

**IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING LAW
THE AGENDA WAS POSTED DECEMBER 14, 2022 AT 2:45 P.M.
AT THE MUNICIPAL BUILDING, 723 SOUTH LEWIS, STILLWATER, OKLAHOMA**

**MINUTES
STILLWATER CITY COUNCIL
REGULAR MEETING
COUNCIL HEARING ROOM
723 S. LEWIS
DECEMBER 19, 2022**

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

1. CALL MEETING TO ORDER

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

2. PLEDGE OF ALLEGIANCE

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

3. CONSENT DOCKET

- a. Approve December 5, 2022 regular meeting and executive session minutes
- b. Approve budget amendments reflecting transfer-in and expenditure of funds from General Fund contingency to Self-Insurance Fund to cover a release and covenant not to appeal agreement
- c. Approve bid award for \$18,832 per year to John M. Kerr for the hay and pasture lease at Stillwater Regional Airport
- d. Accept Teal Ridge Estates Section 2 public improvements
- e. Approve Stillwater 74 final plat correcting scrivener's error in the legal description
- f. Approve City of Stillwater/Stillwater Utilities Authority & Central Rural Electric Cooperative Agreement for Services and Service Plan
- g. Approve re-plat of final plat for Baymere Addition
- h. Approve and authorize City Manager to sign an agreement between City of Stillwater and Oklahoma State University designating the OSU Office of Long Range Facilities Planning to serve as the Owner's (City of Stillwater) Representative for the Fire Station 2 Project to the Construction Manager at Risk, Architect and others, and to provide the services and manage the pre-construction and construction phases of the Project

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

ROLL CALL VOTE: JOYCE-YEA, ZANNOTTI-YEA, DZIALOWSKI-YEA, HAWKINS-YEA, CLARK-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

None.

6. PUBLIC HEARINGS

- a. Pursuant to 11 O.S. § 22-112 and 11 O.S. §22-112.4, the Stillwater City Council will conduct a hearing to determine whether the structure located at 2110 West Sherwood, Stillwater, Oklahoma, and owned by Marie Oddette Saxon, is dilapidated as defined in 11 O.S §22-112(C) and abandoned as defined in 11 O.S. §22-112.4(E). The City Council shall make a determination as to whether said building is dilapidated and/or abandoned as defined by the referenced statutes and whether to order the abatement and removal of said structure and the assessment of all associated costs thereof to the owner of said property.

Beth Anne Childs, Childs Law Firm, presented the history of this property and stated that she has not been able to make contact with Ms. Saxon. Ms. Childs asked Council to pass the resolution to proceed with the demolition and abatement process.

Code Enforcement Officer Paul Bostick reported that over 10 years nothing was done to this property unless it was ordered by the City.

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

No action was taken on this item as it will be voted on by resolution later on the agenda.

- b. Pursuant to 11 O.S. § 22-112 and 11 O.S. §22-112.4, the Stillwater City Council will conduct a hearing to determine whether the structure located at 638 East 14th Avenue, Stillwater, Oklahoma, and owned by David & Brenda Sorenson, is dilapidated as defined in 11 O.S §22-112(C) and abandoned as defined in 11 O.S. §22-112.4(E). The City Council shall make a determination as to whether said building is dilapidated and/or abandoned as defined by the referenced statutes and whether to order the abatement and removal of said structure and the assessment of all associated costs thereof to the owner of said property.

Beth Anne Childs, Childs Law Firm, reported that Mr. Sorenson has made significant progress on this property in the last 48 hours since he received the abatement notice. Ms. Childs stated he has contracted with a licensed electrician for \$8,500 to begin making improvements. She reported that Mr. Sorenson was present at the meeting if Council had any questions for him.

Ms. Childs requested to table this item until January 23, 2023 City Council meeting since the property owner was making progress on this property.

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

MOTION BY COUNCILOR CLARK, SECOND BY COUNCILOR HAWKINS TO POSTPONE THIS ITEM TO THE JANUARY 23, 2023 CITY COUNCIL MEETING.

