



Together, Investing in Municipal Excellence

CITY COUNCIL SPECIAL MEETING AGENDA
AUGUST 20, 2024

723 S. Lewis Street, Room 1122 B
Stillwater, OK 74074
12:00 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. Public Comment
4. 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

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| a. | ORDINANCE NUMBER 3543: AN ORDINANCE GRANTING TO THE OKLAHOMA GAS AND ELECTRIC COMPANY, AN OKLAHOMA CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO PRODUCE, TRANSMIT, DISTRIBUTE AND SELL ELECTRICITY FOR ALL PURPOSES FOR WHICH IT MAY BE USED BY KIPPER LLC, ITS AFFILIATES AND SUBSIDIARIES, ON SPECIFIC PROPERTY MORE PARTICULARLY DESCRIBED ON EXHIBIT A ATTACHED HERETO, AND THE RIGHT TO CONSTRUCT, MAINTAIN AND OPERATE A SYSTEM OF POLES, WIRES, CONDUITS AND OTHER FACILITIES AND EQUIPMENT IN, UPON, ACROSS, UNDER AND OVER THE STREETS, ALLEYS, PUBLIC GROUNDS OR WAYS IN THE CITY FOR THE LIMITED PURPOSE OF PROVIDING ELECTRICITY TO SAID PROPERTY, IN ACCORDANCE WITH THE CITY’S RIGHT OF WAY MANAGEMENT ORDINANCES AND POLICIES; FOR A PERIOD OF TWENTY-FIVE (25) YEARS; PROVIDING COMPENSATION TO THE CITY; ORDERING AN ELECTION, AND DECLARING AN EMERGENCY. |
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5. 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 CC-2024-26: A RESOLUTION AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN THE CITY OF STILLWATER, OKLAHOMA, ON THE FIFTH DAY OF NOVEMBER, 2024, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED, QUALIFIED ELECTORS OF SAID CITY THE QUESTION OF APPROVING OR REJECTING ORDINANCE 3543, WHICH ORDINANCE GRANTS A FRANCHISE TO OKLAHOMA GAS AND ELECTRIC COMPANY (OG&E), AN OKLAHOMA CORPORATION, ITS SUCCESSORS AND ASSIGNS, GIVING IT THE RIGHT TO PRODUCE, TRANSMIT, DISTRIBUTE AND SELL ELECTRICITY FOR ALL PURPOSES FOR WHICH IT MAY BE USED BY KIPPER, LLC, ITS AFFILIATES AND SUBSIDIARIES ON SPECIFIC DESIGNATED PROPERTY AND THE RIGHT TO CONSTRUCT, MAINTAIN AND OPERATE A SYSTEM OF POLES, WIRES, CONDUITS AND OTHER FACILITIES AND EQUIPMENT IN, UPON, ACROSS, UNDER AND OVER THE STREETS, ALLEYS, PUBLIC GROUNDS OR WAYS IN THE CITY FOR THE LIMITED PURPOSE OF PROVIDING ELECTRICITY TO SAID PROPERTY AND IN ACCORDANCE WITH THE CITY'S RIGHT OF WAY MANAGEMENT ORDINANCES AND POLICIES; FOR A PERIOD OF TWENTY-FIVE YEARS; AND PROVIDING COMPENSATION TO THE CITY; AND ORDERING AN ELECTION.
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6. Reports from Officers and Boards

7. Adjourn

On August 16, 2024 at 12:00 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 405.742.8243.

- 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.

