

**IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING LAW
THE AGENDA WAS POSTED SEPTEMBER 8, 2022 AT 4:50 P.M.
AT THE MUNICIPAL BUILDING, 723 SOUTH LEWIS, STILLWATER, OKLAHOMA**

**MINUTES
STILLWATER CITY COUNCIL
REGULAR MEETING
COUNCIL HEARING ROOM
723 S. LEWIS
SEPTEMBER 12, 2022**

**PRESENT: MAYOR WILLIAM H. JOYCE, VICE MAYOR ALANE ZANNOTTI,
COUNCILORS AMY DZIALOWSKI AND CHRISTIE HAWKINS
ABSENT: COUNCILOR KEVIN CLARK**

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 August 15, 2022 regular and executive session meeting minutes
- b. Accept public improvements for Berry Creek West
- c. Approve right-of-way agreement between Oklahoma State University and City of Stillwater to allow the construction of an OSU natural gas pipeline east of property addressed 825 W McElroy and authorize the City Manager to sign the agreement
- d. Accept right-of-way dedication for property addressed as 711 N Main Street
- e. Approve budget amendment reflecting carry forward of \$25,500 designated for replacement vehicles from Stillwater Regional Airport FY22 budget to FY23 budget
- f. Approve budget amendments reflecting the receipt and expenditure of grant funds totaling \$14,725 from the Communities Foundation of Oklahoma for Strickland Park playground equipment

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

ROLL CALL VOTE: JOYCE-YEA, ZANNOTTI-YEA, DZIALOWSKI-YEA, HAWKINS-YEA.
NAY-NONE. MOTION CARRIED WITH FOUR 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. Receive public comment regarding a request to consider an appeal of the Planning Commission decision concerning a short-term rental at 1903 S Iba Drive

City Planner Jacquelyn Porter reported that the owner of the property located 1903 S. Iba Drive submitted a residential short-term rental (STR) application. On June 13, 2022, the city clerk's office received an objection letter regarding this STR application. On July 19, 2022, the Planning Commission found the application met all the requirements for an STR and approved the application 3-0. Ms. Porter stated that on August 22, 2022, the city clerk's office received a request for an appeal of the Planning Commission decision.

Mayor Joyce opened the public hearing.

Myriam Williams, 2007 Highland Ct., applicant for the STR at 1903 S. Iba Drive, explained how she has improved the property and has had no issues with renters.

Mary M. Dunkin, 1915 S. Iba Drive, spoke against the short-term rental in the residential neighborhood.

Mayor Joyce closed the public hearing.

Discussion was held amongst the Council regarding this STR application. City Attorney Kimberly Carnley stated that the City has no power to enforce neighborhood covenants or HOA's.

MOTION BY COUNCILOR HAWKINS, SECOND BY VICE MAYOR ZANNOTTI TO AFFIRM THE PLANNING COMMISSION'S DECISION TO APPROVE THE STR APPLICATION.

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

7. GENERAL ORDERS

- a. Consider award of five year Engineer of Record contract for Stillwater Regional Airport to KSA Engineers and authorize the City Manager to sign related contract documents

Airport Director Paul Priegel reported that in May 2022, Stillwater Regional Airport began a competitive selection process for a five year Engineer of Record. Proposals were solicited and five proposals were received. Mr. Priegel stated that a committee of Airport Advisory Board member Derrick Davies, Deputy City Engineer Bill Millis and Deputy City Manager Melissa Reames served as the scoring committee for the proposals. KSA of Longview, TX was the leading scorer in the process. Mr. Priegel stated that a contract has been prepared by KSA and is under review in the City Attorney's office. This contract has no monetary value or obligations other than identified rates and charges for services.

MOTION BY COUNCILOR DZIALOWSKI, SECOND BY COUNCILOR HAWKINS TO AWARD THE FIVE YEAR ENGINEER OF RECORD CONTRACT TO KSA ENGINEERS AND AUTHORIZE THE CITY MANAGER TO SIGN RELATED CONTRACT DOCUMENTS.

