

**IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING LAW
THE AGENDA WAS POSTED JUNE 1, 2023 AT 4:00 P.M.
AT THE MUNICIPAL BUILDING, 723 SOUTH LEWIS, STILLWATER, OKLAHOMA**

**MINUTES
STILLWATER CITY COUNCIL
REGULAR MEETING
COUNCIL HEARING ROOM
723 S. LEWIS
JUNE 5, 2023**

PRESENT: MAYOR WILLIAM H. JOYCE, VICE MAYOR AMY DZIALOWSKI,
COUNCILORS CHRISTIE HAWKINS, KEVIN CLARK AND TIM HARDIN
ABSENT: NONE

1. CALL MEETING TO ORDER

Mayor Joyce called the meeting to order at 5:30 p.m.

2. PLEDGE OF ALLEGIANCE

The Stillwater City Council led the audience in the Pledge of Allegiance.

3. PROCLAMATIONS/PRESENTATIONS

- a. Official launch of Stillwater Police Department new branding – Chief Jeff Watts

Police Chief Jeff Watts wore the new police uniform and Lieutenant TJ Low wore the old police uniform and Chief Watts explained the difference in the two. A video was shown revealing the new uniform.

4. CONSENT DOCKET

- a. Approval of May 15, 2023 regular and executive session meeting minutes
- b. Approve budget amendments reflecting donations to Stillwater Public Library
- c. Approve budget amendments reflecting receipt and appropriation of \$50,000 in federal grant funds from the Oklahoma Department of Libraries to the Stillwater Public Library for purchase of downloadable material from Overdrive
- d. Authorize the Interim City Manager to sign contracts related to benefits administration for FY 2023-2024
- e. Approve amendment to the lease agreement between Our Daily Bread and City of Stillwater
- f. Approve second amendment to the lease between OSU and City of Stillwater for the Multi-Arts (Prairie Arts Center) for FY 2024
- g. Approve FY24 contracts with the following entities:
 - i. Stillwater Area Sports Association
 - ii. Stillwater Rifle Club
 - iii. OSU Motorcycle Trail
 - iv. Henderson Golf
 - v. Trail Riders
- h. Approve annual contract renewals with the following entities:
 - i. Payne County Youth Services
 - ii. Project Heart
 - iii. Stillwater Museum Association

- iv. Tiny Paws
- v. Lake McMurtry Friends
- i. Approve Encroachment Agreement and Release of Liability for 923 South Main Street and authorize the Interim City Manager to execute the agreement
- j. Approve budget amendment reflecting receipt of grant funds in the amount of \$2,436.17 from OSBI as reimbursement to Stillwater Police Department for two officers to attend the Crimes Against Children Conference
- k. Approve budget amendments reflecting receipt and expenditure of grant funds in the amount of \$11,479.48 from OSBI as reimbursement to Stillwater Police Department for replacement of a computer and cell phone data retrieval device used to investigate Internet Crimes Against Children cases
- l. Accept the right-of-way required for the Redbud Sewer Project located at 999 N. Lewis Street
- m. Approve budget amendments reflecting increased FY22/23 sales and use tax collections and allocations to the following:
 - i. Stillwater Utilities Authority dedicated portion
 - ii. Transportation Sales Tax dedicated portion
 - iii. Employee compensation changes
- n. Approve emergency repair of gas lines at the Community Center totaling \$55,934.71

MOTION BY COUNCILOR CLARK, SECOND BY VICE MAYOR DZIALOWSKI TO APPROVE THE CONSENT DOCKET AS PRESENTED.

ROLL CALL VOTE: JOYCE-YEA, DZIALOWSKI-YEA, HAWKINS-YEA, CLARK-YEA, HARDIN-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

5. PUBLIC COMMENT ON AGENDA ITEMS NOT SCHEDULED FOR PUBLIC HEARING

There were no requests to speak on agenda items not scheduled for public hearing.

6. ITEMS REMOVED FROM CONSENT DOCKET

None.

