



Together, Investing in Municipal Excellence

CITY COUNCIL MEETING AGENDA

OCTOBER 2, 2023

723 S. Lewis Street, Room 1122 B

Stillwater, OK 74074

5:30 PM

Mayor Will Joyce, Vice Mayor Amy Dzialowski, Councilors Kevin Clark, Christie Hawkins, & Tim Hardin

1. Call Meeting to Order
2. Pledge of Allegiance
3. Proclamations and Presentations

- a. Public Power Week
- b. Fire Prevention Week

4. Consent Docket

Items listed on the consent docket are routine administrative matters that may be approved without discussion. The Council will take action on these items collectively with a single vote. The requested City Council action is indicated for each item listed. Should a Councilor elect to discuss, amend, revise, or table any item listed on the consent docket, the item will be moved to the section of the agenda titled "Items Removed from the Consent Docket" for consideration and possible action. Additionally, a Councilor or the City Manager may simply ask the Mayor to remove an item from the consent docket prior to action by the City Council and no action will be taken on the removed item at this meeting.

a.	Approve regular meeting minutes of September 11, 2023 and special meeting minutes of September 25, 2023		
b.	Accept the following easements from Pi Beta Phi for property located at 324 S Cleveland Street: • General Utility Easement of approximately 174.5 feet along a portion of the north property line • General Utility Easement of approximately	CC-23-150	Jacquelyn Porter

	0.01 acres located near the northwest corner of the structure • Pedestrian easement of approximately 0.01 acres located along the east property line		
c.	Accept a general utility easement located at 724 S Lewis from Stillwater Public Works Authority	CC-23-154	Travis Small

5. Public Comment on Items not Scheduled for Public Hearings

Stillwater City Code, Section 2-53(a) & (b), provides that taxpayers or residents of the city, or their authorized legal representatives, may address the Council at a regularly scheduled meeting on **any item of business listed on the meeting agenda** provided they have submitted a written request prior to the meeting either online at Request to speak form or via the form found in the lobby outside Council chambers prior to meetings.

6. Items Removed from the Consent Docket

Items removed from the consent docket are placed on this section of the agenda for discussion, revision, amendment and/or tabling prior to action by the City Council. The City Council may take action, including a vote or series of votes, on items removed to this section of the agenda after the requested discussion, revision or amendment.

7. Public Hearings

The Council will hear public comments, discuss, and take action including a vote or series of votes on each item listed as presented or as amended by the City Council unless the agenda entry specifically states that no action will be taken.

a.	Receive public comment regarding a request from Stillwater Housing Development Corp for a Map Amendment to rezone property addressed as 716 West 11th Avenue from Small Lot Single-Family Residential (RSS) to Two-Family and Multi-Family District (RTM)	CC-23-151	Jacquelyn Porter
b.	Receive public comment regarding a request for a Specific Use Permit for property located at 716 West 11 th Avenue for construction of 8 Small Lot Single Family Residential units	CC-23-152	Jacquelyn Porter
c.	Receive public comment regarding a request for a specific use permit to use property addressed as 211 North Perkins Road Suite 10 as a medical marijuana dispensary	CC-23-157	Jacquelyn Porter
d.	Receive public comment regarding a request for a	CC-23-153	Jacquelyn Porter

	Text Amendment to the Land Development Code Chapter 23, Land Development Code Article VI, Use Classifications, Division 1, Generally; Section 23-121, Exemptions; Setback for Fences, etc. Projections into Yards, within the Provisions of the Land Development Code		
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8. General Orders

The City Council will hear a staff presentation, discuss, and take action including a vote or series of votes on each item listed as presented or as amended or revised by the City Council unless the agenda entry specifically states that no action will be taken. The requested action is indicated in each agenda entry but may be amended or revised prior to action by the City Council.

a.	Consider selection of Lippert Brothers as Construction Manager at Risk to provide services for the remaining design, bidding, and construction of the new terminal building, parking, and parking access development at Stillwater Regional Airport and authorize Interim City Manager to sign CMAR agreement	CC-23-155	Kellie Reed
b.	Presentation on Energy Savings Projects process (No action will be taken on this item)	CC-23-156	Brady Moore
c.	Consider approval of budget amendment appropriating expenditure of \$600,000 for City Hall chiller replacement (2) and \$500,000 for conversion of indoor City facilities lighting to LED		Brady Moore

9. Resolutions

The City Council will hear a staff presentation, discuss, and take action including a vote or series of votes on each resolution listed as presented or as amended or revised by the City Council.

a.	RESOLUTION CC-2023-33: A RESOLUTION ACKNOWLEDGING CITY COUNCIL AUTHORIZATION AND APPROVAL FOR THE SUBMISSION OF AN APPLICATION FOR FISCAL YEAR 2024 BIPARTISAN INFRASTRUCTURE LAW (BIL) AIRPORT TERMINALS PROGRAM (ATP) FUNDS ADMINISTERED BY THE FEDERAL AVIATION ADMINISTRATION FOR AIRPORT INFRASTRUCTURE IMPROVEMENTS AT STILLWATER REGIONAL AIRPORT AND APPROVING THE ASSOCIATED BUDGET AMENDMENTS FOR THE REQUIRED SPONSOR MATCH	Kellie Reed
b.	RESOLUTION CC-2023-34: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STILLWATER AMENDING RESOLUTION CC-2018-24 APPROVING THE FORMULA FOR DETERMINING THE SALES	Brady Moore

	AND USE TAX INCREMENTS ATTRIBUTABLE TO, OR GENERATED BY, THE HOTEL-CONFERENCE CENTER IN INCREMENT DISTRICT NO. 3, CITY OF STILLWATER, TO BE PAID INTO AN APPORTIONMENT FUND FOR THE PAYMENT OF AUTHORIZED PROJECT COSTS, AND AUTHORIZING SUBMISSION OF AN APPLICATION FOR STATE MATCHING PAYMENTS PURSUANT TO THE OKLAHOMA LOCAL DEVELOPMENT AND ENTERPRISE ZONE INCENTIVE LEVERAGE ACT	
c.	RESOLUTION CC-2023-35: A RESOLUTION OF THE STILLWATER CITY COUNCIL, AS A RECIPIENT OF FINANCIAL ASSISTANCE FROM THE DEPARTMENT OF HOMELAND SECURITY (DHS), ESTABLISHING CIVIL RIGHTS POLICIES TO MEET EXISTING REQUIREMENTS UNDER CIVIL RIGHTS LAWS AND REGULATIONS RELATING TO NONDISCRIMINATION AND NONDISCRIMINATORY USE OF FEDERAL FUNDS	Shelly Crynes

10. Ordinances

The City Council will hear a staff presentation, discuss, and take action including a vote or series of votes on each ordinance listed as presented or as amended or revised by the City Council.

First Read

a.	ORDINANCE NO. 3526: AN ORDINANCE AMENDING STILLWATER CITY CODE BY AMENDING CHAPTER 23, LAND DEVELOPMENT CODE, ARTICLE VI, LAND USE CLASSIFICATIONS, DIVISION 1, GENERALLY, SECTION 23-121, EXEMPTIONS; SETBACKS FOR FENCES, ETC.; PROJECTIONS INTO YARDS; REPEALING ALL ORDINANCES TO THE CONTRARY; AND PROVIDING FOR SEVERABILITY
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11. Reports from Officers and Boards

Announcements and remarks of general interest may be made by Councilors, City Manager or City Attorney. Items of City business that may require discussion or action including a vote or series of votes are listed below.

- a. Miscellaneous items from the City Attorney
- b. Miscellaneous items from the City Manager
- c. Miscellaneous items from the City Council

12. Questions and Inquires

13. Adjourn

On September 28, 2023 at 4:15 P.M., a true and correct copy of this agenda was posted on the kiosk outside City Hall, 723 S Lewis Street, Stillwater, OK.

The City of Stillwater encourages participation from all citizens. If participation at any public meeting is not possible due to a disability, please notify the City Manager's office at least 48 hours prior to the meeting by calling 405.742.8209.

- Meetings are televised on AT&T U-verse channel 99 and Optimum channel 14.
- Find meeting agendas and minutes online at [Agendas and Minutes](#)
- Official minutes are archived in the City Clerk's office.

Strategic Priorities At A Glance



#1 EFFECTIVE SERVICES & ACCOUNTABLE GOVERNMENT

To provide effective services and accountable government by practicing fiscal responsibility, transparency and outstanding customer service.



#2 MOTIVATED MANAGEMENT

To serve with integrity and demonstrate proactive leadership, motivated management and smart planning skills needed to create a better community.



#3 SAFE COMMUNITY

To promote a safe and secure community for all residents through equitable services, enhanced relationships, and responsive care.



#4 CONNECTED SPACES

To develop a strong sense of place by providing opportunities and services, such as transportation, utilities, and parks to best meet the needs of the public.



#5 UNIQUE CULTURE

To cultivate partnerships that enhance the spirit of Stillwater with equal access to services and amenities, strong and connected neighborhoods, and a thriving economy.



#6 ENGAGED & INVESTED RESIDENTS

To encourage participation and an understanding of government through outreach and inclusive initiatives that inspire trust and pride in local government.



Stillwater Public Power Week, October 1-7, 2023

WHEREAS, the residents of Stillwater, Oklahoma, place value on local control of community services and have chosen to operate a community-owned electric utility; and, as customers and owners of this electric utility have a voice in utility operations and policies; and

WHEREAS, Stillwater Electric Utility provides homes, businesses, social service, healthcare, and local government agencies with reliable, efficient, and cost-effective electricity employing sound business practices designed to ensure the best possible service at competitive rates; and

WHEREAS, Stillwater Electric Utility is a valuable community asset that contributes to the well-being of local residents through financial support of the general government, including public safety, transportation, parks, library, and recreation; and

WHEREAS, Stillwater Electric Utility is a dependable and trustworthy institution whose local operation provides many consumer protections and continues to make the community a better place to live and work, and contributes to protecting the global environment; and

WHEREAS, Stillwater Electric Utility will continue to work to bring low cost, safe, reliable electricity to community homes and businesses just as it has since 1901 when the utility was created to serve all Stillwater residents; and

WHEREAS, the Stillwater community joins with more than 2,000 other public power systems in the United States in celebration of public power; and

NOW, THEREFORE, I, William H. Joyce, Mayor of Stillwater, Oklahoma, do hereby proclaim the week of October 1-7, 2023, as Public Power Week to recognize Stillwater Electric Utility for its contributions to the community and the benefits of public power.

WILLIAM H. JOYCE, MAYOR

ATTEST:

TERESA KADAVY, CITY CLERK



Stillwater Fire Prevention Week, October 8-14, 2023

WHEREAS, the City of Stillwater is committed to ensuring the safety and security of all residents and visitors; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk; and

WHEREAS, home fires caused 2,580 civilian deaths in the United States in 2020, according to the National Fire Protection Association® (NFPA®), and fire departments in the United States responded to 356,500 home fires; and

WHEREAS, residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS, Stillwater residents should make sure their smoke and carbon monoxide (CO) alarms meet the needs of all their family members, including those with sensory or physical disabilities; and

WHEREAS, Stillwater first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, the 2023 Fire Prevention Week™, serves to remind residents it is important to have a home fire escape plan.

NOW, THEREFORE, I, William H. Joyce, Mayor of Stillwater, Oklahoma, do hereby proclaim the week of October 8-14, 2023, as Fire Prevention Week and I urge all the people of Stillwater to plan and practice a home fire escape and support public safety activities of Stillwater Fire and emergency services.

WILLIAM H. JOYCE, MAYOR

ATTEST:

TERESA KADAVY, CITY CLERK

**IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING LAW
THE AGENDA WAS POSTED SEPTEMBER 7, 2023 AT 3:34 P.M.
AT THE MUNICIPAL BUILDING, 723 SOUTH LEWIS, STILLWATER, OKLAHOMA**

**MINUTES
STILLWATER CITY COUNCIL
REGULAR MEETING
COUNCIL HEARING ROOM
723 S. LEWIS
SEPTEMBER 11, 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. Constitution Week – Cimarron Chapter of DAR, Jeannie Sneed

Mayor Joyce read the proclamation declaring September 17 -23, 2023 as Constitution Week and Jeannie Sneed with the Cimarron Chapter of DAR accepted the proclamation.

- b. Suicide Prevention and Recovery Awareness Month

Mayor Joyce read the proclamation declaring September 2023 as Suicide Prevention and Recovery month in Stillwater, OK. Amy Garrison, with Grand Mental Health, accepted the proclamation.

- c. Introduction of Stillwater Public Schools' Pioneer Pathfinders – Heather Mitchell, SPS

Heather Mitchell and Kelsey Tate, with Stillwater Public Schools, introduced the Pioneer Pathfinders and discussed their transitional academy for young adults with disabilities ranging from ages 18 to 22 and how it focuses on independent living.

- d. Introduction of citywide communications team

Communications Director Dawn Jones introduced the members from the citywide communications team and discussed the purpose of the team and when they meet. The communications team is made up of personnel from Stillwater Emergency Management, Police, Fire, Payne County Health Department, Stillwater Medical Center, Visit Stillwater, Chamber of Commerce, OSU, Stillwater Public Schools, Meridian Technology Center, Oklahoma Department of Career and Technology and Payne County Election Board.

4. CONSENT DOCKET

- a. Approve regular meeting minutes of August 21, 2023 and executive session minutes of August 21, 2023
- b. Approve budget amendments reflecting receipt and appropriation of \$6,000 in Library Digital Engagement grant funds to Stillwater Public Library
- c. Acknowledge receipt of Stillwater Public Library Trust annual report
- d. Accept the permanent sewer line easement at 1107 S Gray Street that is required for the West College, Eyler and Manhole Rehabilitation Project
- e. Approve budget amendment allocating \$77,000 for purchase of two staff vehicles for Stillwater Fire Department
- f. Approve budget amendment reflecting receipt of grant funds of \$550,000 from Payne County E-911 Board for the Stillwater Police Communications Center Renovation project
- g. Approve award of Bid #53-2023 Stillwater Police Communications Center Renovation to Evans Consoles, Inc. in the amount of \$482,836 and approve budget amendment reflecting expenditure allotment of \$550,000
- h. Approve the Final Plat for Park Valley Addition Section 1
- i. Accept Park Valley Addition Section 1 and Park Valley Lift Station System public improvements
- j. Accept Park Valley lift station warranty deed and easement dedications:
 - General utility easement consisting of 34,800 square feet to connect Section 1 to lift station
 - General sanitary sewer easement for the force main line from lift station to West 26th Avenue consisting of 18,999 square feet
 - General sanitary sewer easement for the gravity line from lift station to Frye Farms subdivision consisting of 24,301 square feet
 - Grant of easement (temporary access) from West 26th Avenue to lift station consisting of 47,779 square feet
- k. Approve budget amendment reflecting the transfer-out of the balance of \$373,056 in the Visitor Tax Fund (prior to Ordinance 3485) to Stillwater Economic Development Authority to fund the "development and maintenance of visitor amenities"
- l. Approve budget amendment reflecting the transfer-out of \$805,000, which is 30% of visitor tax collections for FY23 and projected FY24, from the Visitor Tax Fund to Stillwater Economic Development Authority to fund the "development and maintenance of visitor amenities" as identified in Ordinance 3485
- m. Approve Memorandum of Understanding to provide a framework for the collaboration of FEMA and The City of Stillwater, Oklahoma to carry out their respective roles and responsibilities with respect to Non-financial Direct Technical Assistance under FEMA's Building Resilient Infrastructure and Communities program
- n. Approval of First Amendment to Employment Agreement for City Attorney Kimberly Carnley
- o. Approve Stillwater Police Department's purchase of 86 soft body armor packages from North American Fire Equipment Company for \$103,590.60 under State Contract SW0764 20-25
- p. Approve lease agreement between City of Stillwater and Oklahoma Office of Management & Enterprise Services for the property addressed as 701 E 12th Avenue for the purpose of operating a State of Oklahoma Driver's License Office
- q. Approve the extension of the land lease between Stillwater Regional Airport and the Stillwater Utilities Authority with an annual rent payment of \$14,485.68
- r. Approve budget amendments reflecting receipt and appropriation of \$3,500 donation from Visit Stillwater for complimentary passenger coffee service at Stillwater Regional Airport

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. GENERAL ORDERS

- a. Presentation and discussion of the new Stillwater Comprehensive Plan process, and possible action to approve a contract for professional services with Freese & Nichols

City Planner Jacquelyn Porter stated that staff solicited Request for Qualifications (RFQ) for Strategic Urban Planning Services and six firms submitted RFQ's. A committee of seven made up of four City staff members and community representatives Jana Phillips, Jeremy Bale and Stephen Gose reviewed the submittals. The committee selected four firms to interview. Ms. Porter reported that Freese and Nichols, Inc. was selected due to the demonstration of an outstanding grasp of the unique challenges faced by college towns, the ability to support and teach Stillwater staff, and a clear understanding of the revenue issues for cities in Oklahoma, which are supported primarily by sales tax. She stated that a Professional Services Agreement with Freese and Nichols, Inc. to provide the services of preparing the comprehensive plan and a diagnostic of the City's Land Development Code has been drafted. The timeline is 18 months and the cost is an amount to not exceed \$300,000. Ms. Porter introduced Dawn Warrick with Freese and Nichols.