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

- c. Pursuant to 11 O.S. § 22-112 and 11 O.S. §22-112.4, the Stillwater City Council will conduct a hearing to determine whether the structure located at 3033 East Peachtree Avenue, Stillwater, Oklahoma, owned by Kelsey Humphrey, Personal Representative, Estate of David L. Humphrey, is dilapidated as defined in 11 O.S §22-112(C) and abandoned as defined in 11 O.S. §22-

112.4(E). The City Council shall make a determination as to whether said building is dilapidated and/or abandoned as defined by the referenced statutes and whether to order the abatement and removal of said structure and the assessment of all associated costs thereof to the owner of said property.

Beth Anne Childs, Childs Law Firm, stated that she had been contacted by the legal counsel for the David Humphrey Estate. The legal counsel requested that this item be postponed until January 23, 2023 and Ms. Childs stated that she told them she would request that option.

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

MOTION BY VICE MAYOR ZANNOTTI, SECOND BY COUNCILOR HAWKINS TO POSTPONE THIS ITEM TO THE JANUARY 23, 2023 CITY COUNCIL MEETING.

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

- d. Pursuant to 50 O.S. § 1, *et seq.*, 11 O.S. §22-121, Sections 18-64 through 18-74 of the Stillwater Code of Ordinances, and the Development and Engineering Codes of the City of Stillwater, including Chapter 35, Stormwater Quality and Management of the Stillwater Code of Ordinances, the Stillwater City Council will conduct a hearing to determine whether the property located at 1600 East 16th Avenue, Stillwater, Oklahoma constitutes a public nuisance as set forth in the statutory and Code references identified above. The City Council shall make a determination as to whether this property constitutes a public nuisance as defined by the referenced statutes and codes and whether to order the abatement of the property and the assessment of all associated costs thereof to the owner of said property.

Beth Anne Childs, Childs Law Firm, stated the legal counsel for this property contacted her and requested this item be postponed to January 23, 2023 City Council meeting. The legal counsel needed more time to work with the property owner to establish a plan.

Mayor Joyce opened the public hearing.

Ray Barnard, 1602 S. Payne Street, spoke in favor of moving forward with the abatement because this property has been a nuisance for many years.

Tom Bradley, 1611 S. Payne, spoke in favor of moving forward with the abatement process and agreed this has been drug out way too long.

Mayor Joyce stated that he felt the fastest way to move forward with action on this property would be to postpone it until the January 23, 2023 City Council meeting.

MOTION BY MAYOR JOYCE, SECOND BY VICE MAYOR ZANNOTTI TO POSTPONE THIS ITEM TO THE JANUARY 23, 2023 CITY COUNCIL MEETING.

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

7. GENERAL ORDERS

- a. Consider approving amendment to contract with KSA for design and other professional services for the construction of a storage building and lean-to at Stillwater Regional Airport

Airport Director Paul Priegel reported that on September 19, 2022, Council approved a budget amendment in the amount of \$400,000 to fund the construction of an equipment storage building and lean-to at Stillwater Regional Airport. KSA serves as the airport's Engineer of Record and has provided a task order to complete all professional services related to the design, bidding and construction administration of these two structures as part of their already in place contract. Mr. Priegel reported that Council is being asked to approve KSA's task order. The total estimated cost of this task order is \$83,315 and is available within the project fund.

MOTION BY COUNCILOR CLARK, SECOND BY COUNCILOR HAWKINS TO APPROVE THE KSA TASK ORDER IN THE AMOUNT OF \$83,315 FOR PROFESSIONAL SERVICES FOR THE CONSTRUCTION OF A STORAGE BUILDING AND LEAN-TO AT STILLWATER REGIONAL AIRPORT AND AUTHORIZE THE CITY MANAGER TO SIGN ALL RELATED DOCUMENTS.

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

- b. Consider authorizing the City Manager to execute a task order under the existing Master Services Agreement with Gose & Associates for a not to exceed fee of \$65,000; approve expenditure of \$30,000 for design transition; and approve a budget amendment appropriating total expenditures of \$100,000 to cover the alternatives phase, transition to design, and \$5,000 contingency for the Block 34 redevelopment project

Director of City Engineering Candy Staring reported that adjacent roadway, parking and utility improvements are needed to accommodate the development of Block 34. Gose & Associates has submitted a proposal under the existing Master Services Agreement for the alternatives phase of this scope of work at a not to exceed amount of \$65,000. Deliverables of this phase include the following:

- ✓ development of three conceptual designs;
- ✓ Duncan Street enhancement options for public events and connectivity between Block 34 and the Community Center;
- ✓ cost estimates; and
- ✓ surveying and geotechnical work.

