



Together, Investing in Municipal Excellence

CITY COUNCIL MEETING AGENDA

JANUARY 8, 2024

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. 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 December 18, 2023, regular and executive session meeting minutes		
b.	Approve Encroachment Agreement and Release of Liability between the City of Stillwater and Epsilon Omicron Holding Corporation for the construction of a stem wall project onto the right-of-way at property addressed as 324 S Monroe Street	CC-24-03	Jacquelyn Porter
c.	Approve Lease Extension for T-Mobile site on the North Tower Park water tower	CC-24-02	Brady Moore

4. 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.

5. 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.

6. 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 action directing staff to prepare a resolution calling for a General Obligation Bond election for April 2, 2024, in an amount not to exceed \$6.75 million, for a new Stillwater Animal Welfare facility to be located at the northeast corner of W. Airport Road and N. Knoblock Street	CC-24-01	Dawn Dodson
b.	Consider approval of the Project Schedule and the Interim Guaranteed Maximum Price for the new Fire Station No. 2 and authorize the City Manager to execute Exhibits A-1 and B-2 as exhibits to the Crossland Agreement for Construction Management at Risk Services	CC-24-04	Candy Staring
c.	Consider approval of Amendment No. 1 to the Crossland Agreement for Construction Management at Risk Services regarding a partial conversion to Guaranteed Maximum Price and authorize the City Manager to execute the amendment	CC-24-04	Candy Staring

7. 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 NO. CC-2024-1: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STILLWATER ESTABLISHING A PROCESS FOR IMPLEMENTATION OF THE REQUIREMENTS OF 11 O.S. §51-108, INCLUDING ESTABLISHING THE PROCESS FOR CALLING AND SCHEDULING ELECTIONS PURSUANT TO SAID	Kimberly Carnley
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	STATUTE	
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8. 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.

Second Read

a.	ORDINANCE NO. 3529: AN ORDINANCE AMENDING STILLWATER CITY CODE OF ORDINANCES BY AMENDING CHAPTER 10, BUILDINGS AND BUILDING REGULATIONS, ARTICLE III, ICC INTERNATIONAL BUILDING CODE, 2015 EDITION, SECTION 10-52, ADOPTION OF THE ICC INTERNATIONAL BUILDING CODE, 2015 EDITION; AND SECTION 10-53. AMENDMENTS TO THE ICC INTERNATIONAL BUILDING CODE, 2015 EDITION, SPECIFICALLY ADOPTION OF THE ICC INTERNATIONAL BUILDING CODE, 2018 EDITION AND AMENDMENTS THERETO; ARTICLE IV, INTERNATIONAL RESIDENTIAL CODE FOR ONE-AND TWO-FAMILY DWELLINGS, 2015 EDITION; SECTION 10-88, ADOPTION OF THE ICC INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, 2015 EDITION; SPECIFICALLY ADOPTION OF THE ICC INTERNATIONAL RESIDENTIAL BUILDING CODE, 2018 EDITION AND AMENDMENTS THERETO; ARTICLE V, INTERNATIONAL PROPERTY MAINTENANCE CODE, 2015 EDITION, SECTION 10-111, ADOPTION OF THE ICC INTERNATIONAL PROPERTY MAINTENANCE CODE, 2015 EDITION, SECTION 10-112, AMENDMENTS TO THE ICC INTERNATIONAL PROPERTY MAINTENANCE CODE, 2015 EDITION, SPECIFICALLY ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2018 EDITION AND AMENDMENTS THERETO, ARTICLE VIII, PLUMBING STANDARDS, DIVISION 2, INTERNATIONAL PLUMBING CODE, 2015 EDITION, SECTION 10-289, ADOPTION OF THE ICC INTERNATIONAL PLUMBING CODE, 2015 EDITION, SEC. 10-290, AMENDMENTS TO THE ICC, INTERNATIONAL PLUMBING CODE 2015 EDITION; SPECIFICALLY ADOPTING THE INTERNATIONAL PLUMBING CODE, 2018 EDITION AND AMENDMENTS THERETO; ARTICLE IX, INTERNATIONAL FUEL GAS CODE, 2015 EDITION, SECTION 10-374, ADOPTION OF THE ICC INTERNATIONAL FUEL GAS CODE, 2015 EDITION, SECTION 10-375, AMENDMENTS TO THE ICC INTERNATIONAL FUEL GAS CODE, 2015 EDITION, SPECIFICALLY ADOPTING THE INTERNATIONAL FUEL GAS CODE, 2018 EDITION AND AMENDMENTS THERETO, ARTICLE X, MECHANICAL STANDARDS, DIVISION 1, INTERNATIONAL MECHANICAL CODE, 2015 EDITION, SECTION 10-396, ADOPTION OF THE ICC INTERNATIONAL MECHANICAL CODE, 2015 EDITION, SECTION 10-397, AMENDMENTS TO THE ICC INTERNATIONAL MECHANICAL CODE, 2015 EDITION, SPECIFICALLY ADOPTING THE INTERNATIONAL MECHANICAL CODE, 2018 EDITION AND AMENDMENTS THERETO, XI, ELECTRICITY, DIVISION 2, NATIONAL ELECTRICAL CODE, 2014 EDITION, SECTION 10-485, ADOPTION OF THE NATIONAL ELECTRICAL CODE, 2014 EDITION (NFPA 70-2014), AND SECTION 10-486, AMENDMENTS TO THE NATIONAL ELECTRICAL CODE, 2014 EDITION (NFPA 70-2014); SPECIFICALLY ADOPTING THE NATIONAL ELECTRICAL CODE, 2020 EDITION (NFPA 70-2020) AND AMENDMENTS THERETO; AMENDING CHAPTER 20, FIRE PREVENTION AND PROTECTION, ARTICLE III, ICC INTERNATIONAL BUILDING CODE,
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	2015 EDITION, SECTION 20-49, ADOPTION OF THE ICC INTERNATIONAL FIRE CODE, 2015 EDITION; SEC. 20-50, AMENDMENTS TO THE ICC INTERNATIONAL FIRE CODE, 2015 EDITION, SPECIFICALLY ADOPTING THE INTERNATIONAL FIRE CODE 2018 EDITION AND AMENDMENTS THERETO; REPEALING ALL ORDINANCES TO THE CONTRARY; AND PROVIDING FOR SEVERABILITY
b.	ORDINANCE NO. 3530: AN ORDINANCE AMENDING STILLWATER CITY CODE OF ORDINANCES BY AMENDING CHAPTER 16, CRIMES, MISCELLANEOUS OFFENSES AND PROVISIONS, ARTICLE VI, OFFENSES INVOLVING MINORS, DIVISION 2, PREVENTION OF YOUTH ACCESS TO TOBACCO, SECTION 16-152, DEFINITIONS; AND SECTION 16-153, FURNISHING OF TOBACCO PRODUCTS TO MINORS; AND SECTION 16-154, PURCHASE, RECEIPT OR POSSESSION OF TOBACCO PRODUCTS BY MINORS; AND 16-155, DISTRIBUTION OF TOBACCO PRODUCT SAMPLES TO MINORS; AND SECTION 16-156, SALE OF TOBACCO PRODUCTS EXCEPT IN ORIGINAL, SEALED PACKAGING; REPEALING ALL ORDINANCES TO THE CONTRARY; AND PROVIDING FOR SEVERABILITY

9. 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

10. Questions and Inquiries

11. Adjourn

On January 4, 2024 at 4:30 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.

**IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING LAW
THE AGENDA WAS POSTED DECEMBER 14, 2023 AT 2:30 P.M.
AT THE MUNICIPAL BUILDING, 723 SOUTH LEWIS, STILLWATER, OKLAHOMA**

**MINUTES
STILLWATER CITY COUNCIL
REGULAR MEETING
COUNCIL HEARING ROOM
723 S. LEWIS
DECEMBER 18, 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 Pledge of Allegiance was led by Cub Scout Arrow of Light Den #3805.

MOTION BY MAYOR JOYCE, SECOND BY COUNCILOR HARDIN TO RECESS THE
STILLWATER CITY COUNCIL MEETING.

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 5:31 p.m. to convene Stillwater Public Works Authority
meeting.

Stillwater City Council reconvened at 5:59 p.m.

3. CONSENT DOCKET

- a. Approve December 4, 2023 regular meeting minutes
- b. Accept fiscal year 2023 Annual Comprehensive Financial Report, Single Audit Report, Passenger Facility Charge Program Audit Report, and Auditor Communication Letter
- c. Accept transfer of Block 34 warranty deed from Stillwater Public Works Authority
- d. Approve Olsson, Inc. Contract Amendment #5 for an amount of \$5,100 (funded by cash reserves and eligible for future FAA reimbursement) for the Phase 1 Environmental Assessment for the Air Traffic Control Tower Siting Study, Amendment #6 for an amount of \$96,890 (will be reimbursed by both terminal design grants and applicable Airport match) for the new terminal parking and parking access roundabout design at Stillwater Regional Airport, and the associated budget amendment appropriating funds totaling \$101,990
- e. Approve the organizational-wide purchase of new computer systems from Dell Inc. via Statewide Contract SW1020D for annual lease payments of \$197,854; approve \$75,000 for the annual software subscription; approve budget amendments appropriating 6 months of lease payments totaling \$136,427 for the remainder of FY23-24; and, authorize the City Manager to sign related lease and subscription agreements.
- f. Approve budget revision transferring \$31,750 for repair of the stone walls at 6th Avenue and Perkins Road

- g. Approve budget amendment appropriating \$175,000 for the Couch Park LED lighting project
- h. Approve change order No. 3 to the Motorola Solutions contract for the public safety radio project to add a 400' self-support communications tower and installation services pursuant to OK SW1053M, and approval of the associated budget amendment allocating funds in the amount of \$468,773.92

Councilor Hardin removed item b. from the consent docket.

MOTION BY COUNCILOR HAWKINS, SECOND BY VICE MAYOR DZIALOWSKI TO APPROVE THE CONSENT DOCKET MINUS ITEM B.

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

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

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

5. ITEMS REMOVED FROM CONSENT DOCKET

- b. Accept fiscal year 2023 Annual Comprehensive Financial Report, Single Audit Report, Passenger Facility Charge Program Audit Report, and Auditor Communication Letter

Councilor Hardin stated that he attended the Audit Committee meeting and reported that a clean audit was received on the entire system. He reported the new auditor complimented the City's Finance Department on what a great job they had done. Councilor Hardin thanked the Finance Department for a job well done.

Councilor Clark stated that it is good to bring in a fresh set of eyes and the new audit firm was very complimentary of the City's staff and the working relationship with their firm.

MOTION BY COUNCILOR HARDIN, SECOND BY COUNCILOR CLARK TO APPROVE ITEM B. FROM THE CONSENT DOCKET.

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

6. PUBLIC HEARINGS

- a. Public hearing to consider appeals received to the decision of the Planning Commission approving the issuance of a Residential Short-Term Rental License issued for property addressed as 311 S. Eyler Lane

City Planner Jacquelyn Porter reported that three appeals to the decision of the Planning Commission approving the issuance of a Short-term Rental (STR) license for the subject property were filed with the City. Section 23-115.4 of the City Code establishes that appeals shall be made to the City Council. Ms. Porter stated that the City Clerk's office received six letters of objection during the 30-day objection period. The Planning Commission held a public hearing on August 15, 2023, and approved the STR license with a vote of 5-0, with the condition that the rental complies with the Westwood overlay district requirements.

Mayor Joyce opened the public hearing.

Katherine Morris, 3002 St. Tropez Ct., McKinney, TX, stated that she is the applicant and property owner of 311 S. Eyler. She reported that she is using this house as a short term rental to make extra money until her daughter is ready to attend OSU and for when she retires so she can move back to Stillwater. Ms Morris reported that she plans to comply with the Westwood overlay district requirements.

Katie Oomens, 323 Eyler Lane, spoke against approving this short-term rental license.

Blake Stevison, 424 S. Ridge Drive, spoke against approving this short-term rental license.

Gary Clark, 320 Eyler Lane, spoke against approving this short-term rental license.

Marshall Baker, 2020 W. 3rd Avenue, spoke against approving this short-term rental license.

James Beckstrom, 2218 W. 4th Avenue, spoke against approving this short-term rental license.

Bob Graalman, 2224 Sunset Drive, spoke against approving this short-term rental license.

Mark Lambert, 1824 W University, spoke against approving this short-term rental license.

Mayor Joyce closed the public hearing.

Planning Commission approved the STR with a vote of 5-0.

Councilor Clark stated that legally Council cannot deny this application as it complies with the City's ordinance.

Councilor Hawkins stated that there are mechanisms in place to revoke this license if the tenants are in violation of the Westwood overlay guidelines.

Councilor Hardin asked the City Attorney how the enforcement of short-term rentals are handled. City Attorney Kimberly Carnley stated that code enforcement tracks violations and they are followed up on for compliance. For continued violations, code enforcement officers can issue written warnings or citations. If there are violations for any City codes and a citation is issued then a revocation hearing can be held before the Planning Commission and those hearings are also subject to appeal to the City Council.

Councilor Clark asked City Attorney Carnley if she knew of a defensible cause for not approving this STR license. Ms. Carnley stated that the code specifically sets forth that the acceptable action by Council is to approve with conditions or to deny. In this case if Council was to revoke the license, the reason would have to be stated to support the record.

Vice Mayor Dzialowski stated that she is sympathetic to the neighbors that are trying to protect the integrity of their neighborhood. She asked City Attorney Carnley what opportunities the neighborhood would have to address this issue more comprehensively. Ms. Carnley replied that the City does not have the authority to enforce HOA covenants or other restrictive covenants of that type. She stated a civil right of action could be filed against the property owner. Ms. Carnley stated again that if there is a code violation a revocation hearing can be called. Ms Carnley reported that it is important to note that this STR license was issued with the conditions that the property owner follow all of the Westwood overlay restrictions.

Mayor Joyce stated that this is a very difficult decision that Council has to make and he agrees that the Westwood overlay in this area is a necessity and should continue to be enforced. The issue of STR's needs to be addressed citywide at a higher level by the City. He said he would support Council looking

at the STR ordinance from a big picture standpoint. For example, how does it interact with overlays, is there a number for any residential neighborhood to be saturated with STR's and other conditions.

MOTION BY MAYOR JOYCE, SECOND BY COUNCILOR CLARK TO ACCEPT THE PLANNING COMMISSION'S RECOMMENDATION AND APPROVE THE RESIDENTIAL SHORT-TERM RENTAL LICENSE AT 311 S. EYLER LANE.

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

- b. Public hearing regarding an application for a Specific Use Permit to install a Public Safety Telecommunications Tower exceeding 75 feet at property addressed 623 East 8th Avenue

City Planner Jacquelyn Porter reported that Stillwater Emergency Management is requesting a Specific Use Permit to allow the height of a telecommunications tower to exceed 75 feet. The proposed tower is going to be 419 feet and 6 inches and is located at the southeast corner of the property addressed as 623 East 8th Avenue. The City Council approved funding to construct a telecommunication tower for emergency responses in November 2022. The tower is designed to withstand 116 mph basic wind, 40 mph basic wind with 1.5 inches of ice and to have a theoretical zero-fall zone radius. On May 2, 2023, the Planning Commission approved a Specific Use Permit for a telecommunication tower for emergency response on the property addressed as 4220 North Perkins Road, South of Parkview Estates. The City's Emergency Management team and contractors had to abandon and change the proposed location of the telecommunication tower at 4220 North Perkins Road. After further research, Emergency Management and contractors identified the subject property addressed as 623 East 8th Avenue as a new location for the telecommunication tower.

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

Planning Commission recommended approval 5-0.

MOTION BY COUNCILOR CLARK, SECOND BY VICE MAYOR DZIALOWSKI TO ACCEPT THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE THE SPECIFIC USE PERMIT TO INSTALL A PUBLIC SAFETY TELECOMMUNICATIONS TOWER EXCEEDING 75 FEET AT PROPERTY ADDRESSED 623 EAST 8TH AVENUE.

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

7. GENERAL ORDERS

- a. Approve award of Fire Station 2 Work Package #1 bids for demolition, earthwork, site concrete, site utilities and storm sewer to Crossland Construction Co. for a total of \$1,297,063.13.

Director of City Engineering Candy Staring reported that on April 5, 2022, residents of Stillwater approved a \$9 Million bond issue to construct a new fire station to replace the existing Fire Station No. 2. The new Fire Station No. 2 will be located on the east side of Western Road approximately a half-mile north of McElroy Road. She stated due to the schedule, the decision was made to do an early work package (WP#1) and six different trades were bid. WP#1 was advertised for bids by Crossland and the City. WP#1 trades include demolition and earthwork; site concrete; fencing; landscape, irrigation and plantings; site utilities (gas, water, sewer); and storm sewer. Crossland opened sealed bids on December 5, 2023 with City staff in attendance. The bids received resulted in a budget exceedance of \$152,000. Due to this, two trades will be removed from WP#1 and will be re-bid with WP#2 so that the Team can identify cost savings options or eliminate the trade altogether based on WP#2 bid results. These trades include fencing; and landscape, irrigation and plantings.

MOTION BY VICE MAYOR DZIALOWSKI, SECOND BY COUNCILOR HAWKINS TO APPROVE STAFF'S RECOMMENDATION AND AWARD BIDS FOR DEMOLITION, EARTHWORK, SITE CONCRETE, SITE UTILITIES AND STORM SEWER TO CROSSLAND CONSTRUCTION CO. FOR A TOTAL OF \$1,297,063.13.

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

- b. Staff presentation on a proposed new Stillwater Animal Welfare facility, location, and cost to be financed as a possible General Obligation bond issue

Communications Director Dawn Dodson stated that Together Investing in Municipal Excellence (TIME) is the general obligation bond initiative used to identify high-priority community needs with resident input, that are funded through passed ballot measures that affect property taxes. A new animal welfare facility was identified by staff and residents a few years ago as a TIME project to create a larger space that is healthier, safer, and more efficient. The City considered this project for a bond election with Fire Station #2 in 2022, but collectively believed it was best to postpone this potential proposition. Ms. Dodson presented the 2022 Animal Welfare statistics, staff responsibilities and the status of the current facility. Ms. Dodson introduced Brian Thomas, 505 Architects, that was hired by the City of Stillwater to work with staff and stakeholders to develop facility requirements and provide option comparisons. Mr. Thomas presented the different location options, cost options and cost-based comparisons for a new Animal Welfare facility and answered Council's questions. Ms. Dodson explained the funding challenges and bond election scenarios and answered Council's questions. She stated that staff will come back to Council on January 8, 2024 for guidance on how to proceed.

No action was taken on this item.

8. RESOLUTIONS

- a. Resolution No. CC-2023-45: A resolution approving action taken by the Stillwater Utilities Authority authorizing the issuance of its Promissory Note in the principal amount of \$37,000,000 to the Oklahoma Water Resources Board; ratifying and confirming a Lease Agreement and Operation and Maintenance Contract and a Sales Tax Agreement between the City and the Authority and containing other provisions relating thereto

MOTION BY COUNCILOR CLARK, SECOND BY COUNCILOR HAWKINS TO ADOPT RESOLUTION NO. CC-2023-45 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 No. CC-2023-46 : A resolution of the City Council of the City of Stillwater, Oklahoma, authorizing the Childs Law Firm, PLLC, to file an action against Silverton Estates, LLC, Bancfirst Guthrie, the Board of County Commissioners, the County Treasurer, and the County Clerk of Payne County, Oklahoma, and any other persons or entities necessary to foreclose a lien for the costs of abatement on real property generally located at 1600 East 16th Avenue, City of Stillwater, Payne County, State of Oklahoma, previously declared a nuisance by the City Council of the City of Stillwater; and authorizing the City Manager to take all actions reasonably necessary to effectuate the provisions of this resolution

City Attorney Kimberly Carnley stated that in January, Council passed a resolution authorizing abatement of this public nuisance property. City staff has incurred expenses to perform this abatement as well as contracting for stabilization efforts that were necessary to prevent discharge

on adjacent property. Ms. Carnley reported that the City incurred expenses in excess of \$31,000 and a lien has been filed on this property. The City has made demand for payment but no payment has been received. She stated she is seeking authorization from Council to authorize outside counsel, Childs Law Firm, to file suit against the entities to proceed with foreclosure on that lien.

MOTION BY VICE MAYOR DZIALOWSKI, SECOND BY COUNCILOR HAWKINS TO ADOPT RESOLUTION NO. CC-2023-46 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 No. CC-2023-47: A resolution authorizing the subletting of Hangar 2 and Hangar 10 space to Crosswind Aviation, LLC for the purpose of aeronautical activity to include aircraft rentals to licensed private pilots for time-building, sightseeing, and personal travel

City Attorney Kimberly Carnley reported that Stillwater Flight Center, Inc. and Stillwater Flight Center Hangar, LLC are the current lessees of the respective hangars and both those lease agreements require written consent in order to sublet. The airport director has approved a new aeronautical activity application for that reason and is seeking authorization to allow the subletting of these hangars for that purpose.

MOTION BY COUNCILOR HAWKINS, SECOND BY COUNCILOR CLARK TO ADOPT RESOLUTION NO. CC-2023-47 AS PRESENTED.