Ms. Warrick presented the Comprehensive Plan for the City of Stillwater developed by Freese and Nichols and answered Council's questions.

MOTION BY VICE MAYOR DZIALOWSKI, SECOND BY COUNCILOR HAWKINS TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH FREESE AND NICHOLS, INC., FOR THE SERVICES OF PREPARING A COMPREHENSIVE PLAN AND A CODE DIAGNOSTIC FOR A COST NOT TO EXCEED \$300,000, AND AUTHORIZE THE INTERIM CITY MANAGER TO EXECUTE THE ASSOCIATED CONTRACT DOCUMENTS.

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

- b. Presentation, discussion and possible action to adopt the 2023-2027 Strategic Plan

Communications Director Dawn Jones presented the Strategic Plan for 2023-2027 and answered Council's questions.

MOTION BY COUNCILOR HAWKINS, SECOND BY COUNCILOR CLARK TO ADOPT THE CITY OF STILLWATER STRATEGIC PLAN FOR 2023-2027.

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

8. REPORTS FROM OFFICERS & BOARDS

- a. Miscellaneous items from the City Attorney: None.
- b. Miscellaneous items from the City Manager:
 - Interim City Manager Brady Moore announced that if any residents are interested in their utility rates, background information and how rates are

determined, please save the following dates: September 25, City Council meeting to hear findings about the electric and stormwater rate studies and October 2, to hear information about the water and wastewater rate studies. If citizens are unable to attend or watch live on the City of Stillwater YouTube, reruns will be available on our municipal channel, which is AT&T U-verse 99 or Suddenlink 14. The City will have town halls in October with rate study information.

c. Miscellaneous items from the City Council:

- Councilor Hardin stated that September is Fire Appreciation Month. The City greatly appreciates our firefighters and staff with the Stillwater Fire Department for their continued efforts to keep our community safe. The sacrifices they make, as well as their families, is from their sincere commitment to serve. Firemen are typically the first on scene for emergency calls in addition to fire related issues and are always ready to assist other cities, when possible.
- Councilor Clark reminded citizens that there are multiple street and bridge construction projects throughout Stillwater. The City asks that motorists pay careful attention when driving in construction areas, allow additional travel time, and take alternate routes if possible. For more information and updates about these projects, go to: stillwaterok.gov/roads.
- Councilor Hawkins announced that the annual Friends fall book sale at Stillwater Public Library will be September 14 through 17. Funds raised from the book sales pay for summer reading programs, community reading initiatives, new library materials and much more. The library is located at 1107 S. Duck Street. For more information about the book sale, go to: stillwaterok.gov/library.
- Vice Mayor Dzialowski stated that the City is accepting applications for citizen representatives to serve on the Board of Drainage Appeals. This position needs to be filled by someone with knowledge of hydrology, engineering, storm water management or a related field and who have no economic interest in the development or construction industries. If anyone would like to get involved in the local government and help make Stillwater even greater, please consider applying online at: stillwaterok.gov/citizenboards
- Mayor Joyce reminded residents and visitors that it's OSU football season and to please consider taking advantage of the Free Park & Ride Shuttle Service. The City of Stillwater and Oklahoma State University Athletics offer free parking and shuttle service from downtown. The shuttle runs every 30 minutes before and after the game. It begins three hours before the game and runs throughout the post-game. There are more than 500 free parking spots available. The pick-up and drop-off location is at 7th Avenue and Lewis Street.

i. Discussion about scheduling items for future meetings.

9. QUESTIONS & INQUIRIES

None.

10. ADJOURN

MOTION BY COUNCILOR HAWKINS, SECOND BY VICE MAYOR DZIALOWSKI TO ADJOURN THE SEPTEMBER 11, 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 September 11, 2023 regular meeting of the Stillwater City Council adjourned at 6:19 p.m.

WILLIAM H. JOYCE, MAYOR
STILLWATER CITY COUNCIL

TERESA KADAVY
CITY CLERK

DRAFT

**IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING LAW
THE AGENDA WAS POSTED SEPTEMBER 21, 2023 AT 4:53 P.M.
AT THE MUNICIPAL BUILDING, 723 SOUTH LEWIS, STILLWATER, OKLAHOMA**

**MINUTES
STILLWATER CITY COUNCIL
SPECIAL MEETING
COUNCIL HEARING ROOM
723 S. LEWIS
SEPTEMBER 25, 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. GENERAL ORDERS

- a. Presentation and discussion of Electric Utility Rate Study results and recommendations

Electric Utility Director Loren Smith reported that in October, 2022, Trustees approved staff to enter an electric cost of service/rate design agreement with LM Vedder Consulting. The rate study has been completed and LM Vedder will present data and recommendations for consideration. Mr. Smith introduced Lisa Vedder, LM Vedder Consulting.

Lisa Vedder, LM Vedder Consulting, gave a brief history of her background and experience. She presented the history of SUA electric rates, key events since the last study, overview of the study, rate design, study results and her recommendations. Ms. Vedder answered Council's questions.

Mr. Smith reminded residents of the future dates for the town hall meetings regarding the electric utility rates.

- b. Presentation and discussion of Stormwater Rate Study results and recommendations

Watershed Quality Manager Zack Henson started his presentation by defining stormwater. He then presented the drainage fee history, current rates, stormwater needs, rate calculations, potential fee adjustments and the recommendation. Mr. Henson answered Council's questions.

3. REPORTS FROM OFFICERS & BOARDS

- a. Miscellaneous items from the City Attorney: None.
- b. Miscellaneous items from the City Manager:
- Interim City Manager Brady Moore reported that this evening Council heard the utility rate study information regarding electric and stormwater. Please join us October 2 for the rate study information about water and wastewater. The Council meetings and study sessions are available on the City of Stillwater YouTube and meetings are replayed on our municipal channel, AT&T U-verse 99 or Suddenlink 14. There will be online town halls to receive feedback and have discussion with our community members in October. On the 10th will be

electric and on the 12th will be water, wastewater, and stormwater. For more information, please go to stillwaterok.gov.

c. Miscellaneous items from the City Council:

- Councilor Hardin stated that the City is accepting applications for a citizen representative to fill the electrical trade position on the Building Trades Board. The board consists of five members who are employed as an architect, engineer, general building contractor, or as a person licensed by the City in one of the trades. Board members must have the ability to attend hearings convened with a minimum of 48 hour notice. The board is empowered by ordinances of the building codes to serve as the appeal body for those codes. It also serves as a review board for other matters concerning building construction such as licensing practices, code adoptions and amendments. The term is three years. If anyone would like to get involved in their local government and help make Stillwater even greater, please consider applying online at: Stillwaterok.gov/citizenboards.
- Councilor Clark reminded residents that there are multiple street and bridge construction projects throughout Stillwater. The City asks that motorists pay careful attention when driving in construction areas, allow additional travel time, and take alternate routes if possible. For the latest updates and additional information including new projects go to: stillwaterok.gov/roads.
- Councilor Hawkins announced that its OSU Football season so please consider taking advantage of the Free Park & Ride Shuttle Service. The City of Stillwater and Oklahoma State University Athletics offer free parking and shuttle service from downtown. The shuttle runs every 30 minutes before and after the game. It begins three hours before the game and runs throughout the post-game. There are more than 500 free parking spots available. The pick-up and drop-off location is at 7th Avenue and Lewis Street. Save money, beat the rush, park downtown, and GO POKES.
- Vice Mayor Dzialowski announced that there is a Citizen Request Tracker on the City's new website. This is an avenue for residents to report concerns regarding drainage and flooding, street light outages, trash collection issues, animal control requests, and much more. Please consider using this system to let our employees know concerns that need to be checked out and possibly repaired. To get started go to: stillwaterok.gov/report.
- Mayor Joyce stated that the City of Stillwater Electric Utility department sent a team of apprentices to the 2023 MESO (Municipal Electric Systems of Oklahoma) Lineworkers Rodeo earlier this month. The annual event, which was hosted in Bentonville, Arkansas this year, is designed to foster friendly competition with municipalities all over Oklahoma and Arkansas. This event helps in many ways. It helps strengthen professional relationships and promote mutual aid for collaboration with major weather emergencies. Also, teams observe practices of other municipalities in real-life situations to improve and ensure safety in their craft. Congratulations to the Stillwater Lineworkers Rodeo Team on winning several events. The team included: Barrett Matheson, Jason Ley, AJ Hill, and Case Mutz. The City appreciates all of our lineworkers for their continuous efforts to install, repair, and restore power. Their skilled service is vital for all of us.

i. Discussion about scheduling items for future meetings.

4. QUESTIONS & INQUIRIES

None.

5. ADJOURN

MOTION BY COUNCILOR CLARK, SECOND BY VICE MAYOR DZIALOWSKI TO ADJOURN THE SEPTEMBER 25, 2023 SPECIAL 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 September 25, 2023 special meeting of the Stillwater City Council adjourned at 7:11 p.m.

**WILLIAM H. JOYCE, MAYOR
STILLWATER CITY COUNCIL**

**TERESA KADAVY
CITY CLERK**

REPORT TO: CITY COUNCIL

MEETING DATE: OCTOBER 2, 2023



Agenda Item:	4.b. CC-23-150
Previous/Related Action:	
Background/Issue:	Oklahoma Beta of Pi Beta Phi owns the property located at 324 South Cleveland Street where they are constructing a new house. Pi Beta Phi Chapter would like to dedicate two general utility easements and one pedestrian easement. • General Utility Easement running along a portion of the north property line approximately 174.5 feet for 0.04 acres. • General Utility Easement located near the northwest corner of the structure approximately 0.01 acres • Pedestrian easement located along the east property line approximately 0.01 acres.
Proposal/Solution:	Staff recommends acceptance of the dedicated easements.
Financial Source/Impact:	There are no additional financial impacts from the acceptance of these improvements and easements.
Related Strategic Priority:	#4 CONNECTED SPACES
Recommended Action/Motion:	Motion to accept the easement dedications.
Prepared By:	Jacquelyn Porter, Planner
Reviewed By:	Patti Osmus
Submitted By:	Brady Moore, Interim City Manager

Attachments

None

REPORT TO: CITY COUNCIL

MEETING DATE: OCTOBER 2, 2023



Agenda Item:	4.c. CC-23-154
Previous/Related Action:	• SUA-20-40: Task Order (TO) with Gose and Associates for utility engineering services • CC-20-43: Master Services Agreement (MSA) with Gose and Associates for pavement management services • CC-20-129: FY20 Pavement Management Plan
Background/Issue:	• In order to construct improvements on 7th Avenue from Main Street to Lewis Street, an existing ONG gas line in conflict with the project must be relocated. Either right-of-way or a utility easement is needed to provide sufficient room for relocation of the gas line.
Proposal/Solution:	• The Stillwater Public Works Authority (SPWA) owns property currently utilized as a parking lot, which is located immediately adjacent to the proposed ONG relocation. • Staff has investigated creation of a public utility easement along the SPWA property, which could both accommodate ONG relocations as well as other utilities as required. • Staff has prepared documents for execution by the SPWA and the City Council for the required easement listed below: • General Utility Easement 724 South Lewis Street
Financial Source/Impact:	Other than minor filing fees, there are no financial impacts.
Related Strategic Priority:	#4 CONNECTED SPACES
Recommended Action/Motion:	Motion to accept the general utility easement listed above and authorize the Mayor to execute the easement documents.
Prepared By:	Travis Small
Reviewed By:	Patti Osmus
Submitted By:	Brady Moore, Interim City Manager

Attachments

1. CC-23-154 SPWA-23-02 Attachment

GENERAL UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned certifies that **Stillwater Public Works Authority**, hereinafter called the "Grantor," owns and possesses all rights, title, and interest to the following described real property situated in Payne County, State of Oklahoma, to-wit:

"A TRACT OF LAND THAT IS A PART OF LOTS ONE (1) THROUGH TWELVE (12), BLOCK TWENTY-NINE (29), "ORIGINAL TOWN PLAT OF STILLWATER", AN ADDITION TO THE CITY OF STILLWATER, PAYNE COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF".

and further that the Grantor, its successors and assigns, in consideration of the sum of Zero Dollars (\$0.00), in hand paid and other good and valuable consideration, does hereby grant, bargain, sell, and convey unto **the City of Stillwater, Oklahoma**, hereinafter called the "Grantee," its successors and assigns, a General Utility Easement through, over, under, and across the portions of the following described real estate:

BEGINNING AT THE NORTHWEST CORNER OF SAID BLOCK 29; THENCE NORTH 89°33'59" EAST AND ALONG THE NORTH LINE OF BLOCK 29, FOR A DISTANCE OF 15.00 FEET; THENCE SOUTH 0°26'01" EAST FOR A DISTANCE OF 300.00 TO A POINT ON THE SOUTH LINE OF BLOCK 29; THENCE SOUTH 89°33'59" WEST AND ALONG SAID SOUTH LINE FOR A DISTANCE OF 15.00 FEET TO THE SOUTHWEST CORNER OF BLOCK 29; THENCE NORTH 0° 26'01" WEST AND ALONG THE WEST LINE OF BLOCK 29 FOR A DISTANCE OF 300.00 FEET TO THE POINT OF **BEGINNING**;
SAID TRACT CONTAINING 4,500 SQUARE FEET OR 0.103 ACRES.

hereinafter called the "Subject Property,"

with the right of ingress and egress for the purpose of permitting Grantee to construct, operate, build, maintain, repair, expand and replace utilities and associated facilities, connections, and appurtenances, through, over, under, and across the Subject Property, including all right, title and interest in and to any soil, earthen material, fixture and appurtenances within the boundary of the Subject Property.

Except as herein granted, the Grantor shall continue to have the full use and enjoyment of the Subject Property. At no time shall the Grantor commit a use, occupation or enjoyment thereof that might cause a hazardous condition and no building, structure or obstruction shall be located or constructed on the Subject Property.

STILLWATER PUBLIC WORKS AUTHORITY,
GRANTOR:

WILLIAM H. JOYCE, CHAIR
STILLWATER PUBLIC WORKS AUTHORITY

STATE OF OKLAHOMA)
) ss.
COUNTY OF PAYNE)

Before me, a Notary Public in and for said County and State on this ____ day of _____, 2023, personally appeared, WILLIAM H. JOYCE, to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its CHAIR, and acknowledged to me that he executed the same as his free and voluntary act and deed of the Stillwater Public Works Authority for the uses and purposes therein set forth.

Given under my hand and seal the day and year last above written.