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

- b. Update on a proposed Text Amendment of Chapter 23, Land Development Code Article V, Use Categories and Limitations, Division 4, Residential Short-Term Rental, Section 23-115 of the Land Development Code

City Attorney Kimberly Carnley reported that on August 15, a public hearing was held to receive public comment regarding a proposed Text Amendment to the Short Term Rental section of the Land Development Code. Following the discussion at the meeting, City Council made some recommended changes for staff to look at regarding residential zoning and the item was tabled to tonight's meeting. As an update, City staff continues to review this section in order to address Council's recommended changes and is also taking this opportunity to review if additional changes are needed to clarify or improve the overall process. Ms. Carnley stated that procedurally, once changes are made then the new proposed text amendment to this section will have to go to Planning Commission first and then will be set for a City Council public hearing. In summary, staff is working on changes and the new text amendment will go to Planning Commission and then a future City Council agenda.

No action was taken on this item.

- c. Consider approval of budget amendments reflecting the receipt of Assistance to Firefighters grant funds totaling \$281,870.88 and the appropriation of \$25,624.63 for the 10% match, and authorize City Manager to sign related documents

Fire Chief Terry Essary reported that in 2021, the Stillwater Fire Department (SFD) applied for an Assistance to Firefighters Grant (AFG). The AFG program provides financial assistance directly to eligible fire departments for critical training and equipment. SFD applied for financial assistance for robust officer development training, mass casualty incident training for special events and training for technical rescue and urban search and rescue. Chief Essary stated that on August 31, 2022, SFD was notified grant funding was approved for the listed training amount of \$281,870.88 with a 10% match. He stated that the SFD has not historically had a formal officer development program, so this grant will ensure that we are providing high quality leadership training to up and coming officers, as well as enhancing the leadership and management capabilities of current officers and command staff.

MOTION BY VICE MAYOR ZANNOTTI, SECOND BY COUNCILOR HAWKINS TO APPROVE BUDGET AMENDMENTS REFLECTING THE RECEIPT OF GRANT FUNDS TOTALING \$281,870.88 AND THE APPROPRIATION OF \$25,624.63 FOR THE 10% MATCH AND AUTHORIZE THE CITY MANAGER TO SIGN RELATED DOCUMENTS.

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

- d. Consider approval of budget amendment appropriating funds totaling \$40,900 from the rural fire account for a rural fire service study conducted by NewGen Strategies and Solutions and authorize the City Manager to sign related documents

Fire Chief Terry Essary reported that in 2008, City Council approved an increase in the rural fire contract from \$40 per calendar year to \$100 per calendar year. The rural fire service contract that was approved in 2008 set a cap of \$2,000 charged per incident for members of the program. The program also set forth a minimum charge of \$500 per incident and also included a fee schedule for apparatus and personnel that provided services on scene. The program was designed to lessen the gap between the actual costs of services to residents outside the city limits and the amount recovered for those services. Chief Essary stated that the SFD has seen a dramatic increase in the cost of fuel, personnel, facilities, apparatus and equipment since 2008. For the last 10 years, approximately 34% of calls have been outside city limits but in that same time frame total cost recovery for direct and indirect costs have been approximately 4%. As rural areas continue to grow into the urban wildland interface and climate change continues, call volume outside corporate city limits will continue to rise. Chief Essary stated that in order to continue to provide a high level of service to all residents in SFD's response district, it is essential that a reasonable amount of the total dollars associated with service to areas outside city limits be recovered. SFD recommends engaging NewGen Strategies and Solutions to conduct an in-depth study into the true

costs of rural fire response and make recommendations on potential changes to the contract fee and the fee structure associated with personnel and apparatus.