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

9. ORDINANCES

a. First Reading

Ordinance No. 3529: An ordinance amending Stillwater City Code Of Ordinances by amending Chapter 10, Buildings And Building Regulations, Article III, ICC International Building Code, 2015 Edition, Section 10-52, Adoption of the ICC International Building Code, 2015 Edition; and Section 10-53. Amendments to the ICC International Building Code, 2015 Edition, Specifically Adoption of the ICC International Building Code, 2018 Edition and Amendments Thereto; Article IV, International Residential Code for One-and Two-Family Dwellings, 2015 Edition; Section 10-88, Adoption of the ICC International Residential Code for One- and Two-Family Dwellings, 2015 Edition; Specifically Adoption of the ICC International Residential Building Code, 2018 Edition and Amendments Thereto; Article V, International Property Maintenance Code, 2015 Edition, Section 10-111, Adoption of the ICC International Property Maintenance Code, 2015 Edition, Section 10-112, Amendments to the ICC International Property Maintenance Code, 2015 Edition, Specifically Adopting The International Property Maintenance Code, 2018 Edition And Amendments Thereto; Article VIII, Plumbing Standards, Division 2, International Plumbing Code, 2015 Edition, Section 10-289, Adoption Of The ICC International Plumbing Code, 2015 Edition, Sec. 10-290, Amendments To The ICC, International Plumbing Code 2015 Edition; Specifically Adopting The International Plumbing Code, 2018 Edition And Amendments Thereto; Article IX, International Fuel Gas Code, 2015 Edition, Section 10-374, Adoption Of The ICC International Fuel Gas Code, 2015 Edition, Section 10-375, Amendments To The ICC International Fuel Gas Code, 2015 Edition, Specifically Adopting The International Fuel Gas Code, 2018 Edition And Amendments Thereto; Article X, Mechanical Standards, Division 1, International Mechanical Code, 2015 Edition, Section 10-396, Adoption Of The ICC International Mechanical Code, 2015 Edition, Section 10-397, Amendments To The ICC International Mechanical Code, 2015 Edition, Specifically Adopting The International Mechanical Code, 2018 Edition And Amendments Thereto; XI, Electricity, Division 2, National Electrical Code, 2014 Edition, Section 10-485, Adoption Of The National Electrical Code, 2014 Edition (NFPA 70-

2014), And Section 10-486, Amendments To The National Electrical Code, 2014 Edition (NFPA 70-2014); Specifically Adopting The National Electrical Code, 2020 Edition (NFPA 70-2020) And Amendments Thereto; Amending Chapter 20, Fire Prevention And Protection, Article III, ICC International Building Code, 2015 Edition, Section 20-49, Adoption Of The ICC International Fire Code, 2015 Edition; Sec. 20-50, Amendments To The ICC International Fire Code, 2015 Edition, Specifically Adopting The International Fire Code 2018 Edition And Amendments Thereto; Repealing All Ordinances To The Contrary; And Providing For Severability

Community Development Director and Building Official Jeff Mathews reported that this ordinance is the adoption of the new building codes to bring the City of Stillwater into compliance with the Oklahoma Uniform Building Code Commission that was formed in 2009.

MOTION BY COUNCILOR CLARK, SECOND BY COUNCILOR HAWKINS TO ADVANCE ORDINANCE NO. 3529 TO SECOND READ AS PRESENTED.

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

Ordinance No. 3530: An ordinance amending Stillwater City Code of ordinances by amending Chapter 16, Crimes, Miscellaneous Offenses and Provisions, Article VI, Offenses Involving Minors, Division 2, Prevention of Youth Access to Tobacco, Section 16-152, Definitions; and Section 16-153, Furnishing of Tobacco Products to minors; and Section 16-154, Purchase, Receipt or Possession of Tobacco Products by minors; and 16-155, Distribution of Tobacco Product Samples to minors; and Section 16-156, Sale of Tobacco Products Except In Original, Sealed Packaging; repealing all ordinances to the contrary; and providing for severability

City Attorney Kimberly Carnley stated that this ordinance will update the City's code provisions to meet changes that were made to State law.

MOTION BY COUNCILOR HAWKINS, SECOND BY VICE MAYOR DZIALOWSKI TO ADVANCE ORDINANCE NO. 3530 TO SECOND READ AS PRESENTED.

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

Mayor Joyce moved to item 12. Appointments on the agenda.

10. REPORTS FROM OFFICERS & BOARDS

a. Miscellaneous items from the City Attorney:

- i. Request for an Executive Session pursuant to 25 O.S. §307(B)(4) involving confidential communication between the City Council and City Attorney concerning pending PFAS litigation; 3M Company and E.I. Dupont de Nemours and Company and other defendants involving Per- and Polyfluoroalkyl Substances (PFAS) contamination in In Re: Aqueous Film-Forming Foams Products Liability Litigation, MDL No. 2:18-mn-2873, United States District Court, District of South Carolina. It is the opinion of the City Attorney that disclosure of this matter will seriously impair the ability of the City Council to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest.

b. Miscellaneous items from the City Manager:

- City Manager Kimberly Meek announced that City offices will be closed on Monday, December 25, for the Christmas holiday and on Monday, January 1, for New Year's Day. The City has a few reminders and important information about

Waste Management regarding the holiday season. Remember, there are blue trash bags available for purchase at the Convenience Collection Center, local Oncues, and the Valero on W. 6th Ave. These bags are a great option for residents when they run out of room in their trash carts. The blue bags can be placed beside the carts on your collection day, or dropped off at the Convenience Collection Center. Also, residents are asked to properly dispose of their real Christmas trees after the holiday season by following the yard waste standards or dropping it off at the Convenience Collection Center. Please put wrapping paper in your regular trash cart, it is not a recyclable material. Waste Management Director Matt Faulkner explained the trash pick-up for the two holidays and the City's contractor Republic.

c. Miscellaneous items from the City Council:

- Councilor Hardin announced that it's that time of year to apply or renew your burglar or fire alarm permit registration with the City of Stillwater. Permits are \$6 per alarm on your property. Residents who are at least 62 years of age and also government entities do not pay fees. Applications are available online at Stillwaterok.gov and in-person at the Stillwater Police Department. The City wants to help in all ways possible to keep you and your family protected and safe.
- Councilor Clark stated that this holiday season, the Stillwater Animal Welfare reminds those who are considering adding a furry friend to their family to adopt not shop. If anyone would like to see what dogs and cats are in need of a good home, please stop by Animal Welfare at 1710 South Main Street or follow Stillwater Animal Welfare on Facebook. The staff members post regular updates on Facebook about available animals, educational tips, and animal health guidance.
- Councilor Hawkins stated that on Tuesday, December 19, from 5:30 to 7 p.m., Stillwater Regional Airport will be hosting "SWO for the Holidays." Please bring the kids out to the airport to meet Santa and enjoy cookies and hot chocolate. Also, there will be opportunities to win \$2,000 in American Airlines gift cards by entering the "Fly Home for the Holidays," with Visit Stillwater. \$1,500 in AA gift cards will be given to winners who have shopped local during the holiday season and submitted their receipts in the amount of \$50 or more. However, \$500 in gift cards will be awarded on Dec. 19 at the SWO holiday event. For information on how to enter to win gift certificates, please go to visitstillwater.org.
- Vice Mayor Dzialowski encouraged anyone that would like to get involved in their local government, the City has many boards and committees for consideration. The City is accepting applications for citizen representatives to possibly serve on the Tourism Advisory Committee, Public Housing Authority, Board of Adjustment, Audit Committee, and Airport Advisory Board. Each board and committee consists of five to seven members, with a term length of three years. For more information or to apply online, go to Stillwaterok.gov/citizenboards.
- Mayor Joyce announced the City is excited to welcome everyone to the ceremonial groundbreaking for the new Fire Station #2, Tuesday, December 19 at 10 a.m., at 1701 N. Western Road. This is another step in the right direction for our community, as the City continues to identify efforts to protect our residents. The new location will provide emergency services citywide, with faster response times for Oklahoma State University and areas located on the west side of town. Again, many thanks to all of our voters who supported this TIME initiative.
- Mayor Joyce also reminded residents that it's the time of year again to purchase a Rural Fire Service Contract if they live outside of city limits, but within the Stillwater Fire Department's response area. The contracts are only \$100 and

ensure that response fees for each fire incident on a contracted property will not exceed \$2,000. All collected fees go toward training, rescue tools, and other fire equipment. For more information, go to stillwaterok.gov/fire.

- i. Discussion about scheduling items for future meetings.

11. QUESTIONS & INQUIRIES

None.

12. APPOINTMENTS

- a. Consider appointments to the Stillwater Medical Center Authority Board

MOTION BY MAYOR JOYCE, SECOND BY COUNCILOR CLARK TO REAPPOINT GARY CLARK AND APPOINT CHERYL WILKINSON AND DENISE WEAVER AND DR. MARK PADEN AS THE MEDICAL STAFF REPRESENTATIVE TO THE STILLWATER MEDICAL CENTER AUTHORITY BOARD.

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

Mayor Joyce returned to item 10. Reports from Officers & Boards on the agenda.

13. EXECUTIVE SESSION

- a. Confidential communication between City Council and City Attorney concerning a pending investigation, claim or action involving PFAS Litigation.

MOTION BY COUNCILOR CLARK, SECOND BY VICE MAYOR DZIALOWSKI TO ENTER INTO EXECUTIVE SESSION AT 8:20 P.M.

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

14. RETURN FROM EXECUTIVE SESSION

MOTION BY VICE MAYOR DZIALOWSKI, SECOND BY COUNCILOR HAWKINS TO RECONVENE THE REGULAR STILLWATER CITY COUNCIL MEETING AT 8:30 P.M.

No action was taken on this item.

15. ADJOURN

MOTION BY COUNCILOR CLARK, SECOND BY COUNCILOR HARDIN TO ADJOURN THE DECEMBER 18, 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 December 18, 2023 regular meeting of the Stillwater City Council adjourned at 8:31 p.m.

WILLIAM H. JOYCE, MAYOR
STILLWATER CITY COUNCIL

TERESA KADAVY
CITY CLERK

**IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING LAW,
THE AGENDA WAS POSTED DECEMBER 14, 2023 AT 2:30 P.M. AT
THE MUNICIPAL BUILDING, 723 SOUTH LEWIS, STILLWATER, OKLAHOMA**

**MINUTES
STILLWATER CITY COUNCIL
EXECUTIVE SESSION
COUNCIL HEARING ROOM
723 S. LEWIS
STILLWATER, OK 74074
DECEMBER 18, 2023
8:20 P.M.**

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

- a. Confidential communication between the City Council and City Attorney concerning pending PFAS litigation; 3M Company and E.I. Dupont de Nemours and Company and other defendants involving Per- and Polyfluoroalkyl Substances (PFAS) contamination in In Re: Aqueous Film-Forming Foams Products Liability Litigation, MDL No. 2:18-mn-2873, United States District Court, District of South Carolina.

Discussion was held concerning pending PFAS litigation; 3M Company and E.I. Dupont de Nemours and Company and other defendants involving Per- and Polyfluoroalkyl Substances (PFAS) contamination in In Re: Aqueous Film-Forming Foams Products Liability Litigation, MDL No. 2:18-mn-2873, United States District Court, District of South Carolina. pursuant to 25 O.S. §307 (b)(4).

The Executive Session concluded at 8:30 p.m.

WILLIAM H. JOYCE, MAYOR

TERESA KADAVY, CITY CLERK

REPORT TO: CITY COUNCIL

MEETING DATE: JANUARY 8, 2024



Agenda Item:	3.b. CC-24-03
Previous/Related Action:	
Background/Issue:	The property owner, Epsilon Omicron Holding Corporation, is renovating the existing building and adding a small single-story addition to the Greek house located at 324 South Monroe Street. Part of the project is to include a stem wall adjacent to the stem wall of the property to the north, 310 South Monroe Street, in order to provide continuous curb appeal along the sidewalk of South Monroe Street. The stem wall will be 2 feet tall and 1 foot 4 inches wide, making the total projection onto the right-of-way to the east side of the wall 4 feet 11 inches. It will run along South Monroe Street for 138 feet east of the east property line.
Proposal/Solution:	Approval of the Encroachment Agreement and Release of Liability (EARL) between the City of Stillwater and the property owner will allow for the above-mentioned stem wall.
Financial Source/Impact:	None
Related Strategic Priority:	#4 CONNECTED SPACES
Recommended Action/Motion:	Motion to approve the Encroachment Agreement and Release of Liability for 324 South Monroe Street and authorize the City Manager to execute the Agreement.
Prepared By:	Jacquelyn Porter, Planner
Reviewed By:	Jeff Mathews Patti Osmus
Submitted By:	Kimberly Meek, City Manager

Attachments

1. ROWA23-008 EARL 324 S Monroe St

ENCROACHMENT AGREEMENT AND RELEASE OF LIABILITY
(Permission to Encroach)

This Encroachment Agreement and Release of Liability for an encroachment on a Public Property/Easement/Right-of-Way is entered into by and between the City of Stillwater, an Oklahoma municipality (City), and **Epsilon Omicron Holding Corporation**, an Oklahoma Domestic Not For Profit Corporation (Owner).

The City owns public property, an easement and/or right-of-way across, upon or adjacent to Owner's property. Owner's property is more particularly described as:

324 South Monroe, Stillwater OK 74074

Lot Four (4) in Block Six (6), WEST COLLEGE ADDITION to the City of Stillwater, Payne County, State of Oklahoma, according to the recorded plot thereof.

Owner requests permission to construct and maintain a structure or other encroachment, namely **"A Landscape Stem Wall, two (2) ft tall with brick face and stone cap"** upon a portion of the public property/easement/right-of-way on or adjacent to said property, described as:

Encroachment is further defined by the attached Legal Description described in Attachment A.

The City grants to Owner permission to construct and maintain the requested structure or encroachment on the above-described portion of public property/easement/right-of-way.

The Owner shall not construct or permit additional encroachments upon the public property/easement/right-of-way, and shall not alter, improve, replace or add to the permitted encroachment without prior written permission of the City.

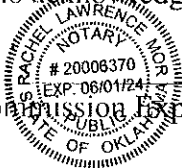
The City reserves the right to require Owner to remove all encroachments from the applicable public property/easement/right-of-way at any time in the event that the encroached upon public property/easement/right-of-way is required, in the sole judgment of the City, to be used for public purposes.

In consideration of the City's agreement to permit the requested encroachment upon the applicable public property/easement/right-of-way, Owner agrees, on behalf of Owner, Owner's family and heirs, agents, devisees, successors, grantees, and assigns (collectively referred to as "Owner") to **waive any and all claims, causes of action, for damages of any kind or nature, including but not limited to any foreseen or unforeseen personal injury (including death), property damages (including loss of use), or other losses or damages** against the City of Stillwater, Oklahoma, its employees, officers, agents or assigns, which may arise out of or in connection with any aspect of the encroachment upon the above described public property/easement/right-of-way.

State of Oklahoma)
) ss.
County of Payne)

On this 26th day of November, 2023 before me personally appeared Dan M. Peters, known to me to be the person(s) named herein and who executed the foregoing **ENCROACHMENT AGREEMENT AND RELEASE OF LIABILITY**, and who acknowledged to me that he/she/they knowingly and voluntarily executed the same.

My Commission Expires



Rachel Lawrence
Notary Public

APPROVED by the City Council of the City of Stillwater, Oklahoma on: _____, 2023.

CITY OF STILLWATER, a municipal corporation

By: _____
Mayor

ATTEST:

APPROVED:

City Clerk

City Attorney

In consideration of the City's agreement to permit the requested encroachment upon the applicable public property/easement/right-of-way, Owner also agrees to **indemnify, defend (at the City's option), and hold harmless** the City, its employees, officials, agents, representatives and volunteers **from and against any and all causes of action (whether groundless or not), losses, liabilities, damages, injuries (including death), property damage (including loss of use), claims, liens, judgments, costs, expenses, suits, actions, or proceedings and reasonable attorney's fees, and actual damages of any kind or nature** directly or indirectly arising out of or in connection with the encroachment upon the above described public property/easement/right-of-way.

In consideration of the City's agreement to permit the requested encroachment upon the applicable public property/easement/right-of-way, Owner also agrees to **reimburse City for any direct or indirect costs or expenses** that the City may incur as a direct or indirect result of any encroachment upon the above-described property. The presence or absence of any insurance shall not be construed as a limitation on the duties or obligations of Owner under this Agreement.

Owner shall obtain release agreements as required by all other applicable utilities companies, and shall comply with all local, state, and federal regulations and laws which may be applicable to Owner's encroachment upon the above property/easement/right-of-way.

OWNER UNDERSTANDS THE PERSONAL, PROPERTY, AND/OR FINANCIAL RISKS ASSOCIATED WITH THIS AGREEMENT, AND OWNER AGREES TO ACCEPT THESE RISKS KNOWINGLY AND VOLUNTARILY.

Owner seeks this agreement with the City voluntarily, and acknowledges that no promises, agreements or other inducements have been made to Owner. Owner understands that the City of Stillwater, Oklahoma will rely on this statement, the terms of this Agreement are contractual in nature, and this Agreement is specifically designed to protect the City of Stillwater, Oklahoma, its citizens, employees, officers, agents, and assigns.

The Owner shall not assign this agreement without the prior written consent of the City, which shall not be unreasonably withheld.

I HAVE READ THE ABOVE STATEMENT AND I UNDERSTAND IT. I HAVE SOUGHT AND OBTAINED ANY AND ALL LEGAL ADVICE I NEEDED OR MAY HAVE NEEDED PRIOR TO SIGNING THIS DOCUMENT, AND I SIGN THIS DOCUMENT FREELY AND VOLUNTARILY.

Epsilon Omicron Holding Corporation

Property Owner's Full Legal Name



Property Owner's Signature

President – Epsilon Omicron Holding Corporation

Title/Office of Signatory

LEGAL DESCRIPTION OF ENCROACHMENT

A tract of land being in the Southeast Quarter (SE/4) of Section Fifteen (15) Township Nineteen (19) North, Range Two (2) East of the Indian Meridian, Payne County, State of Oklahoma:

Beginning at the Northeast Corner of Lot Four (4) in Block Six (6), WEST COLLEGE ADDITION to the City of Stillwater, Payne County, State of Oklahoma, according to the recorded plat thereof.

Thence, North 89 degrees 10 minutes 45 seconds East, a distance of 5.22 feet;

Thence, South 00 degrees 43 minutes 15 seconds East, a distance of 25.56 feet;

Thence, South 01 degrees 39 minutes 18 seconds East, a distance of 19.91 feet;

Thence, South 00 degrees 21 minutes 51 seconds East, a distance of 41.39 feet;

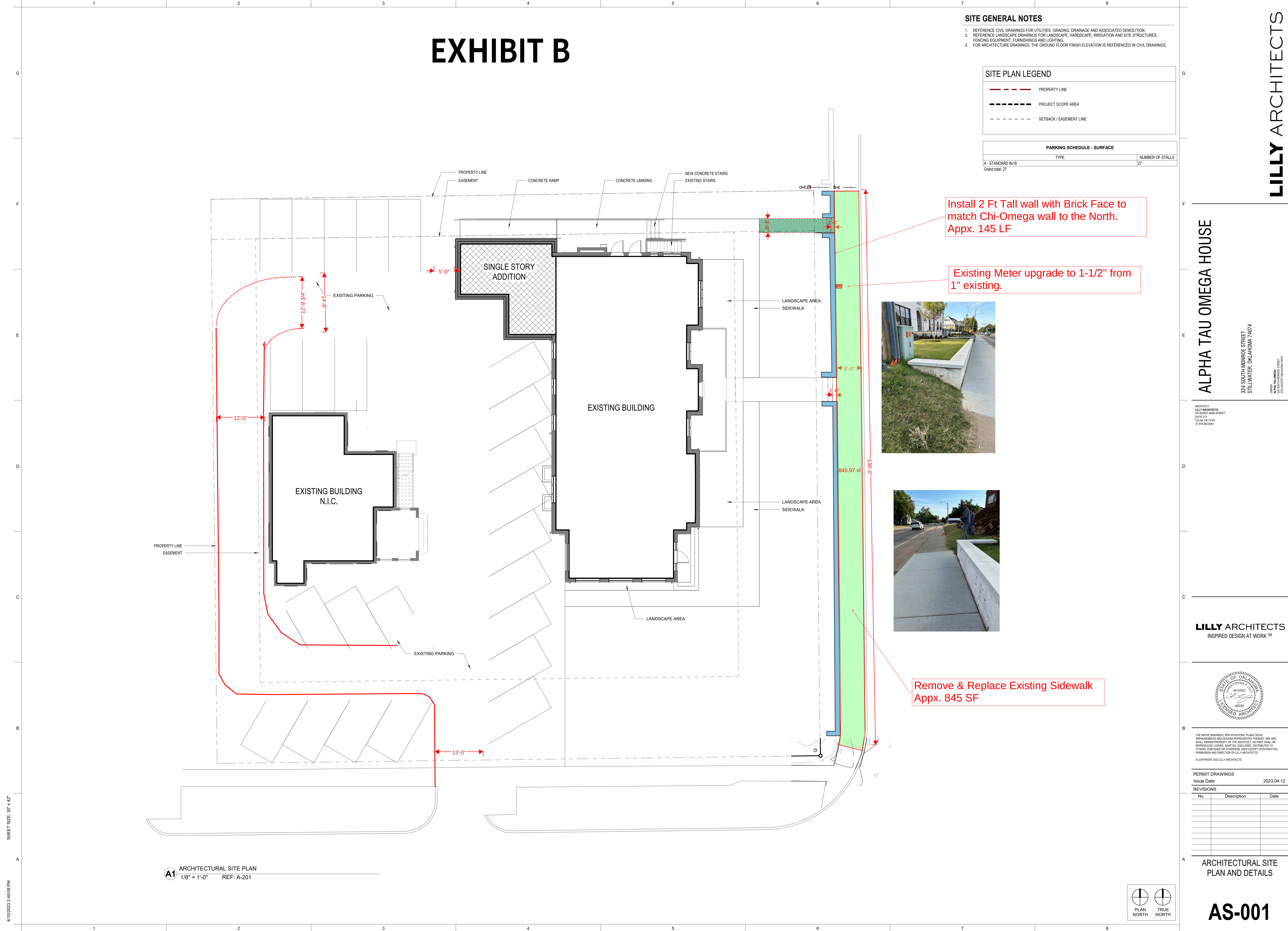
Thence, South 00 degrees 53 minutes 08 seconds East, a distance of 44.59 feet;

Thence, South 03 degrees 33 minutes 43 seconds West, a distance of 3.72 feet;

Thence, South 12 degrees 38 minutes 51 seconds West, a distance of 5.07 feet;

Thence, South 89 degrees 15 minutes 36 seconds West, a distance of 4.02 feet to the Southeast corner of said Lot Four (4);

Thence, North 00 degrees 42 minutes 05 seconds West, a distance of 140.07 feet coincident with the east line of said Lot Four (4) to the Point of Beginning.



SITE GENERAL NOTES

1. REFERENCE CIVIL DRAWINGS FOR UTILITIES, GRADING, DRAINAGE AND ASSOCIATED DEMOLITION.
2. REFERENCE LANDSCAPE DRAWINGS FOR LANDSCAPE, HARDSCAPE, IRRIGATION AND SITE STRUCTURES, FENCING EQUIPMENT, FURNISHINGS AND LIGHTING.
3. FOR ARCHITECTURE DRAWINGS, THE GROUND FLOOR FINISH ELEVATION IS REFERENCED IN CIVIL DRAWINGS.