NOTARY PUBLIC

My Commission Expires:
My Commission Number:

(SEAL)

STATE OF OKLAHOMA)
) ss.
COUNTY OF PAYNE)

NOW, on this _____ day of _____, 2023, the City Council of the City of Stillwater, State of Oklahoma, a municipal corporation, acting for and in behalf of said municipal corporation, during an open meeting, does hereby approve and accept from the named Grantor this General Utility Easement and directs the Mayor and Clerk of said City of Stillwater to indicate the same by their signatures and seal of the City of Stillwater, State of Oklahoma.

WILLIAM H. JOYCE, MAYOR
CITY OF STILLWATER, OKLAHOMA

(SEAL)

ATTEST:

TERESA KADAVY, CITY CLERK
CITY OF STILLWATER, OKLAHOMA

Approved as to form and legality this _____ day of _____, 2023.

KIMBERLY CARNLEY, CITY ATTORNEY
CITY OF STILLWATER, OKLAHOMA

Exhibit "A"
Lot 1-12, Block 29
Original Town Plat of Stillwater
Stillwater Public Works Authority

Description

A TRACT OF LAND THAT IS A PART OF LOTS ONE (1) THROUGH TWELVE (12) , BLOCK TWENTY-NINE (29), "ORIGINAL TOWN PLAT OF STILLWATER", AN ADDITION TO THE CITY OF STILLWATER, PAYNE COUNTY, STATE OF OKLAHOMA, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF SAID BLOCK 29; THENCE NORTH 89°33'59" EAST AND ALONG THE NORTH LINE OF BLOCK 29, FOR A DISTANCE OF 15.00 FEET; THENCE SOUTH 0°26'01" EAST FOR A DISTANCE OF 300.00 TO A POINT ON THE SOUTH LINE OF BLOCK 29; THENCE SOUTH 89°33'59" WEST AND ALONG SAID SOUTH LINE FOR A DISTANCE OF 15.00 FEET TO THE SOUTHWEST CORNER OF BLOCK 29; THENCE NORTH 0°26'01" WEST AND ALONG THE WEST LINE OF BLOCK 29 FOR A DISTANCE OF 300.00 FEET TO THE POINT OF BEGINNING;
SAID TRACT CONTAINING 4,500 SQUARE FEET OR 0.103 ACRES.

Basis of Bearings

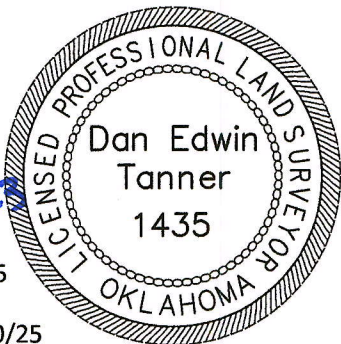
THE BEARINGS SHOWN HEREON ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE (3501), NORTH AMERICAN DATUM 1983 (NAD83).

Certification

I, DAN E. TANNER, OF TANNER CONSULTING, LLC, CERTIFY THAT THE ATTACHED DESCRIPTION CLOSES IN ACCORD WITH EXISTING RECORDS, IS A TRUE REPRESENTATION OF THE EASEMENT AS DESCRIBED, AND MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING OF THE STATE OF OKLAHOMA.


6.26.2023

DAN E. TANNER, P.L.S.
OKLAHOMA P.L.S. #1435
OKLAHOMA CA #2661
EXPIRATION DATE: 6/30/25



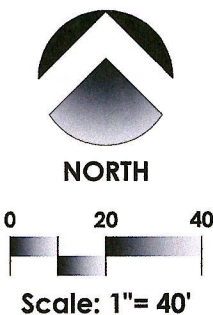
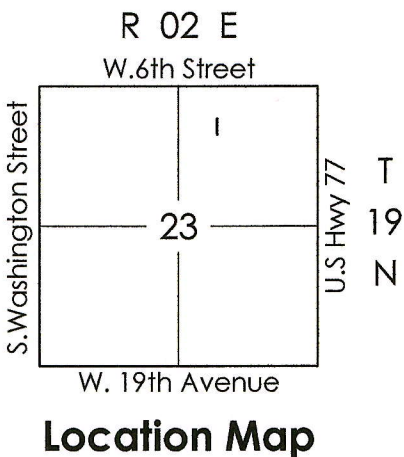
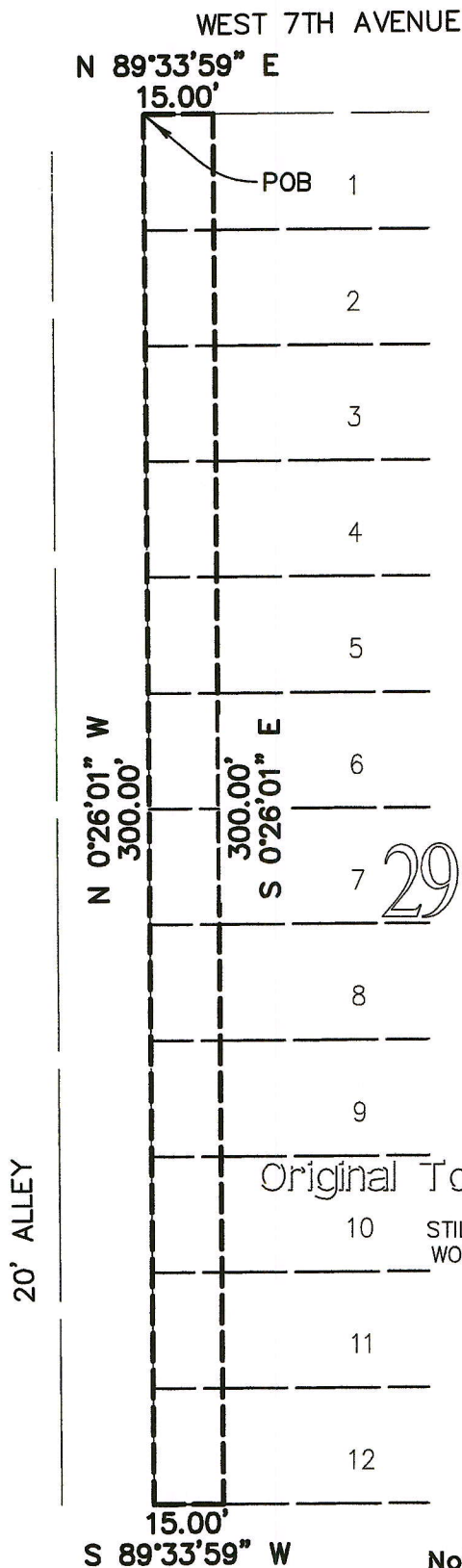
Parcel ID: 600025953

Proposed 15' Easement

0.103 ACRES SITUATED IN THE STILLWATER PUBLIC WORKS
AUTHORITY PROPERTY

 **Tanner Consulting LLC**
5323 SOUTH LEWIS AVENUE, TULSA OKLAHOMA 74105-6639 | 918.745.9929

Exhibit "A"
Lot 1-12, Block 29
Original Town Plat of Stillwater
Stillwater Public Works Authority



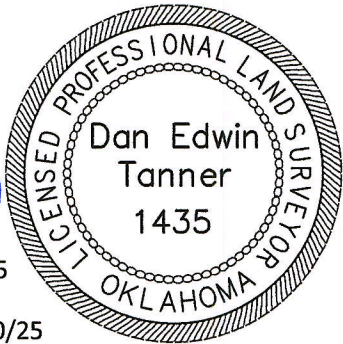
Original Town of Stillwater
STILLWATER PUBLIC
WORKS AUTHORITY

Notes

1. THE BEARINGS SHOWN HEREON ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE (3501), NORTH AMERICAN DATUM 1983 (NAD83)
2. THIS IS AN EASEMENT DRAWING AND IS NOT INTENDED TO REPRESENT A BOUNDARY SURVEY.
3. TITLE RESEARCH PERFORMED BY OTHERS.

Dan E. Tanner
3.26.2023

DAN E. TANNER, P.L.S.
OKLAHOMA P.L.S. #1435
OKLAHOMA CA #2661
EXPIRATION DATE: 6/30/25



Parcel ID: 600025953

Proposed 15' Easement

0.103 ACRES SITUATED IN THE STILLWATER PUBLIC WORKS
AUTHORITY PROPERTY

Tanner Consulting LLC
5323 SOUTH LEWIS AVENUE, TULSA OKLAHOMA 74105-6539 | 918.745.9929

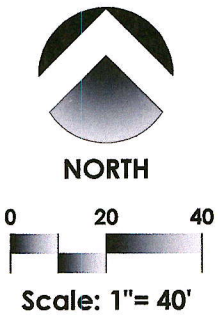
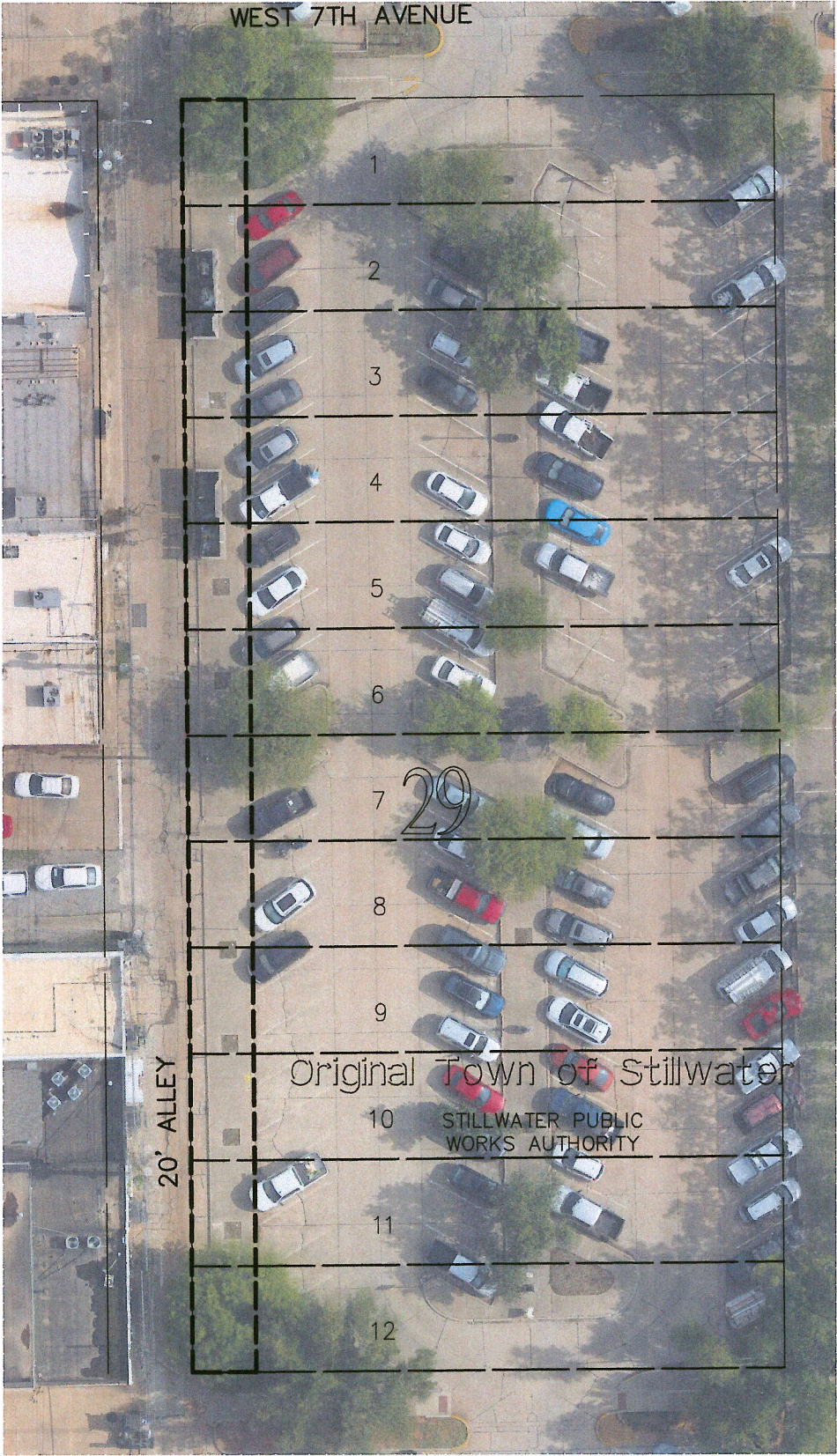
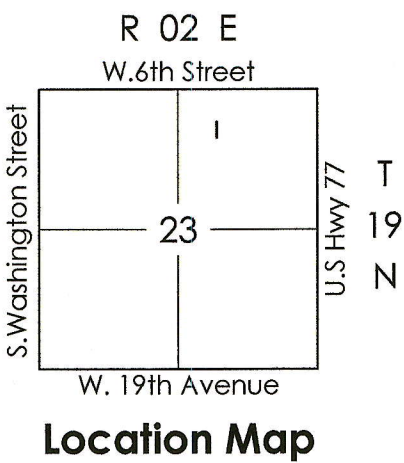
PROPOSED EASEMENT AREA: 4,500 SQUARE FEET /0.103 ACRES
CENTERLINE LENGTH: 300 FEET / 18.2 RODS

Aerial Exhibit

Lot 1-12, Block 29

Original Town Plat of Stillwater

Stillwater Public Works Authority



PROPOSED EASEMENT AREA: 4,500 SQUARE FEET /0.103 ACRES
 CENTERLINE LENGTH: 300 FEET / 18.2 RODS

PAGE 1 OF 1 | 08/25/2023 MISOKARIARI 23169EX_ESMT

Parcel ID: 600025953

Proposed 15' Easement

0.103 ACRES SITUATED IN THE STILLWATER PUBLIC WORKS
 AUTHORITY PROPERTY

Tanner Consulting LLC
 5323 SOUTH LEWIS AVENUE, TULSA OKLAHOMA 74105-6539 | 918.745.9929

REPORT TO: CITY COUNCIL

MEETING DATE: OCTOBER 2, 2023



Agenda Item:	7.a. CC-23-151
Previous/Related Action:	September 12, 2023 Planning Commission Report
Background/Issue:	• The applicant requests review and approval of a Map Amendment to rezone the property addressed as 716 West 11th Avenue from Small Lot Single-Family Residential (RSS) to Two-Family and Multi-Family District (RTM). • The subject property is located on the southwest side of Stillwater on the northeast corner of the intersection of West 11th Avenue and South Ramsey Street. • The subject property is part of the Duncan Addition plat and is currently a vacant area. • The applicant is requesting rezoning to RTM to allow for multiple small residential units to be developed on the property.
Proposal/Solution:	Planning Commission recommended approval with a 5-0 vote based upon the following findings: • The Land Development Code allows for rezoning of land via Map Amendments. • Two-Family and Multi-Family District (RTM) zoning is located in the vicinity. • The Comprehensive Plan calls for Low Density use at the property's location.
Financial Source/Impact:	None
Related Strategic Priority:	#4 CONNECTED SPACES #5 UNIQUE CULTURE
Recommended Action/Motion:	Motion to accept the Planning Commission recommendation and approve the Map Amendment for the property located at 716 West 11 th Avenue.
Prepared By:	Jacquelyn Porter, Planner
Reviewed By:	Patti Osmus
Submitted By:	Brady Moore, Interim City Manager

Attachments

1. CC-23-151 Attachment I
2. CC-23-151 Attachment II
3. CC-23-151 Attachment III



Stillwater. OKLAHOMA
stillwaterok.gov

Project Type: MA23-04 – Map Amendment
Request: Rezone from RSS to RTM
Address: 716 West 11th Avenue
Applicant: Stillwater Housing Development Corporation

ZONING COMPARISON CHART		
	RSS (Residential Single Family Small Lot)	RTM (Residential Two-family and Multi-family)
Min Lot Size	5000 square feet	20,000 square feet
Min Lot Width/Depth	50/100 feet	100/130 feet
Max Structure Height	35 feet	35 feet
Min Front Yard	20 feet/10 feet from alley	20 feet/10 feet from alley
Corner lot optional setback	Front: 20 feet Street Side: 15 feet	N/A
Min Side Yard - boundary with:		
Residential district	5 feet	5 feet
Commercial district	15 feet	15 feet
Industrial district	15 feet	15 feet
Min Rear Yard - boundary with:		
Residential district	20 feet	20 feet
Any other district	20 feet	20 feet
Max Lot Coverage	No max limit	40 percent
Landscaping/Screening (earth berms, shrubs, fences, decorative man-made materials, trees)	No requirements	Required for parking lots only
Permitted Uses by Right (Uses in <i>italic</i> are allowed in both zoning districts)	• Conventional single-family • Residential design manufactured homes	• Boarding House/Rooming House • Church and Religions Institutions • Multiple-family with a maximum gross density of 20 units per acre • Townhome • Two-family (duplex)

**STILLWATER PLANNING COMMISSION SUMMARY
REGULAR MEETING OF SEPTEMBER 12, 2023
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING
LAW, THE AGENDA WAS POSTED September 5, 2023 IN THE
MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET**

MEMBERS PRESENT

Jana Phillips, Chair
Mark Prather, Vice Chair
Mike Shanahan, Member
Riley Williams, Member
Andrew Van Leuven, Member

STAFF PRESENT

Kim Payne, Sr. Assistant City Attorney
Jeff Mathews, Comm. Dev. Director
Jacquelyn Porter, City Planner
Diana Hood, Associate City Planner
Cindy Gibson, Administrative Services

MEMBERS ABSENT

None

1. PUBLIC HEARING

- b. Stillwater Housing Development Corporation, MAP AMENDMENT (MA23-04), consideration, discussion, and possible action, including recommending approval or denial to rezone approximately 0.49 acres of property addressed as 716 West 11th Avenue from Small Lot Single-Family Residential (RSS) to Two-Family and Multi-Family District (RTM). Diana Hood, Associate City Planner presents the item and asks if there are any questions for staff.

