

**IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING LAW
THE AGENDA WAS POSTED SEPTEMBER 28, 2023 AT 4:15 P.M.
AT THE MUNICIPAL BUILDING, 723 SOUTH LEWIS, STILLWATER, OKLAHOMA**

**MINUTES
STILLWATER CITY COUNCIL
REGULAR MEETING
COUNCIL HEARING ROOM
723 S. LEWIS
OCTOBER 2, 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. Public Power Week

Mayor Joyce read the proclamation declaring October 1-7, 2023 as Public Power Week. Electric Utility Director Loren Smith accepted the proclamation. Mr. Smith thanked Council for their support and thanked the Electric Utility staff for their hard work and dedication in keeping the City of Stillwater lit up.

b. Fire Prevention Week

Mayor Joyce read the proclamation declaring October 8-14, 2023 as Fire Prevention Week. Sparky and Fire Marshal Thomas Tharp and Deputy Fire Marshal Dustan Portman accepted the proclamation.

MOTION BY MAYOR JOYCE, SECOND BY COUNCILOR CLARK TO RECESS THE STILLWATER CITY COUNCIL MEETING AT 5:37 P.M.

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

Stillwater City Council meeting recessed at 5:37 p.m. to convene the Stillwater Public Works Authority meeting.

Stillwater City Council reconvened at 5:38 p.m.

4. CONSENT DOCKET

- 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 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

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

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

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

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

6. ITEMS REMOVED FROM CONSENT DOCKET

None.

7. PUBLIC HEARINGS

- a. 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)

City Planner Jacquelyn Porter reported that 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 applicant is requesting rezoning to RTM to allow for multiple small residential units to be developed on the property.

Mayor Joyce opened the public hearing.

Roger Gose, 1120 E. Connell, spoke on behalf of the applicant and in favor of rezoning 716 W. 11th Avenue.

Toni Broyles, Stillwater Housing Authority Director, spoke in favor of the rezoning.

Mayor Joyce closed the public hearing.

Planning Commission recommended approval 5-0.

MOTION BY COUNCILOR CLARK, SECOND BY COUNCILOR HAWKINS TO ACCEPT THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE THE MAP AMENDMENT FOR THE PROPERTY LOCATED AT 716 WEST 11TH AVENUE.

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

- b. Receive public comment regarding a request for a Specific Use Permit for property located at 716 West 11th Avenue for construction of 8 Small Lot Single Family Residential units

City Planner Jacquelyn Porter stated that 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 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.

Mayor Joyce opened the public hearing.

Roger Gose, 1120 E. Connell, spoke on behalf of the applicant and in favor of the SUP. Mr. Gose clarified that these are not small lots as stated in the title but one big lot with eight small houses.

Mayor Joyce closed the public hearing.

City Attorney Kimberly Carnley reported this was a title error only so Council could proceed.

Planning Commission recommended approval of the SUP 5-0.

MOTION BY VICE MAYOR DZIALOWSKI, SECOND BY COUNCILOR HAWKINS TO ACCEPT THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE THE SPECIFIC USE PERMIT FOR PROPERTY LOCATED AT 716 WEST 11TH AVENUE.

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

- c. Receive public comment regarding a request for a specific use permit to use property addressed as 211 North Perkins Road Suite 10 as a medical marijuana dispensary

City Planner Jacquelyn Porter that 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. There has been a change in ownership of the business, which requires a new specific use permit.

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

The Planning Commission recommended approval with 5-0 vote.

MOTION BY COUNCILOR HAWKINS, SECOND BY VICE MAYOR DZIALOWSKI TO ACCEPT THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE THE SPECIFIC USE PERMIT FOR THE PROPERTY LOCATED AT 211 NORTH PERKINS ROAD.

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

- d. Receive public comment regarding a request for 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

City Planner Jacquelyn Porter stated that 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. She reported that the major changes between the current code and the proposed text changed is the change of exempt in the table to "allowed" and clarified the location as "yards". In b.1, secondary front yard is defined and 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".

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

The Planning Commission recommended approval with 5-0 vote.

MOTION BY COUNCILOR CLARK, SECOND BY COUNCILOR HARDIN TO ACCEPT THE PLANNING COMMISSION'S RECOMMENDATION TO 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.

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

8. GENERAL ORDERS

- a. 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

Airport Director Kellie Reed reported that 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. Ms. Reed stated that in-person interviews were held on September 21, 2023 with four CMAR firms and the highest ranked firm from these interviews was Lippert Brothers.

MOTION BY COUNCILOR HAWKINS, SECOND BY VICE MAYOR DZIALOWSKI 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.

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

- b. Presentation on Energy Savings Projects process

Interim City Manager Brady Moore reported that 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. City Management met with staff to prioritize projects and to identify funding for projects that could be implemented in FY24. Mr. Moore stated that City Management communicated with the Renewable Energy Task Force to propose an Energy Savings Projects plan that would include three meetings per year (January/May/September) with three 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. Mr. Moore stated that

funds for the initial Energy Savings Projects are available in the City Capital Fund and Rate Stabilization Fund and the budget amendments on the City Council and Stillwater Utilities Authority agenda that with approval will execute the appropriation of funds for the initial projects.

Mr. Moore answered Council's questions regarding timelines and grants that might be available for this project.

No action was taken on this item.

- 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

Interim City Manager Brady Moore explained the first line of the budget amendment is for \$600,000 to replace the chillers at City Hall and for the warranty that comes with them and the second line of the budget amendment for \$500,000 is for the LED lighting for City facilities. He stated that the City will be researching grants that can be applied for to help save money. Mr. Moore stated these budget amendments are on the agenda tonight so the City can show the community that the City is getting this process started.

MOTION BY COUNCILOR CLARK, SECOND BY COUNCILOR HARDIN TO APPROVE THE 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.

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

9. RESOLUTIONS

- a. 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 amendments for the required sponsor match.

MOTION BY COUNCILOR HAWKINS, SECOND BY VICE MAYOR DZIALOWSKI TO ADOPT RESOLUTION NO. CC-2023-33 AS PRESENTED.

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

- 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 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

MOTION BY VICE MAYOR DZIALOWSKI, SECOND BY COUNCILOR CLARK TO ADOPT RESOLUTION NO. CC-2023-34 AS PRESENTED.

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

- c. Resolution CC-2023-35: 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

MOTION BY VICE MAYOR DZIALOWSKI, SECOND BY COUNCILOR HAWKINS TO ADOPT RESOLUTION NO. CC-2023-35 AS PRESENTED.

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

10. ORDINANCES

a. First Reading

Ordinance 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

MOTION BY COUNCILOR CLARK, SECOND BY COUNCILOR HAWKINS TO ADVANCE ORDINANCE NO. 3526 TO SECOND READING AS PRESENTED.

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

11. 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 City Council and staff have now received all of the rate studies for electric, water, wastewater, and stormwater. Next, the City will have community town halls that are available in-person and online. All things electric will be on October 10th and all things water will be on October 12th. The City wants to hear feedback from our customers and answer any questions they may have. The rate studies, town hall details, and other important information is available online at stillwaterok.gov/ratestudy. As a reminder, Council meetings and study sessions are available on the City of Stillwater YouTube and the meetings are replayed on our municipal channel, AT&T U-verse 99 or Suddenlink 14.
- c. Miscellaneous items from the City Council:
 - Councilor Hardin announced that it's Public Power Week, October 1st through the 7th. This year's focus is, "Community Powered." Stillwater Electric Utility is building for the future to ensure reliable, affordable, sustainable, and customer-focused service for many years to come. That means they are working hand-in-hand with customers to make sure our utility reflects their long-term goals and needs and those of our community. We greatly appreciate our staff members who serve in the Stillwater Utilities Dept. They go above and beyond every day to keep the lights on and so much more. For more information about Public Power Week, go to publicpower.org.
 - Councilor Clark invited residents to please save the date and plan to join us for the Stillwater Fire Department Wet-Down Ceremony on Friday, October 13th, beginning at 10 a.m., at Fire Station #1, 1510 S. Main St. This national, traditional ceremony is a way for firefighters to honor their history and show their

commitment to serving the community. The event will be for two new apparatuses, one will be housed at station 3 and the other at station 4. If you are unable to attend, please join in for the live-stream on the Stillwater Fire Department Facebook page.

- Councilor Hawkins announced that the Stillwater Police Dept. would love for residents to join them for their annual “Coffee with a Cop” this Wednesday, October 4th, from 10-11 a.m. at Round House Bakery on 108 E. 10th Avenue. Come out for a cup of coffee, have your questions answered, and get to know the officers in your neighborhood.
Councilor Hawkins also reminded residents that the splash pads located in Boomer Lake Park and Southern Woods will be closed for the season beginning Monday, October 9. Big thanks to our Parks and Community Resources staff for their efforts to keep us all cooled off this summer.
- Vice Mayor Dzialowski stated that on Saturday, October 21st, the City’s Watershed Quality Department will have its bi-annual “Household Hazardous Waste Collection” event. The event will be from 8 a.m. to 1 p.m. at the Convenience Collection Center located at 807 S. Perkins Road. During this event, residents are encouraged to drop off any household pollutants for free. Accepted items include oil-based paints, pesticides, herbicides, household cleaning products, pool chemicals, unused pharmaceuticals, and more. The Convenience Collection Center will still accept regular trash and recycling that day. However, trailers and commercial waste are not allowed. Yard waste will be accepted after 1 p.m. This event is for residents and a utility bill may be requested as proof.
- Mayor Joyce reminded residents that it’s OSU Football season. 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, and park downtown. Cowboys will take on the Kansas State Wildcats, Friday, October 6, kickoff at 6:30 p.m.
- i. Discussion about scheduling items for future meetings.

12. QUESTIONS & INQUIRIES

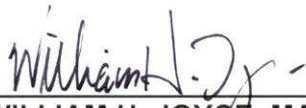
None.

13. ADJOURN

MOTION BY COUNCILOR CLARK, SECOND BY COUNCILOR HARDIN TO ADJOURN THE OCTOBER 2, 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 October 2, 2023 regular meeting of the Stillwater City Council adjourned at 6:18 p.m.



WILLIAM H. JOYCE, MAYOR
STILLWATER CITY COUNCIL



TERESA KADAVY
CITY CLERK