SITE PLAN LEGEND

- PROPERTY LINE
- PROJECT SCOPE AREA
- SETBACK / EASEMENT LINE

PARKING SCHEDULE - SURFACE

	TYPE	NUMBER OF STALLS
A - STANDARD 8x18		27
Grand total: 27		

ALPHA TAU OMEGA HOUSE

324 SOUTH MONROE STREET
STILLWATER, OKLAHOMA 74074

OWNER: ALPHA TAU OMEGA
324 SOUTH MONROE STREET
STILLWATER, OKLAHOMA 74074

ARCHITECT:
LILLY ARCHITECTS
203 NORTH MAIN STREET
SUITE 213
TULSA, OK 74103
(77) 918.582.5044

LILLY ARCHITECTS
INSPIRED DESIGN AT WORK™



THE ABOVE DRAWINGS, SPECIFICATIONS, PLANS, IDEAS, ARRANGEMENTS AND DESIGNS REPRESENTED THEREBY ARE AND SHALL REMAIN PROPERTY OF THE ARCHITECT. NO PART SHALL BE REPRODUCED, COPIED, ADAPTED, DISCLOSED, DISTRIBUTED TO OTHERS, PUBLISHED OR OTHERWISE USED EXCEPT UPON WRITTEN PERMISSION AND DIRECTION OF LILLY ARCHITECTS.

© COPYRIGHT 2023 LILLY ARCHITECTS

PERMIT DRAWINGS
Issue Date 2023.04.12

REVISIONS

No.	Description	Date

ARCHITECTURAL SITE
PLAN AND DETAILS

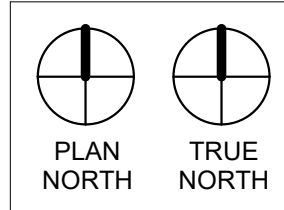
AS-001

LILLY ARCHITECTS

SHEET SIZE: 30" x 42"

4/10/2023 2:48:08 PM

A1 ARCHITECTURAL SITE PLAN
1/8" = 1'-0" REF: A-201



REPORT TO: CITY COUNCIL

MEETING DATE: JANUARY 8, 2024



Agenda Item:	3.c. CC-24-02
Previous/Related Action:	
Background/Issue:	The lease with T-Mobile has been in place since 1999 and has been renewed on a 5-year basis. T-Mobile is requesting a lease extension effective March 1, 2024, for another five-year term.
Proposal/Solution:	Staff recommends approval of the lease extension with T-Mobile.
Financial Source/Impact:	The lease generates approximately \$15,812 in annual revenue. The lease amount increases 10% per renewal term.
Related Strategic Priority:	#4 CONNECTED SPACES #1 EFFECTIVE SERVICES & ACCOUNTABLE GOVERNMENT
Recommended Action/Motion:	Motion to approve the extension of the lease agreement for the T-Mobile site on the North Tower Park water tower.
Prepared By:	Patti Osmus, Assistant to City Manager
Reviewed By:	Brady Moore Patti Osmus
Submitted By:	Kimberly Meek, City Manager

Attachments

1. CC-24-02 Attachment T-Mobile Extension Request
2. CC-24-02 Attachment T-Mobile Agreement



Toll Free: (877) 373-0093
PropertyManagement@T-Mobile.com

Date: December 19, 2023

Sent Via USPS Certified: 70161970000091522211
City of Stillwater, Oklahoma
Jeff Tullis-SWP Director
PO Box 1449
Stillwater, Oklahoma, 74076

Sent Via UPS: 1Z7VY6121393282173
City of Stillwater
723 South Lewis Street
Stillwater, Oklahoma, 74074

Copy

Re: Lease Renewal Letter – Site Lease Agreement dated 2/15/1999, as amended ("Agreement") by and between Sprint Spectrum LLC, successor in interest to Sprint Spectrum realty Company, LLC ("Lessee" or T-Mobile) and City of Stillwater ("Lessor")

Site Address: 2713 N. Washington, Stillwater, OK 74075
Lessor Site ID: AZ TW RENT
T-Mobile Site No.: OK01112A / OK03SW007
T-Mobile Lease No.: 1557686

To Whom It May Concern:

This letter shall serve as T-Mobiles notice to renew the agreement for another term, effective 03/01/2024.

T-Mobile appreciates the opportunity to continue leasing space from you.

Please have an authorized representative execute the bottom of this letter as an acknowledgment and consent of the term renewal and return one copy to the address below or via email PropertyManagement@T-Mobile.com.

To process any further requests in a timely manner please include the Site number on all communications. The Site number can be found on all T-Mobile correspondence. Should you have any questions or comments, Property Management can be contacted via email or telephone as noted above.

Sincerely,

Brandi Lehman

Brandi Lehman

Sr. Lease Specialist

T-Mobile Network Real Estate

ACKNOWLEDGED BY LESSOR

By: _____

Name: _____

Title: _____

Date: _____



Attn: Lease Compliance, 12920 SE 38th Street, Bellevue, WA 98006
www.t-mobile.com

REINSTATEMENT AND THIRD AMENDMENT TO SITE LEASE AGREEMENT

This Reinstatement and Third Amendment to Site Lease Agreement (the "**Third Amendment**") is effective as of the last signature below (the "**Effective Date**") by and between **City of Stillwater**, an Oklahoma municipal corporation ("**Lessor**"), and **Sprint Spectrum Realty Company, LLC**, a Delaware limited liability company, previously referred to as "SWPCS" ("**Lessee**") (each a "**Party**", or collectively, the "**Parties**").

Lessor and Lessee (or their predecessors-in-interest) entered into that certain Site Lease Agreement dated **February 15, 1999**, including that certain First Amendment to Site Lease Agreement dated July 28, 2014 and Second Amendment to Site Lease Agreement dated July 5, 2018 (including all amendments, collectively, the "**Agreement**") regarding the leased premises ("**Premises**") located at **2713 North Washington**, Stillwater, OK 74075 (the "**Property**").

The Agreement expired on or about **February 28, 2019**, since which time Lessee has continued to make all required payments and has remained on the Property, under the terms of the Agreement, with Lessor's permission.

For good and valuable consideration, Lessor and Lessee agree as follows:

1. The Agreement is hereby reinstated in its entirety, as amended herein, and is ratified and affirmed in all respects as if the Agreement never expired.
2. **At the expiration of the Agreement**, the term of the Agreement may be extended for up to **five (5) additional and successive five (5) year terms**, each included as Renewal Term, provided that Lessee notifies Lessor, in writing, of its intent to renew at least thirty (30) days' prior to the expiration of the then current Renewal Term, and the Stillwater City Council approves such renewal. It is agreed that in the event Stillwater City Council disapproves of such renewal, Lessor agrees that Lessee shall have up to twenty-four (24) months to remove the Lessee Facilities and shall continue to pay the Rent then in effect until such time Lessee completes removal of the Lessee Facilities.
3. At the commencement of the first Renewal Term provided for in this Third Amendment, Lessee shall pay Lessor One Thousand Three Hundred Seventeen and 69/100 Dollars (**\$1,317.69**) per month as Rent, partial calendar month to be prorated in advance, by the **fifth (5th) day of each calendar month**. Thereafter, notwithstanding anything to the contrary in the Agreement, the Rent will escalate by ten percent (10%) of the Rent payable for the previous Renewal Term on the first day of each Renewal Term. Where duplicate Rent would occur, a credit shall be taken by Lessee for any prepayment of duplicate Rent by Lessee.
4. All notices, requests, demands and other communications shall be in writing and shall be deemed to have been delivered upon receipt or refusal to accept delivery, and are effective only when deposited into the U.S. certified mail, return receipt requested, or when sent via a nationally recognized courier to the addresses set forth below. Lessor or

Lessee may from time to time designate any other address for this purpose by providing written notice to the other Party.

If to Lessee:

Sprint Property Services
Sprint Site ID: OK03SW007-A/OK01112
Mailstop KSOPHD0101-Z2650
6220 Sprint Parkway
Overland Park, Kansas 66251-2650

If to Lessor:

City of Stillwater
723 South Lewis Street
Stillwater, OK 74074

With a copy to:

Sprint Law Department
Sprint Site ID: OK03SW007-A/OK01112
Attn.: Real Estate Attorney
Mailstop KSOPHD0101-Z2020
6220 Sprint Parkway
Overland Park, Kansas 66251-2020

5. Lessee and Lessor will reasonably cooperate with each other's requests to approve permit applications and other documents related to the Property without additional payment or consideration.
6. Except as expressly set forth in this Third Amendment, the Agreement otherwise is unmodified. To the extent any provision contained in this Third Amendment conflicts with the terms of the Agreement, the terms and provisions of this Third Amendment shall control. Each reference in the Agreement to itself shall be deemed also to refer to this Third Amendment.
7. This Third Amendment may be executed in duplicate counterparts, each of which will be deemed an original. Signed electronic, scanned, or facsimile copies of this Third Amendment will legally bind the Parties to the same extent as originals.
8. Each of the Parties represents and warrants that it has the right, power, legal capacity and authority to enter into and perform its respective obligations under this Third Amendment. Lessor represents and warrants to Lessee that the consent or approval of a third party has either been obtained or is not required with respect to the execution of this Third Amendment. If Lessor is represented by any property manager, broker or any other leasing agent ("Agent"), then (a) Lessor is solely responsible for all commission, fees or other payment to Agent and (b) Lessor shall not impose any fees on Lessee to compensate or reimburse Lessor for the use of Agent, including any such commissions, fees or other payments arising from negotiating or entering into this Third Amendment or any future amendment.

9. This Third Amendment will be binding on and inure to the benefit of the Parties herein, their heirs, executors, administrators, successors-in-interest and assigns.

IN WITNESS, the Parties execute this Third Amendment as of the Effective Date.

LESSOR:

**City of Stillwater,
an Oklahoma municipal corporation**

By: *Norman McNickle*
Print Name: Norman McNickle
Title: City Manager
Date: 12-21-21

LESSEE:

**Sprint Spectrum Realty Company, LLC,
a Delaware limited liability company**

DocuSigned by:
By: *Silvia Lin*
C7E003374B98412...
Print Name: Silvia Lin
Title: Manager, Real Estate
Date: 12/3/2021

T-Mobile Legal
Approved
12/3/21

Katharine Omanskiok



TMO Signatory Level : L08,SL08

REPORT TO: CITY COUNCIL

MEETING DATE: JANUARY 8, 2024



Agenda Item:	6.a. CC-24-01
Previous/Related Action:	CC-23-176 Dec. 18, 2023
Background/Issue:	• Together, Investing in Municipal Excellence (TIME) is the general obligation bond initiative used to identify high-priority community needs with resident input, that are funded through passed ballot measures that affect property taxes. • Consideration of replacing the Stillwater Animal Welfare facility, built in 1984. Also, consideration of new location. • Staff engaged 505 Architects to create conceptual designs, cost estimates, and options for a new facility for Mayor and Council consideration.
Proposal/Solution:	Guidance from City Council regarding a new Stillwater Animal Welfare facility, location and funding.
Financial Source/Impact:	General Obligation Bond
Related Strategic Priority:	#1 EFFECTIVE SERVICES & ACCOUNTABLE GOVERNMENT #3 SAFE COMMUNITY #4 CONNECTED SPACES
Recommended Action/Motion:	Motion to direct staff to prepare a resolution calling for a General Obligation Bond election for April 2, 2024, in an amount not to exceed \$6.75 million for a new Stillwater Animal Welfare facility to be located at the northeast corner of W. Airport Road and N. Knoblock Street.
Prepared By:	Dawn Dodson, Communications Director
Reviewed By:	Brady Moore Patti Osmus
Submitted By:	Kimberly Meek, City Manager

Attachments

1. SAW Presentation 1.8.24 - final

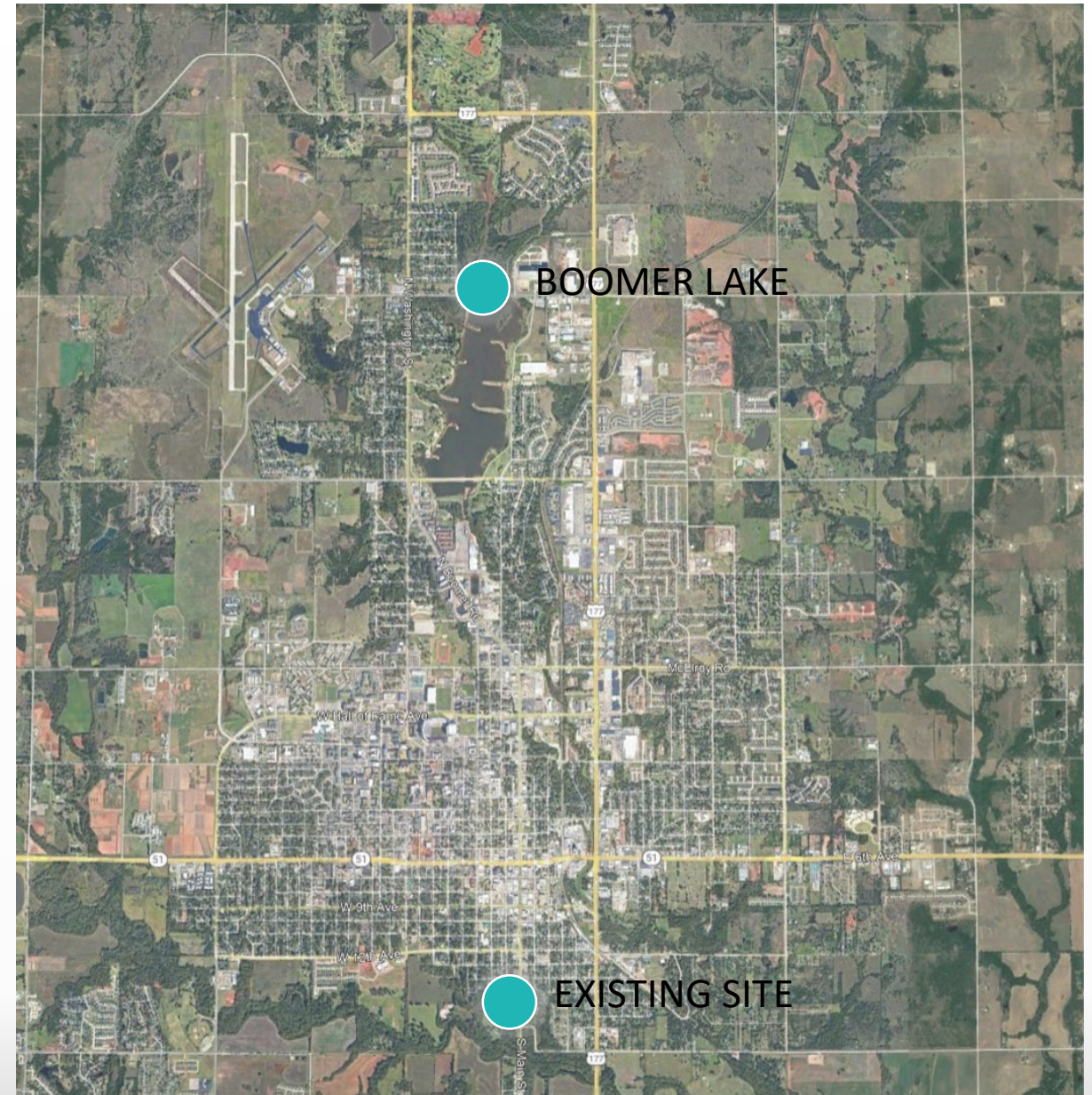
Stillwater Animal Welfare

Location | Bond Amount



Location Options

- Existing site: S. Main Street
- New site: Boomer Lake – NE corner of W. Airport and N. Knoblock



Location: Airport & Knoblock

- In a natural setting near Boomer Lake allows for increased visibility and easy public access.
- East boundary is adjacent to 1% floodplain boundary.
Rendering provided by Gose & Associates.
- Land is highly wooded, needs selective clearing.
- Lot size allows for future expansion and a dog park, walking trails, etc.

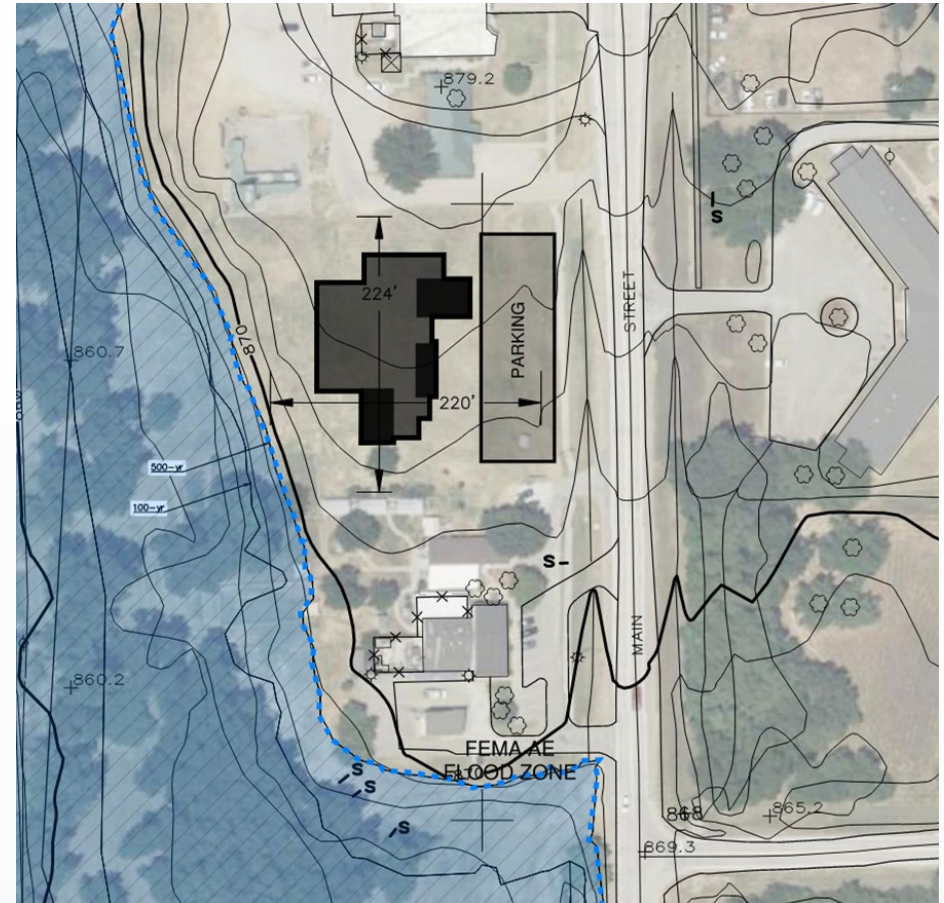


- Outdoor Noise Level Analysis to determine possible affects on nearby neighborhood.



Location: S. Main Street

- Location is known within the community and has easy access to the public.
- Location is adjacent to Fire Station #1, not desirable due to noise stress on animals.
- West portion of the site is within FEMA AE Flood Zone.
- Usable land is small, limits building size and future expansion of SAW and SFD.





- Approximate amounts for consideration: \$5M or \$6.75M.
- Bond amount determines specs, location, dog park, and potential future expansion.
- The site near Boomer Lake can house either the \$5M or \$6.75M facility. Existing site can house the \$5M facility only.

Cost-Based Comparisons

Site Features	Existing Location	New Location \$5M	New Location \$6.75M
Monument Sign (Digital Marquee)	N	Y	Y
Public Parking Spaces	6	10-12	16-20
Staff Parking Spaces	4	6-8	12-14
Dog Park, Event Area	N	N	Y
Paddock and Loafing Shed	N	N	Y
Outdoor Exercise, Training Area	N	N	Y

Building Features			
Canine (Dog) Kennel Capacity	26	24-34	44-59
Cattery (Cat) Capacity	19	24-26	30-32
Common Cattery	N	Y	Y
Entry Vestibule and Lobby	N	Y	Y
Intake/Assessment Area	N	Y	Y
Public Surrender Lobby	N	N	Y
Get Acquainted Rooms	N	Y/2	Y/2
Enclosed Vehicular Loading, Sally Port	N	N	Y
Dishwashing, Food Storage, Laundry, Storage	Y	Y	Y
Utility/Janitor	N	Y	Y
Supervisor, Officer Workspaces & Workrooms	N/Y	Y	Y
Euthanasia Suite	N	Y	Y
Outdoor General Storage	Y	N	Y
Conference, Employee Breakroom	N	Y	Y
Community Room	N	N	Y

Total project costs for start of construction in spring 2025:

bond administration, site survey, geotechnical, special inspections, A/E professional services and expenses, construction (on-site and building improvements), testing reimbursable expenses, furniture, fixtures, and equipment (FF&E), data, communication, A/V, and security systems.

**These amounts include tree removal and land development.*

Bond Election Scenarios

City of Stillwater, Oklahoma
Summary of Potential Bond Election Scenarios
Animal Welfare Project
Projections as of October 2023

GO Bond Par Amount	Term Length	Estimated Maximum Levy	Estimated Increase to Levy*	Estimated ANNUAL Impact to Property Taxes				Estimated MONTHLY Impact to Property Taxes			
				Real Property Taxable Value				Real Property Taxable Value			
				\$100,000	\$200,000	\$300,000	\$400,000	\$100,000	\$200,000	\$300,000	\$400,000
\$5,000,000	5 Years	4.66	2.91	\$33.17	\$66.35	\$99.52	\$132.70	\$2.76	\$5.53	\$8.29	\$11.06
	7 Years	4.03	2.28	\$25.99	\$51.98	\$77.98	\$103.97	\$2.17	\$4.33	\$6.50	\$8.66
	10 Years	3.55	1.80	\$20.52	\$41.04	\$61.56	\$82.08	\$1.71	\$3.42	\$5.13	\$6.84
\$6,750,000	5 Years	5.68	3.93	\$44.80	\$89.60	\$134.41	\$179.21	\$3.73	\$7.47	\$11.20	\$14.93
	7 Years	4.82	3.07	\$35.00	\$70.00	\$104.99	\$139.99	\$2.92	\$5.83	\$8.75	\$11.67
	10 Years	4.19	2.44	\$27.82	\$55.63	\$83.45	\$111.26	\$2.32	\$4.64	\$6.95	\$9.27

*The projected sinking fund levy for FY 2024-2025 is currently 1.75 mills for the Fire Station bonds. All projections are based on 3.00% annual growth in the City's Net Assessed Valuation.

General Obligation (GO) Bond

- Last City municipal bond was passed in April 2022, Fire Station #2 (\$9 million, 20 years).
 - Existing, FS#2: Median value of an owner-occupied housing unit at nearly \$200k, property tax increased by approx. \$32.90 per year.
 - Adding, \$6.75M for 10 yrs.: Median value of an owner-occupied housing unit at nearly \$200k, property tax would increase by approx. an additional \$55.63/year.
 - **\$32.90 + \$55.63 = \$88.53/ year**



Staff Recommendation

Motion to direct staff to prepare a resolution calling for a General Obligation Bond election for April 2, 2024, in an amount not to exceed \$6.75 million, for a new Stillwater Animal Welfare facility to be located at the northeast corner of W. Airport Road and N. Knoblock Street.