Ms. Staring reported that a total of \$30,000 in expenditures is also being requested so that staff can launch the design process immediately after alternative selection. This will avoid delay to the Block 34 bid schedule of early-summer. Staff will return for additional authorization for the full design phase when it has been defined. Ms. Staring stated that appropriation of \$100,000 is necessary for the recommended action, including a \$5,000 contingency.

MOTION BY COUNCILOR DZIALOWSKI, SECOND BY VICE MAYOR ZANNOTTI TO AUTHORIZE THE CITY MANAGER TO EXECUTE A TASK ORDER UNDER THE EXISTING MASTER SERVICES AGREEMENT WITH GOSE & ASSOCIATES FOR A NOT TO EXCEED FEE OF \$65,000; APPROVE EXPENDITURE OF \$30,000 FOR DESIGN TRANSITION; AND APPROVE A BUDGET AMENDMENT APPROPRIATING TOTAL EXPENDITURES OF \$100,000 TO COVER THE ALTERNATIVES PHASE, TRANSITION TO DESIGN, AND CONTINGENCY.

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

Mayor Joyce recognized and congratulated Candy Staring on her new position as Director of City Engineering.

c. Presentation of the Communications Plan: Media & Alerts

Director of Communications Dawn Jones presented the City of Stillwater "Communications Plan: Media & Alerts" that was developed by Emergency Management, Police, Fire, and Communications Departments to provide relevant, accurate information in a timely manner to Stillwater residents, patrons, stakeholders and media. This plan speaks to the City's commitment for transparent, effective, and direct communications with the public and media. The plan is considered a fluid framework to determine necessary messaging regarding an important situation, emergency, or crisis.

No action was taken on this item.

8. RESOLUTIONS

- a. Resolution No. CC-2022-36: A resolution of the Stillwater City Council declaring the structure located at 2110 West Sherwood Avenue, Stillwater, Oklahoma, dilapidated and abandoned, and a public nuisance detrimental to the health, safety, and welfare of the general public and the community, and ordering the dilapidated structure to be torn down and removed pursuant to 11 O.S. §22-122

MOTION BY COUNCILOR CLARK, SECOND BY COUNCILOR DZIALOWSKI TO ADOPT RESOLUTION NO. CC-2022-36 AS PRESENTED.

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

- b. Resolution No. CC-2022-37: A resolution of the Stillwater City Council declaring the structure located at 638 East 14th Avenue, Stillwater, Oklahoma, dilapidated and abandoned, and a public nuisance detrimental to the health, safety, and welfare of the general public and the community, and ordering the dilapidated structure to be torn down and removed pursuant to 11 O.S. §22-122

Resolution No. CC-2022-37 was tabled until January 23, 2023 under Public Hearings on the agenda.

- c. Resolution No. CC-2022-38: A resolution of the Stillwater City Council declaring the structure located at 3033 East Peachtree Avenue, Stillwater, Oklahoma, dilapidated and abandoned, and a public nuisance detrimental to the health, safety, and welfare of the general public and the community, and ordering the dilapidated structure to be torn down and removed pursuant to 11 O.S. §22-122

Resolution No. CC-2022-38 was tabled until January 23, 2023 under Public Hearings on the agenda.

- d. Resolution No. CC-2022-39: A resolution of the Stillwater City Council declaring the real property located at 1600 East 16th Avenue, Stillwater, Oklahoma, a public nuisance detrimental to the health, safety, and welfare of the general public and the community, and ordering the property to be abated pursuant to 50 O.S. §22-11

Resolution No. CC-2022-39 was tabled until January 23, 2023 under Public Hearings on the agenda.

- e. Resolution No. CC-2022-40: A resolution of the Stillwater City Council adopting revisions to the Stillwater Regional Airport Car Rental Facility regulations

Airport Director Paul Priegel reported that the last update to the Airport's Car Rental Facility regulations was in 2017 and the regulations needed to be updated which is done by Resolution No. CC-2022-40.

MOTION BY VICE MAYOR ZANNOTTI, SECOND BY COUNCILOR HAWKINS TO ADOPT RESOLUTION NO. CC-2022-40 AS PRESENTED.

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

9. ORDINANCES

a. Second Reading

Ordinance No. 3512: An ordinance closing a portion of rights of way of South Duncan Street, East Of Block 63, Original Townsite of Stillwater, an addition to the City Of Stillwater, Payne County, Oklahoma, near property addressed as 1202 South Duncan Street

MOTION BY VICE MAYOR ZANNOTTI, SECOND BY COUNCILOR DZIALOWSKI TO ADOPT ORDINANCE NO. 3512 AS PRESENTED.

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

Ordinance No. 3517: An ordinance authorizing the extension of the lease term and the removal of one 2MW diesel generation unit located at the Water Treatment Plant from the Lease Agreement and Operation and Maintenance Contract dated April 1, 1979; providing for citizen initiated referendum of said lease in accordance with Section 4-2 of the City Charter

MOTION BY COUNCILOR HAWKINS, SECOND BY COUNCILOR CLARK TO ADOPT ORDINANCE NO. 3517 AS PRESENTED.

ROLL CALL VOTE: JOYCE-YEA, ZANNOTTI-YEA, DZIALOWSKI-YEA, HAWKINS-YEA, CLARK-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: None.
- b. Miscellaneous items from the City Manager:
 - City Manager Norman McNickle stated that many families will put presents under a live Christmas tree during the holiday season. Residents can bundle up their tree and place it on the curb to be picked up as part of the City's regular yard waste collection, free of charge. All decorations must be removed from the tree and bundles must be less than four feet long, 18 inches across and no more than 50 pounds.
- c. Miscellaneous items from the City Council:
 - Councilor Clark reminded residents that City offices will be closed for the holidays on Monday, December 26 and Monday, January 2. Trash and recycling will be collected on all holidays, but not yard waste. Make sure to set your carts out by 6 a.m. because collection routes can vary.
 - Councilor Hawkins stated that the Stillwater Fire Department encourages residents who live outside city limits, but within the Stillwater Fire Department's response area, to purchase a Rural Fire Service Contract for 2023. These 100 dollar contracts ensure that response fees for each fire incident on a contracted property will not exceed 2,000 dollars. All collected fees go toward training,

rescue tools, and other fire equipment. Visit Stillwater.org/fire to download the application.

- Councilor Dzialowski stated that the City hopes Stillwater residents and patrons will enjoy Merry Main Street events and festivities through December 24th. Check out the free carriage rides, large dome north of the Community Center, holiday lights set to music at Chris Salmon Plaza, Santa and Sensitive Santa from the North Pole, and much more. Don't forget to Shop SWO and support local businesses for your holiday gifts and food.
 - Vice Mayor Zannotti 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 you would like to see what dogs and cats are in need a good home, please stop by the Animal Welfare Building at 1710 South Main Street or follow Stillwater Animal Welfare on Facebook.
 - Mayor Joyce reminded citizens that if anyone would like to get involved in their local government, there is an opening on the Board of Adjustment. The board consist of five members and is empowered by city code to conduct hearings and render decisions on matters of appeals, variances, and special exceptions to the zoning ordinance. The board is considered to quasi-judicial in that its decisions can only be overturned by district court. The term is for three years. For more information and to apply online, go to: Stillwater.org/citizenboards.
- i. Discussion about scheduling items for future meetings.

11. QUESTIONS & INQUIRIES

None.

12. APPOINTMENTS

a. Planning Commission

MOTION BY MAYOR JOYCE, SECOND BY COUNCILOR CLARK TO APPOINT RILEY WILLIAMS TO THE PLANNING COMMISSION.

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

b. Stillwater Medical Center Authority

MOTION BY MAYOR JOYCE, SECOND BY COUNCILOR HAWKINS TO REAPPOINT DAN DUNCAN TO THE STILLWATER MEDICAL CENTER AUTHORITY.

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

Mayor Joyce moved back to item 10. Reports from Officers and Boards on the agenda.

13. ADJOURN

MOTION BY COUNCILOR HAWKINS, SECOND BY COUNCILOR DZIALOWSKI TO ADJOURN THE DECEMBER 19, 2022 REGULAR MEETING OF THE STILLWATER CITY COUNCIL.

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

The December 19, 2022 regular meeting of the Stillwater City Council adjourned at 6:32 p.m.



WILLIAM H. JOYCE, MAYOR
STILLWATER CITY COUNCIL



TERESA KADAVY
CITY CLERK