7. PUBLIC HEARINGS

- a. Pursuant to 11 O.S. § 22-112 and 11 O.S. §22-112.4, the Stillwater City Council will conduct a hearing to determine whether the secondary structure located at 601 West 10th Avenue, Stillwater, Oklahoma (the secondary structure is also identified as located at 1012 South Knoblock, Stillwater, Oklahoma) is dilapidated as defined in 11 O.S §22-112(C) and abandoned as defined in 11 O.S. §22-112.4(E) on May 1, 2023, at 5:30 P.M., in the City Council Hearing Room, 723 South Lewis Street, Stillwater, Oklahoma. At said date and time, the City Council shall make a determination as to whether said secondary structure is dilapidated and/or abandoned as defined by the referenced statutes and whether to order the abatement and removal of said structure and the assessment of all associated costs thereof to the owner of said property

City Attorney Kimberly Carnley stated that significant progress has been made on this property so no action is needed on this public hearing.

- b. Receive public comment regarding a request for a Specific Use Permit to allow a new communications tower at property addressed as 4220 North Perkins Road

Associate City Planner Diana Hood stated this is a request for Specific Use Permit to allow a new safety communications tower at the property addressed as 4220 N. Perkins Road, which is located on the north

part of Boomer Lake. She stated that the Park View Estates subdivision is located to the north and USA Rare Earth is to the east.

Emergency Management Director Rob Hill stated that he is here to seek approval for an Specific Use Permit to allow for a new radio communications tower. He reported that in December 2021, City Council approved a new public safety radio system for \$6.75 million. The new system replaces five independent radio systems, with one, with provisions for two backup sites. This system will bring true inter-operability to law enforcement, fire, EM and EMS. Mr. Hill stated that this would allow the City to be part of the state-wide radio system, receiving and providing support from other communities should a disaster occur. This will be crucial to any emergency responses within our city, the county and state-wide. He reported that in July 2022, the City was contacted by Altice about a tower decommission by the end of 2022. This tower is where the City had all of their public safety equipment located at the time. City staff met with Altice and received an extension through May 2023; however, since then the City has been forced to relocate all their public safety equipment. Mr. Hill presented the research that was done for alternate tower sites and the results of why these alternate sites could not be used for a radio communications tower. He stated after an exhaustive search, staff was able to locate one last piece of public zoned property north of Stillwater and it is one of the last remaining properties the City owns that would allow for this type of project.

Mr. Hill answered Council's questions regarding the communications tower.

Mayor Joyce opened the public hearing.

Doris Al-Harake, 314 E. Rogers Drive, stated that she is the Parkview Estates HOA President, and their neighborhood is against putting the communications tower in their backyard. She stated the first public hearing notice they received had the wrong address so none of the Parkview Estates residents attended because they didn't think it affected them. She stated the resident's concerns of the tower being located close to their neighborhood.

Douglas Dollar, 219 E. Greenvale Ct., stated he lives in Parkview Estates and is against the communications tower.

Katherine Dollar, 219 E. Greenvale Ct., stated she is also against the tower being constructed so close to their neighborhood and Kameoka Trail. She stated that she is concerned about the dangers this tower will cause to their property values as well as the safety and health of the residents and wildlife.

Connie Stauter, 318 E. Rogers Dr., expressed her concerns regarding the public hearing notice that says the tower will be located on N. Perkins Road which is incorrect. The notice needs to say the tower will be located on E. Rogers Drive. She asked if there was an environmental impact study that needs to be done on this property due to the nature and wildlife there and for clarification on the FAA clearance approval for the tower. Ms. Stauter stated the tower will "pollute" this area and Kameoka Trail. She asked that staff continue to look for a more appropriate place for this tower.

Mayor Joyce closed the public hearing.

Planning Commission recommended approval of this SUP with a vote of 3-0.

Mr. Hill stated that staff knows this is City of Stillwater property but they did not take this decision lightly as they also know this property backs up to a neighborhood. Staff worked very closely with all facets to construct the tower with the least destruction of the property. Mr. Hill, Stan Shook and Amos Charles with Motorola addressed and answered both the questions from the public hearing and Council.

City Attorney Kimberly Carnley addressed the issue of the incorrect address on the public notice and that the address was corrected and public notices were resent for tonight's public hearing. Discussion was held amongst staff and Council.

MOTION BY COUNCILOR CLARK, SECOND BY COUNCILOR HAWKINS TO ACCEPT THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE THE SPECIFIC USE PERMIT FOR THE INSTALLATION OF A NEW COMMUNICATION TOWER FOR THE PROPERTY LOCATED AT 4220 NORTH PERKINS ROAD.

ROLL CALL VOTE: JOYCE-YEA, DZIALOWSKI-YEA, HAWKINS-YEA, CLARK-YEA, HARDIN-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

- c. Receive public comment regarding a request for a partial closing of a water easement located at 119 E Tyler Avenue

City Planner Jacquelyn Porter stated that the house constructed at 119 East Tyler Avenue encroaches the water line easement. The water line easement is located along the west property line of 119 East Tyler Avenue, Lot 3 of The Sticks subdivision. Ms. Porter stated that Sticks, LLC is requesting the closure of a portion of the water easement, approximately 300 square feet, to alleviate the encroachment of a constructed house onto the easement.

Mayor Joyce opened and closed the public hearing as no one was present to speak.

MOTION BY VICE MAYOR DZIALOWSKI, SECOND BY COUNCILOR CLARK TO CLOSE THE PORTION OF THE UTILITY EASEMENT AS REQUESTED ON PROPERTY ADDRESSED AS 119 EAST TYLER AVENUE.

ROLL CALL VOTE: JOYCE-YEA, DZIALOWSKI-YEA, HAWKINS-YEA, CLARK-YEA, HARDIN-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

8. GENERAL ORDERS

- a. Prairie Arts Center annual report

Director of Prairie Arts Center Rebecca Brien and General Manager of the Prairie Arts Center Meghan Brausell presented the Prairie Arts annual report. Ms. Brien stated that it has been six years since they assumed management of the arts center and they are very proud of how beautiful and busy the center has become over the last six years. She thanked the City for the use and maintenance of the building and grateful to OSU for the staffing and resources made available to the facility.

Ms. Brausell presented the highlights over the last year by giving an overview of the programs/classes offered, ages served and number of participants in their programs. She also discussed staff, outreach programs and after hours programming and the amount of supplies used in their programs.

9. RESOLUTIONS

- a. Resolution No. CC-2023-7: a resolution of the Stillwater City Council declaring the secondary structure located at 601 West 10th Avenue, Stillwater, Oklahoma (the secondary structure also identified as located at 1012 South Knoblock, Stillwater, Oklahoma), dilapidated and abandoned, and a public nuisance detrimental to the health, safety, and welfare of the general public and the community, and ordering the dilapidated structure to be torn down and removed pursuant to 11 O.S. §22-112

No action was taken on this item.

- b. Resolution CC-2023-16 : A resolution of the Stillwater City Council prohibiting the flying of Unmanned Aircraft Systems (UAS) during certain public events on July 4, 2023

Councilor Clark suggested amending the resolution to add “provided however, that should the Boomer Blast event be rescheduled to a different date due to weather or otherwise, then said prohibition shall apply on that date.”

MOTION BY COUNCILOR CLARK, SECOND BY COUNCILOR HAWKINS TO ADOPT RESOLUTION NO. CC-2023-16 AS AMENDED.

ROLL CALL VOTE: JOYCE-YEA, DZIALOWSKI-YEA, HAWKINS-YEA, CLARK-YEA, HARDIN-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

- c. Resolution CC-2023-17: A resolution regarding commitment of leverage for the Oklahoma Department Of Commerce Community Development Block Grant (CDBG), 2023 Small Cities Program and approving the associated budget amendments

Grants Manager Shelly Crynes reported that on April 3, 2023, Council held the public hearing regarding the 2023 Community Development Block Grant (CDBG) application, took citizen input and project suggestions. At the end of the hearing, Council selected the new Fire Suppression System Project for Stillwater Public Library for the FY23 CDBG-Small Cities application. Staff is recommending acceptance of the final grant allocation of \$222,500 as funded by U.S. Housing & Urban Development through the Oklahoma Department of Commerce, approval of the budget amendment appropriating the 1:1 match allocation funds of \$222,500 from the grant match contingency in the General Fund.

MOTION BY VICE MAYOR DZIALOWSKI, SECOND BY COUNCILOR HAWKINS TO ADOPT RESOLUTION NO. CC-2023-17 AS PRESENTED.

ROLL CALL VOTE: JOYCE-YEA, DZIALOWSKI-YEA, HAWKINS-YEA, CLARK-YEA, HARDIN-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

10. ORDINANCES

a. First Reading

Ordinance 3523: An ordinance closing a portion of the 16-foot water easement of Lot 3, Block 2, The Sticks, an addition to the City Of Stillwater, Payne County, Oklahoma, near property addressed as 1990 East Tyler Avenue

City Attorney Kimberly Carnley asked that this ordinance be tabled until the June 12, 2023 City Council so the address can be corrected.

11. REPORTS FROM OFFICERS & BOARDS

a. Miscellaneous items from the City Attorney:

- i. Request for Executive Session pursuant to 25 O.S. §307 (B)(2) to discuss labor negotiations with Fraternal Order of Police Lodge #102.
- ii. Request for Executive Session pursuant to 25 O.S. §307 (B)(2) to discuss labor negotiations with International Association of Firefighters Local #2095.
- iii. Request for an Executive Session pursuant to 25 O.S. § 307(B)(4) involving confidential communication between the City Council and City Attorney concerning Sandra Groshong vs. City of Stillwater, Payne

County District Court Case No. CJ-2020-455. It is the opinion of the City Attorney that disclosure of this matter will seriously impair the ability of the City Council to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest.

b. Miscellaneous items from the City Manager:

- Interim City Manager Brady Moore stated that if anyone has had difficulty making rent or utility payments as a result of Covid-19, the City of Stillwater may be able to help. These are federal grant funds designated to assist our residents that are experiencing financial challenges due to Covid-19. These funds must be utilized before the end of August, 2023. For more information go online to Stillwater.org/covidhelp or call 405-742-8220.

c. Miscellaneous items from the City Council:

- Councilor Hardin reminded citizens to save the dates, June 16 and 17, for Stillwater's first "Dancing Turtle: Interactive Celebration of the Arts at the Stillwater Community Center" and in the downtown area. This event is a gathering that immerses guests in the arts, provides learning and performance opportunities for artists – and provides all residents and patrons with entertainment, performing arts, visual arts, multiple vendors, variety of music performers, and much more. For more information about the event, please follow Dancing Turtle on Facebook or go to the website at: sccfoundation.org/dancingturtle.
- Councilor Clark announced that the City has two, free splash pads, one at Boomer Lake Park and the other at Southern Woods. Both are open daily from 10 a.m. to 8 p.m. There is also a public swimming pool located in Couch Park that features six 50-meter lanes, two slides, a separate/gated wading pool for younger children and a shaded seating area. The pool is closed on Sundays and Mondays for maintenance. Please remember when using our parks and play areas to take all of your personal items home with you, use the trash cans located in the parks, and let's keep our community spaces beautiful for everyone.
- Councilor Hawkins invited residents to join Stillwater Community United in celebrating Juneteenth at Southern Woods Park on Saturday, June 17 from 11 a.m. to 1 p.m. All community members are invited to gather for games, music, free food and drinks, and entertainment for the whole family. City Hall will be closed in observance of Juneteenth on Monday, June 19. Trash and recycling will be collected as usual, but not yard waste.
- Vice Mayor Dzialowski said to save the date and celebrate Independence Day with Stillwater's Boomer Blast Firework Show on Tuesday, July 4 at Boomer Lake Park. Enjoy area vendors and food trucks before the firework show begins at 9:30 p.m. Vehicles are not allowed inside Boomer Lake Park during the event, but free parking will be available at Stillwater High School stadium and Cimarron Plaza. The City will continue to share event details on social media and online at Stillwater.org/boomerblast.
- Mayor Joyce announced that the Waste and Recycling Workers Week will be June 17-23. This week long celebration recognizes the hard work and dedication shown by the men and women of the waste and recycling industry. This year's theme is "We ARE Professionals." Their jobs require technical experience, certifications and licensing that many people do not expect for a profession in solid waste. We greatly appreciate our waste and recycling workers who provide a necessary service for the health and safety of our community.

i. Discussion about scheduling items for future meetings.

MOTION BY MAYOR JOYCE, SECOND BY COUNCILOR CLARK TO RECESS THE STILLWATER CITY COUNCIL MEETING AT 7:21 P.M.

ROLL CALL VOTE: JOYCE-YEA, DZIALOWSKI-YEA, HAWKINS-YEA, CLARK-YEA, HARDIN-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

Stillwater City Council meeting recessed at 7:21 p.m. to convene Stillwater Utilities Authority meeting.

Stillwater City Council reconvened at 7:22 p.m.

12. EXECUTIVE SESSION

- a. Confidential communication to discuss labor negotiations with Fraternal Order of Police Lodge #102.
- b. Confidential communication to discuss labor negotiations with International Association of Firefighters Local #2095.
- c. Confidential communication regarding pending litigation concerning *Sandra Groshong vs. City of Stillwater, Payne County District Court Case No. CJ-2020-455*.

MOTION BY COUNCILOR CLARK, SECOND BY VICE MAYOR DZIALOWSKI TO ENTER INTO EXECUTIVE SESSION AT 7:22 P.M.

ROLL CALL VOTE: JOYCE-YEA, DZIALOWSKI-YEA, HAWKINS-YEA, CLARK-YEA, HARDIN-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

13. RETURN FROM EXECUTIVE SESSION

MOTION BY VICE MAYOR DZIALOWSKI, SECOND BY COUNCILOR CLARK TO RECONVENE THE STILLWATER CITY COUNCIL MEETING AT 8:52 P.M.

ROLL CALL VOTE: JOYCE-YEA, DZIALOWSKI-YEA, HAWKINS-YEA, CLARK-YEA, HARDIN-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

- a. Possible action regarding labor negotiations with Fraternal Order of Police Lodge #102.

MOTION BY COUNCILOR HAWKINS, SECOND BY VICE MAYOR DZIALOWSKI TO AUTHORIZE STAFF TO PROCEED WITH FOP NEGOTIATIONS AS DISCUSSED.

ROLL CALL VOTE: JOYCE-YEA, DZIALOWSKI-YEA, HAWKINS-YEA, CLARK-YEA, HARDIN-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

- b. Possible action regarding labor negotiations with International Association of Firefighters Local #2095, including possible action to approve the FY24 Collective Bargaining Agreement.

MOTION BY COUNCILOR CLARK, SECOND BY COUNCILOR HAWKINS TO AUTHORIZE STAFF TO PROCEED WITH FINALIZING THE FY24 COLLECTIVE BARGAINING AGREEMENT BASED ON THE NEGOTIATED TERMS.

ROLL CALL VOTE: JOYCE-YEA, DZIALOWSKI-YEA, HAWKINS-YEA, CLARK-YEA, HARDIN-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

- c. Possible action regarding pending litigation concerning *Sandra Groshong vs. City of Stillwater, Payne County District Court Case No. CJ-2020-455*.

MOTION BY COUNCILOR HARDIN, SECOND BY COUNCILOR HAWKINS TO AUTHORIZE THE CITY ATTORNEY TO PROCEED AS DIRECTED.

ROLL CALL VOTE: JOYCE-YEA, DZIALOWSKI-YEA, HAWKINS-YEA, CLARK-YEA, HARDIN-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

14. QUESTIONS AND INQUIRIES

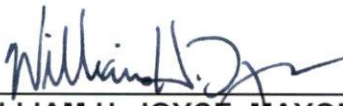
None.

15. ADJOURN

MOTION BY COUNCILOR CLARK, SECOND BY VICE MAYOR DZIALOWSKI TO ADJOURN THE JUNE 5, 2023 REGULAR MEETING OF THE STILLWATER CITY COUNCIL.

ROLL CALL VOTE: JOYCE-YEA, DZIALOWSKI-YEA, HAWKINS-YEA, CLARK-YEA, HARDIN-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

The June 5, 2023 regular meeting of the Stillwater City Council adjourned at 8:53 p.m.



WILLIAM H. JOYCE, MAYOR
STILLWATER CITY COUNCIL



TERESA KADAVY
CITY CLERK