REPORT TO: CITY COUNCIL

MEETING DATE: JANUARY 8, 2024



Agenda Item:	6.b. CC-24-04
Previous/Related Action:	• April 5, 2022: Residents of Stillwater approved a \$9 Million bond issue to construct a new fire station to replace the existing Fire Station No. 2. • CC-22-150, August 15, 2022: Authorized City Manager to enter into architectural design services agreement (Kirkpatrick Architect Studio) and construction manager at risk agreement (Crossland Construction Company). • CC-22-219, December 19, 2022: Approval for Agreement with OSU for Owner's Representative Construction Services. • CC-23-170, December 18, 2023: Bid Award for Work Package 1.
Background/Issue:	• On April 5, 2022, Stillwater residents approved a \$9 Million bond issue to construct a new fire station to replace the existing Fire Station No. 2. • In October 2023, City Manager entered into an agreement with Crossland Construction Company to act as its Construction Manager at Risk (CMAR) for the Fire Station #2 Project. • Work Package #1 (WP#1) bid award by City Council was approved on December 18, 2023. WP#2 design plans are currently undergoing 90% review.
Proposal/Solution:	• The Interim Guaranteed Max Price (IGMP) proposal was submitted by Crossland on December 21, 2023. The IGMP proposal supports a construction price for Fire Station #2 of \$7,938,220. The IGMP exceeds the final Guaranteed Maximum Price (GMP) of \$7,500,000 provided for in the original CMAR Agreement. • A Partial GMP/Lump Sum Conversion proposal was submitted by Crossland on December 21, 2023 for WP#1. The GMP for WP#1 is \$1,297,063. This amount includes the following trades: demolition, earthwork, site concrete, site utilities and storm sewer. State Statute requires that this partial GMP be approved by the City through an amendment to the CMAR Agreement. • The overall Project remains under the General Bond budget of roughly \$9,000,000. • Staff will return to City Council with future bid results for the remaining trades and a final GMP.

Financial Source/Impact:	The project is funded through the proceeds of the \$9 Million bond sale.
Related Strategic Priority:	#1 EFFECTIVE SERVICES & ACCOUNTABLE GOVERNMENT
Recommended Action/Motion:	Motion to approve the Project Schedule and the IGMP and to authorize the City Manager to execute Exhibits A-1 and B-2 as exhibits to the Crossland Agreement for Construction Management at Risk (CMAR) Services.
Prepared By:	Candy Staring, Engineering Dir.
Reviewed By:	Candy Staring Brady Moore Patti Osmus
Submitted By:	Kimberly Meek, City Manager

Attachments

1. CC-24-04 FS2 IGMP Attachment Exhibit A1
2. CC-24-04 FS2 IGMP Attachment Exhibit B2

EXHIBIT A-1
TO THE AGREEMENT FOR AT RISK CONSTRUCTION MANAGEMENT SERVICES
PROJECT SCHEDULE
Fire Station #2

Substantial Completion shall be on or before March 31, 2025.
Final Completion shall be on or before April 30, 2025.
Liquidated damages are per Article 5.
The detailed Project Schedule is attached hereto.

RECOMMENDED:

By: _____
Candy Staring, City Engineer
Owner: City of Stillwater

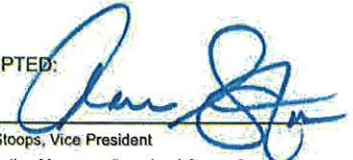
Date: _____

ACCEPTED:

By: _____
Kimberly Meek, City Manager
Owner: City of Stillwater

Date: _____

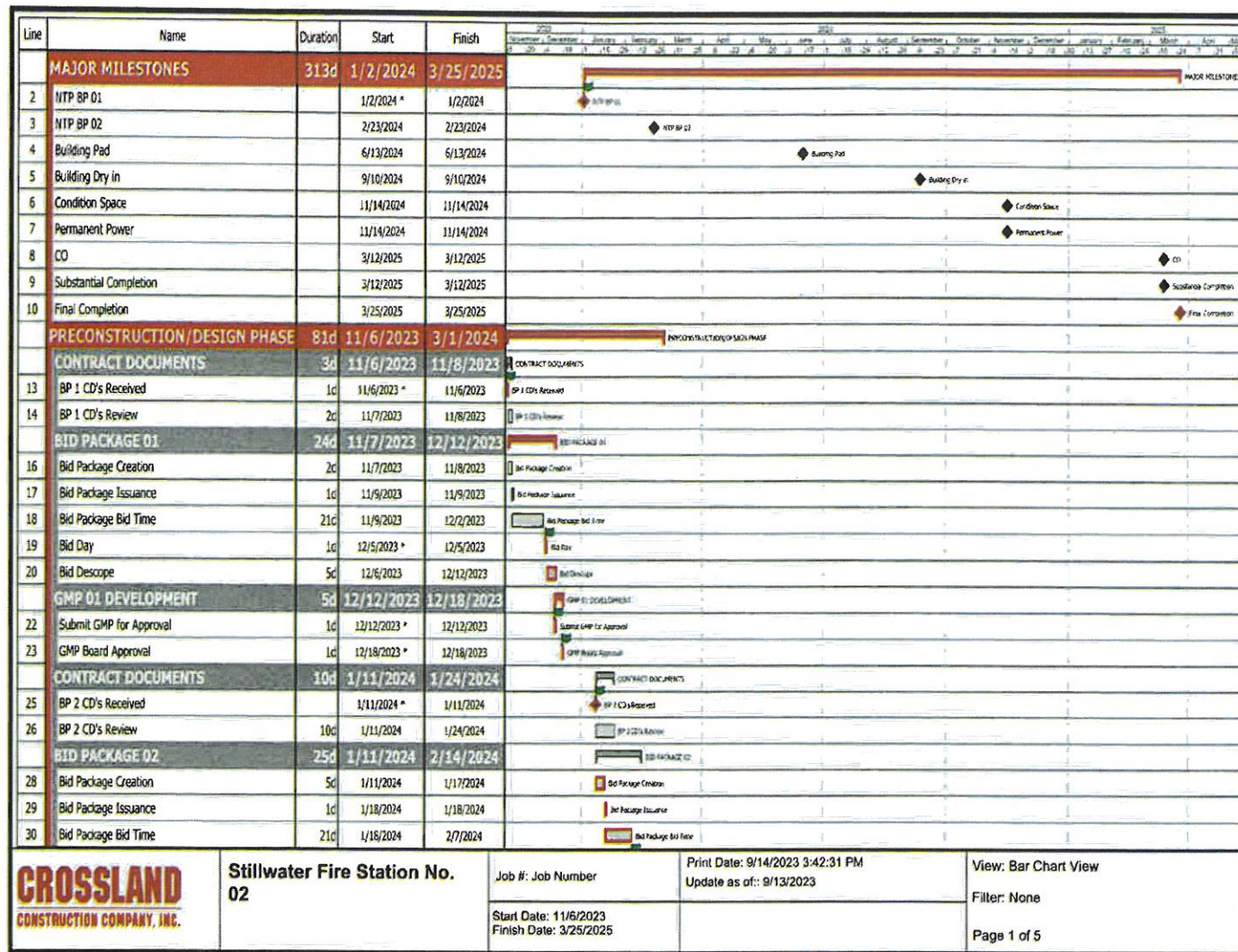
ACCEPTED:

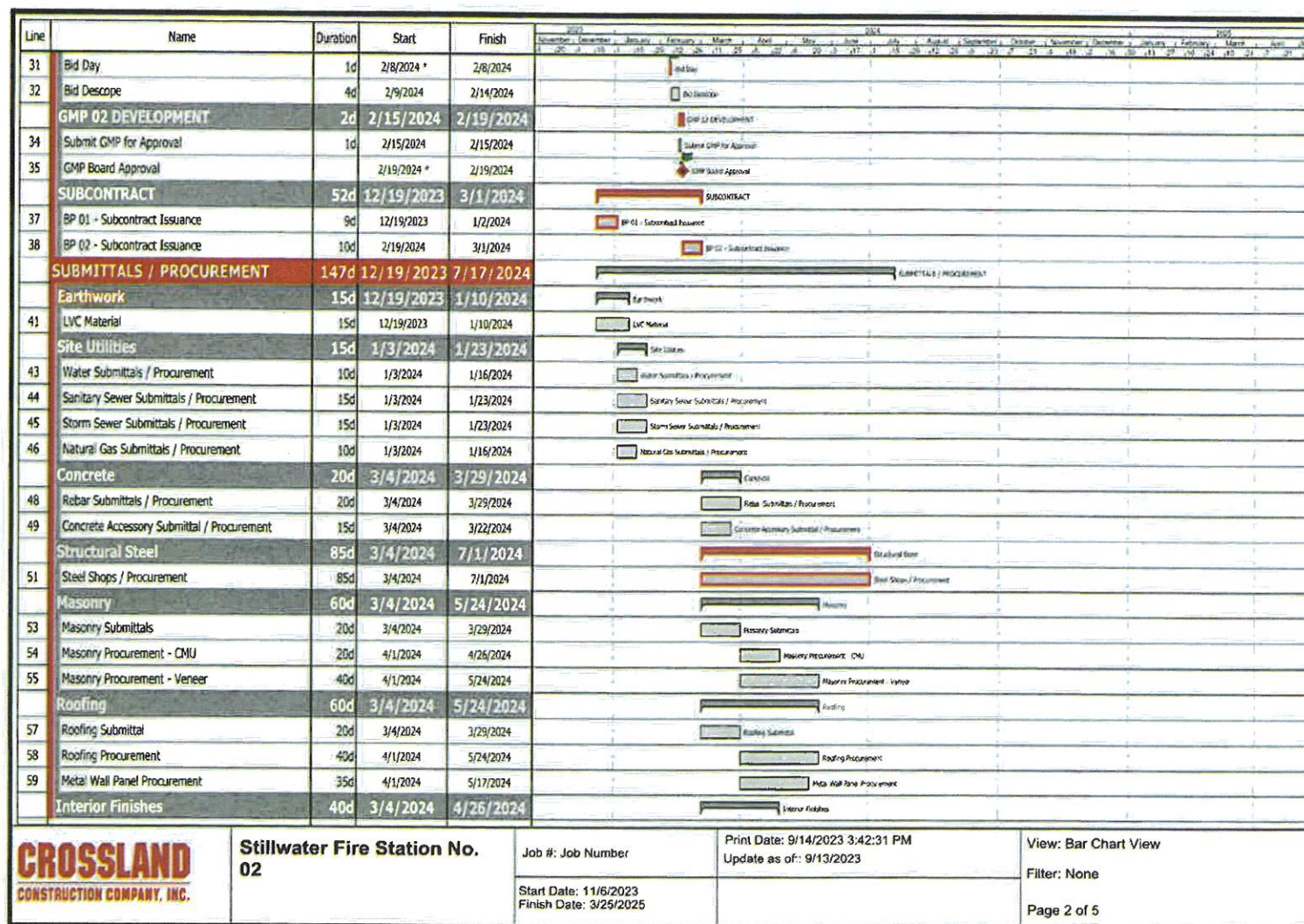
By: _____
Aaron Stoops, Vice President
Construction Manager: Crossland Const. Co., Inc.

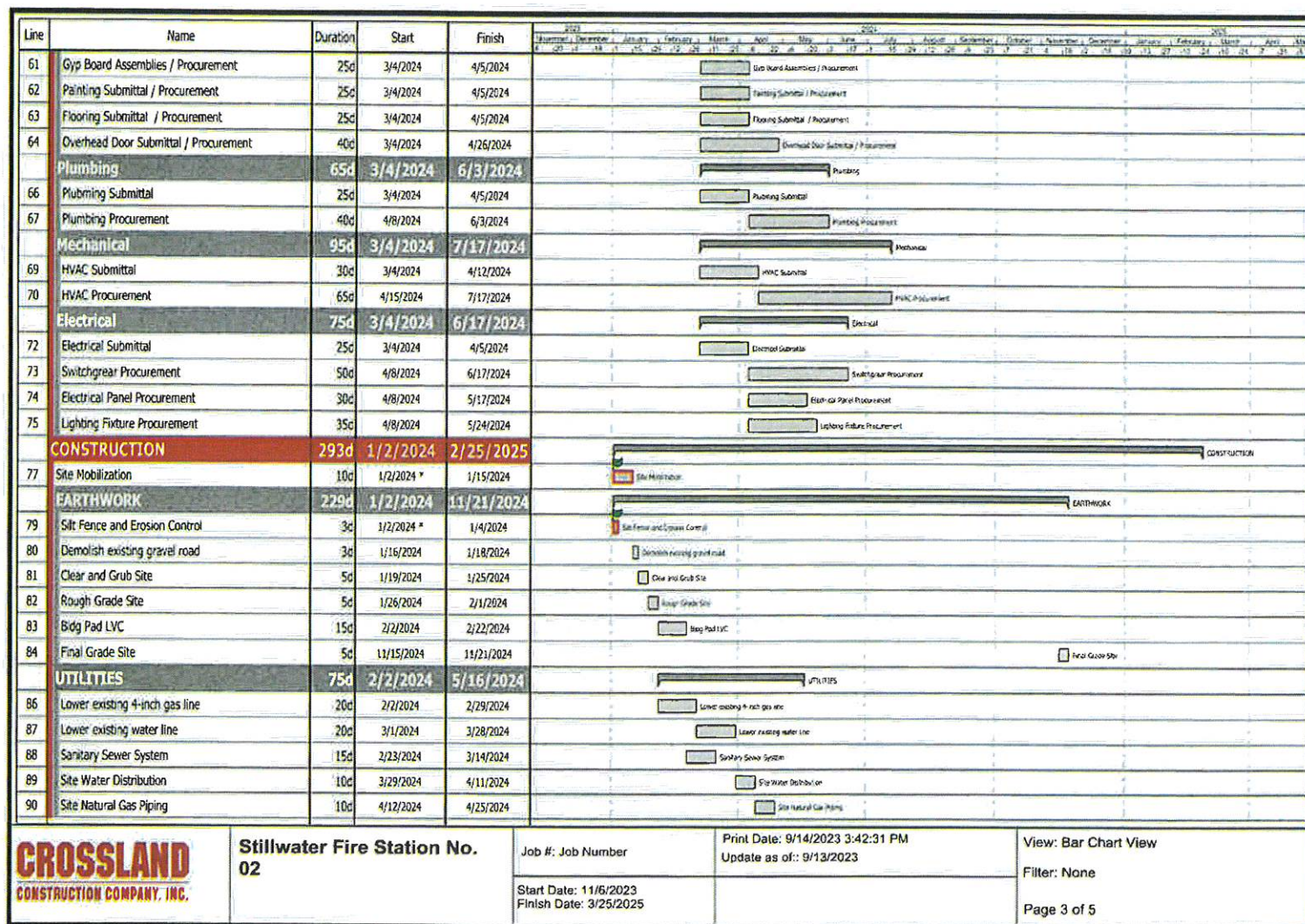
Date: 1.3.24

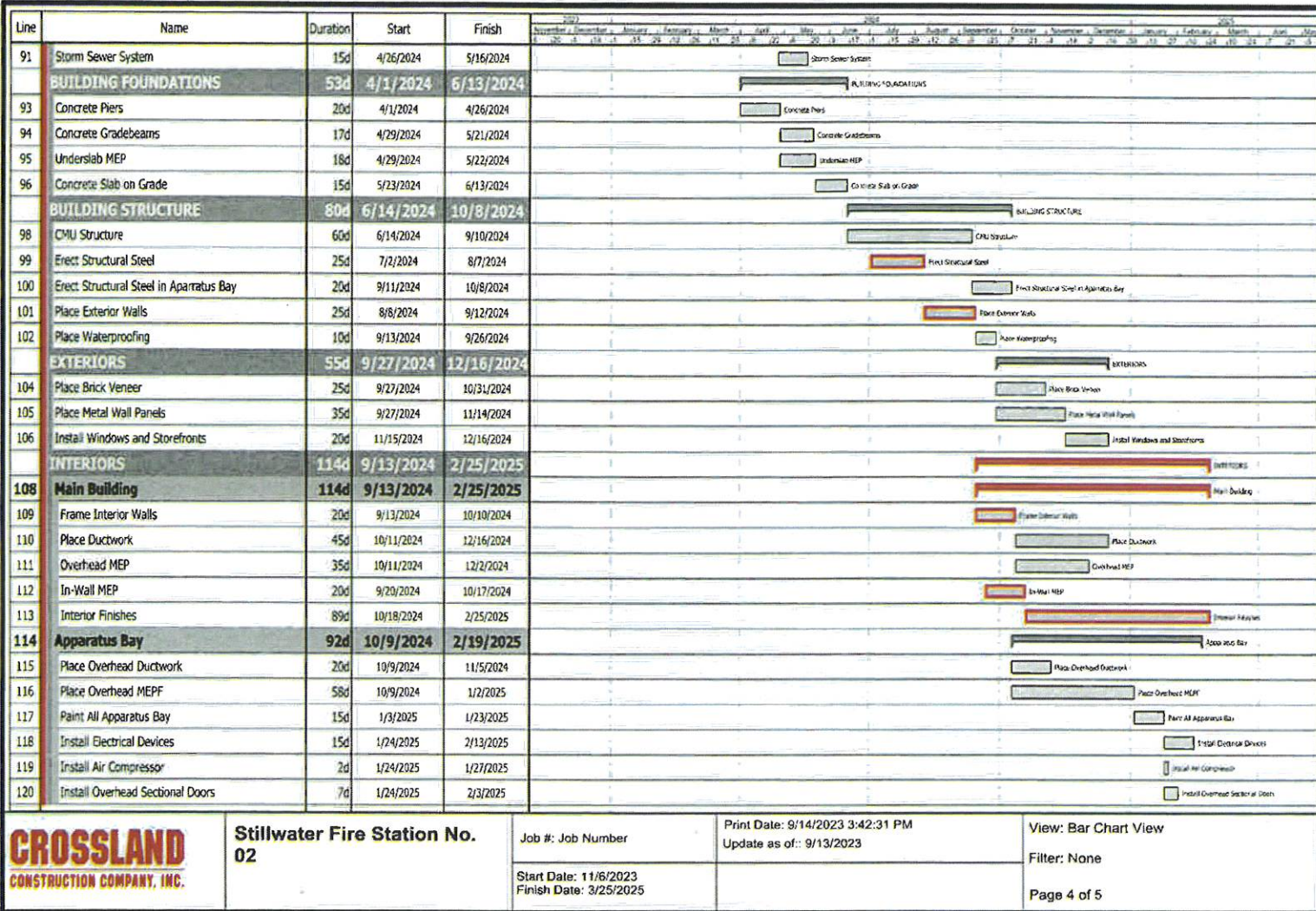
Agreement for At Risk Construction
Management Services for
Stillwater Fire Station # 2 Project No. 22GO01330

The subsequent pages contain the detailed project schedule.









Stillwater Fire Station #2

www.crossland.com

Interim Guaranteed Maximum Price Proposal

Interim Guaranteed Maximum Price Proposal

TO THE AGREEMENT FOR AT RISK CONSTRUCTION MANAGEMENT SERVICES
INTERIM GUARANTEED MAXIMUM PRICE
Fire Station #2

Includes but is not limited to: ALL "NTE" items below:

- | | |
|--|-----------------------|
| Cost of the Work – Not to Exceed Amount | \$7,186,513.00 |
|--|-----------------------|

1. Subcontractor bids
2. Building Permits
3. Electric Consumption during Project
4. Temporary storage
5. Temporary toilets
6. Temporary Barricades
7. Temporary fencing
8. First-aid equipment
9. Temporary fire protection
10. Fire extinguishers
11. Project sign
12. OSHA/jobsite Retainage
13. Temporary water service
14. Temporary Heat/Cooling/Ventilation
15. Temporary and Final HVAC Filters
16. Temporary Weather Protection

Page 46 of 97

17. Small tools
18. Insurance
19. Bonds
20. Builders Risk
21. Daily/Weekly Project clean-up
22. Final Cleaning
23. Waste containers (dumpsters)
24. Truck leases
25. Mileage and Material Transportation Cost
26. Temporary Electric Service to Building

Fee (4% of Cost of the Work) **\$265,921.00**

Construction Contingency (3% of Cost of the Work) **\$199,441.00**

Preconstruction Services: **\$33,825**

Alternates:

[List any accepted alternates]

Total for accepted Alternates NONE

TOTAL INTERIM GMP **\$7,938,220.00**

RECOMMENDED:

By: _____
Candy Staring, City Engineer
Owner: City of Stillwater

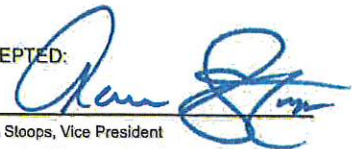
Date: _____

ACCEPTED:

By: _____
Kimberly Meek, City Manager
Owner: City of Stillwater

Date: _____

ACCEPTED:

By: 
Aaron Sloops, Vice President
Construction Manager: Crossland Const. Co., Inc.

Date: 1.3.24

Agreement for At Risk Construction
Management Services for
Stillwater Fire Station # 2 Project No. 22GO01330

**AMENDMENT TO
AGREEMENT FOR CONSTRUCTION MANAGEMENT AT RISK SERVICES**

Amendment No. 1

1. Background Data:

- a. Effective Date of Owner-CMAR Agreement: October 10, 2023
- b. Owner: City of Stillwater, Oklahoma
- c. CMAR: Crossland Construction Company, Inc.
- d. Project: Stillwater Fire Station #2 Construction

2. Background Information:

- a. The contract identified above ("Original Agreement") was executed as a construction manager at risk contract in accordance with the Oklahoma Construction Management Act for Political Subdivisions, 61 O.S. 215-221.
- b. 61 O.S. 217,D.4, provides, in part: "Once the bids are accepted by the construction manager and awards made by the subdivision and the subdivision indicates its bonding preference, as noted below, but before written agreements are executed, the construction manager will prepare a guaranteed maximum price (GMP) for the project or relevant portion of the work, as an amendment to the contract."
- c. A portion of the work, identified as "Bid Package 1" has been awarded by the Owner and the CMAR is prepared to enter into written agreements with subcontractors and suppliers.