MOTION BY COUNCILOR DZIALOWSKI, SECOND BY COUNCILOR HAWKINS TO APPROVE BUDGET AMENDMENT APPROPRIATING FUNDS FROM THE RURAL FIRE ACCOUNT TOTALING \$40,900 FOR A RURAL FIRE SERVICE STUDY CONDUCTED BY NEWGEN STRATEGIES AND SOLUTIONS AND AUTHORIZE THE CITY MANAGER TO SIGN RELATED DOCUMENTS

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

- e. Consider approval of a sole source agreement with Infrastructure Management Services for a pavement management assessment in an amount not to exceed \$146,175, authorize City Manager to sign related documents, and approve budget amendment appropriating funding for the study from the one cent transportation sales tax fund

City Manager Norman McNickle stated that Monty Karns would be retiring and this will be his last meeting to present to the Council. Mr. McNickle thanked Mr. Karns for his dedication and years of service to the City. Mayor Joyce on behalf of the Council also thanked Mr. Karns for his years of service.

Director of City Engineering Monty Karns stated that the City's Pavement Management Program is based on a periodic assessment of pavement conditions of the network. The current pavement management database is five years old and requires updates to be useful for pavement management decisions. The first pavement assessment occurred in 2007 and updates have occurred every five years since the initial assessment, the last being 2017. Mr. Karns reported that all previous assessments as well as the initial database were performed by Infrastructure Management Services (IMS). Staff has negotiated a sole source contract for \$146,175 with IMS for the following:

- update the existing pavement database
- assess 237 center lane miles of roadway with one pass with no structural testing;
- 32 center lane miles of road with two passes, including structural testing the base quote.

MOTION BY COUNCILOR HAWKINS, SECOND BY COUNCILOR DZIALOWSKI TO APPROVE THE SOLE SOURCE AGREEMENT WITH INFRASTRUCTURE MANAGEMENT SERVICES FOR A PAVEMENT MANAGEMENT ASSESSMENT IN AN AMOUNT NOT TO EXCEED \$146,175, AUTHORIZE THE CITY MANAGER TO SIGN RELATED DOCUMENTS AND APPROVE BUDGET AMENDMENT APPROPRIATING FUNDING.

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

8. RESOLUTIONS

- a. Resolution No. CC-2022-25: A resolution determining that a portion of property owned by the City of Stillwater located at 701 W. Boomer Lake Station Road, and adjoining property located at 2107 N. Boomer Road and 2115 N. Boomer Road is surplus property

Deputy City Manager Melissa Reames gave a brief history of the Stillwater Energy Center (SEC) and the decommissioning of Boomer Lake Station (BLS). Boomer Lake Power Station was decommissioned on June 30, 2016 when replaced by the Stillwater Energy Center. City staff researched alternate uses for BLS as evidenced by John McClenny's presentation to council on March 16, 2017. At the July 8, 2019 council meeting, staff was authorized to solicit proposals for adaptive reuse of BLS. During the October 7, 2019 Council meeting, staff presented the two responses to the RFP for adaptive reuse proposals. Council awarded the project to Lakeview Landing, LLC. Staff began the creation of the redevelopment agreement and the authorization of

TIFs #4 and X with the assistance of the Center for Economic Development Law (CEDL), the developer and a citizen's TIF review committee. Ms. Reames stated that staff presented Council and Stillwater Economic Development Authority (SEDA) Trustees the final version of the Redevelopment Agreement by and between SEDA and Lakeview Landing, LLC for adoption at the April 19, 2021 meetings. Since the execution of the redevelopment agreement, the project has encountered additional challenges.

- Natural Resources Conservation Service (NRCS) and Payne County Conservation required the City and the redeveloper to execute an inundation easement and develop a compensatory water storage plan.
- The trustee bank for the 2014A Bond Series required a surplus declaration and bond counsel opinion on the removal of the existing generation units along with an amended lease to exclude the related properties from the lease between the City and SUA.
- The redeveloper has been met with rising construction prices, volatile housing markets and the search for financing.

Both parties have been working through all these issues to enable the conveyance of Boomer Lake Station and the parcels at 2115 N. Boomer and 2107 N. Boomer to the redeveloper in furtherance of the redevelopment. Ms. Reames stated that tonight staff is presenting resolutions and an ordinance on first read to address several of the challenges listed above. City Council and the SUA Trustees will be asked to act on Resolutions CC-2022-25 and SUA-2022-8 to adopt an amended lease between the City and SUA. As stated in these resolutions, this amendment will remove all real and personal property comprising the Boomer Lake Station Power Plant from the terms of the lease agreement.

Resolution CC-2022-25 declares Boomer Lake Station and the parcels at 2115 N. Boomer and 2107 N. Boomer surplus, which paves the way for the property to be conveyed to the redeveloper for the furtherance of the redevelopment project.

Ordinance No. 3508 declares the Council's intent to sell Boomer Lake Station and the parcels at 2115 N. Boomer and 2107 N. Boomer.

MOTION BY VICE MAYOR ZANNOTTI, SECOND BY COUNCILOR DZIALOWSKI TO ADOPT RESOLUTION NO. CC-2022-25 AS PRESENTED.

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

9. ORDINANCES

a. First Reading

Ordinance No. 3501-Corrected: An ordinance correcting an address listed in Ordinance 3501 regarding the rezoning of tracts of land located at 6099, 6001, 5911, and 5823 N. Perkins Rd. General Industrial (IG) to Small Lot Single-Family Residential (RSS)

MOTION BY VICE MAYOR ZANNOTTI, SECOND BY COUNCILOR HAWKINS TO ADVANCE ORDINANCE NO. 3501 TO SECOND READING AS CORRECTED.

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

Ordinance No. 3507: An ordinance rezoning tracts of land located at 1122 and portion of 1222 South Western Road from Office (O) to Commercial Shopping (CS)

MOTION BY COUNCILOR DZIALOWSKI, SECOND BY COUNCILOR HAWKINS TO ADVANCE ORDINANCE NO. 3507 TO SECOND READING AS PRESENTED.

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

Ordinance No. 3508: An ordinance authorizing the removal of certain portion of City-owned property located at and adjoining 701 West Boomer Lake Station Road, 2115 North Boomer Road and 2107 North Boomer Road (collectively, the property) from the Lease Agreement and Operation and Maintenance Contract dated April 1, 1979; authorizing the sale of the property; providing for citizen initiated referendum of said sale in accordance with Section 4-2 of the City Charter

MOTION BY COUNCILOR HAWKINS, SECOND BY COUNCILOR DZIALOWSKI TO ADVANCE ORDINANCE NO. 3508 TO SECOND READING AS PRESENTED.

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

b. Second Reading

Ordinance No. 3506: An ordinance closing right-of-way of 10th Avenue located adjacent to 923 S. Lowry St. in the Northeast Quarter (NE/4) of Section Twenty-Three (23), Township Nineteen (19) North, Range Two (2) East of the Indian Meridian, City of Stillwater Payne County, Oklahoma

MOTION BY VICE MAYOR ZANNOTTI, SECOND BY COUNCILOR HAWKINS TO ADOPT ORDINANCE NO. 3506 AS PRESENTED.

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

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 Randy Blake vs City of Stillwater, Workers' Compensation Court Case No. CM 2021-03414-L. 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 proceeding in the public interest.

b. Miscellaneous items from the City Manager:

- City Manager Norman McNickle announced that there are many great events coming up at the Stillwater Public Library. The annual Library Book Sale will be September 15th through 18th at the library. Also, outdoor movies at the library will be on Sept. 23, Oct. 14 and Nov. 4 in the courtyard. Movies start at 7:00 p.m. and the Friends of the Stillwater Public Library will provide popcorn and drinks. The showings are free and registration is not required but attendees should bring blankets or chairs to sit on.

c. Miscellaneous items from the City Council:

- Councilor Hawkins stated that if residents have had difficulty making utility or rent payments as a result of COVID-19, the City of Stillwater and Our Daily Bread may be able to help. The funding assistance program will be available until all funds are dispersed. Please go to: www.ourdailybreadstillwater.org to apply and for more information.

- Councilor Dzialowski announced that the City of Stillwater is seeking service minded team members to join us and embrace our Standards of Excellence. Applications for all positions are at Stillwater.org/employment and all applications must be submitted by 5:00 p.m. on the closing date listed.
 - Vice Mayor Zannotti stated that if residents or visitors are looking for a better way to park for OSU Football home games, the City of Stillwater and Oklahoma State University Athletics are working together to offer free parking and shuttle service. The shuttle runs every 15 minutes before and after the game, three hours before the game and throughout the post-game. There are 500 parking spots available and the pick-up and drop-off location is at 7th Avenue and Lewis Street.
 - Mayor Joyce reminded residents that there are multiple, imperative street construction and repair projects underway throughout the City. The City does its best to address these projects without interfering with heavily attended events in the community. Hwy 177/ODOT construction is currently on point with the project completion timeline. Please know, all four lanes are open during OSU football home games to help traffic flow as safely as possible. The City does understand construction can cause frustration and asks motorists to plan for additional travel time. Thank you to all of our residents and patrons for your continued patience.
- i. Discussion about scheduling items for future meetings.

11. QUESTIONS & INQUIRIES

None.

12. APPOINTMENTS

- a. Building Trades Board

MOTION BY MAYOR JOYCE, SECOND BY VICE MAYOR ZANNOTTI TO REAPPOINT WAYLON SHIELDS AND APPOINT BRIAN RICKMAN AND BRETT ENMEIER TO THE BUILDING TRADES BOARD

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

13. EXECUTIVE SESSION

- a. Confidential communication between the City Council and City Attorney concerning *Randy Blake vs City of Stillwater*, Workers' Compensation Court Case No. CM 2021-03414-L.

Stillwater City Council meeting recessed at 6:31 p.m. to convene Stillwater Utilities Authority meeting.

MOTION BY MAYOR JOYCE, SECOND BY COUNCILOR DZIALOWSKI TO RECESS THE CITY COUNCIL MEETING AT 6:31 P.M.

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

Stillwater City Council reconvened at 6:51 p.m.

MOTION BY COUNCILOR DZIALOWSKI, SECOND BY COUNCILOR HAWKINS TO ENTER INTO EXECUTIVE SESSION AT 6:51 P.M.

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

14. RETURN FROM EXECUTIVE SESSION

MOTION BY VICE MAYOR ZANNOTTI, SECOND BY COUNCILOR HAWKINS TO RECONVENE
THE REGULAR STILLWATER CITY COUNCIL MEETING AT 7:09 P.M.

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

- a. Possible action concerning *Randy Blake vs City of Stillwater*, Workers' Compensation Court
Case No. CM 2021-03414-L including possible action to approve a proposed settlement
agreement.

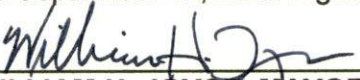
No action was taken on this item.

15. ADJOURN

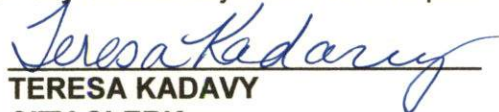
MOTION BY COUNCILOR DZIALOWSKI, SECOND BY COUNCILOR HAWKINS TO ADJOURN
THE SEPTEMBER 12, 2022 REGULAR MEETING OF THE STILLWATER CITY COUNCIL.

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

The September 12, 2022 regular meeting of the Stillwater City Council adjourned at 7:10 p.m.



WILLIAM H. JOYCE, MAYOR
STILLWATER CITY COUNCIL



TERESA KADAVY
CITY CLERK