Chair Phillips introduces the item and asks staff to present.

Jacquelyn Porter, City Planner, presents the item and asks if there are any questions for staff; none response.

Chair Phillips open public hearing and asked for the applicant or representative to speak.

Roger Gose, 1120 East Connell, Chair of the Stillwater Housing Development Corporation, which is owned by the Stillwater Housing Authority. Mr. Gose presents the proposed project of eight small one bed room housing units and the Housing Development Corporation would own them all, the Development Corporation would maintain it, the property, and the grounds and asked if there were any questions.

Chair Phillips asked the location of the floodplain on the property.

Mr. Gose stated that the floodplain is located in the southwest corner of the property; and the proposed developed site will be shaped in a L around the floodplain leaving that area as open area.

Chair Phillips asked for anyone would like to speak in favor of the item; none responded. Chair Phillips asked if anyone would like to speak in opposition of the item. Janet Verner was on the sign sheet for this item.

Janet Verner, 708 West 11th Avenue and owns 706 West 11th Avenue. She did not want apartment and came to obtain more information on the project.

Chair Phillips described the proposed project that was presented to them in the packet.

Chair Phillips closed the public hearing and asks staff to present findings and alternatives.

Jacquelyn Porter presents the finding and alternatives which are:

Findings:

1. The Land Development Code allows for rezoning of land via Map Amendments.
2. Two-Family and Multi-Family District (RTM) zoning is located in the vicinity area.
3. The Comprehensive Plan calls for Low Density use at the property's location.

Alternatives:

1. Accept findings and recommend that the City Council approve the proposed map amendment as presented.
2. Find that the map amendment is not an appropriate use for the property based upon the impacts to the surrounding vicinity and do not recommend that the City Council approve the map amendment.
3. Find that additional information or discussion is needed prior to making a recommendation and table the request to a certain date.

Chair Phillips commented that what was present on the next item on the agenda, it looks like it would be nice addition and it keeps the character of the scale of homes in the neighborhood. It would be nice to see new homes would be a positive.

Commissioner Shanahan, agreed with Chair Phillips, stating it being an intelligent infill.

Commissioner Williams motions to accept the findings and recommend that the city council approve the proposed Map Amendment as presented; Commissioner Shanahan seconds the motion.

Roll Call:	Phillips	Shanahan	Prather	Williams	Van Leuven
	Yes	Yes	Yes	Yes	Yes

Time: 10 minutes

ADJOURNMENT. This regular meeting of the Stillwater Planning Commission was called for adjournment by Commissioner Williams, seconded by Vice Chair Prather at approximately 6:14 PM on September 12, 2023 with all members present in agreement, - the next regularly scheduled meeting will be held Tuesday, September 19, 2023 at 5:30 p.m. in the City Commission Hearing Room, Municipal Building, 723 South Lewis Street.

Prepared by – Jacquelyn Porter, City Planner

Approved by - _____
Stillwater Planning Commission

REPORT TO: CITY COUNCIL

MEETING DATE: OCTOBER 2, 2023



Agenda Item:	7.b. CC-23-152
Previous/Related Action:	September 12, 2023 Planning Commission meeting (SUP23-06) Planning Commission Report
Background/Issue:	• The applicant requests review and approval of a Specific Use Permit to allow conventional single family homes in the Two-Family and Multi-Family District (RTM) at the property addressed as 716 West 11th Avenue. • The subject property is located on the southwest side of Stillwater, on the northeast corner of the intersection of West 11th Avenue and South Ramsey Street as part of the Duncan Addition plat and is currently a vacant area. • The applicant is requesting a specific use permit to allow conventional single family structures in a RTM zoned district. The conceptual plans show 8 one bedroom smaller single family homes on the subject site. Section 23-139.e.4 allows for more than one principal residential structure on a lot in the RTM zoned district.
Proposal/Solution:	The Planning Commission recommended approval of the SUP request with 5-0 vote based upon the following findings: 1. The Land Development Code allows the use of conventional single family homes in Two-Family and Multi-Family District (RTM) with specific use permit. 2. Section 23-139.e.4 allows for more than one principal residential structure on a lot. 3. The Comprehensive Plan calls for Low Density use at the property's location.
Financial Source/Impact:	None
Related Strategic Priority:	#2 MOTIVATED MANAGEMENT #5 UNIQUE CULTURE
Recommended Action/Motion:	Motion to accept the Planning Commission's recommendation and approve the Specific Use Permit for property located at 716 West 11 th Avenue.

Prepared By:	Jacquelyn Porter, Planner
Reviewed By:	Patti Osmus
Submitted By:	Brady Moore, Interim City Manager

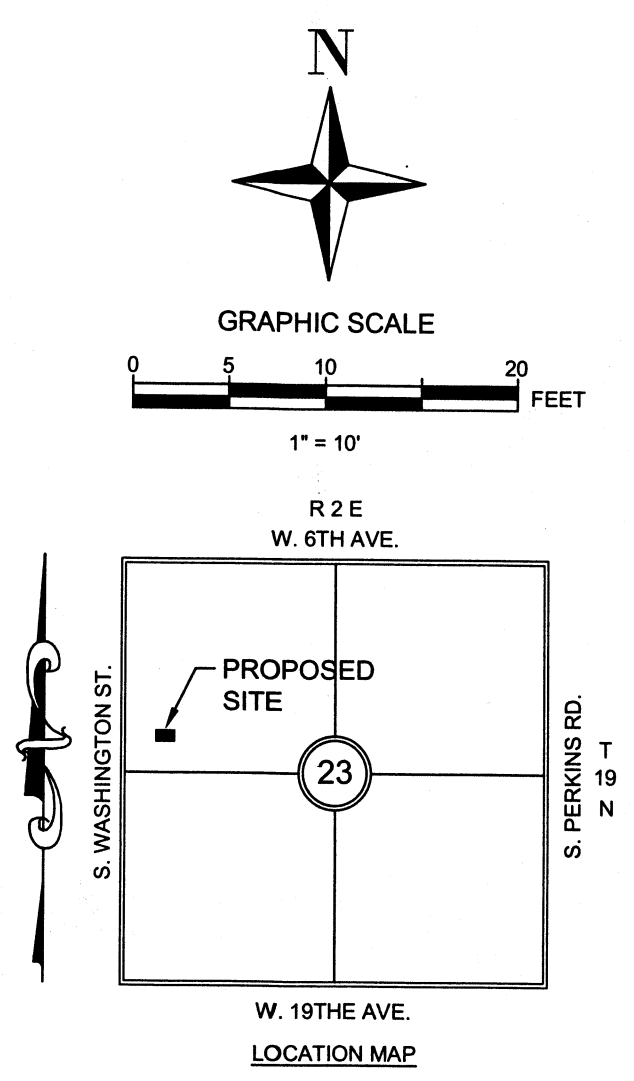
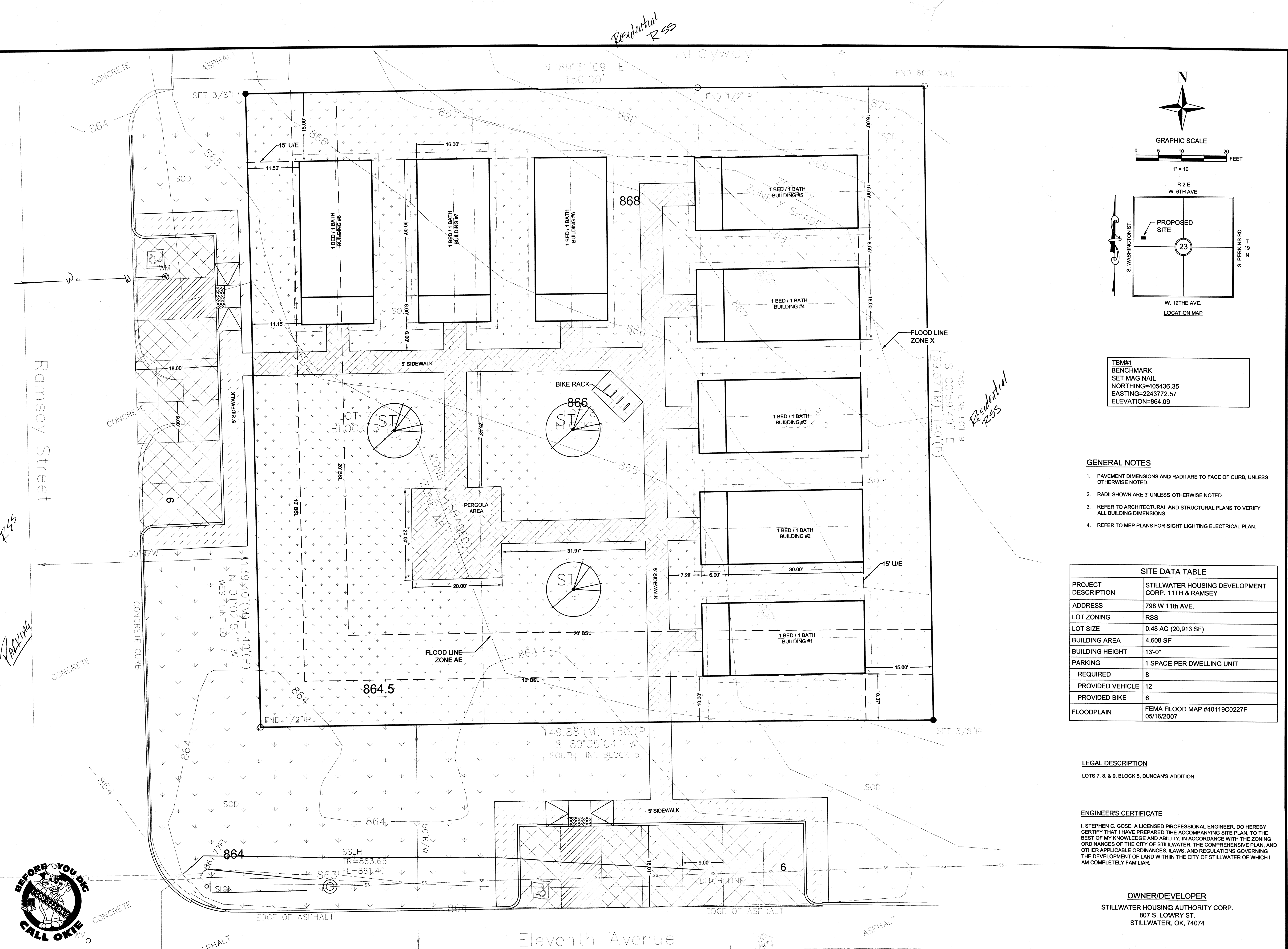
Attachments

1. CC-23-152 Attachment I
2. CC-23-152 Attachment II
3. CC-23-152 Attachment III
4. CC-23-152 Attachment IV



Stillwater OKLAHOMA
stillwaterok.gov

Project Type: SUP23-06
Request: Specific Use Permit
Address: 716 W. 11th Ave.
Applicant: Stillwater Housing Development Corporation



TBM#1
BENCHMARK
SET MAG NAIL
NORTHING=405436.35
EASTING=2243772.57
ELEVATION=864.09

- GENERAL NOTES**
- PAVEMENT DIMENSIONS AND RADII ARE TO FACE OF CURB, UNLESS OTHERWISE NOTED.
 - RADII SHOWN ARE 3' UNLESS OTHERWISE NOTED.
 - REFER TO ARCHITECTURAL AND STRUCTURAL PLANS TO VERIFY ALL BUILDING DIMENSIONS.
 - REFER TO MEP PLANS FOR SIGHT LIGHTING ELECTRICAL PLAN.

SITE DATA TABLE	
PROJECT DESCRIPTION	STILLWATER HOUSING DEVELOPMENT CORP. 11TH & RAMSEY
ADDRESS	798 W 11th AVE.
LOT ZONING	RSS
LOT SIZE	0.48 AC (20,913 SF)
BUILDING AREA	4,608 SF
BUILDING HEIGHT	13'-0"
PARKING	1 SPACE PER DWELLING UNIT
REQUIRED	8
PROVIDED VEHICLE	12
PROVIDED BIKE	6
FLOODPLAIN	FEMA FLOOD MAP #40119C0227F 05/16/2007

LEGAL DESCRIPTION
LOTS 7, 8, & 9, BLOCK 5, DUNCAN'S ADDITION

ENGINEER'S CERTIFICATE
I, STEPHEN C. GOSE, A LICENSED PROFESSIONAL ENGINEER, DO HEREBY CERTIFY THAT I HAVE PREPARED THE ACCOMPANYING SITE PLAN, TO THE BEST OF MY KNOWLEDGE AND ABILITY, IN ACCORDANCE WITH THE ZONING ORDINANCES OF THE CITY OF STILLWATER, THE COMPREHENSIVE PLAN, AND OTHER APPLICABLE ORDINANCES, LAWS, AND REGULATIONS GOVERNING THE DEVELOPMENT OF LAND WITHIN THE CITY OF STILLWATER OF WHICH I AM COMPLETELY FAMILIAR.

OWNER/DEVELOPER
STILLWATER HOUSING AUTHORITY CORP.
807 S. LOWRY ST.
STILLWATER, OK, 74074

Gose & Associates

THIS DOCUMENT IS PRELIMINARY AND NOT FOR CONSTRUCTION. A FINAL, SEALED, AND SIGNED COPY MUST BE PROVIDED TO THE CITY OF STILLWATER FOR REVIEW AND APPROVAL. PREPARED BY: STEPHEN C. GOSE, P.E. OK P.E. # 2140 DATE: 01/15/2021

JOB NUMBER: SHDC 11TH & RAMSEY
DATE: 01/15/2021
SCALE: AS SHOWN

SITE PLAN

STILLWATER HOUSING DEVELOPMENT CORP. 11TH & RAMSEY SITE

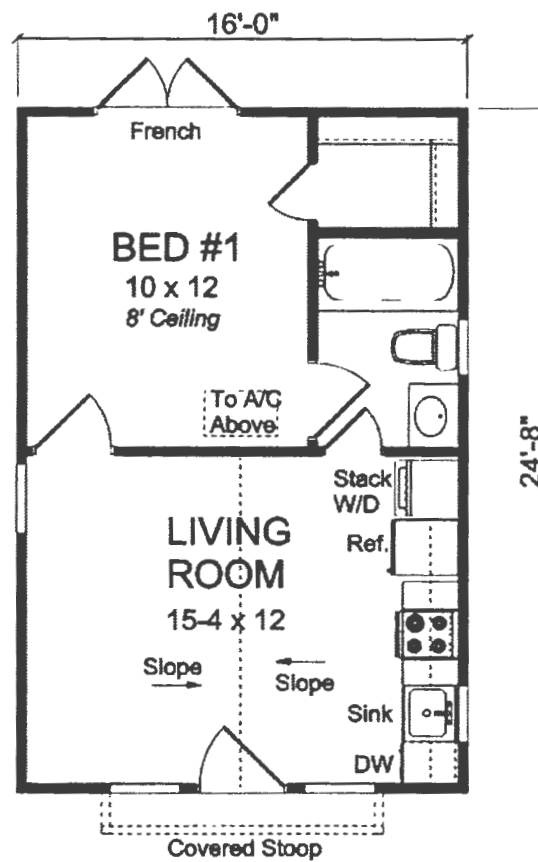
SHEET NUMBER: C2.0





- Smart Side or Brick exterior walls
- Composition shingles
- Concrete slab on grade

RECEIVED
08/17/03
SUP3306



#24388 **Floor Plan**
Eastcreek

**STILLWATER PLANNING COMMISSION SUMMARY
REGULAR MEETING OF SEPTEMBER 12, 2023
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING
LAW, THE AGENDA WAS POSTED September 5, 2023 IN THE
MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET**

MEMBERS PRESENT

Jana Phillips, Chair
Mark Prather, Vice Chair
Mike Shanahan, Member
Riley Williams, Member
Andrew Van Leuven, Member

STAFF PRESENT

Kim Payne, Sr. Assistant City Attorney
Jeff Mathews, Comm. Dev. Director
Jacquelyn Porter, City Planner
Diana Hood, Associate City Planner
Cindy Gibson, Administrative Services

MEMBERS ABSENT

None

2. PUBLIC HEARING

- c. Stillwater Housing Development Corporation, SPECIFIC USE PERMIT (SUP23-06), consideration, discussion, and possible action, including recommending approval or denial of an application to allow conventional single-family in a Two-Family and Multi-Family District (RTM) at the property addressed as 716 West 11th Avenue.

Jacquelyn Porter, City Planner presents the item and asks if there are any questions for staff.

Chair Phillips open public hearing and asked if there is anyone that would like to speak in favor of the item; none. Chair Phillips asks if there is anyone would like to speak in opposition of this item; none respond.

Chair Phillips closed the public hearing and asked to present the finding and alternatives.

Jacquelyn Porter presents the findings and alternatives which are:

Findings:

1. The Land Development Code allows the use of conventional single family homes in Two-Family and Multi-Family District (RTM) with specific use permit.
2. Section 23-139.e.4 allows for more than one principal residential structure on a lot.
3. The Comprehensive Plan calls for Low Density use at the property's location.

Alternatives:

1. Accept findings and recommend that the City Council approve the proposed specific use permit as presented.
2. Find that the specific use permit is not an appropriate use for the property based upon the impacts to the surrounding vicinity and do not recommend that the City Council approve the request.
3. Find that additional information or discussion is needed prior to making a recommendation and table the request to a certain date.

Commissioner Williams motioned to accept the findings and recommend that city council approve the proposed specific use permit as presented; Commissioner Shanahan seconds motion.

Roll Call:	Phillips	Shanahan	Prather	Williams	Van Leuven
	Yes	Yes	Yes	Yes	Yes

Time: 3 minutes

ADJOURNMENT. This regular meeting of the Stillwater Planning Commission was called for adjournment by Commissioner Williams, seconded by Vice Chair Prather at approximately 6:14 PM on September 12, 2023 with all members present in agreement, - the next regularly scheduled meeting will be held Tuesday, September 19, 2023 at 5:30 p.m. in the City Commission Hearing Room, Municipal Building, 723 South Lewis Street.

Prepared by – Jacquelyn Porter, City Planner

Approved by - _____
Stillwater Planning Commission

DRAFT

REPORT TO: CITY COUNCIL

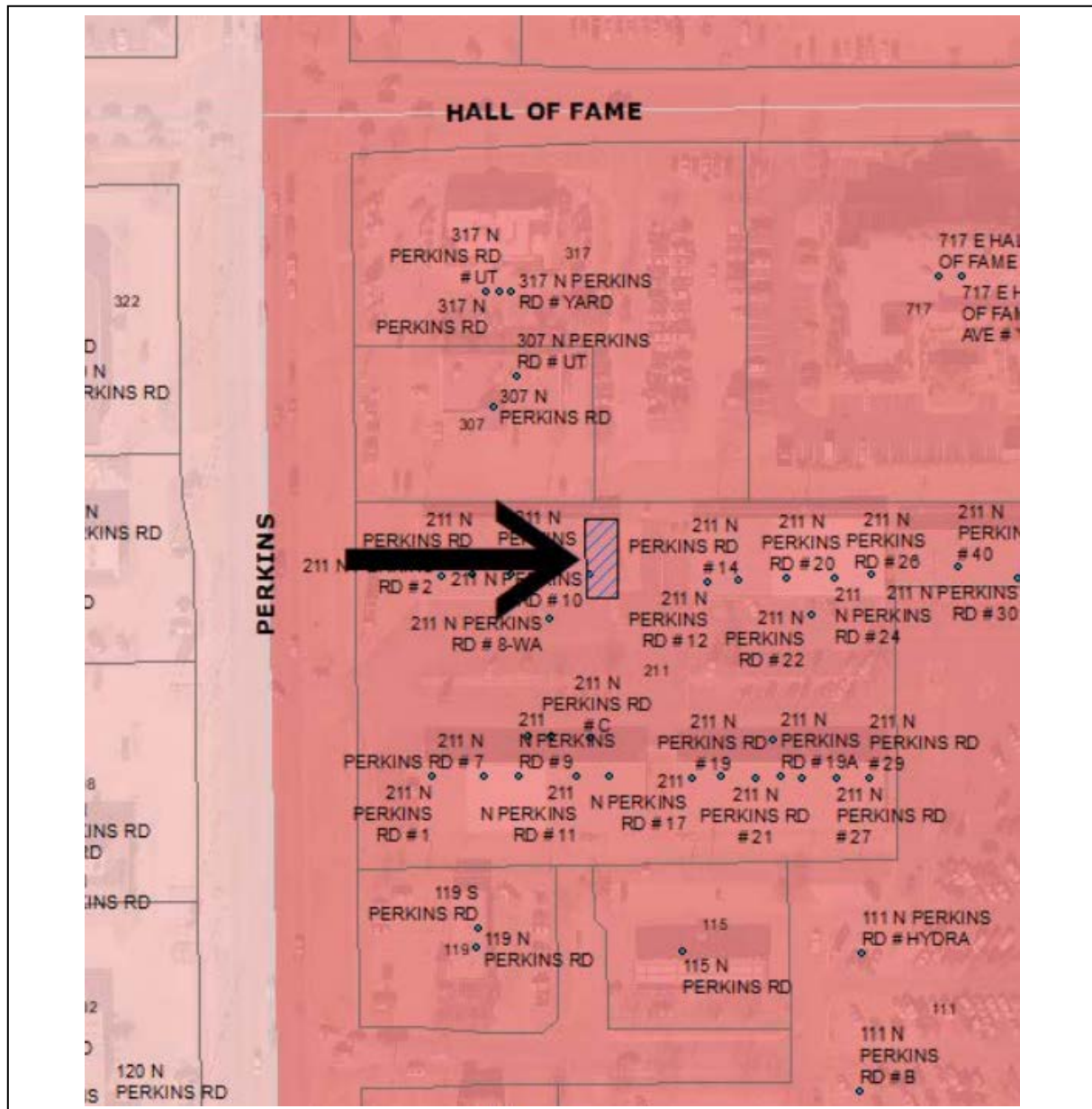
MEETING DATE: OCTOBER 2, 2023



Agenda Item:	7.c. CC-23-157
Previous/Related Action:	Planning Commission Report
Background/Issue:	• The applicant is requesting the approval of a specific use permit to use the property addressed as 211 North Perkins Road Suite 10 as a medical marijuana dispensary. • The property is located in the Rosewood Hills Shopping Center on the east side of North Perkins Road between Hall of Fame and Virginia Avenue. The previous use of the subject property was a medical marijuana dispensary. • There has been a change in ownership of the business, which requires a new specific use permit. The existing building has CS zoning to the north, east and south with Commercial General to the west.
Proposal/Solution:	• The Planning Commission recommended approval of this SUP request with 5-0 vote based upon the following findings: 1. Oklahoma State Law allows for medical marijuana dispensaries. 2. The Land Development Code allows the use of a medical marijuana dispensary in the Commercial Shopping zoning district with specific use permit.
Financial Source/Impact:	There is no impact on the City budget.
Related Strategic Priority:	#2 MOTIVATED MANAGEMENT #5 UNIQUE CULTURE
Recommended Action/Motion:	Motion to accept the Planning Commission's recommendation to approve the Specific Use Permit for the property located at 211 North Perkins Road.
Prepared By:	Jacquelyn Porter, Planner
Reviewed By:	Patti Osmus
Submitted By:	Brady Moore, Interim City Manager

Attachments

1. CC-23-157 Attachment I
2. CC-23-157 Attachment II



Stillwater OKLAHOMA
stillwaterok.gov

Project Type: SUP23-04 – Specific Use Permit
Request: Allow MM Dispensary in CS District
Address: 211 N. Perkins Rd., Suite 10
Applicant: Sam Navarro

STILLWATER PLANNING COMMISSION SUMMARY
REGULAR MEETING OF August 15, 2023
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING
LAW, THE AGENDA WAS POSTED August 9, 2023 IN THE
MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET

MEMBERS PRESENT

Jana Phillips, Chair
Mike Shanahan, Member
Mark Prather, Member
Riley Williams, Member
Andrew VanLeuven, Member

STAFF PRESENT

Tammy Ewing, Assistant City Attorney
Jeff Mathews, Comm. Dev. Director
Jacquelyn Porter, City Planner
Diana Hood, Associate Planner
Cindy Gibson, Administrative Services

MEMBERS ABSENT

1. CALL MEETING TO ORDER.

Chair Phillips calls the meeting to order at 5:30 p.m. and explains the procedures and process for the meeting.

2. INTRODUCTION OF NEWLY APPOINTED PLANNING COMMISSIONER, ANDREW J. VAN LEUVEN.

3. PUBLIC HEARING:

The Planning Commission will hear public comments, discuss, and take action at this meeting (including a vote or series of votes on each item listed under Public Hearings unless otherwise indicated.)

- a. Sam Navarro, **SPECIFIC USE PERMIT (SUP23-04)**, consideration, discussion and possible action, including recommending approval or denial of an application for a specific use permit to allow a Medical Marijuana Dispensary in the Commercial Shopping (CS) district at property addressed as 211 N. Perkins Road, Unit #10.

Roll call:	Phillips	Prather	Shanahan	Williams	VanLeuven

Time: 6 minutes

- b. **SHORT TERM RENTAL (STR-0110)**, consideration, discussion and possible action, including recommendation approval or denial of an application for a Short Term Rental from Lane Homes, LLC for property addressed as 1502 N. Wildwood Drive in the Single Family large Lot Residential (RSL) district. *(Tabled from August 1, 2023 Planning Commission Meeting.)*

Roll call:	Phillips	Prather	Shanahan	Williams	VanLeuven

Time: 6 minutes

- c. **SHORT TERM RENTAL (STR-0118)**, consideration, discussion and possible action, including recommendation approval or denial of an application for a Short Term Rental from Katherine Morris for property addressed as 311 S. Eyler Lane in the Single Family Small Lot Residential (RSS) district.

Roll call:	Phillips	Prather	Shanahan	Williams	VanLeuven

Time: 6 minutes

- d. IH Development, LLC, **PRELIMINARY PLAT (SUB20-02)**, consideration, discussion and possible action, including recommending approval or denial of an application for a preliminary plat to create a residential subdivision of 301 lots to be named Park Valley Addition on property currently addressed as 1823 W. 26th Avenue.

Roll call:	Phillips	Prather	Shanahan	Williams	VanLeuven

Time: 6 minutes

4. General Orders

The Commissioners will hear a staff presentation, discuss, and take action including a vote or series of votes on each item listed as presented or as amended or revised by the Planning Commission unless the agenda entry specifically states that no action will be taken. The requested Planning Commission action is indicated in each agenda entry but may be amended or revised prior to action by the Planning Commission.

- a. IH Development, LLC, **FINAL PLAT (SUB20-14)**, consideration, discussion and possible action, including recommending approval or denial of an application for a final plat to create a residential subdivision of 58 lots to be named Park Valley Addition, Section 1 on a portion of property currently addressed as 1823 W. 26th Avenue.

Jacquelyn Porter, City Planner presents staff's report. Chair Phillips comments that under general orders, the Planning Commission will hear staff report and hold discussion; and asks if there is any comments or questions on the final plat.

Commissioner Williams inquires about the letter in objection to the plat received regarding the traffic on 26th and Western.

Mr. Andy Doerflinger, City Engineering Department comes to the podium and comments on the following:

- There plans for a left hand turn lane into Frye Farms and Park Valley
- There was a Traffic Impact Analysis as part of review for both these subdivisions that looked into the increase in traffic
- Based upon the report, the left hand turn lane is what is required today and when further development creates the road through the subdivision up to 26th then additional improvements will be required
- Engineering has reviewed a 50% design set for the left hand turn lane

- The City Engineering Department is also doing an evaluation on Western; that scope is still being developed; and is going to look further to the north
- Understand that the letter is beyond the scope of this development but City staff will look at the corridor as a whole to make sure that the corridor, which is a minor arterial remains safe
- Know that this will add traffic and are aware of the need for improvement

Commissioner Shanahan recalls the 2019 presentation from Transportation that discussed the long term traffic infrastructure plan, which included looking at improvement on south Western and extended to 6th Avenue. Andy responds that this will be a refresh of that as there is an ongoing ODOT (Oklahoma Department of Transportation) project at 6th and Western going east; and this study will go from that intersection south to 32nd; and this is still in the early stages of development. Andy comments that for the near term, for these developments, there are improvements that will be required to be done.

Commissioner Prather comments that the studies will end with a solution that is achievable. Andy responds that it is a matter of funding and priorities; the developer is paying for most, if not all, of the improvements required for the entrances of the developments so that part we know will be achieved. Andy comments that what staff doesn't know about is all of the development that is going on in the county that is contributing traffic in this area as well; staff is monitoring traffic counts but can't commit to a timeline for the actual study.

Jacquelyn comments that the traffic impact analysis was for the full development for both subdivisions. Andy reiterates that later into the construction of the development then 26th Avenue will be in poor condition and that improvement will be in conjunction with the development of that portion of this subdivision.

Chair Phillips asks if the connection between the two subdivisions will trigger the required improvement of 26th. Andy reviews the preliminary plat and shows the access of Pintail Street onto 26th; this being the trigger for improvement there and believes it is in Phase 2.

Discussion is held about potential for traffic signal and/or roundabouts.

Commissioner Prather comments about 26th not being a road in very good shape. Andy responds that there is a study for condition assessment to determine what roads get replaced and what roads get repaired.

Commissioner Williams moved, Commissioner Shanahan seconded to approve the final plat as presented.

Roll call:	Phillips	Prather	Shanahan	Williams	VanLeuven
	Yes	Yes	Yes	Yes	Yes

Time: 6 minutes

5. MISCELLANEOUS ITEMS FROM STAFF, PLANNING COMMISSIONERS OR CITY ATTORNEY FOR DISCUSSION AND POSSIBLE ACTION: *Announcements, appointments and remarks about matters of general interest may be made by Staff, Commissioners, or the City Attorney at this time. Items of City business that may require discussion or action (including a vote or series of votes) are listed below.*

- a. Next Planning Commission Meeting is September 12, 2023.
- 6. MISCELLANEOUS ITEMS FROM STAFF, PLANNING COMMISSIONERS, OR CITY ATTORNEY FOR DISCUSSION AND POSSIBLE ACTION:
 - a. Next Planning Commission Meeting Tuesday, August 1, 2023.
- 7. ADJOURN.

This regular meeting of the Stillwater Planning Commission was called for adjournment by Commissioner Williams, seconded by Commissioner Prather at approximately 5:36 p.m. on July 18, 2023, with all members present in agreement. The next regularly scheduled meeting will be held August 1, 2023, at 5:30 p.m. in the City Council Hearing Room (Room 1122), Stillwater Municipal Building, 723 S. Lewis Street, Stillwater, OK.

Prepared by – Cindy Gibson, Administrative Services Manager

Approved by - _____
Stillwater Planning Commission

REPORT TO: CITY COUNCIL

MEETING DATE: OCTOBER 2, 2023



Agenda Item:	7.d. CC-23-153
Previous/Related Action:	February 14, 2023 Planning Commission Report September 11, 2023 Planning Commission Report
Background/Issue:	• Review and recommendation of a Text Amendment to the Land Development Code Chapter 23, Land Development Code Article VI, Use Classifications, Division 1, Generally; Section 23-121, Exemptions; Setback for Fences, etc. Projections into Yards, Within the Provisions of the Land Development Code. • The proposed text amendment was first presented to Planning Commission on February 14, 2023 and was approved 4-1. • After the Planning Commission meeting, members of the community voiced some concerns about the text and lack of clarity about the proposed text amendment. The item was requested to be pulled from the City Council agenda. • This item was originally developed by staff to address recurring cases presented to the Board of Adjustment in relation to the location of fences in the secondary front yard on corner lots. Staff has made some adjustments to the proposed text amendment and have worked with members of the community to help simplify and clarify the existing text. • The major changes between the current code and the proposed text are the change of exempt in the table to "allowed" and clarifying the location as "yards". In b.1, the secondary front yard is defined and it is stated that "A fence, hedge, or visual barrier four to eight feet in height may extend to within five feet of the secondary front yard of a corner lot in a residentially zoned district".
Proposal/Solution:	The Planning Commission recommended approval of this Text Amendment request with a 5-0 vote based upon the following findings: A text amendment to the Land Development Code is needed to address the height limitations of fences in secondary front yards.

Financial Source/Impact:	None
Related Strategic Priority:	#4 CONNECTED SPACES
Recommended Action/Motion:	Motion to accept the Planning Commission's recommendation and approve the Text Amendment to the Land Development Code Chapter 23, Land Development Code Article VI, Use Classifications, Division 1, Generally; Section 23-121, Exemptions; setback for fences, etc. projections into yards, within the provisions of the Land Development Code.
Prepared By:	Jacquelyn Porter, Planner
Reviewed By:	Patti Osmus
Submitted By:	Brady Moore, Interim City Manager

Attachments

1. CC-23-153 Attachment I Redlined
2. CC-23-153 Attachment II PC

ORDINANCE NO. _____

“AN ORDINANCE AMENDING STILLWATER CITY CODE BY AMENDING CHAPTER 23, LAND DEVELOPMENT CODE, ARTICLE VI, LAND USE CLASSIFICATIONS, DIVISION 1, GENERALLY, SECTION 23-121, EXEMPTIONS; SETBACKS FOR FENCES, ETC.; PROJECTIONS INTO YARDS; REPEALING ALL ORDINANCES TO THE CONTRARY; AND PROVIDING FOR SEVERABILITY”

(AMENDMENTS HIGHLIGHTED BY STRIKETHROUGH AND UNDERLINING)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STILLWATER, OKLAHOMA:

SECTION 1: That Stillwater City Code, Chapter 23, Land Development Code, Article VI, Land Use Classifications, Division 1, Generally, Section 23-121, Exemptions; setbacks for fences, etc.; projections into yards, be amended to read as follows:

Sec. 23-121. Exemptions; setbacks for fences, etc.; projections into yards.

(a) *Exemptions.* The following are exempt from the provisions of this article:

- (1) Railroad tracks, signals, bridges, and similar facilities and equipment located on a railroad right-of-way, and maintenance and repair work on such facilities;
- (2) Property owned and used for governmental or university use by any branch of the county, state or federal government or by any publicly funded institution of higher learning. If such entity elects to participate in the city development review process, all applicable regulations shall be followed from beginning through completion of the application.

(b) *Height and setback requirements for fences, etc.* Fences, landscaping or visual barriers shall be subject to the following height and setback requirements, unless otherwise regulated or prohibited by article IV of this chapter **and except as provided in (1) below:**

Type	Height	Allowed Exempt
Fences	Zero to four feet	All yards setbacks
Fences	Four to eight feet	All rear and side and <u>secondary front</u> yards setbacks
Hedges or required visual barriers	Zero to four feet	All yards setbacks
Hedges or required visual barriers	Over four feet	All rear and side and <u>secondary front</u> yards setbacks

(1) No fence, hedge, or visual barrier taller than four feet shall extend into the front yard. ~~A fence, hedge, or visual barrier four to eight feet in height may extend to within five feet of the secondary front yard of a corner lot in a residentially zoned district. Secondary front yard used here means the property line dividing the right of way from the street to which the address has not been assigned. A side yard fence abutting a secondary right of way or road/access easement not opposite the front yard may be four to eight feet in height and shall meet the sideyard setback requirements for the applicable zoning district.~~

(c) *Projections into yards.* The following may project from a principal structure into a minimum setback:

- (1) Cornices, eaves, shade control devices, and awnings or canopies over doors and windows may project a distance not exceeding two feet into the required yard.
- (2) Bay windows, balconies, and chimneys may project a distance not exceeding two feet, provided that such features do not occupy, in total, more than one-third of the length of the building wall on which they are located.
- (3) Fire escapes, and other uncovered stairs and landings may project a distance not exceeding three feet into required yards.
- (4) Canopies over commercial fuel pump and vehicle service islands may overhang a required front or exterior side yard a distance not to exceed one foot for each one foot in height, provided that the ground support structure is located entirely within the required minimum building setback line, and further provided the canopy extends no closer than five feet to the property line.
- (5) Open terraces, decks, and porches not over 30 inches above the average level of the adjoining ground may project a distance not exceeding five feet into required yards, provided that such projection extends no closer than five feet to any interior side property line.
- (6) Under no circumstances shall any portion of a structure project into an easement.

(d) *Exemption.* If the structure is developed within a PUD and there is adequate clearance provided.

SECTION 2: REPEALER. All ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 3: SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

PASSED, APPROVED, AND ADOPTED THIS ____ DAY OF _____, 2023.

WILLIAM H. JOYCE, MAYOR

(SEAL)
ATTEST:

TERESA KADAVY, CITY CLERK

APPROVED AS TO FORM AND LEGALITY THIS ____ DAY OF _____, 2023.

KIMBERLY CARNLEY, CITY ATTORNEY

First Reading:

Second Reading:

**STILLWATER PLANNING COMMISSION SUMMARY
REGULAR MEETING OF SEPTEMBER 12, 2023
IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING
LAW, THE AGENDA WAS POSTED September 5, 2023 IN THE
MUNICIPAL BUILDING AT 723 SOUTH LEWIS STREET**

MEMBERS PRESENT

Jana Phillips, Chair
Mark Prather, Vice Chair
Mike Shanahan, Member
Riley Williams, Member
Andrew Van Leuven, Member

STAFF PRESENT

Kim Payne, Sr. Assistant City Attorney
Jeff Mathews, Comm. Dev. Director
Jacquelyn Porter, City Planner
Diana Hood, Associate City Planner
Cindy Gibson, Administrative Services

MEMBERS ABSENT

None

2. PUBLIC HEARING

- d. TEXT AMENDMENT (TXT22-02) consideration, discussion, and a possible text amendment to Chapter 23, Land Development Code, Article VI, Land Use Classifications, Division 1, Generally; Section 23-121, Exemptions; setbacks for fences, etc; projections into yards.

Chair Phillips introduced the item.

Jacquelyn Porter, City Planner presents staff report and asks for questions.

Chair Phillips states that this addressed the concerns from before, and is happy to see this come back with a rework and worded better.

Chair Phillips opened the public hearing, asked for anyone wanting to speak in favor item; none respond. Chair Phillips asks if there is anyone wishing to speak in opposition of the item; none respond.

Chair Phillips closed the public hearing and asked staff to present the finding and alternatives.

Jacquelyn, presented the finding and alternatives which are:

Findings:

1. A text amendment to the Land Development Code is needed to address the height limitations of fences in secondary front yards.

Alternatives:

1. Accept findings and recommend that the City Council approve the proposed Text Amendment as presented.
2. Find that the Text Amendment is appropriate for the Definition with identified amendments and recommend the City Council approve the request.
3. Find that additional information or discussion is needed prior to making a recommendation and table the request to a future Planning Commission meeting.

4. Find that the Text Amendment is not needed and do not recommend that the City Council approve the request.

Chair Phillips motioned to approve the text amendment and recommend approval by the city council as presented; Commissioner Williams seconds motion.

Roll Call:	Phillips	Shanahan	Prather	Williams	Van Leuven
	Yes	Yes	Yes	Yes	Yes

Time: 5 minutes

ADJOURNMENT. This regular meeting of the Stillwater Planning Commission was called for adjournment by Commissioner Williams, seconded by Vice Chair Prather at approximately 6:14 PM on September 12, 2023 with all members present in agreement, - the next regularly scheduled meeting will be held Tuesday, September 19, 2023 at 5:30 p.m. in the City Commission Hearing Room, Municipal Building, 723 South Lewis Street.

Prepared by – Jacquelyn Porter, City Planner

Approved by - _____
Stillwater Planning Commission

REPORT TO: CITY COUNCIL

MEETING DATE: OCTOBER 2, 2023

Agenda Item:	CC-23-155
Prior Council Action/Related Items:	Approval of the Construction Manager-at-Risk (CMAR) method for construction of the airport terminal, parking, and parking access development.
Background / Issue:	• The Stillwater Regional Airport terminal is a 31,300 SF new construction building slated to begin construction spring of 2024 and is projected to be ready to occupy by spring of 2026. The project also includes new parking areas and parking access roads. • The City of Stillwater will be using the Construction Manager at Risk (CMAR) construction delivery method for the construction of the terminal, parking, and parking access development. • The highest ranked firm from in-person interviews on Sept. 21, 2023 was Lippert Brothers.
Proposal/Solution:	• Stillwater Regional Airport is seeking City Council approval to enter into a new agreement with Lippert Brothers for CMAR services for the construction of the terminal, parking, and parking access development.
Financial Impact/Funding Source(s):	• CMAR services will be funded through both FAA funds and a City of Stillwater match for the terminal development project.
Related Strategic Priority:	Effective Services & Accountable Government
Recommended Action/Motion:	Motion to approve selection of Lippert Brothers as CMAR to provide services for the remaining design, bidding, and construction of the new SWO terminal building, parking, and parking access development and authorize Interim City Manager to sign CMAR agreement.
Prepared By:	Kellie Reed, Airport Director

Reviewed By:	Patti Osmus, Assistant to the City Manager
Submitted By:	Brady Moore, Interim City Manager
Attachment(s):	CMAR Selection Process Final Report Summary of Environmental Consequences

Stillwater Regional Airport
Terminal Facility/Parking/Parking Access
Construction Manager at Risk Selection Committee
September 21, 2023

The Stillwater Regional Airport terminal is a 31,300 SF new construction building slated to begin construction spring of 2024 and is projected to be ready to occupy by spring of 2026. The project also includes new parking areas and parking access roads. The City of Stillwater will be using the Construction Manager at Risk (CMAR) construction delivery method for the construction of the terminal, parking, and parking access development.

The CMAR construction delivery method was used with great success for the renovation of the existing terminal in 2015 and 2016. This method provided cost control and accelerated the schedule for completion in order to allow the first commercial passenger aircraft to arrive as scheduled. The CMAR will benefit this complex project by having the Construction Manager at the table as the final design documents are being produced to support constructability and availability of construction materials. This method will also provide estimated cost of construction prior to placing the project out to bid to subcontractors in early 2024.

The FAA approved the use of this Alternate Project Delivery System for this terminal project as outlined by the U.S. Department of Transportation, Federal Aviation Administration, Advisory Circular No. 150/5100-14E – Appendix G. In addition, this process is allowed by the State of Oklahoma Public Construction Management Act for Political Subdivisions (61 OS 216.). The City of Stillwater is also using CMAR on their new fire station project.

This selection process used the Oklahoma Management and Enterprise Services guidelines for selection of a CMAR. This was in accordance with Oklahoma Statutes – Title 61. Public Buildings and Public Works. FAA guidelines for formal selection were also referenced in the process.

The CMAR will be under contract with the City of Stillwater and will work as a team member with the terminal design team. The architect acted as the facilitator and administrative support in the procurement activities. The process began in April of 2023 when the City of Stillwater implemented the use of their state of the art online procurement system.

All Construction Managers registered with the State of Oklahoma on the Oklahoma Management and Enterprise Service (OMES) were invited to participate in the procurement beginning August 3, 2023. Six Construction Manager's At Risk submitted to be considered for the Project. After using the OMES method of ranking, four of the Construction Managers were invited to interview. The scoring matrix is attached below for phase one the initial stage of the procurement.

The in-person interviews were held on the morning of September 21, 2023. The highest ranked company is shown on the scoring matrix as Lippert Brothers. The scoring matrix for the In-person interview is also included below.

The CMAR Selection Committee recommends Lippert Brothers and requests that the City of Stillwater City Council approve this recommendation.

Following this approval by the City Council, the pre-construction services phase of the CMAR agreement will begin. This will engage the CMAR to work with other members of the team.

The scope of services for the initial phase of the agreement for the CMAR is as follows:

1. Conduct Architecture and Engineering Design Documents review.
2. Conducts Constructability Reviews.
3. Cost Estimating and Scheduling during A/E Documentation Phase.
4. Competitively procures construction components of the project.

The interview committee included:

- a. Kellie Reed – Stillwater Regional Airport Director
- b. David Lyons – Stillwater Regional Airport Operations Manager
- c. Bill Arrington – Stillwater Airport Advisory Board Member
- d. Phil Thomas – Stillwater Airport Advisory Board Member
- e. Jared Thulin – City of Stillwater Representative

Report respectfully submitted by Connie S. McFarland, FAIA, Terminal Architect

Stillwater Regional Airport

Passenger Terminal Building/Parking/Parking Access

Construction Manager at Risk Evaluation Form

Request for Letter of Interest Stage

09.6.2023

	Experience	Management Team	Project Implementation	Established Office w/i 300 miles of SWO	Total
Flintco, LLC	8.4	8.4	3.3	3.75	23.85
Lippert Brothers, Inc.	7.35	8.4	3.6	3.75	23.1
Miller-Tippens Construction	3.85	4.55	1.65	3.3	13.95
Meyers-Cherry Construction, LLC	4.2	4.9	2.1	2.25	13.45
The Whiting-Turner Contracting	8.4	4.2	2.7	1.65	16.95
Timberlake Construction	5.25	4.55	2.4	3.3	15.5

Stillwater Regional Airport

Passenger Terminal Building/Parking/Parking Access

Construction Manager at Risk Evaluation Form

In-Person Interview Stage

09.21.2023

	Quality of Presentation (10%)	Applicability of Examples and References (35%)	Implementation - Approach and Philosophy (35%)	Adherence to Time and Budget Constraints (20%)	Total
Flintco, LLC	2.4	7.7	8.05	4.8	22.95
Lippert Brothers, Inc.	2.1	8.05	8.4	4.8	23.35
Timberlake Construction	1.4	5.95	6.3	3.6	17.25
Whiting-Turner Contracting	2.4	8.05	7.35	5.0	22.80

Table 4: Summary of Environmental Consequences 2016 vs 2023 (continued)				
Applicable Environmental Impact Category		2016 Approved Action: Significant Impact?	2023 Proposed Project: Significant Impact?	Permitting/Mitigation & Associated Actions
Water Resources (continued)	Surface Water and Groundwater	No	No	Stormwater permit for the City of Stillwater, NPDES construction permit BMPs in place during construction
	Wild and Scenic Rivers	No	No	

Conditions in place as of the 2016 FONSI/ROD are still in effect, and include:

A. The Airport will ensure compliance with the current NPDES permit including a stormwater pollution prevention plan and implementation of Best Management Practices to minimize potential water quality impacts. All necessary permits and approvals for the project would be obtained before construction activities take place. Mitigation for water quality impacts could include flow control and treatment BMPs in accordance with Federal, state, and local regulations. Flow control BMPs are the methods to reduce or prevent development-related increases in stormwater runoff at or near the source of the increases. Source control and runoff treatment BMPs are methods of reducing pollutants from entering the stormwater runoff and treating pollutant runoff as part of the storm drainage system. For example, stormwater pollution and erosion would be prevented by implementing measures including sedimentation basins, silt traps, catch basins, and drip pans and following the NPDES permit.