3. Amendment:

The "Original Agreement" is amended as follows: The parties agree that the Guaranteed Maximum Price for the portion of the work including Pre-Construction Services and Bid Package #1 is \$1,330,888.13, as detailed in Exhibit C-1 to this Amendment No. 1. Exhibit C-1 shall become Exhibit C-1 to the Original Agreement.

4. Entirety of Agreement: Except as amended herein and pursuant to all other properly executed amendments, the terms and provisions of the Original Agreement continue in full force and effect.

5. Effective Date: This Amendment No. 1 is effective upon signature of both parties.

Agreement for At Risk Construction
Management Services for
Stillwater Fire Station # 2 Project No. 22GO01330

IN WITNESS WHEREOF, the parties hereto have caused this Amendment No. 1 to be executed by their duly authorized officers or representatives on the dates set forth below.

OWNER:

City of Stillwater, Oklahoma

By: _____

Title: Kimberly Meek, City Manager

Date Signed: _____

CONSTRUCTION MANAGER AT RISK:

Crossland Construction Company, Inc.

By: 

Title: Aaron Stoops, Vice President

Date Signed: 1.3.24

EXHIBIT C-1

TO THE AGREEMENT FOR AT RISK CONSTRUCTION MANAGEMENT SERVICES
LUMP SUM PRICE, PARTIAL CONVERSION
Fire Station #2

**Summary of Partial Lump Sum
Partial Conversion Through Work Package 1**

Preconstruction Services

Preconstruction	<u>\$33,825.00</u>	\$33,825.00
Cost of Direct Project Support	\$ 54,111.43	
Cost of the Work	<u>\$1,168,803.48</u>	\$1,222,914.91
Fee (4% of Cost of the Work)	\$ 42,370.41	
Construction Contingency (3% of Cost of Work)	<u>\$ 31,777.81</u>	\$ 74,148.22
		\$1,330,888.13

Alternates

List any accepted alternates. If not alternates note "NONE".

Alternates Sub-total NONE

Total Work Package 1/Partial Guaranteed Maximum Price \$1,330,888.13

RECOMMENDED:

By: _____
Candy Staring, City Engineer
Owner: City of Stillwater

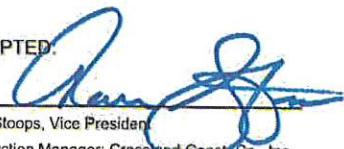
Date: _____

ACCEPTED:

By: _____
Kimberly Meek, City Manager
Owner: City of Stillwater

Date: _____

ACCEPTED:

By: 
Aaron Stoops, Vice President
Construction Manager: Crossland Const. Co., Inc.

Date: 1.3.24

Agreement for At Risk Construction
Management Services for
Stillwater Fire Station # 2 Project No. 22GO01330

REPORT TO: CITY COUNCIL

MEETING DATE: JANUARY 8, 2024



Agenda Item:	6.c. CC-24-04
Previous/Related Action:	• April 5, 2022: Residents of Stillwater approved a \$9 Million bond issue to construct a new fire station to replace the existing Fire Station No. 2. • CC-22-150, August 15, 2022: Authorized City Manager to enter into architectural design services agreement (Kirkpatrick Architect Studio) and construction manager at risk agreement (Crossland Construction Company). • CC-22-219, December 19, 2022: Approval for Agreement with OSU for Owner's Representative Construction Services. • CC-23-170, December 18, 2023: Bid Award for Work Package 1.
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Proposal/Solution:	• The Interim Guaranteed Max Price (IGMP) proposal was submitted by Crossland on December 21, 2023. The IGMP proposal supports a construction price for Fire Station #2 of \$7,938,220. The IGMP exceeds the final Guaranteed Maximum Price (GMP) of \$7,500,000 provided for in the original CMAR Agreement. • A Partial GMP/Lump Sum Conversion proposal was submitted by Crossland on December 21, 2023 for WP#1. The GMP for WP#1 is \$1,297,063. This amount includes the following trades: demolition, earthwork, site concrete, site utilities and storm sewer. State Statute requires that this partial GMP be approved by the City through an amendment to the CMAR Agreement. • The overall Project remains under the General Bond budget of roughly \$9,000,000. • Staff will return to City Council with future bid results for the remaining trades and a final GMP.

Financial Source/Impact:	The project is funded through the proceeds of the \$9 Million bond sale.
Related Strategic Priority:	#1 EFFECTIVE SERVICES & ACCOUNTABLE GOVERNMENT
Recommended Action/Motion:	Motion to approve Amendment No. 1 to the Crossland CMAR Services Agreement regarding a partial conversion to Guaranteed Maximum Price and authorize the City Manager to execute said Amendment No. 1.
Prepared By:	Candy Staring, Engineering Dir.
Reviewed By:	Candy Staring Brady Moore Patti Osmus
Submitted By:	Kimberly Meek, City Manager

Attachments

1. CC-24-04 FS2 IGMP Attachment CMAR Amendment #1

**AMENDMENT TO
AGREEMENT FOR CONSTRUCTION MANAGEMENT AT RISK SERVICES**

Amendment No. 1

1. Background Data:

- a. Effective Date of Owner-CMAR Agreement: October 10, 2023
- b. Owner: City of Stillwater, Oklahoma
- c. CMAR: Crossland Construction Company, Inc.
- d. Project: Stillwater Fire Station #2 Construction

2. Background Information:

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- c. A portion of the work, identified as "Bid Package 1" has been awarded by the Owner and the CMAR is prepared to enter into written agreements with subcontractors and suppliers.

3. Amendment:

The "Original Agreement" is amended as follows: The parties agree that the Guaranteed Maximum Price for the portion of the work including Pre-Construction Services and Bid Package #1 is \$1,330,888.13, as detailed in Exhibit C-1 to this Amendment No. 1. Exhibit C-1 shall become Exhibit C-1 to the Original Agreement.

4. Entirety of Agreement: Except as amended herein and pursuant to all other properly executed amendments, the terms and provisions of the Original Agreement continue in full force and effect.

5. Effective Date: This Amendment No. 1 is effective upon signature of both parties.

Agreement for At Risk Construction
Management Services for
Stillwater Fire Station # 2 Project No. 22GO01330

IN WITNESS WHEREOF, the parties hereto have caused this Amendment No. 1 to be executed by their duly authorized officers or representatives on the dates set forth below.

OWNER:

City of Stillwater, Oklahoma

By: _____

Title: Kimberly Meek, City Manager

Date Signed: _____

CONSTRUCTION MANAGER AT RISK:

Crossland Construction Company, Inc.

By:  _____

Title: Aaron Stoops, Vice President

Date Signed: 1.3.24

EXHIBIT C-1

TO THE AGREEMENT FOR AT RISK CONSTRUCTION MANAGEMENT SERVICES
LUMP SUM PRICE, PARTIAL CONVERSION
Fire Station #2

**Summary of Partial Lump Sum
Partial Conversion Through Work Package 1**

Preconstruction Services

Preconstruction	<u>\$33,825.00</u>	\$33,825.00
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Fee (4% of Cost of the Work)	\$ 42,370.41	
Construction Contingency (3% of Cost of Work)	<u>\$ 31,777.81</u>	\$ 74,148.22
		\$1,330,888.13

Alternates

List any accepted alternates. If not alternates note "NONE".

Alternates Sub-total NONE

Total Work Package 1/Partial Guaranteed Maximum Price \$1,330,888.13

RECOMMENDED:

By: _____
Candy Staring, City Engineer
Owner: City of Stillwater

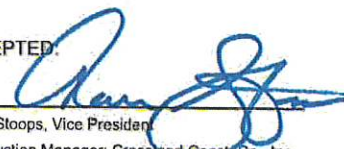
Date: _____

ACCEPTED:

By: _____
Kimberly Meek, City Manager
Owner: City of Stillwater

Date: _____

ACCEPTED:

By: 
Aaron Stoops, Vice President
Construction Manager: Crossland Const. Co., Inc.

Date: 1.3.24

Agreement for At Risk Construction
Management Services for
Stillwater Fire Station # 2 Project No. 22GO01330

CITY OF STILLWATER
STILLWATER, OKLAHOMA

RESOLUTION NO. CC-2024-1

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STILLWATER
ESTABLISHING A PROCESS FOR IMPLEMENTATION OF THE REQUIREMENTS
OF 11 O.S. §51-108, INCLUDING ESTABLISHING THE PROCESS FOR CALLING
AND SCHEDULING ELECTIONS PURSUANT TO SAID STATUTE**

WHEREAS, the City of Stillwater, Oklahoma, regularly negotiates with the Fraternal Order of Police and the International Association of Fire Fighters related to local labor contracts concerning certain employees of the police and fire department of the City; and,

WHEREAS, pursuant to the Charter of the City of Stillwater, the City Manager is the chief administrative officer of the City and is vested exclusively with the responsibility to hire, manage, supervise, direct and control all non-appointed employees of the City. Section 3-3, City manager: Powers and duties, provides:

The city manager shall be chief administrative officer and head of the administrative branch of the city government. He or she shall execute the laws and ordinances and administer the government of the city, and shall be responsible therefor to the city council. The city manager shall:

(1) Appoint, and when deemed necessary for the good of the service, lay off, suspend, demote or remove all directors, or heads, of administrative departments and all other administrative officers and employees of the city except personnel in the department of law, except as he or she or the city council by ordinance or this charter may authorize the head of a department, an officer or an agency to appoint, lay off, suspend, demote and/or remove subordinates in such department, office or agency;(2)Supervise and control, directly or indirectly, all administrative departments, agencies, officers and employees appointed as provided immediately above;(3)Prepare a budget annually and submit it to the city council, be responsible for the administration of the budget after it goes into effect, and recommend to the city council any changes in the budget which he or she deems desirable;(4)Submit to the city council a report as of the end of the fiscal year on the finances and administrative activities of the city for the preceding year;(5)Keep the city council advised of the financial condition and future needs of the city, and make such recommendations on matters of policy and other matters to the city council as may seem to him or her desirable;(6)Have such other powers, duties and functions as this charter may prescribe, and such powers, duties and functions consistent with this charter as the city council may prescribe.

WHEREAS, the role of the city council in employment matters is limited by Charter, as stated in Section 2-5:

Section 2-5. - City council not to interfere in appointments and removals. Neither the city council, the mayor nor any of its other members may direct or request the appointment of any person to, or his or her removal from, office or employment by the city manager or by any other authority, or, except as provided in this charter, participate in any manner in the appointment or removal of officers and employees of the city. Except for the purpose of inquiry, the city council, the mayor and its other members shall deal with the administrative service solely through the city manager; and neither the city council, the mayor nor any other member thereof may give orders on administrative matters to any subordinate of the city manager either publicly or privately.

WHEREAS, it is within the legislative authority of the elected officials of the City to designate the appropriate "corporate authorities" for all purposes related to negotiations; and

WHEREAS, Oklahoma law creates a statutory process for negotiations, arbitration, and contracting, and if the parties are unable to reach an agreement, further provides that an election by the voters can be held to determine the terms of the parties' contract, as set forth in 11 O.S. § 51-108, as follows:

B. If the city's last best offer is not selected by the arbitration board, that party may submit the offers which the parties submitted to the arbitration board to the voters of the municipality for their selection by requesting a special election for that purpose. The request for an election must be filed with the clerk of the municipality within ten (10) days of the date of the written decision of the arbitration board. Written notice of the filing of the request shall be given to the bargaining agent. If a request for an election is not filed in a timely manner, the board's selection decision shall be final, and the last best offer it selected shall constitute the agreement of the parties.

C. Upon receiving a request for an election pursuant to the provisions of this section, the clerk shall notify the mayor and governing body of the request. Within ten (10) days of such notification the municipal authorities shall call for a special election. The election shall be governed by the state laws on special municipal elections. Only residents of the municipality shall be eligible to vote in said election. The ballot shall inform the voters that they must choose either the last best offer of the bargaining agent or the last best offer of the corporate authorities. Within twenty (20) days of the date of the decision to call for the election, the municipal authorities and the bargaining agent shall agree on a ballot. If no agreement is reached within that time, each party shall present a

proposed ballot to the arbitration board. The parties shall present their ballot to the board no later than seven (7) days after the aforementioned twenty-day period. The board shall consider the proposed ballots and shall select one or the other within seven (7) days of the date of receipt of the parties' proposed ballots. The last best offer receiving a majority of the votes shall become the agreement of the parties.

WHEREAS, special elections are governed by statute in Oklahoma, and when it is deemed advisable, the City may, by resolution or ordinance, authorize the mayor to call a special election.

WHEREAS, in order to establish clear guidelines concerning the process and the City's interpretation of the process, approval of this resolution is in the best interest of the City and the residents of the City.

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

1. All statutory references to the "corporate authorities" for the City of Stillwater, Oklahoma, shall refer to the City Manager, as in this form of government the City Manager has the sole and exclusive authority to hire and fire employees and to establish the rate of pay and terms of employment for employees, without interference by the elected officials.
2. Pursuant to 11 O.S. § 51-108(B), the City Manager, as the representative of the City, upon receipt of an arbitration award in favor of the Fraternal Order of Police or International Association of Fire Fighters, shall have the authority and discretion to determine whether the issues are to be submitted to the voters, as directed by statute.
3. As set forth in 11 O.S. § 51-108(C), within ten (10) days of such notification (from the City Manager) that an election shall be appropriate, the municipal authorities shall call for a special election. The Stillwater City Council determines that the requirement of an election, upon a timely request from the City Manager, is a mandatory, required and non-discretionary act, and thereby "shall" be scheduled. Pursuant to 11 O.S. §16-112, the Mayor is authorized and directed by Council to "call" or schedule the election by execution of the appropriate election resolution, without any additional vote of the Stillwater City Council.
4. The City Manager, as the appropriate corporate authority for the City, has authority to execute Collective Bargaining Agreements with the FOP and IAFF, if said agreements do not commit to spending in excess of the budget approved by the City Council for amounts that can be paid by adjustments within the authority of the City Manager.

5. The City Clerk, City Manager and Mayor are directed to proceed in a manner consistent with the requirements of this resolution.

Dated this January 8, 2024.

CITY OF STILLWATER, OKLAHOMA

William H. Joyce, Mayor

ATTEST:

Teresa Kadavy, City Clerk

Approved as to Form:

Kimberly Carnley, City Attorney

ORDINANCE NO. 3529

“AN ORDINANCE AMENDING STILLWATER CITY CODE OF ORDINANCES BY AMENDING CHAPTER 10, BUILDINGS AND BUILDING REGULATIONS, ARTICLE III, ICC INTERNATIONAL BUILDING CODE, 2015 EDITION, SECTION 10-52, ADOPTION OF THE ICC INTERNATIONAL BUILDING CODE, 2015 EDITION; AND SECTION 10-53. AMENDMENTS TO THE ICC INTERNATIONAL BUILDING CODE, 2015 EDITION, SPECIFICALLY ADOPTION THE ICC INTERNATIONAL BUILDING CODE, 2018 EDITION AND AMENDMENTS THERETO; ARTICLE IV, INTERNATIONAL RESIDENTIAL CODE FOR ONE-AND TWO-FAMILY DWELLINGS, 2015 EDITION; SECTION 10-88, ADOPTION OF THE ICC INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, 2015 EDITION; SPECIFICALLY ADOPTION THE ICC INTERNATIONAL RESIDENTIAL BUILDING CODE, 2018 EDITION AND AMENDMENTS THERETO; ARTICLE V, INTERNATIONAL PROPERTY MAINTENANCE CODE, 2015 EDITION, SECTION 10-111, ADOPTION OF THE ICC INTERNATIONAL PROPERTY MAINTENCE CODE, 2015 EDITION, SECTION 10-112, AMENDMENTS TO THE ICC INTERNATIONAL PROPERTY MAINTENCE CODE, 2015 EDITION, SPECIFICALLY ADOPTING THE INTERNATIONAL PROPERTY MAINTENCE CODE, 2018 EDITION AND AMENDMENTS THERETO, ARTICLE VIII, PLUMBING STANDARDS, DIVISION 2, INTERNATIONAL PLUMBING CODE , 2015 EDITION, SECTION 10-289, ADOPTION OF THE ICC INTERNATIONAL PLUMBING CODE, 2015 EDITION, SEC. 10-290, AMENDMENTS TO THE ICC, INTERNATIONAL PLUMBING CODE 2015 EDITION; SPECIFICALLY ADOPTING THE INTERNATIONAL PLUMBING CODE, 2018 EDITION AND AMENDMENTS THERETO; ARTICLE IX, INTERNATIONAL FUEL GAS CODE, 2015 EDITION, SECTION 10-374, ADOPTION OF THE ICC INTERNATIONAL FUEL GAS CODE, 2015 EDITION, SECTION 10-375, AMENDMENTS TO THE ICC INTERNATIONAL FUEL GAS CODE, 2015 EDITION, SPECIFICALLY ADOPTING THE INTERNATIONAL FUEL GAS CODE, 2018 EDITION AND AMENDMENTS THERETO, ARTICLE X, MECHANICAL STANDARDS, DIVISION 1, INTERNATIONAL MECHANICAL CODE, 2015 EDITION, SECTION 10-396, ADOPTION OF THE ICC INTERNATIONAL MECHANICAL CODE, 2015 EDITION, SECTION 10-397, AMENDMENTS TO THE ICC INTERNATIONAL MECHANICAL CODE, 2015 EDITION, SPECIFICALLY ADOPTING THE INTERNATIONAL MECHANICAL CODE, 2018 EDITION AND AMENDMENTS THERETO, XI, ELECTRICITY, DIVISION 2, NATIONAL ELECTRICAL CODE, 2014 EDITION, SECTION 10-485, ADOPTION OF THE NATIONAL ELECTRICAL CODE, 2014 EDITION (NFPA 70-2014), AND SECTION 10-486, AMENDMENTS TO THE NATIONAL

ELECTRICAL CODE, 2014 EDITION (NFPA 70-2014); SPECIFICALLY ADOPTING THE NATIONAL ELECTRICAL CODE, 2020 EDITION (NFPA 70-2020) AND AMENDMENTS THERETO; AMENDING CHAPTER 20, FIRE PREVENTION AND PROTECTION, ARTICLE III, ICC INTERNATIONAL BUILDING CODE, 2015 EDITION, SECTION 20-49, ADOPTION OF THE ICC INTERNATIONAL FIRE CODE, 2015 EDITION; SEC. 20-50, AMENDMENTS TO THE ICC INTERNATIONAL FIRE CODE, 2015 EDITION, SPECIFICALLY ADOPTING THE INTERNATIONAL FIRE CODE 2018 EDITION AND AMENDMENTS THERETO; 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 10, Building and Building Regulations, Article III, ICC International Building Code, 2015 Edition, Section 10-52, Adoption of the ICC International Building Code, 2018 Edition, to be amended to read as follows:

Sec. 10-52. Adoption of the ICC International Building Code, 201~~8~~⁵ Edition

A certain document, one copy of which is on file in the office of the city clerk, being marked and designated as the International Building Code, 201~~8~~⁵ Edition (IBC), as ~~published-adopted and amended~~ by the International Code Council (ICC), ~~together with Appendix X—Swimming Pools, Spas and Hot Tubs, but excluding-excluding~~ all ~~other~~ appendices, as amended and revised by the Oklahoma Uniform Building Code Commission (OUBCC), is ~~hereby~~ adopted by the City of Stillwater, Oklahoma, for regulating and governing the conditions and maintenance of all nonresidential property, buildings and structures; by providing standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures; providing for the issuance of permits and collection of fees; and each and all of the regulations, provisions, penalties, conditions and terms in the City of Stillwater. Each and all of the terms, conditions, regulations, and provisions of the International Building Code, 201~~8~~⁵ Edition, published by the ICC, as amended, on file in the Office of the City Clerk of the City of Stillwater are referred to, adopted and made a part of the Stillwater City Code, as if fully set out in this chapter, with its amendments, as prescribed in section 10-53 of this article and, as used in this article, may be referred to as the 'code'.

SECTION 2: That Stillwater City Code, Chapter 10, Building and Building Regulations, Article III, ICC International Building Code, 2015 Edition, Section 10-53, Amendments to the ICC International Building Code, 2015 Edition, to be amended to read as follows:

Sec. 10-53. Amendments to the ICC International Building Code, 201~~85~~ Edition.

The following provisions of the International Building Code, 201~~85~~ Edition (IBC), as amended and revised by the Oklahoma Uniform Building Code Commission (OUBCC), are added, deleted or amended to read as follows:

IBC Chapter 1 Scope and Administration

101.1 Title - Stillwater Amendatory. Section 101.1 is amended to read as follows: These provisions shall be known and may be cited as the 'Building Code of the City of Stillwater' or as the 'Stillwater Building Code.'

103.1 Creation of Enforcement Agency - Stillwater Amendatory. Section 103.1 is amended to read as follows: The building safety division of the development services department is here created and the official in charge shall be known as the building official.

103.2 Appointment - Stillwater Amendatory. Section 103.2 is amended to read as follows: The chief appointing authority of the jurisdiction shall be the city manager.

103.3 Deputies - Stillwater Amendatory. Section 103.3 is amended to read as follows: The city manager shall appoint all employees within the building safety division and such employees shall have the powers as established by the city manager and/or as delegated by the building official.

109.2 Schedule of Permit Fees - Stillwater Amendatory. Section 109.2 is amended to read as follows: Permit fees shall be established by resolution of the city council, no portion of which shall be refundable.

109.6 Refunds - Stillwater Deleted. Section 109.6 is intentionally deleted from the International Building Code, 201~~85~~ Edition.

113 through 113.3 Board of Appeals - Stillwater Deleted. Sections 113 through 113.3 are intentionally deleted from the International Building Code, 201~~85~~ Edition. Appeals from an order, decision or determination of the building official shall be to the Building Trades Board and governed by Chapter 10, Article II of the Stillwater City Code; provided that the Building Trades Board shall have no authority to waive the requirements of this code.

114.4 Violation Penalties - Stillwater Amendatory. Section 114.4 is amended to read as follows: Any person violating any provision of this article, or any provision of the International Building Code, 201~~85~~ Edition, as amended by the City of Stillwater and as subsequently adopted by reference as part of the Stillwater City Code shall, upon conviction, be guilty of a Class C offense.

115 Stop Work Orders - Stillwater Amendatory. Section 115 is amended to read as follows: Upon notice from the building official, work on any building or structure that is being performed contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing to the owner of the property, or the owner's agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work. Any person, firm or corporation who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition shall, upon conviction, be guilty of a Class C offense.

IBC Chapter 9 Fire Protection Systems

901.8 Pump and Riser Room Size - Stillwater Amendatory. Section 901.8 is amended to read as follows: Fire pump and automatic sprinkler system riser rooms shall be designed with adequate space for all equipment necessary for the installation, as defined by the manufacturer with sufficient working room around the stationary equipment. Clearances around equipment to elements of permanent construction, including other installed equipment and appliances shall be sufficient to allow inspection, service, repair, or replacement without removing such elements of permanent construction or disabling the function of a required fire resistance-rated assembly. Fire Pump and automatic sprinkler riser room shall be provided with a 36-inch door or doors. The unobstructed passageway shall be large enough to allow removal of the largest piece of equipment.

IBC Chapter 10 Means of Egress

1008.2 Illumination Required - Stillwater Amendatory. Section 1008.2 is amended to read as follows: The means of egress serving a room or space shall be illuminated at all times that the room or space is occupied. Where an exit is provided, exit signage shall be illuminated at all times with a battery back-up serving the room or space.

Exceptions:

1. Occupancies in Group U.
2. Aisle accessways in Group A.
3. Dwelling units and sleeping units in Groups R-1, R-2 and R-3.
4. Temporary and tent structures that are or remain unenclosed while open for business.

SECTION 3: That Stillwater City Code, Chapter 10, Building and Building Regulations, Article IV, International Residential Code for One-and Two-Family Dwellings, 2015 Edition, Section 10-88, Amendments to the ICC International Residential Code for One-and Two-Family Dwellings, 2015 Edition, to be amended to read as follows:

Sec. 10-88. - Adoption of the ICC International Residential Code for One- and Two-Family Dwellings, 201~~85~~ Edition

A certain document, one copy of which is on file in the office of the city clerk, being marked and designated as the International Residential Code for One- and Two-Family Dwellings, 201~~85~~ Edition (IRC), as published by the International Code Council (ICC), and excluding all appendices, as amended and revised by the Oklahoma Uniform Building Code Commission (OUBCC) is now adopted by the City of Stillwater, Oklahoma, for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and townhouses not more than three stories in height in the City of Stillwater. Each and all of the terms, conditions, regulations, and provisions of the International Residential Code for One-and Two-Family Dwellings, 201~~85~~ Edition, published by the ICC, as amended, on file in the Office of the City Clerk of the City of Stillwater are now referred to, adopted and made a part of the Stillwater City Code, as if fully set out in this article, with its amendments, as prescribed in section 10-89 of this article and, as used in this article may be referred to as the 'code.'

SECTION 4: That Stillwater City Code, Chapter 10, Building and Building Regulations, Article IV, International Residential Code for One- and Two-Family Dwellings, 2015 Edition, Section 10-89, Amendments to the ICC International Residential Code for One- and Two-Family Dwellings, 2015 Edition, to be amended to read as follows:

Sec. 10-89. Amendments to the ICC International Residential Code for One- and Two-Family Dwellings, 2018~~5~~ Edition.

The following provisions of the International Residential Code for One- and Two-Family Dwellings, 2018~~5~~ Edition (IRC), as amended and revised by the Oklahoma Uniform Building Code Commission, are now added, deleted or amended to read as follows:

IRC Chapter 1 Scope and Administration

R101.1 Title - Stillwater Amendatory. Section R101.1 is amended to read as follows: These provisions shall be known and may be cited as the 'Residential Code for One- and Two-Family Dwellings of the City of Stillwater' or as the 'Stillwater Residential Code.'

R103.1 Creation of Enforcement Agency - Stillwater Amendatory. Section R103.1 is amended to read as follows: The building safety division of the development services department is here created and the official in charge shall be known as the building official.

R103.2 Appointment - Stillwater Amendatory. Section R103.2 is amended to read as follows: The chief appointing authority of the jurisdiction shall be the city manager.

R103.3 Deputies - Stillwater Amendatory. Section R103.3 is amended to read as follows: The city manager shall appoint all employees within the building safety division and such employees shall have the powers as established by the city manager and/or as delegated by the building official.

R105.3 Application for Permit - Stillwater Amendatory. Section R105.3 is amended to read as follows: To obtain a permit, the applicant shall first file an application in writing on a form furnished by the department of building safety for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in section R106.1.
5. Be electronically, digitally or physically signed by the applicant, or the applicant's authorized agent.
6. Give other such data and information as required by the building official.

R108.2 Schedule of Permit Fees - Stillwater Amendatory. Section R108.2 is amended to read as follows: Permit fees shall be established by resolution of the city council, no portion of which shall be refundable.

R108.5 Refunds - Stillwater Deleted. Section R108.5 of this code is intentionally deleted from the International Residential Code for One- and Two-Family Dwellings, 2018⁵ Edition.

R112 through R112.4 Board of Appeals - Stillwater Deleted. Sections R112 through R112.4 of this code are intentionally deleted from the International Residential Code for One- and Two-Family Dwellings, 2018⁵ Edition. Appeals from an order, decision or determination of the building official shall be to the Building Trades Board and governed by Chapter 10, Article II of the Stillwater City Code; provided that the Building Trades Board shall not have any authority to waive the requirements of this code.

R113.4 Violation Penalties - Stillwater Amendatory. Section R113.4 is amended to read as follows: Any person violating any provision of this article, or any provision of the International Residential Code for One- and Two-Family Dwellings, 2018⁵ Edition, as amended by the City of Stillwater and as subsequently adopted by reference as part of the Stillwater City Code shall, upon conviction, be guilty of a Class C offense.

R114 Stop Work Orders - Stillwater Amendatory. Section R114 is amended to read as follows: Upon notice from the building official, work on any building or structure that is being performed contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing to the owner of the property, or the owner's agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work. Any person, firm or corporation who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition shall, upon conviction, be guilty of a Class C offense.

IRC Chapter 3 Building Planning

Table R301.2(1) Climatic and Geographic Design Criteria - Stillwater Amended. Table R301.2(1) is amended to read as follows:

Table R301.2(1) Climatic and Geographic Design Criteria

TABLE R301.2(1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA											FIRM# 405380		
GROUND SNOW LOAD	WIND DESIGN				SEISMIC DESIGN CATEGORY ^f	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP ^e	ICE BARRIER UNDERLAY- MENT REQUIRED ^h	FLOOD HAZZARDS ^g	AIR FREEZING INDEX ⁱ	MEAN ANNUAL TEMP ^j
	Speed ^d (mph)	Topographic effects ^k	Special wind region ^l	Wind-borne debris zone ^m		Weathering ^a	Frost line depth ^b	Termite ^c					
10	115	No	No	No	B	Moderate	18 Inches	Moderate to Heavy	13	No	A: Jan 1, 1975 B: May 16, 2007 C: May 16, 2007	500	60

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

- Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index, "negligible," "moderate" or "severe" for concrete as determined from figure R301.2(3). The *grade* of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.
- The frost line depth may require deeper footings than indicated in Figure R403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish *grade*.

- c. The *jurisdiction* shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.
- d. The *jurisdiction* shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)A]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
- e. The outdoor design dry-bulb temperature shall be selected from the columns of 97 ½ - percent values for winter from Appendix D of the International Plumbing Code. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the *building official*.
- f. The *jurisdiction* shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.
- g. The *jurisdiction* shall fill in this part of the table with (a) the date of the *jurisdiction* ~~'s~~ entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the Flood Insurance Study and (c) the panel numbers and dates of the currently effective FIRMs and BBFMs or other flood hazard map adopted by the authority having *jurisdiction*, as amended.
- h. In accordance with Sections R905.1.2, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the *jurisdiction* shall fill in this part of the table with "YES." Otherwise, the *jurisdiction* shall fill in this part of the table with "NO."
- i. The *jurisdiction* shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99 percent) value on the National Climate Data Center data table "Air Freezing Index-USA Method (Base 32° F)."
- j. The *jurisdiction* shall fill in this part of the table with the mean annual temperature from the National Climate Data Center data table "Air Freezing Index-USA Method (Base 32° F)."
- k. In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the *jurisdiction* shall fill in this part of the table with "YES." Otherwise, the *jurisdiction* shall indicate "NO" in this part of the table.
- l. In accordance with Figure R301.2(4)A, where there is local historical data documenting unusual wind conditions, the *jurisdiction* shall fill in this part of the table with "YES" and identify any specific requirements. Otherwise, the *jurisdiction* shall indicate "NO" in this part of the table.
- m. In accordance with Section R301.2.1.2.1, the *jurisdiction* shall indicate the wind-borne debris zone(s). Otherwise, the *jurisdiction* shall indicate "NO" in this part of the table.

R311.7.5.1 Risers - Stillwater Amendatory. Section R311.7.5.1 is amended to read as follows: The riser height shall be not more than 7¾ inches (196 mm). The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than ¾ inch (9.5 mm). Risers shall be vertical or sloped from the underside of the nosing of the tread above at an angle not more than 30 degrees (0.51 rad) from vertical. Open risers are permitted provided that the openings located more than 30 inches (762 mm), as measured vertically, to the floor or grade below do not permit the passage of a 4-inch diameter (102 mm) sphere.

Exceptions:

1. The opening between the adjacent treads is not limited on spiral stairways.
2. The riser height of spiral stairways shall be in accordance with Section R311.7.10.1.
3. Stair treads and risers shall meet the requirements of this section provided finish floor surfaces are known at the time of installation. Surfaces subject to change at the top and bottom of each stair run shall be allowed to vary not exceeding ½ inch.

SECTION 5: That Stillwater City Code, Chapter 10, Building and Building Regulations, Article V, International Property Maintenance Code, 2015 Edition, Section 10-111, Adoption of the ICC International Property Maintenance Code, 2015 Edition, to be amended to read as follows:

Sec. 10-111. Adoption of the ICC International Property Maintenance Code 201~~8~~5 Edition.

A certain document, one copy of which is on file in the office of the city clerk, being marked and designated as the International Property Maintenance Code, 201~~8~~5 Edition (PMC), as published and adopted by the International Code Council (ICC), excluding all appendices, is now adopted by the City of Stillwater, Oklahoma, for the establishment of minimum standards for the maintenance of existing buildings, structures, premises and facilities necessary for the protection of the health, safety and general welfare of persons in the City of Stillwater; regulating and governing the conditions and maintenance of all property, buildings and structures, by providing standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, including the demolition of such existing structures; providing for the issuance of permits and collection of fees; and each and all of the regulations, provisions, penalties, conditions. Each and all of the terms, conditions, regulations, and provisions of the International Property Maintenance Code, 201~~8~~5 Edition, published by the ICC, as amended in this article, on file in the Office of the City Clerk of the City of Stillwater are now referred to, adopted and made a part of the Stillwater City Code, as if fully set out in this article, with its amendments, as prescribed in section 10-112 of this article and, as used in this article may be referred to as the 'code.'

SECTION 6: That Stillwater City Code, Chapter 10, Building and Building Regulations, Article V, International Property Maintenance Code, 2015 Edition, Section 10-112, Amendments to the ICC International Property Maintenance Code, 2015 Edition, to be amended to read as follows:

Sec. 10-112. - Amendments to the ICC International Property Maintenance Code, 201~~8~~5 Edition.

The following provisions of the International Property Maintenance Code, 201~~8~~5 Edition (PMC), as amended and revised by the City of Stillwater, are now added, deleted or amended to read as follows:

PMC Chapter 1 Scope and Administration

101.1. Title - Stillwater Amendatory. Section 101.1 is amended to read as follows: These provisions shall be known and may be cited as the 'Property Maintenance Code of the City of Stillwater' or as the 'Stillwater Property Maintenance Code.'

103.1 Creation of Property Maintenance Division - Stillwater Amendatory. Section 103.1 is amended to read as follows: The Property Maintenance Division of the Stillwater Police Department is created and the official in charge shall be known as the building official in collaboration with the Development Services Department. Wherever code official is referenced in this code, it shall mean the building official.

103.2 Appointment - Stillwater Amendatory. Section 103.2 is amended to read as follows: The chief appointing authority of the jurisdiction shall be the city manager.

103.3 Deputies - Stillwater Amendatory. Section 103.3 is amended to read as follows: The city manager shall appoint all employees within the Property Maintenance Division and such employees shall have the powers as established by the city manager and/or as delegated by the building official.

103.5 Fees - Stillwater Deleted. Section 103.5 of the International Property Maintenance Code, 2015 Edition is intentionally deleted in its entirety.

105.1 Modifications - Stillwater Amendatory. Section 105.1 is amended to read as follows: Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to accept alternative or equivalent methods, processes, or materials in individual cases, upon application of the owner or owner's representative, provided the building official shall first find that existing circumstances make application of the strict letter of this code impractical and acceptance of an alternative or equivalent method, process, or material is consistent with the intent and purpose of this code and does not lessen health, accessibility, life or safety, or structural standards.

105.2 Alternative Materials - Stillwater Amendatory. Section 105.2 is amended to read as follows: The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and consistent with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

106.4 Violation Penalties - Stillwater Amendatory. Section 106.4 is amended to read as follows: Any person violating any provision of this article, or any provision of the International Property Maintenance Code, 2015 Edition, as amended by the City of Stillwater and as subsequently adopted by reference as part of the Stillwater City Code shall, upon conviction, be guilty of a Class C offense. Each day upon which a violation continues shall be deemed a separate offense.

111 through 111.8 Means of Appeal - Stillwater Deleted. Sections 111 through 111.8 of this code are intentionally deleted from the International Property Maintenance Code, 2015 Edition. Appeals from an order, decision or determination of the building official shall be to the Building Trades Board and governed by Chapter 10, Article II of the Stillwater City Code; provided that the Building Trades Board shall not have any authority to waive the requirements of this code.

PMC Chapter 3 General Requirements

304.14 Insect Screens - Stillwater Amendatory. Section 304.14 is amended to read as follows: During the period from April 1 to September 30, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

PMC Chapter 4 Light, Ventilation and Occupancy Limitations

404.4.1 Room Area - Stillwater Amendatory. Section 404.4.1 is amended to read as follows: Every living room shall contain at least 120 square feet (11.2 m²) and every bedroom occupied by one person shall contain at least 70 square feet (6.5 m²) and every bedroom occupied by more than one person shall contain at least 50 square feet (4.6 m²) of floor area for each occupant.

404.5 Overcrowding - Stillwater Amendatory. Section 404.5 is amended to read as follows: Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Section 404.4.1 or Section 404.6. Living rooms shall not be counted as bedrooms for the allowable number of occupants.

SECTION 7: That Stillwater City Code, Chapter 10, Building and Building Regulations, Article VIII, Plumbing Standards, Division 2, International Plumbing Code, 2015 Edition, Section 10-289, Adoption of the ICC International Plumbing Code, 2015 Edition, to be amended to read as follows:

Sec. 10-289. - Adoption of the ICC International Plumbing Code, 20185 Edition.

A certain document, one copy of which is on file in the office of the city clerk, being marked and designated as the International Plumbing Code, 20185 Edition (IPC), as published by the International Code Council (ICC), excluding all appendices, as amended and revised by the Oklahoma Uniform Building Code Commission (OUBCC) is now adopted by the City of Stillwater, Oklahoma, for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems and providing for the issuance of permits and collection of fees in the City of Stillwater. Each and all of the terms, conditions, regulations, and provisions of

the International Plumbing Code, 201~~8~~5 Edition, as amended, on file in the Office of the City Clerk of the City of Stillwater are now referred to, adopted and made a part of the Stillwater City Code, as if fully set out in this article VIII, division 2, with its amendments, as prescribed in [section 10-290](#) of division 2 and, as used in this division, may be referred to as the 'code.'

SECTION 8: That Stillwater City Code, Chapter 10, Building and Building Regulations, Article VIII, Plumbing Standards, Division 2, International Plumbing Code, 2015 Edition, Section 10-290, Amendments to the ICC International Plumbing Code, 2015 Edition, to be amended to read as follows:

Sec. 10-290. - Amendments to the ICC International Plumbing Code, 201~~8~~5 Edition.

The following provisions of the International Plumbing Code, 201~~8~~5 Edition (IEBC), as amended and revised by the City of Stillwater, are now added, deleted or amended to read as follows:

101.1 Title - Stillwater Amendatory. Section 101.1 is amended to read as follows: These provisions shall be known and may be cited as the 'Plumbing Code of the City of Stillwater' or as the 'Stillwater Plumbing Code.'

103.1 General - Stillwater Amendatory. Section 103.1 is amended to read as follows: The Building Safety Division of the Development Services Department is created and the official in charge shall be known as the building official. Wherever code official is referenced in this code, it shall mean the building official.

103.2 Appointment - Stillwater Amendatory. Section 103.2 is amended to read as follows: The chief appointing authority of the jurisdiction shall be the city manager.

103.3 Deputies - Stillwater Amendatory. Section 103.3 is amended to read as follows: The city manager shall appoint all employees within the Building Safety Division and such employees shall have the powers as established by the city manager and/or as delegated by the building official.

106.6.2 Fee Schedule - Stillwater Amendatory. Section 106.6.2 is amended to read as follows: Permit fees shall be established by resolution of the city council, no portion of which shall be refundable.

106.6.3 Fee Refunds - Stillwater Deleted. Section 106.6.3 of the International Plumbing Code, 201~~8~~5 Edition is intentionally deleted from this code.

108.4 Violation Penalties - Stillwater Amendatory. Any person violating any provision of this article, or any provision of the International Plumbing Code, 201~~8~~5 Edition, as amended by the City of Stillwater and as subsequently adopted by reference as part of the Stillwater City Code shall, upon conviction, be guilty of a Class C offense.

108.5 Stop Work Orders - Stillwater Amendatory. Upon notice from the building official, work on any plumbing system that is being performed contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing to the

owner of the property, or the owner's agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work. Any person, firm or corporation who shall continue any plumbing work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition shall, upon conviction, be guilty of a Class C offense.

109 through 109.7 Means of Appeal - Stillwater Deleted. Sections 109 through 109.7 of this code are intentionally deleted from the International Plumbing Code, 201~~8~~⁵ Edition. Appeals from an order, decision or determination of the building official shall be to the Building Trades Board and governed by [Chapter 10](#), Article II of the Stillwater City Code; provided that the Building Trades Board shall not have any authority to wave the requirements of this code.

602.1 General - Stillwater Amendatory. Structures equipped with plumbing fixtures and utilized for human occupancy or habitation shall be provided with a potable supply of water. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly. The City of Stillwater minimum working allowed pressure shall be twenty-five (25) pounds per square inch (psi).

606.5 Water Pressure Booster Systems - Stillwater Amendatory. Pressure booster pumps, if required, may be utilized to ensure adequate water volume and pressure can be achieved. The use of booster pumps to obtain working pressures shall be installed to City of Stillwater standards and shall otherwise comply with Sections 606.5.1 through 606.5.10 of the International Plumbing Code, 201~~8~~⁵ Edition. Private water systems shall not exceed a maximum water pressure of eighty (80) pounds per square inch (psi).

SECTION 9: That Stillwater City Code, Chapter 10, Building and Building Regulations, Article IX, International Fuel Gas Code, 2015 Edition, Section 10-374, Adoption of the ICC International Fuel Gas Code, 2015 Edition, to be amended to read as follows:

Sec. 10-374. - Adoption of the ICC International Fuel Gas Code, 201~~8~~⁵ Edition.

A certain document, one copy of which is on file in the Office of the City Clerk of the City of Stillwater, Oklahoma, being marked and designated as the ICC International Fuel Gas Code (IFGC), 201~~8~~⁵ Edition, as published by the International Code Council, Inc. (ICC), excluding all appendices, as amended and revised by the Oklahoma Uniform Building Code Commission, is adopted as a part of the Stillwater City Code, regulating and governing fuel gas systems and gas-fired appliances and providing for the issuance of permits and collection of fees. Each and all of the regulations, provisions, penalties, terms, and conditions of the ICC International Fuel Gas Code, 201~~8~~⁵-Edition, published by the ICC, as amended, on file in the Office of the City Clerk of the City of Stillwater are referred to, adopted and made a part of the Stillwater City Code, as if fully set out in this article, with its amendments, as prescribed in [section 10-375](#) of this article and, as used in this article, may be referred to as the 'code.'

SECTION 10: That Stillwater City Code, Chapter 10, Building and Building Regulations, Article IX, International Fuel Gas Code, 2015 Edition, Section 10-375, Amendments to the ICC International Fuel Gas Code, 2015 Edition, to be amended to read as follows:

Sec. 10-375. - Amendments to the ICC International Fuel Gas Code, 201~~8~~5 Edition.

The following provisions of the International Fuel Gas Code, 201~~8~~5 Edition (IFGC), as amended and revised by the Oklahoma Uniform Building Code Commission, are now added, deleted or amended to read as follows:

IFGC Chapter 1 Scope and Administration

101.1 Title - Stillwater Amendatory. These provisions shall be known and may be cited as the 'Fuel Gas Code of the City of Stillwater' or as the 'Stillwater Fuel Gas Code.'

103.1 General - Stillwater Amendatory. Section 103.1 is amended to read as follows: The Building Safety Division of the Development Services Department is created and the official in charge shall be known as the building official. Wherever code official is referenced in this code, it shall mean the building official.

103.2 Appointment - Stillwater Amendatory. Section 103.2 is amended to read as follows: The chief appointing authority of the jurisdiction shall be the city manager.

103.3 Deputies - Stillwater Amendatory. Section 103.3 is amended to read as follows: The city manager shall appoint all employees within the Building Safety Division and such employees shall have the powers as established by the city manager and/or as delegated by the building official.

106.6.2 Fee Schedule - Stillwater Amendatory. Section 106.6.2 is amended to read as follows: Permit fees shall be established by resolution of the city council, no portion of which shall be refundable.

106.6.3 Fee Refunds - Stillwater Deleted. Section 106.6.3 of the International Fuel Gas Code, 201~~8~~5 Edition is intentionally deleted from this code.

108.4 Violation Penalties - Stillwater Amendatory. Any person violating any provision of this article, or any provision of the International Fuel Gas Code, 201~~8~~5 Edition, as amended by the City of Stillwater and as subsequently adopted by reference as part of the Stillwater City Code shall, upon conviction, be guilty of a Class C offense.

108.5 Stop Work Orders - Stillwater Amendatory. Upon notice from the building official, work on any fuel gas systems and gas-fired appliances that is being performed contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing to the owner of the property, or the owner's agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work. Any person, firm or corporation who shall continue any fuel

gas system or gas-fired appliances work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition shall, upon conviction, be guilty of a Class C offense.

109 through 109.7 Means of Appeal - Stillwater Deleted. Sections 109 through 109.7 of this code are intentionally deleted from the International Fuel Gas Code, 2018~~5~~ Edition. Appeals from an order, decision or determination of the building official shall be to the Building Trades Board and governed by [Chapter 10](#), Article II of the Stillwater City Code; provided that the Building Trades Board shall not have any authority to wave the requirements of this code.

IFGC Chapter 4 Gas Piping Installations

406.4.1 Test Pressure - Stillwater Amendatory. Section 406.4.1 is amended to read as follows: The test pressure to be used shall be no less than 1½ times the proposed maximum working pressure, but not less than ten (10) pounds per square inch gauge (psig) (20 kPa gauge) irrespective of design pressure. Where the test pressure exceeds 125 psig (862 kPa gauge), the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe.

SECTION 11: That Stillwater City Code, Chapter 10, Building and Building Regulations, Article X, Mechanical Standards, Division 1, International Mechanical Code, 2015 Edition, Section 10-396, Adoption of the ICC International Mechanical Code, 2015 Edition, to be amended to read as follows:

Sec. 10-396. - Adoption of the ICC International Mechanical Code, 2018~~5~~ Edition.

A certain document, one copy of which is on file in the Office of the City Clerk of the City of Stillwater, Oklahoma, being marked and designated as the ICC International Mechanical Code (IMC), 2018~~5~~ Edition, as published by the International Code Council, Inc. (ICC), excluding all appendices, as amended and revised by the Oklahoma Uniform Building Code Commission, is adopted as a part of the Stillwater City Code, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical equipment and providing for the issuance of permits and collection of fees. Each and all of the regulations, provisions, penalties, terms, and conditions of the ICC International Mechanical Code, 2018~~5~~ Edition, as amended, on file in the Office of the City Clerk of the City of Stillwater are referred to, adopted, and made a part of the Stillwater City Code, as if fully set out in this article, with its amendments, as prescribed in [section 10-397](#) of this article and, as used in this article, may be referred to as the 'Code.'

SECTION 12: That Stillwater City Code, Chapter 10, Building and Building Regulations, Article X, Mechanical Standards, Division 1, International Mechanical Code, 2015 Edition, Section 10-397, Amendments to the ICC International Mechanical Code, 2015 Edition, to be amended to read as follows:

Sec. 10-397 - Amendments to the ICC International Mechanical Code, 2018~~5~~ Edition.

The following provisions of the International Mechanical Code, 201~~8~~⁵ Edition (IMC), as amended and revised by the Oklahoma Uniform Building Code Commission, are added, deleted or amended to read as follows:

IMC Chapter 1 Scope and Administration

101.1 Title - Stillwater Amendatory. These provisions shall be known and may be cited as the 'Mechanical Code of the City of Stillwater' or as the 'Stillwater Mechanical Code.'

103.1 General - Stillwater Amendatory. Section 103.1 is amended to read as follows: The Building Safety Division of the Development Services Department is created and the official in charge shall be known as the building official. Wherever code official is referenced in this code, it shall mean the building official.

103.2 Appointment - Stillwater Amendatory. Section 103.2 is amended to read as follows: The chief appointing authority of the jurisdiction shall be the city manager.

103.3 Deputies - Stillwater Amendatory. Section 103.3 is amended to read as follows: The city manager shall appoint all employees within the Building Safety Division and such employees shall have the powers as established by the city manager and/or as delegated by the building official.

106.5.2 Fee Schedule - Stillwater Amendatory. Section 106.5.2 is amended to read as follows: Permit fees shall be established by resolution of the city council, no portion of which shall be refundable.

106.5.3 Fee Refunds - Stillwater Deleted. Section 106.5.3 of the International Mechanical Code, 201~~8~~⁵ Edition is intentionally deleted from this code.

108.4 Violation Penalties - Stillwater Amendatory. Any person violating any provision of this article, or any provision of the International Mechanical Code, 201~~8~~⁵ Edition, as amended by the City of Stillwater and as subsequently adopted by reference as part of the Stillwater City Code shall, upon conviction, be guilty of a Class C offense.

108.5 Stop Work Orders - Stillwater Amendatory. Upon notice from the building official, work on any mechanical system that is being performed contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing to the owner of the property, or the owner's agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work. Any person, firm or corporation who shall continue any mechanical work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition shall, upon conviction, be guilty of a Class C offense.

109 through 109.7 Means of Appeal - Stillwater Deleted. Sections 109 through 109.7 of this code are intentionally deleted from the International Mechanical Code, 201~~8~~⁵ Edition. Appeals

from an order, decision or determination of the building official shall be to the Building Trades Board and governed by [Chapter 10](#), Article II of the Stillwater City Code; provided that the Building Trades Board shall not have any authority to wave the requirements of this code.

SECTION 13: That Stillwater City Code, Chapter 10, Building and Building Regulations, Article XI, Electricity, Division 2, National Electrical Code, 2014 Edition, Section 10-485, Adoption of the National Electrical Code, 2014 Edition, to be amended to read as follows:

Sec. 10-485. - Adoption of the National Electrical Code, 202014 Edition (NFPA 70-202014).

A certain document, one copy of which is on file in the Office of the City Clerk of the City of Stillwater, Oklahoma being marked and designated as the National Electrical Code (NEC), 202014 Edition (NFPA 70-202014), as published by the National Fire Protection Association (NFPA) and as amended and revised by the Oklahoma Uniform Building Code Commission (OUBCC), affirmatively including Informative Annex H, "Administration and Enforcement", but excluding all other informative annexes, is now adopted as part the Stillwater City Code, the 'Electrical Code,' for the control of electrical systems and equipment located in buildings and structures and their appurtenant constructions, excluding one- and two-family dwellings, in the City of Stillwater. Each and all of the terms, conditions, regulations, provisions, and penalties of the National Electrical Code, 202014 Edition (NFPA 70-202014), including Annex H, are now referred to, adopted and made a part of the Stillwater City Code as if fully set out in this title, with its amendments. As used in this Article, the National Electrical Code, 202014 Edition (NFPA 70-202014), as amended by this Article, may be referred to as the 'code.'

SECTION 14: That Stillwater City Code, Chapter 10, Building and Building Regulations, Article XI, Electricity, Division 2, National Electrical Code, 2014 Edition, Section 10-486, Adoption of the National Electrical Code, 2014 Edition, to be amended to read as follows:

Sec. 10-486. - Amendments to the National Electrical Code, 202014 Edition (NFPA 70-202014).

The following provisions of the National Electrical Code (NEC), 202014 Edition (NFPA 70-202014), as adopted by the Oklahoma Uniform Building Code Commission, are now added, deleted or amended to read as follows:

Informative Annex H Administration and Enforcement - Stillwater Added.

80.2 Definitions - Stillwater Amendatory. Informative Annex H, Section 80.2 is amended to read as follows:

Authority Having Jurisdiction - Stillwater Amendatory. The Building Safety Division of the Development Services Department is created and the official in charge shall be known as the building official. Wherever "Authority Having Jurisdiction", "AHJ", "Chief Electrical Inspector" or "Electrical Inspector" is referenced in this code, it shall mean the building official.

Appointment - Stillwater added. The chief appointing authority of the jurisdiction shall be the city manager.

Deputies - Stillwater added. The city manager shall appoint all employees within the Building Safety Division and such employees shall have the powers as established by the city manager and/or as delegated by the building official.

Personal Residence - Stillwater added. Personal Residence means a single-family dwelling, owned and occupied by that person as their primary residence. A new construction single-family dwelling may only be considered a personal residence upon issuance of a certificate of occupancy by the building inspection department.

80.7 Title - Stillwater Amendatory. Informative Annex H, Section 80.7 is amended to read as follows: These provisions shall be known and may be cited as the 'Electrical Code of the City of Stillwater' or as the 'Stillwater Electrical Code.'

80.9 Application - Stillwater Amendatory. Informative Annex H, Section 80.9, is amended to read as follows:

(A)New Installations. This Code applies to new installations. Buildings with construction permits dated after adoption of this Code shall comply with its requirements.

(B)Existing Installations. Existing electrical installations that do not comply with the provisions of this Code shall be permitted to continue in use unless the building official determines that the lack of conformity with this Code presents an imminent danger to the occupants or the public. Where changes are required for correction of hazards, a reasonable amount of time shall be given for compliance, depending on the degree of the hazard.

(C)Additions, Alterations, or Repairs. Additions, alterations, or repairs to any building, structure, or premises shall conform to that required of a new building without requiring the existing building to comply with all the requirements of this Code. Additions, alterations, or repairs shall not cause an existing building to become unsafe or to adversely affect the performance of the building as determined by the building official. Electrical wiring added to an existing service, feeder, or branch circuit shall not result in an installation that violates the provisions of the Code in force at the time the additions are made.

(D)Moved Buildings. Electrical systems and equipment that are a part of buildings or structures moved into or within the City of Stillwater shall comply with the provisions of this code for new installations.

80.15 Electrical Board. - Stillwater Deleted. Informative Annex H, Section 80.15 of this code is intentionally deleted from Informative Annex H of the National Electrical Code (NEC), 2020~~14~~ Edition (NFPA 70-2020~~14~~). Appeals from an order, decision or determination of the building official shall be to the Building Trades Board and governed by Chapter 10, Article II of the Stillwater City Code; provided that the Building Trades Board shall not have any authority to waive the requirements of this code.

80.19 Permits and Approvals, Subsection (A) Application. - Stillwater Amendatory. Informative Annex H, Subsection 80.19(A), is amended to read as follows:

(1) Activity authorized by permit issued under this Code shall be conducted by the permittee or the permittee's agents or employees in compliance with all requirements of this Code and in accordance with all approved plans and specifications. Persons eligible for a permit shall include a person who is a registered electrical contractor; a home owner doing work on the owner's personal residence; and a business, firm, partnership, association or corporation that employs a registered electrical contractor. No permit issued under this Code shall be interpreted to justify a violation of any provision of this Code or any other applicable law or regulation. Any addition or alteration of approved plans or specifications shall be approved in advance by the building official, as evidenced by the issuance of a new or amended permit.

(2) A copy of the permit shall be posted or otherwise readily accessible at each work site or carried by the permit holder as specified by the building official.

80.19 Permits and Approvals, Subsection (C) Issuance of Permits. - Stillwater Amendatory. Informative Annex H, Subsection 80.19(C), is amended to read as follows:

The building official shall be authorized to establish and issue permits, certificates, notices, and approvals, or orders pertaining to electrical safety hazards pursuant to 80.23, except that no permit shall be required to execute any of the classes of electrical work specified in the following:

(1) Installation or replacement of equipment such as lamps and of electric utilization equipment approved for connection to suitable permanently installed receptacles. Replacement of flush or snap switches, fuses, lamp sockets and luminaries or fans, and receptacles, and other minor maintenance and repair work, such as replacing worn cords, and tightening connections on a wiring device.

(2) The process of manufacturing, testing, servicing, or repairing electrical equipment or apparatus.

(3) The extension of an existing individual branch circuit or the installation of additional openings in an existing branch circuit provided that the work is not associated with a building permit.

80.19 Permits and Approvals, Subsection (E) Fees. - Stillwater Amendatory. Informative Annex H, Subsection 80.19(E), is amended to read as follows: Permit fees shall be established by resolution of the city council, no portion of which shall be refundable.

80.19 Permits and Approvals, Subsection (F) Inspections and Approvals, paragraph 3. - Stillwater Amendatory. Informative Annex H, paragraph 80.19(F)(3), is amended to read as follows:

(3) When any portion of an electrical installation within the jurisdiction of the building official is to be hidden from view by the permanent placement of parts of a building, the person firm or corporation installing the equipment shall notify the building official and the equipment shall not be concealed until it has been approved by the building official or until two (2) business days have elapsed from the time of such notification, provided that on large installations, where the concealment of equipment proceeds continuously, the person, firm or corporation installing the

equipment shall give the building official due notice in advance, and inspections shall be made periodically during the progress of the work

80.23 Notice of Violations, Penalties, Subsection (B) Penalties, paragraphs 3, 4 and 5. - Stillwater Added. Informative Annex H, paragraphs 80.23(B)(3), 80.23(B)(4), 80.23(B)(5) are added to Section 89.23 to read as follows:

(3)Any person violating any provision of this article, or any provision of the National Electrical Code (NEC), 2020~~14~~ Edition (NFPA 70-2020~~14~~), as amended and revised by the Oklahoma Uniform Building Code Commission (OUBCC) and the City of Stillwater and as subsequently adopted by reference as part of the Stillwater City Code shall, upon conviction, be guilty of a Class A offense.(4)Stop Work Orders. Upon notice from the building official, work on any electrical system that is being performed contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing to the owner of the property, or the owner's agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work. Any person, firm or corporation who shall continue any electrical work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition shall, upon conviction, be guilty of a Class C offense.(5)Correction of Unsafe Conditions. If the building official finds any electrical installation to be in an unsafe or hazardous condition, the official shall notify the person controlling the premises where such electrical conditions exist, to correct the unsafe condition or hazard and place it in a safe condition. If such person fails to do so the building official shall cause electrical service to such premises to be discontinued; such service shall not be reinstated until the official determines that the unsafe condition or hazard has been corrected and that the installation is in a safe condition. The utilities department is authorized by this provision to discontinue or disconnect electrical service where the building inspector has determined that hazardous or unsafe electrical conditions exist.

80.25 Connection to Electrical Supply, Subsection (C) Notification. - Stillwater Amendatory. Informative Annex H, paragraph 80.25(C), is amended to read as follows:

(C)Notification. If, within two (2) business days after the building official is notified of the completion of an installation of electrical equipment, other than a temporary approval installation, the building official has neither authorized connection nor disapproved the installation, the supplier of electricity is authorized to make connections and supply electricity to such installation, at their own risk.

80.27 Inspector's Qualifications. - Stillwater Amendatory. Informative Annex H, Section 80.27, is amended to read as follows:

(A)Certificate. All electrical inspectors shall meet those specifications set forth in the State of Oklahoma, Electrical Licensing Act, as amended, 59 O.S. 2011 Section 1680 et seq., and Oklahoma Inspectors Act, as amended, 59 O.S. 2011, Section 1031 et seq. All electrical inspectors shall be certified by a nationally recognized inspector certification program accepted by the building trades board. The certification program shall specifically qualify the inspector in electrical inspections. No person shall be employed as an electrical inspector unless that person

is the holder of an electrical inspector's certificate of qualification issued by the building trades board.

(B)Experience. All Electrical inspector applicants shall demonstrate the following:(1)Have a demonstrated knowledge of the standard materials and methods used in the installation of electric equipment.(2)Be well versed in the approved methods of construction or safety to persons and property(3)Be well versed in the statutes of the State of Oklahoma relating to electrical work and the National Electrical Code, as approved by the American National Standards Institute (ANSI)(4)Have had at least two (2) years' experience as an electrical inspector or four years' experience as a journeyman electrician as defined by the State of Oklahoma, Electrical Licensing Act. In lieu of such experience, the applicant shall be a graduate in electrical engineering or of a similar curriculum of a college or university considered by the Building Trades Board as having suitable requirements for graduation and shall have had two years' practical electrical experience.

80.29 Liability and Damages. - Stillwater Amendatory. Informative Annex H, Section 80.29, is amended to read as follows: Article 80 shall not be construed to affect the responsibility or liability of any party owning, designing, operating, controlling, or installing any electrical equipment for damages to persons or property caused by any defect, nor shall the City of Stillwater or any of its employees be held as assuming any liability by reason of the inspection, reinspection, or other examination authorized.

80.35 Effective Date. - Stillwater Deleted. Informative Annex H, Section 80.35 of this code is intentionally deleted from Informative Annex H of the National Electrical Code (NEC), 20~~2014~~ Edition (NFPA 70-20~~2014~~). This effective date shall be specified by city council.

Article 210 Branch Circuits.

210.3 Rating - Stillwater Amendatory. Section 210.3 is amended to read as follows: Branch circuits recognized by this article shall be rated in accordance with the maximum permitted ampere rating or setting of the overcurrent device. The rating for other than individual branch circuits shall be: 20, 30, 40, and 50 amperes. Where conductors of higher ampacity are used for any reason, the ampere rating or setting of the specified overcurrent device shall determine the circuit rating.

Exception: Multioutlet branch circuits greater than 50 amperes shall be permitted to supply nonlighting outlet loads on industrial premises where maintenance and supervision indicate that qualified persons will service equipment.

Article 230 Services.

230.28 Service Mast as Supports. - Stillwater Amendatory. Section 230.28 is amended to read as follows: Only power service-drop or overhead service conductors shall be permitted to be attached to a service mast. Service masts used for the support of service-drop or overhead service conductors shall be installed in accordance with Subsections 230.28(A) and (B).

(A)Strength. The service mast shall be a minimum of two (2) inch diameter Rigid Metal Conduit (RMC) or Intermediate Metal Conduit (IMC) and may be required to be supported by braces or

guys to withstand safely the strain imposed by the service-drop or overhead service conductors. Hubs intended for use with a conduit that serves as a service mast shall be identified for use with service-entrance equipment.(B)Attachment. Service-drop or overhead service conductors shall not be attached to a service mast between a weatherhead or the end of the conduit and a coupling, where the coupling is located above the last point of securement to the building or other structure or is located above the building or structure.

Article 250 Grounding and Bonding.

250.64 Grounding Electrode Conductor Installation, Subsection (B) Securing and Protecting Against Physical Damage. - Stillwater Amendatory. Subsection 250.64(B) is amended to read as follows:

(B)Securing and Protecting Against Physical Damage. Where exposed, a grounding electrode conductor or its enclosure shall be securely fastened to the surface on which it is carried. Grounding electrode conductors shall be permitted to be installed on or through framing members. A grounding electrode conductor shall be protected if exposed to physical damage. A grounding electrode conductor on the exterior of a building or structure shall be considered to be exposed to physical damage except for temporary installations as covered in the scope of Article 590. Grounding electrode conductors shall be protected from physical damage by rigid metal conduit (RMC), intermediate metal conduit (IMC), rigid polyvinyl chloride conduit (PVC), reinforced thermosetting resin conduit (RTRC), electrical metallic tubing (EMT), or cable armor. Grounding electrode conductors and grounding electrode bonding jumpers shall not be required to comply with 300.5.

Article 310 Conductors for General Wiring.

310.106 Conductors, Subsection (B) Conductor Material. - Stillwater Amendatory. Subsection 310.106(B) is amended to read as follows: Conductor Material. Conductors in this article shall be copper, unless otherwise specified. All reference herein to aluminum or copper-clad aluminum shall be interpreted to mean stranded conductors only.

Exceptions:

1.Service entrance conductors as covered in article 230 may be of AA-8000 series aluminum alloy, copper-clad aluminum or copper.2.Outside branch circuits and feeders as covered in article 225 may be of AA-8000 series aluminum alloy, copper-clad aluminum or copper.3.In buildings or portions of buildings used as multifamily dwellings, AA-8000 series aluminum stranded conductors #2 and larger marked as type RHH, RHW, XHHW, THW, THHW, THWN, THHN, service-entrance Type SE Style U and SE Style R shall be permitted to be used as interior feeders between the service equipment and main branch circuit panelboards serving individual dwelling units. In mixed-use buildings, such feeders shall not be extended into or through the non-residential portion of the building unless the conductors are enclosed in raceways of Armored Cable, Metal-Clad Cable, Intermediate Metal Conduit, Rigid Metal Conduit, Flexible Metal Conduit, Liquidtight Flexible Metal Conduit, Rigid Polyvinyl Chloride Conduit, Liquidtight Flexible Nonmetallic Conduit, Electrical Metallic Tubing or Flexible Metal Tubing as permitted by the specific wiring method.

Article 334 Nonmetallic-Sheathed Cable: Types NM, NMC, and NMS.

334.10 Uses Permitted - Stillwater Amendatory. Section 334.10 is amended to read as follows: Type NM, Type NMC, and Type NMS cables shall be permitted to be used in any residential use buildings or portions of buildings permitted to be of Type III, IV and V construction and their accessory structures except as prohibited in 334.12. In mixed-use buildings residential uses must be separated from non-residential uses by a minimum 1-hour rated fire barrier as described in the International Building Code to permit the use of Type NM, Type NMC, and Type NMS cables in the residential use portion of the building.

(A)Type NM. Type NM cable shall be permitted as follows:(1)For both exposed and concealed work in normally dry locations except as prohibited in 334.10.3.(2)To be installed or finished in air voids in masonry block or tile walls where such walls are not exposed to or subject to moisture or dampness.(B)Type NMC. Type NMC cable shall be permitted:(1)For both exposed and concealed work in dry, moist, damp or corrosive locations except as prohibited in 334.10.3.(2)In outside and inside walls of masonry block or tile.(3)In a shallow chase in masonry, concrete, or adobe protected against nails or screws by a steel plate [at] least 1.59 mm (1/16 in.) thick, and covered with plaster, adobe, or similar finish.(C)Type NMS. Type NMS cable shall be permitted as follows:(1)For both exposed and concealed work in normally dry locations except as prohibited in 334.10.3.(2)To be installed or finished in air voids in masonry block or tile walls where such walls are not exposed to or subject excessive moisture or dampness.

334.12 Uses Not Permitted, Subsection (A) Types NM, NMC, and NMS. - Stillwater Amendatory. Section 334.12 is amended to read as follows: Types NM, NMC and NMS cables shall not be permitted as follows:

(1)In any structure not specifically permitted in 334.10.(2)Embedded in poured cement, concrete, or aggregate.

Article 394 Concealed Knob-and-Tube Wiring.

394.10 Uses Permitted. - Stillwater Amendatory. Section 394.10 is amended to read as follows: Existing concealed knob and tube wiring systems shall be permitted to be maintained.

394.12 Uses Not Permitted. - Stillwater Amendatory. Section 394.12 is amended to read as follows: Concealed knob and tube wiring shall not be permitted for extensions of existing systems or for new installations.

SECTION 15: That Stillwater City Code, Chapter 20, Fire Prevention and Protection, Article III, ICC International Building Code, 2015 Edition, Section 20-49, adoption of the ICC International Fire Code, 2018, Edition be amended to read as follows:

Sec. 20-49. - Adoption of the ICC International Fire Code, 201~~8~~⁵ Edition.

A certain document, one copy of which is on file in the Office of the City Clerk of the City of Stillwater, Oklahoma, being marked and designated as the ICC International Fire Code, 201~~8~~⁵ Edition (IFC), as published by the International Code Council, Inc. (ICC), including Appendix I and Appendix D, but excluding all other appendices, and as amended and revised by the Oklahoma Uniform Building Code Commission, is adopted by the City of Stillwater, Oklahoma, for the purpose of safeguarding life and property from fire and explosion hazards

by regulating the storage, handling and use of hazardous substances, materials and devices and conditions related to the occupancy of buildings and premises in the City of Stillwater. Each and all of the regulations, provisions, penalties, terms and conditions of the ICC International Fire Code, 201~~8~~⁵ Edition, are referred to, adopted and made a part of the Stillwater City Code, as if fully set out in this article, with its amendments, as prescribed in [section 20-50](#) of this article and, as used in this article, may be referred to as the "code."

SECTION 16: That Stillwater City Code, Chapter 20, Fire Prevention and Protection, Article III, ICC International Building Code, 2015 Edition, Section 20-50, Amendments to the ICC International Fire Code, 2018, Edition be amended to read as follows:

Sec. 20-50. - Amendments to the ICC International Fire Code, 201~~8~~⁵ Edition.

The following provisions of the International Fire Code, 201~~8~~⁵ Edition (IFC), as amended and revised by the Oklahoma Uniform Building Code Commission, are added, deleted or amended to read as follows:

IFC Chapter 1 Scope and Administration

101.1 Title - Stillwater Amendatory. Section 101.1 is amended to read as follows: These provisions shall be known and may be cited as the 'Fire Code of the City of Stillwater' or as the 'Stillwater Fire Code.'

103.1 General - Stillwater Amendatory. Section 103.1 is amended to read as follows: The building safety division of the development services department is created here and the official in charge of permitting, inspection and enforcement of construction, installation or modification governed by this code shall be known as the building official. The fire prevention division of the fire department is also created here and the official in charge of operational permitting, inspection and enforcement pertaining to the conduct of an operation or business governed by this code, including the occupancy or use of a building or structure subsequent to the issuance of a certificate of occupancy, shall be the Fire Chief, the Fire Marshal or their designees. Where the term "fire code official" is used in this code, it shall mean either the building official or the Fire Chief, the Fire Marshal and their designees, as the context relates to their authority and responsibilities specified in this section or other sections of this code.

103.2 Appointment - Stillwater Amendatory. Section 103.2 is amended to read as follows: The chief appointing authority of the jurisdiction shall be the city manager.

103.3 Deputies - Stillwater Amendatory. Section 103.3 is amended to read as follows: The city manager shall appoint all employees within the building safety division and such employees shall have the powers as established by the city manager and/or as delegated by the building official.

105.6.49 Maintenance and Repair of Fire Extinguishing, Fire Alarm and Detection Systems - Stillwater Added. Section 105.6.49 is added to read as follows: An operational permit shall be

required for the maintenance and repair of any fire extinguishing, fire alarm and detection system. Additions and alterations shall require a construction permit.

105.7 Required Construction Permits - Stillwater Amendatory. The building official shall be authorized to issue permits for work under Sections 105.7.1 through 105.7.18.

108 through 108.3 Board of Appeals - Stillwater Deleted. Sections 108 through 108.3 are intentionally deleted from the International Fire Code, 2018~~5~~ Edition. Appeals from an order, decision or determination of the building official, the Fire Chief, the Fire Marshal or their designees shall be to the Building Trades Board and governed by Chapter 10, Article II of the Stillwater City Code; provided that the Building Trades Board shall have no authority to wave the requirements of this code.

109.4 Violation Penalties - Stillwater Amendatory. Section 109.4 is amended to read as follows: Any person violating any provision of this article, or any provision of the International Fire Code, 2018~~5~~ Edition, as amended by the City of Stillwater and as subsequently adopted by reference as part of the Stillwater City Code shall, upon conviction, be guilty of a Class C offense.

111 Stop Work Orders - Stillwater Amendatory. Section 111 is amended to read as follows: Upon notice from the building official, work on any building or structure that is being performed contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing to the owner of the property, or the owner's agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work. Any person, firm or corporation who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition shall, upon conviction, be guilty of a Class C offense.

113.2 Schedule of Permit Fees - Stillwater Amendatory. Section 113.2 is amended to read as follows: Permit fees shall be established by resolution of the city council, no portion of which shall be refundable.

113.5 Refunds - Stillwater Deleted. Section 109.6 is intentionally deleted from the International Fire Code, 2018~~5~~ Edition.

IFC Chapter 3 General Requirements

307 through 307.5 Open Burning, Recreational Fires and Portable Outdoor Fireplaces - Stillwater Deleted. Sections 307 through 307.5 are intentionally deleted from the International Fire Code, 2018~~5~~ Edition. Open burning, recreational fires and portable outdoor fireplaces shall be governed by Chapter 20, Article VI of the Stillwater City Code.

308.1.4 Open-Flame Cooking Devices - Stillwater Amendatory. Section 308.1.4 is amended to read as follows: Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within ten (10) feet (3048 mm) of combustible construction.

Exceptions:

1. One- and two-family dwellings, provided that open-flame cooking shall not be operated on combustible decks, balconies or wood floors and not less than five (5) feet (1524 mm) from buildings or combustible construction.
2. Where buildings, balconies and decks are protected by an automatic sprinkler system.
3. LP-gas cooking devices having a LP-gas container with a water capacity not greater than 2½ pounds [nominal one (1) pound (0.454 kg) LP-gas capacity.

IFC Chapter 5 Fire Service Features

503.1.1 Buildings and Facilities Stillwater Amendatory. Section 501.1.1 is amended to read as follows: Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the Stillwater city limits. The fire apparatus access roads shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of the exterior of the facility or building. Fire apparatus access shall be provided on two or more sides of the facility or building where access can be practically achieved. The building official is authorized to require additional fire protection when a second access cannot be provided due to existing barriers (i.e., topography, waterways, existing infrastructure and utilities).

Exceptions:

1. The building official is authorized to increase the dimension of 150 feet (45 720 mm) where any of the following conditions occur:
 - 1.1 The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
 - 1.2 Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.
 - 1.3 There are not more than two Group R-3 or Group U occupancies.
2. Where approved by the building official, fire apparatus access roads shall be permitted to be exempted or modified for solar photovoltaic power generation facilities.

503.2.3 Surface - Stillwater Amendatory. Section 503.2.3 is amended to read as follows: Fire apparatus access roads shall be designed and maintained with an all-weather

surface capable of supporting a 75,000 pound (34 050 kg) fire apparatus and providing all-weather driving capabilities. The design shall be based on the geotechnical investigation of the site.

503.2.4 Turning Radius - Stillwater Amendatory. Section 503.2.4 is amended to read as follows: Fire apparatus access roads shall have an effective turning radius of thirty (30) feet (9.144 m) and a minimum exterior turning radius of forty-eight (48) feet (14.6304 m).

503.2.5 Dead Ends - Stillwater Amendatory. Section 503.2.5 is amended to read as follows: Dead-end fire apparatus access roads more than 150 feet (45.72 m) in length measured from back of curb of the intersecting street shall comply with the requirements of Appendix D.

506.1 Where Required - Stillwater Amendatory. Section 506.1 is amended to read as follows: Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, the Fire Chief, the Fire Marshal or their designees are authorized to require a key box to be installed in an approved location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the Fire Chief, the Fire Marshal or their designees All buildings or structures equipped with a fire alarm or fire suppression system shall provide a fire department key box adjacent to the front door on the exterior of the building or structure. The box shall contain keys to allow fire department entry in the event of fire alarm activation.

507.1 Required Water Supply - Stillwater Amendatory. Section 507.1 is amended to read as follows: An approved water supply capable of supplying a minimum required fire flow rate for fire protection of 1,500 Gallons Per Minute (GPM) shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved in or within the City of Stillwater.

Exceptions:

1. Facilities, buildings, structures developments and lands served by a water distribution system owned or operated by or as a rural water district or corporation.
2. For Group R-3 single family occupancies a minimum 1,000 Gallons Per Minute (GPM) fire flow rate shall be permitted.

507.5.1 Where Required - Stillwater Amendatory. Section 507.5.1 is amended to read as follows: Where a portion of the facility or building hereafter constructed or moved into or within the City of Stillwater is more than three hundred (300) feet (91.44 m) from a hydrant, private fire hydrants and mains shall be provided where required to ensure proper coverage.

Exceptions:

1. For Group R-3 and U occupancies, the distance requirement shall be 600 feet (183 m).

2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183 m).

3. Facilities, buildings, structures developments and lands served by a water distribution system owned or operated by or as a rural water district or corporation.

IFC Chapter 9 Fire Protection Systems

903.4.3 Floor Control Valves - Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor in high-rise buildings. Multistory buildings exceeding two stories in height and over 52,000 sf. shall be provided with a floor control valve, check valve, main drain valve, and flow switch for isolation, control, and annunciation of water flow on each floor level.

907.2.3 Group E - Stillwater Amendatory. Section 907.2.3 is amended to read as follows: A manual fire alarm system that activates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall be installed in Group E occupancies.

When automatic sprinkler systems or smoke detectors are installed such systems or detectors shall be connected to the building fire alarm system.

Exceptions:

1. A manual fire alarm system is not required in Group E occupancies with an occupant load of 50 or less.

2. Manual fire alarm boxes are not required in Group E occupancies where all of the following apply:

2.1 Interior corridors are protected by smoke detectors

2.2 Auditoriums, cafeterias, gymnasiums or similar areas are protected by heat detectors or other approved detection devices.

2.3 Shop and laboratories involving dusts or vapors are protected by heat detectors or other approved detection devices.

2.4 Emergency voice/alarm communication systems are provided throughout the building, use and protected space.

3. Manual fire alarm boxes shall not be required in Group E occupancies where all the following apply:

3.1 The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1.

3.2 The emergency voice/alarm communication system will activate on sprinkler water flow.

3.3 Manual activation is provided from a normally occupied location.

IFC Chapter 10 Means of Egress

1008.2 Illumination Required - Stillwater Amendatory. Section 1008.2 is amended to read as follows: The means of egress serving a room or space shall be illuminated at all times that the room or space is occupied. Where an exit is provided, exit signage shall be illuminated at all times with a battery back-up serving the room or space.

Exceptions:

1. Occupancies in Group U.
2. Aisle accessways in Group A.
3. Dwelling units and sleeping units in Groups R-1, R-2 and R-3.
4. Temporary and tent structures that are or remain unenclosed while open for business.

IFC Chapter 11 Construction Requirements for Existing Buildings

1101.1 Scope - Stillwater Amendatory. Section 1101.1 is amended to read as follows: The provisions of this chapter shall apply to existing buildings constructed prior to the adoption of this code.

Exception: Buildings or portions of a building that comply with the International Existing Building Code, 201~~85~~-Edition (IEBC), as adopted by the City of Stillwater; or the edition that was adopted at the time a remodel occurred.

IFC Chapter 56 Explosives and Fireworks

5601.1.3 Fireworks - Stillwater Deleted. Section 5601.1.3 is intentionally deleted from the International Fire Code, 201~~85~~ Edition. The possession, manufacture, storage, sale, handling and use of fireworks shall be governed by Chapter 20, Article IV of the Stillwater City Code.

Appendix D Fire Apparatus Access Roads

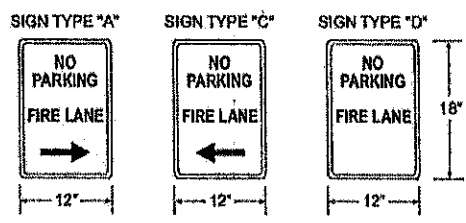
Appendix D - Stillwater Added. Appendix D of the ICC International Fire Code, 201~~85~~ Edition is specifically adopted and made a part of this code, as set out in this chapter, as amended by the City of Stillwater.

D101.1 Scope - Stillwater Amendatory. Fire apparatus access shall be installed as approved by the City of Stillwater. Desired changes to approved fire access shall first be approved by the building official. The Fire Chief, Fire Marshal or their designees shall insure fire access and roadways are maintained in a safe working condition as approved by the city.

D103.2 Grade - Stillwater Amendatory. Appendix D, Section D103.2 is amended to read as follows: Fire apparatus access roads shall not exceed ten percent (10%) in grade.

D103.3 Turning Radius - Stillwater Amendatory. Appendix D, Section D103.3 is amended to read as follows: The minimum cul-de-sac turning diameter shall be ninety-six (96) feet (29.2608 m).

D103.6 Signs - Stillwater Amendatory. Appendix D, Section 103.6 is amended to read as follows: Where required by Oklahoma Department of Transportation (ODOT) or the Stillwater Transportation and Stormwater Services Department, fire apparatus access roads shall be marked with permanent NO PARKING-FIRE LANE signs complying with Figure D103.6. Signs shall have a minimum dimension of twelve (12) inches (305 mm) wide by eighteen (18) inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2. The Fire Marshall shall be the official charged with enforcing the continued compliance and maintenance of this signage.



Figure

D103.6 Fire Lane

Signs

D104.1 Buildings Exceeding Three Stories or Thirty (30) Feet in Height - Stillwater Amendatory. Appendix D, Section 104.1 is amended to read as follows: Buildings of facilities exceeding thirty (30) feet (9144 mm) or three (3) stories in height shall have at least one means of fire apparatus access for each structure.

SECTION 17: REPEALER. All ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 18: 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:

WILLIAM H. JOYCE, MAYOR

(SEAL)
ATTEST:

TERESA KADAVY, CITY CLERK

APPROVED AS TO FORM AND LEGALITY THIS 8TH DAY OF JANUARY,
2024.

KIMBERLY CARNLEY, CITY ATTORNEY

First Reading: 12/18/2023

Second Reading: 1/8/2024

ORDINANCE NO. 3530

“AN ORDINANCE AMENDING STILLWATER CITY CODE OF ORDINANCES BY AMENDING CHAPTER 16, CRIMES, MISCELLANEOUS OFFENSES AND PROVISIONS, ARTICLE VI, OFFENSES INVOLVING MINORS, DIVISION 2, PREVENTION OF YOUTH ACCESS TO TOBACCO, SECTION 16-152, DEFINITIONS; AND SECTION 16-153, FURNISHING OF TOBACCO PRODUCTS TO MINORS; AND SECTION 16-154, PURCHASE, RECEIPT OR POSSESSION OF TOBACCO PRODUCTS BY MINORS; AND 16-155, DISTRIBUTION OF TOBACCO PRODUCT SAMPLES TO MINORS; AND SECTION 16-156, SALE OF TOBACCO PRODUCTS EXCEPT IN ORIGINAL, SEALED PACKAGING; 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: The Stillwater City Code, Chapter 16, Crimes, Miscellaneous Offenses and Provisions, Article VI, Offenses Involving Minors, Division 2, Prevention of Youth Access to Tobacco, Section 16-152, Definitions, to be amended as follows:

Sec. 16-152. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Nicotine product means any product that contains nicotine extracted or isolated from plants, vegetables, fruit, herbs, weeds, genetically modified or organic matter, or that is synthetic in origin and is intended for human consumption; provided, however, this term shall not include products approved by the United States Food and Drug Administration for smoking cessation.

Person means any individual, firm, fiduciary, partnership, corporation, trust, or association, however formed.

Proof of age means a driver license, license for identification only, or other generally accepted means of identification that describes the individual as ~~21~~18 years of age or older and contains a photograph or other likeness of the individual and appears on its face to be valid.

Sample means a tobacco product, nicotine product or vapor product distributed to members of the public at no cost for the purpose of promoting the product.

Sampling means the distribution of samples to members of the public in a public place.

Tobacco product means any product that contains tobacco and is intended for human consumption.

Vapor product means noncombustible products, that may or may not contain nicotine, that employ a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form. Vapor products shall include any vapor cartridge or other container with or without nicotine or other form that is intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of a solution, that may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo or electronic device. Vapor products do not include any products regulated by the United States Food and Drug Administration Chapter V of the Food, Drug, and Cosmetic Act.

SECTION 2: The Stillwater City Code, Chapter 16, Crimes, Miscellaneous Offenses and Provisions, Article VI, Offenses Involving Minors, Division 2, Prevention of Youth Access to Tobacco, Section 16-153, Furnishing of tobacco products to minors, to be amended as follows:

Sec. 16-153. Furnishing of tobacco products to minors.

- (a) Prohibited. It is unlawful for any person to sell, give or furnish in any manner any tobacco product, nicotine product or vapor product to another person who is under 21+8 years of age, or to purchase in any manner a tobacco product, nicotine product or vapor product on behalf of any such person. It shall not be unlawful for any employee under 18 years of age to handle tobacco products, nicotine products or vapor products when required in the performance of the employee's duties.
- (b) Proof of age. A person engaged in the sale or distribution of tobacco products, nicotine products or vapor products shall demand proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that the prospective purchaser [or recipient] may be under 21+8 years of age. If an individual engaged in the sale or distribution of tobacco products, nicotine products or vapor products has demanded proof of age from a prospective purchaser or recipient who is not under 21+8 years of age, the failure to subsequently require proof of age shall not constitute a violation of this section.
- (c) (1) When a person violates subsection (a) or (b) of this section, the municipal court shall impose a fine of:
 - a. Not more than \$100.00 for the first offense;
 - b. Not more than \$200.00 for the second offense within a two-year period following the first offense.
 - c. Not more than \$300.00 for a third offense within a two-year period following the first offense.
 - d. Not more than \$300.00 for a fourth or subsequent offense within a two-year period following the first offense.

(2) Proof that the defendant demanded, was shown, and reasonably relied upon proof of lawful age shall be a defense to any action brought pursuant to this section. A person cited for violating this section shall be deemed to have reasonably relied upon proof of age, and such person shall not be found guilty of such violation if such person proves that:

- a. The individual who purchased or received the tobacco product, nicotine product or vapor product presented a driver license or other government-issued photo identification purporting to establish that such individual was 21~~18~~ years of age or older; and
- b. The person cited for the violation confirmed the validity of the driver license or other government-issued photo identification presented by such individual by performing a transaction scan by means of a transaction scan device.

Provided, that this defense shall not relieve from liability any person cited for a violation of this section if such person failed to exercise reasonable diligence to determine whether the physical description and picture appearing on the driver license or other government-issued photo identification was that of the individual who presented it. The availability of the defense described in this subsection does not affect the availability of any other defense under any other provision of law.

- (d) If the sale is made by an employee of the owner of a store at which tobacco products, nicotine products or vapor products are sold at retail, the employee shall be guilty of the violation and shall be subject to the fine. Each violation by any employee of an owner of a store licensed to sell tobacco products or nicotine products or permitted to sell vapor products shall be deemed a violation against the owner for purposes of a license suspension pursuant to subsection (c) of this section. Each violation by an employee of a store predominantly engaged in the sale of vapor products in which the sale of other products is merely incidental shall be deemed a violation against the owner for purposes of a sales tax permit suspension pursuant to the provisions of subsection (c) of this section. An owner of a store licensed to sell tobacco products or nicotine products or permitted to sell vapor products shall not be deemed in violation of the provisions of the Prevention of Youth Access to Tobacco Act for any acts constituting a violation by any person, when the violation occurs prior to actual employment of the person by the store owner or the violation occurs at a location other than the owner's retail store. For purposes of determining the liability of a person controlling franchises or business operations in multiple locations, for any violations of subsection (a) or (b) of this section, each individual franchise or business location shall be deemed a separate entity.

SECTION 3: The Stillwater City Code, Chapter 16, Crimes, Miscellaneous Offenses and Provisions, Article VI, Offenses Involving Minors, Division 2, Prevention of Youth Access to Tobacco, Section 16-154, Purchase, receipt or possession of tobacco products by minors, to be amended as follows:

Sec. 16-154. Purchase, receipt or possession of tobacco products by minors.

- (a) *Prohibited; falsifying proof of age.* It is unlawful for persons under 2148 years of age to purchase, receive, or have in their possession a tobacco product, nicotine product or vapor product, or to present or offer to any person any purported proof of age which is false or fraudulent, for the purpose of purchasing or receiving any tobacco product, nicotine product or vapor product. It shall not be unlawful for an employee under 2148 years of age to handle tobacco products when required in the performance of the employee's duties.
- (b) *Violation; fine.* When a person violates subsection (a) of this section, the violation shall complete an education or tobacco use cessation program approved by the court. If the violator fails to complete the tobacco use cessation program ordered by the court, a fine may be imposed that shall not exceed \$50.00 for a first offense or \$100.00 for subsequent offenses. The violator may also be required to complete a community service program or other appropriate programs or services as ordered by the court. The court shall have jurisdiction over the violator for 12 months following sentencing to ensure all programs and orders of the court are followed. municipal court shall impose a fine:
- (1) ~~Not to exceed \$100.00 for a first offense; and~~
- (2) ~~Not to exceed \$200.00 for a second or subsequent offense within a one-year period following the first offense.~~

SECTION 4: The Stillwater City Code, Chapter 16, Crimes, Miscellaneous Offenses and Provisions, Article VI, Offenses Involving Minors, Division 2, Prevention of Youth Access to Tobacco, Section 16-155, Distribution of tobacco product samples to minors, to be amended as follows:

Sec. 16-155. Distribution of tobacco product samples to minors.

- (a) *Prohibited.* It shall be unlawful for any person to distribute tobacco products, nicotine products, vapor products or product samples to any person under 2148 years of age.
- (b) *Restricted from certain areas used primarily by minors.* Notwithstanding subsection (a) of this section, no person shall distribute tobacco products, nicotine products, vapor products or product samples in or on any public street, sidewalk, or park that is within 300 feet of any playground, school, or other facility when the facility is being used primarily by persons under 2148 years of age.
- (c) *Penalties.* When a person violates any provision of subsection (a) or (b) of this section, the Alcoholic Beverage Laws Enforcement (ABLE) Commission ~~municipal court~~ shall impose an administrative fine:
- (1) Not more than \$100.00 for the first offense;
- (2) Not more than \$200.00 for the second offense; and
- (3) Not more than \$300.00 for a third or subsequent offense.

SECTION 5: The Stillwater City Code, Chapter 16, Crimes, Miscellaneous Offenses and Provisions, Article VI, Offenses Involving Minors, Division 2, Prevention of Youth Access to Tobacco, Section 16-156, Sale of tobacco products except in original, sealed packaging, to be amended as follows:

Sec. 16-156. Sale of tobacco products except in original, sealed packaging.

- (a) *Prohibited.* It is unlawful for any person to sell cigarettes except in the original, sealed package in which they were placed by the manufacturer.
- (b) *Penalty.* When a person violates subsection (a) of this section, the Alcoholic Beverage Laws Enforcement (ABLE) Commission ~~municipal court~~ shall impose an administrative fine of not more than \$200.00 for each offense.

SECTION 6: REPEALER. All ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 7: 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: 12/18/2023
Second Reading:

