

**IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING LAW
THE AGENDA WAS POSTED JANUARY 4, 2024 AT 4:15 P.M.
AT THE MUNICIPAL BUILDING, 723 SOUTH LEWIS, STILLWATER, OKLAHOMA**

**MINUTES
STILLWATER CITY COUNCIL
REGULAR MEETING
COUNCIL HEARING ROOM
723 S. LEWIS
JANUARY 8, 2024**

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

1. CALL MEETING TO ORDER

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

2. PLEDGE OF ALLEGIANCE

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

3. CONSENT DOCKET

- a. Approve December 18, 2023, regular and executive session meeting
- 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
- c. Approve Lease Extension for T-Mobile site on the North Tower Park water tower

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

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

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

Sharon Bennett, 711 W. Ute Avenue, spoke against building the new animal welfare facility on the corner of W. Airport Road and N. Knoblock Street. She agrees a new animal shelter is needed but not in this location.

Jerry Crawford, 601 W. Ute Avenue, spoke against building the new animal welfare facility on the corner of W. Airport Road and N. Knoblock Street. He stated this area is a wildlife sanctuary and an animal welfare facility would be disruptive.

5. ITEMS REMOVED FROM CONSENT DOCKET

None.

6. GENERAL ORDERS

Councilor Clark left the City Council meeting at 5:36 p.m.

Communications Director Dawn Dodson presented the two locations and funding options for the new animal welfare facility. She discussed the cost-based comparisons and bond elections scenarios. Ms. Dodson presented the property tax increases if the bond issue were passed.

Vice Mayor Dzialowski asked Ms. Dodson to explain the City's site selection process to date. Ms. Dodson stated that staff went to other communities to look at their animal welfare facilities and over the past two years have looked really hard for locations within the community. She reported that staff contacted the Payne County Audubon Society and the State's Wildlife Conservation entity regarding the wildlife sanctuary. Ms. Dodson stated that staff wants to preserve nature as much as possible. The architect, Brian Thomas, did a noise level analysis and worked with staff, engineers and everyone involved to develop noise barriers and again preserve nature.

Councilor Hawkins asked if the airport poses a noise risk for the animals at the new location. Ms. Dodson stated the fire station is next door to the current animal welfare facility and at the new location the airport is a mile away so that should help with the noise level.

Ms. Dodson stated in regards to the concern about the large traffic area and high rates of speed in this area, if the \$6.75 million bond is passed a walking trail and crosswalk will be added to this area and the speed will be adjusted as needed.

Mayor Joyce asked what factors made these two locations the only viable locations for a new animal welfare facility. Ms. Dodson stated that available space and associated costs to keep the expense as low as possible and what would get high visibility. She stated that staff wants to be respectful of the neighborhoods, the noise level and do not want to disrupt the area. Ms. Dodson stated that this space allows for an additional dog park and walking trail.

Councilor Hardin asked if the design of the facility will allow for growth 10 to 20 years later without major reworking of the facility. Ms. Dodson stated yes that the architect has designed the \$6.75 million facility for 20 years out with anticipated growth of the community and the needs.

- 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.

Mayor Joyce clarified that if this item is placed on a bond election, it has to state a specific dollar amount and a specific location. He stated that this item tonight is to approve staff to bring a resolution to the next meeting and then Council would have to approve the resolution to get this on a ballot on April 2, 2024.

MOTION BY COUNCILOR HAWKINS, SECOND BY COUNCILOR HARDIN 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.

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

COUNCILOR CLARK RECUSED FROM VOTING ON THIS ITEM

Councilor Clark rejoined the City Council meeting at 5:51 p.m.

- 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

Director of City Engineering Candy Staring stated that she would report on the next two items but both would need separate motions. She reported that on April 5, 2022, residents approved a \$9 million bond issue to construct a new fire station to replace the existing Fire Station #2. Ms. Staring stated 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. Ms. Staring reported that 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.

Councilor Hardin asked for clarification regarding once Council converts this tonight, the CMAR is responsible for bringing this package in at the stated price. City Attorney Kimberly Carnley explained that this project delivery method is different than what Council is used to seeing. She stated that the Construction Management Act for Political Subdivision provides that Council can convert a partial GMP for the relevant portions of the work. She explained here there is only one work package that is being converted to a partial GMP and once that is converted to partial GMP that is a guaranteed price, but it is also subject to change orders. Ms. Carnley answered Council's additional questions.

MOTION BY COUNCILOR CLARK, SECOND BY VICE MAYOR DZIALOWSKI 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.

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

- 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

Director of City Engineering Candy Staring reported on this item with item b. on the agenda.

MOTION BY VICE MAYOR DZIALOWSKI, SECOND BY COUNCILOR HAWKINS 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.

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

7. RESOLUTIONS

- 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 statute

City Attorney Kimberly Carnley stated that this resolution addresses municipal collective bargaining with the Fraternal Order of Police and the International Association of Fire Fighters. The resolution implements the statutory requirements and establishes the process for calling and scheduling elections under those statutes. She stated that the adoption of the resolution will establish clear guidelines concerning the process by identifying the City Manager as the corporate authority under the collective bargaining statutes which specifically authorizes the City Manager to negotiate, accept or reject any arbitration award and if the parties fail to reach an agreement to request a special election as provided in state law and authorizes the City Manager to execute collective bargaining agreements within budgeted funds.

MOTION BY COUNCILOR CLARK, SECOND BY VICE MAYOR DZIALOWSKI TO ADOPT RESOLUTION NO. CC-2024-1 AS PRESENTED.

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

8. ORDINANCES

a. Second 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

MOTION BY VICE MAYOR DZIALOWSKI, SECOND BY COUNCILOR HARDIN TO ADOPT ORDINANCE NO. 3529 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

MOTION BY COUNCILOR HAWKINS, SECOND BY COUNCILOR CLARK TO ADOPT ORDINANCE NO. 3530 AS PRESENTED.

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

9. REPORTS FROM OFFICERS & BOARDS

- a. Miscellaneous items from the City Attorney: None.
- b. Miscellaneous items from the City Manager:
 - City Manager Kimberly Meek announced that beginning January 23, the Police Dept. will begin the 9th Annual Citizen's Academy. The academy provides members a unique look behind the scenes and first-hand experience into many areas of law enforcement and how our police officers serve the community. This is a multi-week, educational course that includes real-life scenarios and a ride-along with an officer while on-duty. For more information on the academy and how to get involved, contact Lt. TJ Low at terry.low@stillwater.org.
- c. Miscellaneous items from the City Council:
 - Councilor Hardin reminded residents to please remember to apply or renew their burglar or fire alarm permit registration with the City of Stillwater. Permits are \$6 per alarm on your property. Government entities and residents who are at least 62 years of age do not pay fees. Applications are available at the Stillwater Police Department and online at Stillwaterok.gov. The City wants to help in all ways possible to keep you and your family protected and safe.
 - Councilor Clark invited residents that would like to get involved in the local government to apply for one of the many boards and committees the City has 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.
 - Councilor Hawkins announced that the City has a Citizen Request Tracker on their new website. This is an avenue for residents to report concerns regarding drainage and flooding, street light outages, trash collection issues, animal control requests, and much more. Please consider using this system to let City employees know concerns that need to be checked out and possibly repaired. To get started go to stillwaterok.gov/report.
 - Vice Mayor Dzialowski reminded residents it's that time of year again to purchase a Rural Fire Service Contract if you 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/ruralfire.

- Mayor Joyce announced that Stillwater Community United will have their annual unity event to commemorate the life and legacy of Dr. Martin Luther King, Jr. on Sunday, January 14. The event begins at 6 p.m. at the Stillwater Community Center. Also, the annual unity march with OSU will be on Monday, January 15 beginning at 1 p.m. All residents are encouraged to join both events. For more information about the events, including the Unity March map, go to visitstillwater.org. Mayor reminded residents that City offices will be closed in observance of the holiday on Monday, January 15, but trash, recycling and yard waste will be collected as usual.
- i. Discussion about scheduling items for future meetings.

10. QUESTIONS & INQUIRIES

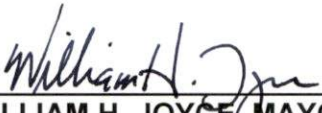
None.

11. ADJOURN

MOTION BY VICE MAYOR DZIALOWSKI, SECOND BY COUNCILOR HAWKINS TO ADJOURN THE JANUARY 8, 2024 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 January 8, 2024 regular meeting of the Stillwater City Council adjourned at 6:10 p.m.



WILLIAM H. JOYCE, MAYOR
STILLWATER CITY COUNCIL



TERESA KADAVY
CITY CLERK