B. The Airport Sponsor will be required to implement proper practices to prevent or minimize the potential for hazardous substances to be released into the environment. Chemicals, petroleum-based products, and waste materials, including solid and liquid waste, would be stored in areas specifically designed to prevent discharge into stormwater runoff. Areas used for storage of toxic materials should be designed with full enclosure in mind, such as the establishment of a dike around the perimeter of the storage area. Solid and hazardous wastes must be collected and disposed of at an approved facility as mandated by the county, state, and Federal requirements.

C. Use appropriate controls contained in FAA Advisory Circular 150/5370-10G, Standards for Specifying Construction of Airports in addition to Federal, state and local ordinances or permits required for construction.

D. Although no historic, cultural, or archeological sites were identified within the proposed project area, if an archeological or cultural site were to be exposed during construction, work must cease immediately and an opportunity will be provided for the Oklahoma State Historic Preservation Officer and the FAA to examine the site so that a determination can be made regarding the significance and the need for excavation and documentation of the site.

E. The Airport Sponsor will implement BMPs to minimize air emissions and energy usage during construction of the Proposed Action. When implemented, these types of BMPs could help to reduce GHG emissions at the Airport.

F. The Airport Sponsor will be required to implement proper practices to prevent or minimize the potential for these hazardous substances to be released into the environment. Chemicals, petroleum-based products, and waste materials, including solid and liquid waste, must be stored in areas specifically designed to prevent discharge into stormwater runoff. Areas used for storage of toxic materials should be designed with full enclosure in mind, such as the establishment of a dike around the perimeter of the storage area.

G. The Airport Sponsor will implement BMPs to minimize pollutant emissions during construction of the Proposed Action. Examples of BMPs that are discussed in the 2016 EA in Section 4.2 include the following:

- a. Minimize land disturbance
- b. Use watering trucks to minimize dust
- c. Cover trucks when hauling dirt or debris
- d. Stabilize the surface of dirt piles and any disturbed areas
- e. Use windbreaks to prevent any accidental dust pollution
- f. Segregate storm water drainage from construction sites and material piles
- g. Cover trucks when transferring materials
- h. Minimize unnecessary vehicular and machinery activities
- i. Re-vegetate any disturbed land not used
- j. Remove unused material and dirt piles
- k. Re-vegetate all disturbed areas if appropriate



REPORT TO: CITY COUNCIL

MEETING DATE: OCTOBER 2, 2023

Agenda Item:	CC-23-156
Background / Issue:	On August 21, 2023, the City Council requested that Staff return with an implementation plan for needed projects that could reduce energy in City of Stillwater buildings and infrastructure.
Proposal/Solution:	- City Management met with staff to prioritize projects and to identify funding for projects that could be implemented in FY24. - City Management communicated with the Renewable Energy Task Force to propose an Energy Savings Projects plan that would include 3 meetings per year (January/May/September) with 3 subsequent reports to City Council. - The implementation of the Energy Savings Projects will have a positive impact on our community as much needed maintenance projects will get completed and the costs to implement will be offset in the energy savings that they produce. - City staff is excited to work with the Renewable Energy Task Force to see that the Energy Savings Projects get implemented and that there is a continued awareness in the importance of finding ways throughout the city to reduce energy consumption.
Financial Impact/Funding Source(s):	- Funds for the initial Energy Savings Projects are available in the City Capital Fund and Rate Stabilization Fund. - Budget Amendments are on the City Council and Stillwater Utility Authority agenda that with approval will execute the appropriation of funds for the initial projects.
Related Strategic Priority:	#1 Effective Services & Accountable Government: To provide effective services and accountable government for all citizens by practicing fiscal responsibility, transparency and outstanding customer service.

	#3 Connected Spaces: To develop a strong sense of place by providing opportunities and services, such as transportation, utilities, and parks to best meet the needs of the public.
Recommended Action/Motion:	No action to be taken on the presentation of the Energy Savings Projects. Budget Amendments are on the City Council and Stillwater Utility Authority agenda that with approval will execute the appropriation of funds for the initial projects.
Prepared By:	Brady Moore, Interim City Manager
Reviewed By:	Christy Cluck, Finance Director Patti Osmus, Assistant to the City Manager
Submitted By:	Brady Moore, Interim City Manager

Budget Amendment Request
For Budget Year 2024

Department of Finance
723 S. Lewis Street/P.O. Box 1449
Stillwater, OK 74076-1449

Office: 405.372.0025
Web: stillwater.org

Date: 09/22/2023

Department: City Manager's Office

Requested by: Brady Moore

Explanation:

Expenditure:
Appropriate funds for City Hall chiller replacement (2) and conversion of indoor lighting in city facilities to LED.

	Account Name	Account Number (xxxxxxx-xxxxx)	Project Number	Current Budget Amount	Amount of Change	New Budget Amount
Increase:	City Hall Chiller Replacement (2)	1051020 - 54008	24GG01105	\$ 0	\$ 600,000	\$ 600,000
	Convert Indoor Lighting to LED	1051020 - 54008	24GG02105	\$ 0	\$ 500,000	\$ 500,000
		-				\$ 0
		-				\$ 0
		-				\$ 0
Decrease:		-				\$ 0
		-				\$ 0
		-				\$ 0
		-				\$ 0
		-				\$ 0

Net Change: (will usually result in a total increase or decrease)

\$ 1,100,000

Reviewed by Department Manager: _____

Date: _____

Reviewed by Finance: Christy Chuch

Date: 9-22-2023

Approved by CMO: _____

Date: _____

Approved by City Council: ☐ Yes ☐ No

Date: _____

Processed by Finance: _____

Date: _____

Set ID: _____

Date Sent to SA&I: _____

--Print on Yellow Paper--

RESOLUTION NO. CC-2023-33

A RESOLUTION ACKNOWLEDGING CITY COUNCIL AUTHORIZATION AND APPROVAL FOR THE SUBMISSION OF AN APPLICATION FOR FISCAL YEAR 2024 BIPARTISAN INFRASTRUCTURE LAW (BIL) AIRPORT TERMINALS PROGRAM (ATP) FUNDS ADMINISTERED BY THE FEDERAL AVIATION ADMINISTRATION FOR AIRPORT INFRASTRUCTURE IMPROVEMENTS AT STILLWATER REGIONAL AIRPORT AND APPROVING THE ASSOCIATED BUDGET AMENDMENT FOR THE REQUIRED SPONSOR MATCH

WHEREAS, Public Law 117-58-Infrastructure Investment and Jobs Act referred to as the Bipartisan Infrastructure Law (BIL) includes approximately \$25 billion for the National Airspace System; and

WHEREAS, approximately \$5 billion of the BIL funds will be administered by the Federal Aviation Administration (FAA) through Airport Terminals Program (ATP) grants to airport sponsors for airport terminal improvements; and

WHEREAS, on July 10, 2023, City Council approved Resolution No. CC-2023-22 authorizing application for Fiscal Year 2024 BIL funds to be utilized by the Airport to continue the design of a terminal; and

WHEREAS, Stillwater Regional Airport has completed 50% design of a new terminal as well as completed the required environmental assessments and now intends to apply for Fiscal Year 2024 ATP funds in support of terminal construction; and

WHEREAS, the estimated terminal project cost total is \$24,733,705; and

WHEREAS, the Federal Aviation Administration through BIL funded Grant No. 3-40-0090-038-2023, 3-40-0090-039-2023, 3-40-0090-040-2023 provided needed terminal design funding support; and

WHEREAS, the anticipated cost share under the FAA ATP Grant is as follows: Federal Aviation Administration: \$6,136,184 and City of Stillwater (5% sponsor match): \$322,957; and

WHEREAS these improvements will enhance the operational efficiency, safety, and security for airport users, particularly our commercial airline service, by conforming to FAA and TSA standards.

NOW THEREFORE, BE IT RESOLVED, the City of Stillwater hereby authorizes submission of a Federal Aviation Administration grant application for fiscal year 2024 BIL ATP funds in an amount not-to-exceed \$7,000,000 and payment of matching funds.

BE IT FURTHER RESOLVED, the City of Stillwater hereby approves the attached Budget Amendment in the amount of \$322,957 to appropriate funds for the required sponsor match. BE IT FURTHER RESOLVED, that the Mayor or Vice-Mayor is hereby authorized to execute all necessary project documents including: grant applications, offers and agreements, sponsor certifications, DBE certifications, contracts and other related documents as may be required to secure funding and conduct said airport project.

PASSED AND APPROVED by the City Council of Stillwater, Oklahoma, and signed this 2nd day of October, 2023.

CITY OF STILLWATER, OKLAHOMA
a Municipal Corporation

WILLIAM H. JOYCE, MAYOR

(SEAL)

ATTEST:

TERESA KADAVY, CITY CLERK

APPROVED AS TO FORM AND LEGALITY THIS 2ⁿ^d DAY OF OCTOBER, 2023.

KIMBERLY CARNLEY, CITY ATTORNEY



Budget Amendment Request
For Budget Year 2024

Department of Finance
723 S. Lewis Street/P.O. Box 1449
Stillwater, OK 74076-1449

Office: 405.372.0025
Web: stillwater.org

Date: 09/28/2023

Department: Airport

Requested by: Kellie Reed

Explanation:

Expenditure:
Appropriate funds for FAA ATP grant match approved via resolution CC-2023-33.

	Account Name	Account Number (xxxxxxx-xxxxx)	Project Number	Current Budget Amount	Amount of Change	New Budget Amount
Increase:	City Match	8207010 - 54020	24AP02820	\$ 0	\$ 322,957	\$ 322,957
		-				\$ 0
		-				\$ 0
		-				\$ 0
		-				\$ 0
Decrease:		-				\$ 0
		-				\$ 0
		-				\$ 0
		-				\$ 0
		-				\$ 0

Net Change: (will usually result in a total increase or decrease)

\$ 322,957

Reviewed by Department Manager: _____

Date: _____

Reviewed by Finance: _____

Date: _____

Approved by CMO: _____

Date: _____

Approved by City Council: ☐ Yes ☐ No

Date: _____

Processed by Finance: _____

Date: _____

Set ID: _____

Date Sent to SA&I: _____

--Print on Yellow Paper--

RESOLUTION NO. CC-2023-34

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STILLWATER AMENDING RESOLUTION CC-2018-24 APPROVING THE FORMULA FOR DETERMINING THE SALES AND USE TAX INCREMENTS ATTRIBUTABLE TO, OR GENERATED BY, THE HOTEL-CONFERENCE CENTER IN INCREMENT DISTRICT NO. 3, CITY OF STILLWATER, TO BE PAID INTO AN APPORTIONMENT FUND FOR THE PAYMENT OF AUTHORIZED PROJECT COSTS, AND AUTHORIZING SUBMISSION OF AN APPLICATION FOR STATE MATCHING PAYMENTS PURSUANT TO THE OKLAHOMA LOCAL DEVELOPMENT AND ENTERPRISE ZONE INCENTIVE LEVERAGE ACT

WHEREAS, on June 18, 2018, the City Council of Stillwater, Oklahoma (“City Council”) adopted Ordinance No. 3407 approving the Stillwater (Re)Investment Plan (A Stillwater Downtown/Campus Link Project Plan) (“Original Downtown/Campus Link Project Plan”), pursuant to the Oklahoma Local Development Act, 62 O.S. §850, et seq. (“Local Development Act”), establishing Increment District No. 3, City of Stillwater; and

WHEREAS, pursuant to the Local Development Act, Ordinance No. 3407 was amended on November 5, 2018 by the City Council’s adoption of Ordinance No. 3424, and on October 7, 2019 by the City Council’s adoption of Ordinance No. 3440, both to approve minor amendments to the Original Downtown/Campus Link Project Plan; and

WHEREAS, effective May 16, 2022, City Council, pursuant to the Local Development Act, further amended the Original Downtown/Campus Link Project Plan with the adoption of: (a) Ordinance No. 3494, approving the 2022 Amended Stillwater (Re)Investment Plan (A Stillwater Downtown-Campus Link Project Plan (“2022 Amended Project Plan”), and designating a new ad valorem and sales tax increment district, now known as Increment District No. 5, City of Stillwater, in support of the development, improvement, and/or expansion of non-retail business enterprise with high quality employment opportunities, and (b) Ordinance No. 3521 effective March 27, 2023 approving a minor amendment to the 2022 Amended Project Plan; and

WHEREAS, the 2022 Amended Project Plan and Ordinance No. 3407 provide that the increment of sales and use tax revenues generated from Increment District No. 3, as determined by a formula to be approved by resolution of the City Council the City in accordance with the Local Development Act, shall be apportioned to pay authorized project costs pursuant to Section VIII of the 2022 Amended Project Plan; and

WHEREAS, Section 853(9) of the Local Development Act provides that a portion of sales taxes, other local taxes or local fees collected each year, reasonably determined by a formula approved by the governing body to be generated by the project, may be apportioned for specific project costs or as a specific revenue source for other public entities in the area in which the project costs take place; and

WHEREAS, the Constitution of the State of Oklahoma, Article 10, Section 6C, provides that a direction of apportionment may be prospective and may continue for one or more years, and apportioned tax increments may be pledged beyond the current fiscal year for the repayment of indebtedness of public entities; and

WHEREAS, the 2022 Amended Project Plan supports the City's efforts to achieve its development objectives for Downtown Stillwater and envisions, among other things, the repurposing and activation of vacant and underutilized property in downtown Stillwater; and

WHEREAS, by Resolution No. CC-2021-4, the Stillwater Economic Development Authority, a public trust ("Authority") authorized and directed its Chairman, General Manager, officers and special counsel for economic development to prepare, finalize, and execute a Redevelopment Agreement between HK Development Group, LLC ("Redeveloper") and the Authority ("Redevelopment Agreement"), which contemplates an estimated investment of \$28,295,306 by the Redeveloper, to build, equip and operate a new hotel-conference center and parking garage described as follows: the hotel shall be comprised of no less than 75,000 square feet, five-stories, and 123 rooms, a restaurant, lounge or bar, supporting "back-of-the house" facilities and food preparation areas, as well as supporting amenities, including, a lobby, business center, pool and fitness center, operated under the Courtyard by Marriott hotel brand and flag, the conference center shall contain 18,555 square feet of flexible meeting space and support space, capable of hosting multi-day meetings for large groups and large banquets, with a ballroom comprised of a minimum of 10,000 square feet, and a four-level attached parking garage with no fewer than 150 parking spaces (collectively, the "Hotel-Conference Center"), on real property located at 416 W. Maple Street, Stillwater, Oklahoma, which is located within the boundaries of Increment District No. 3 ("H-CC Site"); and

WHEREAS, the Authority will provide certain public improvements and \$6,200,000.00 in development financing assistance in support of the Hotel-Conference Center, on terms and conditions set forth in the Redevelopment Agreement; and

WHEREAS, the Hotel-Conference Center will serve as an economic generator while also serving as a public resource for the Stillwater community, and will create the opportunity to host numerous state, regional, and national events; and

WHEREAS, the Hotel-Conference Center will create an experiential destination in the heart of Stillwater, and will offer competitive salaries with professional level career opportunities for an underserved demographic in Stillwater; and

WHEREAS, prior to the effective date of Ordinance No. 3407 and the creation and implementation of Increment District No. 3, no new investment, development, construction or annualized payrolls existed within the H-CC Site to generate sales taxes for the City of Stillwater; and

WHEREAS, authorized project costs will be financed using apportioned tax increments generated by the construction, development, investment, and operational activities occurring

Increment District No. 3 after the date the Redeveloper acquired the H-CC site, on or about April 11, 2022; and

WHEREAS, Section VI.C. of the Amended Project Plan provides for the determination of sales tax increments to be supplemented by resolution of the City Council; and

WHEREAS, a supplemental determination of sales tax increments to include economic development sales tax increments will support the objectives of the 2022 Amended Project Plan and will be financially prudent for the City; and

WHEREAS, the proposed formula for determining the Sales Tax Increments from the Hotel-Conference Center in Increment District No. 3, City of Stillwater is reasonable, appropriate, desirable and in the public interest and should be approved; and

WHEREAS, it is anticipated the Hotel-Conference Center will have a significant economic impact on the City of Stillwater and the State of Oklahoma; and

WHEREAS, pursuant to the Oklahoma Local Development and Enterprise Zone Incentive Leverage Act, 62 O.S. §840, *et seq.* (“Leverage Act”) and the Oklahoma Department of Commerce regulation, Oklahoma Administrative Code 150:105-1-1, *et seq.*, a local governmental entity may submit an application to the Oklahoma Department of Commerce and certification to the Oklahoma Tax Commission for state local government matching payments in the amount of the local sales taxes which have been apportioned under the 2022 Amended Project Plan or the net benefit rate (as determined by statute) multiplied by the actual gross sales derived from the project, for each applicable statutory period; and

WHEREAS, in light of the substantial benefits which the Hotel-Conference Center will bring to the State of Oklahoma, it is appropriate and desirable to apply for state matching payments pursuant to the Leverage Act and the Oklahoma Department of Commerce regulation, Oklahoma Administrative Code 150:105-1-1, *et seq.*; and

WHEREAS, submission of an application in accordance with State laws and regulations to obtain state matching payments is desirable and in the public interest and should be authorized.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STILLWATER:

SECTION 1. Pursuant to Title 62, Oklahoma Statutes, Section 853(9) and Ordinance No. 3407, the sales tax increments derived from the Hotel-Conference Center located in Increment District No. 3, City of Stillwater, shall be determined by the formula set forth below which is hereby approved by the City Council.

SECTION 2. The “Base Sales and Use Tax Revenue” for the H-CC Site, which is within Increment District No. 3, City of Stillwater, shall be zero (0). As of the date of Redeveloper’s acquisition of the H-CC Site, on or about April 11, 2022, no sales and use taxes were generated from the H-CC Site.

SECTION 3. Sales Tax Increments are the non-dedicated sales taxes to the City generated during each fiscal year from the development and operation of the Hotel-Conference Center. For purposes of the Hotel-Conference Center development, Sales Tax Increments are categorized as either Retail Sales Tax Increment or Lodging Sales Tax Increment.

1. **Retail Sales Tax Increments.** Retail Sales Tax Increments shall include one hundred percent (100%) of the non-dedicated sales and use taxes paid and payable to the City which are attributable to, or generated by, the construction, investment, development and operational activities occurring from the Hotel-Conference Center and any retail establishments within the Hotel-Conference Center that remit sales tax. The current non-dedicated tax rate is two percent (2%).

2. **Lodging Sales Tax Increment.** Lodging Sales Tax Increments shall include two percent (2%) of the occupancy charges of the City of Stillwater's lodging tax (also known as the visitor tax) paid and payable to the City which are generated by the Hotel-Conference Center.

SECTION 4. Pursuant to the Section 6C of Article X of the Constitution of the State of Oklahoma and the Local Development Act, the direction of apportionment shall continue beyond the current fiscal year for a period not to exceed the period provided in the 2022 Amended Project Plan, as determined by law, or the period required for the discharge of indebtedness that may be incurred by the public entities authorized by the 2022 Amended Project Plan, whichever is less.

SECTION 5. In determining the sales and use taxes generated by the Hotel-Conference Center, the City shall employ reasonable and consistent accounting procedures in order to reflect, as accurately and fairly as possible, the sales and use tax revenues attributable to the Hotel-Conference Center and any retail establishments therein, including all sales and use tax revenues generated by construction, development, investment, and operational activities. The Authority shall receive from the Redeveloper, pursuant to the Redevelopment Agreement, information reflecting the amount of actual sales and use taxes paid and payable to the City arising from or attributable to the construction, development, investment, and operational activities from the Hotel-Conference Center and any retail establishments therein that remit sales tax.

SECTION 6. Pursuant to Section 843(D) and (E) and Section 844(D) of the Leverage Act, the City Council approves and authorizes the Office of the Mayor and the Office of the City Manager to compile and submit an application to the Oklahoma Department of Commerce and certifications to the Oklahoma Tax Commission in accordance with the Leverage Act and the corresponding Oklahoma Department of Commerce Administrative Regulations.

PASSED AND APPROVED, this _____ day of _____, 2023.

William H. Joyce, Mayor

ATTEST:

Teresa Kadavy, City Clerk

(SEAL)

REVIEWED for form and legality.

Special Counsel for Economic Development

RESOLUTION NO. CC-2023-35

“A RESOLUTION OF THE STILLWATER CITY COUNCIL, AS A RECIPIENT OF FINANCIAL ASSISTANCE FROM THE DEPARTMENT OF HOMELAND SECURITY (DHS), ESTABLISHING CIVIL RIGHTS POLICIES TO MEET EXISTING REQUIREMENTS UNDER CIVIL RIGHTS LAWS AND REGULATIONS RELATING TO NONDISCRIMINATION AND NONDISCRIMINATORY USE OF FEDERAL FUNDS.”

WHEREAS, the City of Stillwater accepts awards of financial assistance from DHS and other Federal agencies and is therefore required to comply with laws and regulations relating to nondiscrimination relating to external-facing programs and activities and interactions with residents of Stillwater, as well as internal-facing policies relating to employees of the City of Stillwater, and nondiscrimination in the use of federal funds; and

WHEREAS, the DHS Office for Civil Rights and Civil Liberties (CRCL) in coordination with Federal Emergency Management Agency (FEMA) Office of Equal Rights require the submission of information that the City of Stillwater has or will put into place adequate civil rights policies and procedures; and

WHEREAS, the City of Stillwater seeks to ensure that it does not deny benefits or services, or otherwise discriminate in accordance with civil rights authorities including but not limited to Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; Title IX of the Education Amendments Act of 1972; Age Discrimination Act of 1975; DHS regulation 6 C.F.R. Part 19 and other related implementing regulations, or when receiving financial assistance from FEMA for purposes of executing emergency and disaster related activities during which nondiscrimination requirements under the Robert T. Stafford Disaster Relief and Emergency Assistance Act and its implementing regulation also apply; and

WHEREAS, the City of Stillwater is committed to supporting an environment of inclusion by ensuring all residents are fairly and equally treated and have equal opportunities and access to city employment, city services and city facilities; and

WHEREAS, under the Stillwater City Charter, the City Council as the governing body for the City of Stillwater, is the policymaking body, and the City manager is charged with administrative responsibility to administer and enforce City policies and ordinances; and

NOW THEREFORE BE IT RESOLVED, the Stillwater City Council hereby adopts a policy relating to Information and Services for Persons with Disabilities and Persons with Limited English Proficiency and a Policy and Notice of Nondiscrimination.

BE IT FURTHER RESOLVED that the City Manager is directed to publish these policies on the City of Stillwater website and any other appropriate location.

PASSED AND APPROVED by the City Council of Stillwater, Oklahoma, and signed this 2nd day of October, 2023.

CITY OF STILLWATER, OKLAHOMA
a Municipal Corporation

WILLIAM H. JOYCE, MAYOR

(SEAL)
ATTEST:

TERESA KADAVY, CITY CLERK

APPROVED AS TO FORM AND LEGALITY THIS 2nd DAY OF OCTOBER, 2023.

KIMBERLY CARNLEY, CITY ATTORNEY

Policy and Notice of Nondiscrimination

The City of Stillwater respects and actively seeks to welcome and protect all those who reside, visit, or do business in our community. The City is committed to supporting an environment of inclusion by ensuring all citizens are fairly and equally treated and have equal opportunities and access to city employment, city services and city facilities.

The City of Stillwater complies with Federal civil rights laws and is committed to providing its program and services without discrimination in accordance with:

- *Title VI of the Civil Rights Act of 1964*, which prohibits discrimination based on race, color, or national origin (including language).
- *Section 504 of the Rehabilitation Act of 1973*, which prohibits discrimination based on disability.
- *Title IX of the Education Amendments Act of 1972*, which prohibits discrimination based on sex in education programs or activities.
- *Age Discrimination Act of 1975*, which prohibits discrimination based on age.
- *U.S. Department of Homeland Security regulation 6 C.F.R. Part 19*, which prohibits discrimination based on religion in social service programs.

It is against the law for the City of Stillwater to retaliate against anyone who takes action to oppose discrimination, files a grievance, or participates in the investigation of a grievance in accordance with the above authorities.

To File a Complaint

If you think that the City of Stillwater has failed to provide these services or discriminated in another way based on race, color, national origin (including language), disability, sex, age, or religion, you can file a complaint in person, by mail or email with:

Brady Moore, Interim City Manager

723 S. Lewis St. / PO Box 1449

Stillwater, OK 74076-1449

405.742.8209

brady.moore@stillwater.org

Please provide the nature of your complaint, your name, phone number and/or email address and allow 2 to 3 business days for a response to your complaint. If you have a disability or Limited English Proficiency, you may request reasonable accommodations or an interpreter to assist with this process by contacting the City Manager's Office at (405) 742.8209.

You can also file a civil rights complaint with the U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties (CRCL):

U.S. Department of Homeland Security

Office for Civil Rights and Civil Liberties

Compliance Branch, Mail Stop #0190

2707 Martin Luther King, Jr. Ave., SE

Washington, D.C. 20528

CRCLCompliance @hq.dhs.gov (fastest method)

Fax: 202.401.4708 Web: www.dhs.gov/crcl Phone: 202.401.1474 or Toll Free: 1.866.644.8360

Information and Services for Persons with Disabilities and Persons with Limited English Proficiency

The City of Stillwater respects and actively seeks to welcome and protect all those who reside, visit, or do business in our community.

The City of Stillwater

- Provides free aids and services, such as qualified sign language interpreters and written information in other formats (large print, audio, accessible electronic formats, etc.), as reasonable accommodations to communicate effectively with persons with disabilities. A reasonable accommodation is a change or modification to afford a qualified individual with a disability full enjoyment of City of Stillwater's programs or activities, unless modifications of policies, practices, and procedures would fundamentally alter the nature of the program, service, or activity, or result in undue financial and administrative burdens to the City of Stillwater.
- Provides free language services, such as qualified foreign language interpreters and information written in other languages, to ensure meaningful access to programs and activities for persons with limited English proficiency.
- Encourages participation in city government from all citizens and if participation at any public meeting is not possible due to a disability, please notify the City Manager's office at least 48 hours prior to the meeting by calling 405.742.8209.

If you need these services, please contact:

Patti Osmus, Assistant to the City Manager
Office of the City Manager
723 S. Lewis St. / PO Box 1449
Stillwater, OK 74076-1449
patti.osmus@stillwater.org
405.742.8209

After receiving a request for reasonable accommodations, the City of Stillwater will determine: 1.) Whether the request will be effective in allowing participation in the activity or program; 2.) Whether the request is reasonable or if there is an equally effective alternative that is more reasonable; and 3.) Whether providing the requested accommodation would fundamentally alter the nature of the City of Stillwater's program or impose undue financial or administrative burdens on the City of Stillwater.

Complaints that a facility, program, service, or activity of the City of Stillwater is not accessible to individuals with disabilities or Limited English Proficiency should be directed to the contact listed above at the City Manager's Office.

ORDINANCE NO. 3526

“AN ORDINANCE AMENDING STILLWATER CITY CODE BY AMENDING CHAPTER 23, LAND DEVELOPMENT CODE, ARTICLE VI, LAND USE CLASSIFICATIONS, DIVISION 1, GENERALLY, SECTION 23-121, EXEMPTIONS; SETBACKS FOR FENCES, ETC.; PROJECTIONS INTO YARDS; REPEALING ALL ORDINANCES TO THE CONTRARY; AND PROVIDING FOR SEVERABILITY”

(AMENDMENTS HIGHLIGHTED BY STRIKETHROUGH AND UNDERLINING)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STILLWATER, OKLAHOMA:

SECTION 1: That Stillwater City Code, Chapter 23, Land Development Code, Article VI, Land Use Classifications, Division 1, Generally, Section 23-121, Exemptions; setbacks for fences, etc.; projections into yards, be amended to read as follows:

Sec. 23-121. Exemptions; setbacks for fences, etc.; projections into yards.

(a) *Exemptions.* The following are exempt from the provisions of this article:

- (1) Railroad tracks, signals, bridges, and similar facilities and equipment located on a railroad right-of-way, and maintenance and repair work on such facilities;
- (2) Property owned and used for governmental or university use by any branch of the county, state or federal government or by any publicly funded institution of higher learning. If such entity elects to participate in the city development review process, all applicable regulations shall be followed from beginning through completion of the application.

(b) *Height and setback requirements for fences, etc.* Fences, landscaping or visual barriers shall be subject to the following height and setback requirements, unless otherwise regulated or prohibited by article IV of this chapter and except as provided in (1) below:

Type	Height	Allowed
Fences	Zero to four feet	All yards
Fences	Four to eight feet	All rear, side and secondary front yards
Hedges or required visual barriers	Zero to four feet	All yards
Hedges or required visual barriers	Over four feet	All rear, side and secondary front yards

- (1) No fence, hedge, or visual barrier taller than four feet shall extend into the front yard. A fence, hedge, or visual barrier four to eight feet in height may extend to within five feet of the secondary front yard of a corner lot in a residentially zoned district. Secondary front yard used here means the property line dividing the right of way from the street to which the address has not been assigned.

(c) *Projections into yards.* The following may project from a principal structure into a minimum setback:

- (1) Cornices, eaves, shade control devices, and awnings or canopies over doors and windows may project a distance not exceeding two feet into the required yard.
- (2) Bay windows, balconies, and chimneys may project a distance not exceeding two feet, provided that such features do not occupy, in total, more than one-third of the length of the building wall on which they are located.
- (3) Fire escapes, and other uncovered stairs and landings may project a distance not exceeding three feet into required yards.
- (4) Canopies over commercial fuel pump and vehicle service islands may overhang a required front or exterior side yard a distance not to exceed one foot for each one foot in height, provided that the ground support structure is located entirely within the required minimum building setback line, and further provided the canopy extends no closer than five feet to the property line.
- (5) Open terraces, decks, and porches not over 30 inches above the average level of the adjoining ground may project a distance not exceeding five feet into required yards, provided that such projection extends no closer than five feet to any interior side property line.
- (6) Under no circumstances shall any portion of a structure project into an easement.

(d) *Exemption.* If the structure is developed within a PUD and there is adequate clearance provided.

SECTION 2: REPEALER. All ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 3: SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

PASSED, APPROVED, AND ADOPTED THIS ____ DAY OF _____, 2023.

WILLIAM H. JOYCE, MAYOR

(SEAL)
ATTEST:

TERESA KADAVY, CITY CLERK

APPROVED AS TO FORM AND LEGALITY THIS ____ DAY OF _____, 2023.

KIMBERLY CARNLEY, CITY ATTORNEY

First Reading:

Second Reading: