see if the city is doing all they can to prevent possible contamination runoff.

11. Discussion and possible action on authorizing the PWD to purchase one Sno-Way RVB2000 Salt Spreader on State Contract SW0500 ALT0047 for \$7,200.00 and installed for \$1,518.00 by Industrial Truck Equipment Inc for a total \$8,718.00 (Budgeted in the CIP fund for \$10,000) *Turman* ****

PWD Turman told the council that having this would allow them to get down some of the streets that they can not in the dump trucks. This is something that can be taken off the truck when not being used and stored until needed.

Motion by Myers, second by Von Thaeer to authorize the purchase. Poll vote: Morris, yea; Steele, yea; Prince, yea; Douglas, yea; Von Thaeer, yea; Myers, yea; Tribbey, yea; Schmidt, yea; and Godwin, yea.

Motion Passed Unanimously.

12. Discussion and possible action on re-appointing Doug Johnson Ward III, Butch Davis At-Large, John Downs At-Large to the Planning Commission.

Motion by Morris, second by Steele to appoint Doug Johnson to the Ward III Planning Commission seat. Poll vote: Morris, yea; Steele, yea; Prince, yea; Douglas, yea; Von Thaeer, yea; Myers, yea; Tribbey, yea; Schmidt, yea; and Godwin, yea.

Motion Passed Unanimously.

Motion by Godwin, second by Morris to appoint Butch Davis to the At-Large seat on the Planning Commission. Poll vote: Morris, yea; Steele, yea; Prince, yea; Douglas, abstain; Von Thaer, yea; Myers, nay; Tribbey, yea; Schmidt, nay; and Godwin, yea.

Motion Passed.

Motion by Godwin, second by Prince to appoint John Downs to the At-Large seat on the Planning Commission. Poll vote: Morris, yea; Steele, yea; Prince, yea; Douglas, yea; Von Thaer, yea; Myers, yea; Tribbey, yea; Schmidt, nay; and Godwin, yea.

Motion Passed.

13. Discussion and possible action on re-appointing Frank Horner, Ward I, and Barry Curl, At-Large, to the Board of Adjustment.

Motion by Myers, second by Von Thaer to appoint Frank Horner to the Ward I BOA seat. Poll vote: Morris, yea; Steele, yea; Prince, yea; Douglas, yea; Von Thaer, yea; Myers, yea; Tribbey, yea; Schmidt, nay; and Godwin, yea.

Motion Passed.

Motion by Godwin, second by Schmidt to appoint Barry Curl to the At-Large BOA seat. Poll vote: Morris, yea; Steele, yea; Prince, yea; Douglas, yea; Von Thaer, yea; Myers, yea; Tribbey, yea; Schmidt, yea; and Godwin, yea.

Motion Passed Unanimously.

14. Formal presentation of the 2024 budget. and announce December 12, 2023 as the public hearing date. *****

The Mayor told the council that he had a committee and they met and made major cuts to the budget. Councilwoman Morris asked if it was hard to find Sanitation workers and she was told yes, it is. She said she wondered since we spend so much for Temp workers. The public hearing for the budget will be 6:00 pm on December 12th.

Councilman Von Thaer left the meeting at 7:25 p.m.

15. Question and comments from Council.

Prince-thanks all employees especially the street crews

Myers-wanted to know if anything could be done about all the cars that are parked on 71st Street, it causes issues for fire trucks to get through. She asked if there could be an ordinance written to limit the number of cars per house. She is frustrated about

businesses that have been told they are illegal and not approved by the city and they still are doing what they do. What can be done? It seems like there should be more that can be done. Thank you, Mike, for filling in for the Mayor the last three weeks and thank you Veronica for helping her get the information together on the rate increase.

Douglas-thank you Mike you did a great job, congrats to Chief Patty on retiring.

Tribbey-thank you employees, public works, police and fire you all do a great job. Happy Thanksgiving.

Morris-thankful to be a part of the council and it is a learning experience every time. Thank you to everyone.

Steele-made it through the first 30 days enjoying new job on council, enjoying getting to know everyone.

Schmidt-thank you to the staff at city hall they are very helpful and supportive. Thank you to Colin Walke for showing up and he would be happy to meet with him to discuss the issue. November 4th he attended an Asian event and accepted the Outstanding Civic Leader award for Roger. Thank you to all the Guatemala winners that are here and stayed for the entire meeting. As far as the budget, don't think Pam just prints it out she does a lot of work on it, we had a meeting and had to cut a lot of things out of it. All the department heads were cooperative and made big cuts. We need to get businesses in and get more revenue. As councilmembers if you go somewhere and would like to see that business come to Warr Acres talk to them, we need to be promoting the city. If we want to do the things, we want to do the expenses can't keep going up and the revenue not. We have got to bring in business. December 2nd from 6-8 will be the Christmas tree lighting at the Police station. Welcome donations of candy for the goodie bags and then they will be put together. If the weather is bad, we can move inside to the court room. Everyone have a great Thanksgiving.

Godwin-thank you Mike for filling in as Mayor. His trip to China he was the only one from Oklahoma in the sister city program very thankful for the opportunity. Thank you, police and fire, for everything you do. Thanks Mike T for all you hard work and the crew here at city hall. Thank you to the Guatemala group for showing up and hanging out. Thank you, Veronica, for helping Mike out. Congrats Lynda on your first 30-days and for attending the Panama event. Happy Thanksgiving.

16. Adjournment.

Motion by Myers, second by Steele to adjourn. Poll vote: Morris, yea; Steele, yea; Prince, yea; Douglas, nay; Myers, yea; Tribbey, yea; Schmidt, nay; and Godwin, nay.

Motion Passed.

The meeting was adjourned at 7:54 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk/Treasurer

MINUTES

CITY OF WARR ACRES
PUBLIC WORKS AUTHORITY MEETING
TUESDAY
NOVEMBER 21, 2023
6:00 p.m.

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

1. The meeting was called to order at 7:54 p.m. Declaration of a quorum present was given.

ROLL CALL

Present

Chairman Roger Godwin
Vice-Chairman Mike Schmidt
Trustee Scott Tribbey
Trustee Lynda Steele
Trustee Deborah Morris
Trustee Judy Myers
Trustee Randy Prince
Trustee Vickie Douglas

Absent

Trustee Jim Von Thær

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 October 17, 2023 and Special Meeting of September 26, 2023. *****
- B. Approve payment of claim in the amount of \$ to the Bethany-Warr Acres Public Works Authority for the Warr Acres portion of the Joint Trust and Bond Retirement for the month of October, 2023. *****
- C. Approval of payment of claims for the Sewer department in the amount of \$105,416.08. *****

Motion by Schmidt, second by Myers to approve A, B and C of the consent docket. Poll vote: Morris, yea; Steele, yea; Prince, yea; Douglas, yea; Myers, yea; Tribbey, yea; Schmidt, yea; and Godwin, yea.

Motion Passed Unanimously.

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

Moot.

4. Adjournment.

Motion by Morris, second by Myers to adjourn. Poll vote: Morris, yea; Steele, yea; Prince, yea; Douglas, yea; Myers, yea; Tribbey, yea; Schmidt, yea; and Godwin, yea.

Motion Passed Unanimously.

The meeting was adjourned at 7:57 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk/Treasurer

**SPECIAL
MINUTES**

CITY OF WARR ACRES
SPECIAL
ECONOMIC DEVELOPMENT AUTHORITY MEETING
TUESDAY
NOVEMBER 21, 2023
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 7:57 p.m. Declaration of a quorum present was given.

ROLL CALL

Present

Chairman Roger Godwin
Vice-Chairman Mike Schmidt
Trustee Scott Tribbey
Trustee Lynda Steele
Trustee Deborah Morris
Trustee Judy Myers
Trustee Randy Prince
Trustee Vickie Douglas

Absent

Trustee Jim Von Thaer

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 October 17, 2023 *****
 - B. Approval of payment of claims \$250.00. *****

Motion by Myers, second by Douglas to approve A and B of the consent docket. Poll vote: Morris, yea; Steele, yea; Prince, yea; Douglas, yea; Myers, yea; Tribbey, yea; Schmidt, yea; and Godwin, yea.

Motion Passed Unanimously.

3. Discussion and possible action to authorize the Chairman to allow the Christmas tree committed to purchasing treat bags and supplies not to exceed \$350.

Motion by Morris, second by Douglas to authorize the Chairman to allow the Christmas tree committed to purchasing treat bags and supplies not to exceed \$350. Poll vote:

Morris, yea; Steele, yea; Prince, yea; Douglas, yea; Myers, yea; Tribbey, yea; Schmidt, yea; and Godwin, yea.

Motion Passed Unanimously.

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

Moot.

5. Adjournment.

Motion by Tribbey, second by Morris to adjourn. Poll vote: Morris, yea; Steele, yea; Prince, yea; Douglas, yea; Myers, yea; Tribbey, nay; Schmidt, abstain; and Godwin, nay.

Motion Passed.

The meeting was adjourned at 8:01 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk/Treasurer