ORDINANCE NUMBER 3543

AN ORDINANCE GRANTING TO THE OKLAHOMA GAS AND ELECTRIC COMPANY, AN OKLAHOMA CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO PRODUCE, TRANSMIT, DISTRIBUTE AND SELL ELECTRICITY FOR ALL PURPOSES FOR WHICH IT MAY BE USED BY KIPPER LLC, ITS AFFILIATES AND SUBSIDIARIES, ON SPECIFIC PROPERTY MORE PARTICULARLY DESCRIBED ON EXHIBIT A ATTACHED HERETO, AND THE RIGHT TO CONSTRUCT, MAINTAIN AND OPERATE A SYSTEM OF POLES, WIRES, CONDUITS AND OTHER FACILITIES AND EQUIPMENT IN, UPON, ACROSS, UNDER AND OVER THE STREETS, ALLEYS, PUBLIC GROUNDS OR WAYS IN THE CITY FOR THE LIMITED PURPOSE OF PROVIDING ELECTRICITY TO SAID PROPERTY, IN ACCORDANCE WITH THE CITY'S RIGHT OF WAY MANAGEMENT ORDINANCES AND POLICIES; FOR A PERIOD OF TWENTY-FIVE (25) YEARS; PROVIDING COMPENSATION TO THE CITY; ORDERING AN ELECTION, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STILLWATER, OKLAHOMA:

SECTION 1. The word "City" as hereinafter used shall mean and designate the City of Stillwater, Payne County, Oklahoma, , the word "Company" as hereinafter used shall mean and designate the Oklahoma Gas and Electric Company, a corporation organized and existing under and by virtue of the laws of the State of Oklahoma and its successors and assigns, and the word "Kipper" as hereinafter used shall mean and designate Kipper, LLC, its affiliates, subsidiaries, and its facilities that are built on the property described in Exhibit A attached hereto (the "Kipper Property") and located wholly within the limits of the City.

SECTION 2. (a) The City hereby grants to the Company the right, privilege and authority to produce, transmit, distribute and sell electricity within and to the Kipper Property, which is within corporate limits of the City, for all purposes for which it may be used and provided from Company, and the right, privilege and authority to construct, maintain and operate a system of poles, wires, conduits, transformers, substations, and other facilities and equipment in, upon, across, under and over the streets, alleys, public grounds or ways on Kipper Property and in portions of said City necessary to extend service to the Kipper Property, subject to the City's right of way management plan and ordinances, for the purpose of producing, transmitting, distributing and selling electricity therein to Kipper. It is the express intent of the City that this franchise granted to Company under this ordinance shall be limited to service to Kipper at the Kipper Property.

(b) The franchise hereby granted to Company to service Kipper at the Kipper Property shall be effective from and after the date of approval of this Ordinance by the qualified electors of the City and acceptance by the Company and shall remain in full force and effect for a period of twenty-five (25) years. Nothing in this Ordinance shall be construed to prevent the City from granting an electric franchise to any other person, firm, or corporation.

SECTION 3. The Company shall construct, operate and maintain its property in such manner as will, consistent with necessity, not obstruct nor impede traffic unduly.

SECTION 4. The Company shall defend and indemnify the City against all liability for injury to any person or property caused by the negligence of the Company in the construction, operation and maintenance of its property within the City.

SECTION 5. Electric service provided hereunder to Kipper on the Kipper Property and rates charged

therefor shall be in accordance with orders, rules and regulations of the Corporation Commission of the State of Oklahoma or other governmental authority having jurisdiction.

SECTION 6. The Company shall have the right to assign this franchise and the assignee by written acceptance thereof shall be bound by all the provisions hereof. An authenticated copy of such assignment and acceptance shall be filed with the Clerk of the City.

SECTION 7. (a) From and after the approval and acceptance of this franchise, and in consideration of the granting of this franchise, the Company agrees to pay and shall pay the City an annual franchise fee in an amount equal to three percent (3%) of its gross revenues arising from the sale of electricity within the corporate limits of the City to the Kipper Property. .

(b) The Company shall abide by any order, rule or regulation of the Corporation Commission of the State of Oklahoma requiring the listing separately of all or any portion of such franchise fee on electric bills to customers.

(c) Such franchise fees paid by the Company to the City shall be in lieu of all other franchise, excise, license, occupation, privilege, inspection, permit, or other fees, taxes or assessments, except ad valorem taxes.

SECTION 8. A special election is hereby called for the purpose of submitting this Ordinance to the qualified electors of the City residing within its corporate limits for their approval or disapproval, provided the Company shall pay the cost of such election. The election shall be held on the 5th day of November, 2024, between the hours of 7:00 a.m. and 7:00 p.m. The Mayor of the City of Stillwater is authorized and directed to issue an election proclamation calling such election and is further directed to take all steps that may be necessary for holding the election and for the submission of this Ordinance to the qualified electors of the City. If a majority of the qualified electors of the City voting thereon fail to approve this franchise at said election, no rights shall accrue hereunder.

SECTION 9. In case the franchise hereby granted is approved at said election, the Company shall, within thirty (30) days from the date of such approval, file with the Clerk of the City, in writing, its acceptance. In the event the Company fails to accept within the said period, such failure shall be deemed a rejection of the franchise.

SECTION 10. This franchise is granted by the City solely for the purpose of providing service to the Kipper Property and shall in no way be interpreted as replacing or otherwise modifying any other franchise granted by the City to the Company.

SECTION 11. Emergency Clause. It being immediately necessary for the preservation of the public health, peace and safety that an emergency is declared to exist, by reason whereon this ordinance shall become effective from and after the date of publication and upon official certification of the election results by the Payne County Election Board.

PASSED AND APPROVED this _____ day of August, 2024, with the Emergency Clause voted on and approved separately.

CITY OF STILLWATER, OKLAHOMA

By: _____
William H. Joyce, Mayor

ATTEST:

Teresa Kadavy, City Clerk

(SEAL)

EMERGENCY CLAUSE

**THE EMERGENCY CLAUSE IS HEREBY PASSED, APPROVED AND ADOPTED THIS ____
DAY OF _____, 2024.**

William H. Joyce, Mayor

ATTEST:

Teresa Kadavy, City Clerk

(SEAL)

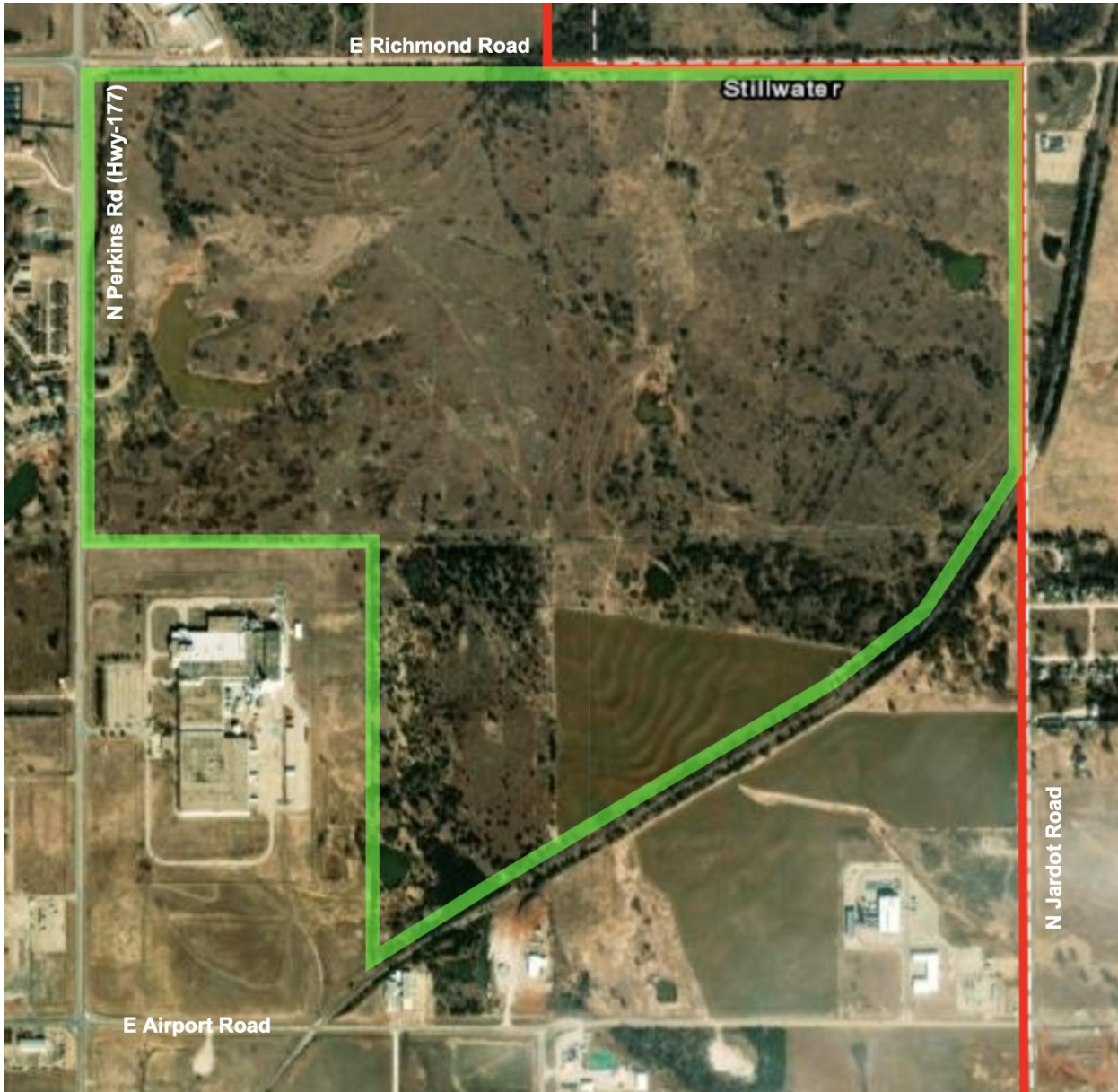
Approved as to form and legality, this ____ day of _____, 2024.

Kimberly Carnley, City Attorney

First Reading: 8/19/2024
Second Reading: 8/20/2024

EXHIBIT A
MAP EXHIBIT AND LEGAL DESCRIPTION

Map Exhibit



Legal Description

A tract of land located in the Northeast Quarter (NE/4), Northwest Quarter (NW/4), and Southwest Quarter (SW/4), and Southeast Quarters (SE/4) of Section Thirty-Six (36), Township Twenty (20) North, Range Two (2) East of the Indian Base and Meridian (I.B. & M.), Payne County, Oklahoma, being more particularly described as metes and bounds by Darrel Ray Mason OKLS1690 on March 13, 2024 as follows:

COMMENCING at the SW/C, SW/4, S36-T20-R2E monumented by a 1" Rail Road Spike; thence with a BASIS OF BEARING of N 00°41'24" W along the west line of the SW/4 a distance of 2638.58 feet to the NW/C, SW/4, SEC36-T20N-R3E monumented by a 1/2" Rebar AND the POINT OF BEGINNING;
Thence along the west line of the NW/4 with a bearing of N 00°42'47" W a distance of 2630.81 feet to the NW/C, NW/4 SEC36-T20N-R2E monumented by a Railroad Spike;
Thence with a bearing of N 89°13'38" E along the north line of the NW/4 a distance of 2629.53 feet to the NE/C, NW/4 SEC36-T20N-R2E monumented by a 1/2" Rebar;
Thence with a bearing of N 89°18'29" E along the north line of the NE/4 a distance of 2630.74 feet to the NE/C, NE/4, SEC36-T20N-R2E monumented by a Mag Nail;
Thence with a bearing of S 00°49'51" E along the east line of the NE/4 a distance of 2122.35 feet to a point on the East Line of NE/4, SEC36-T20N-R2E, also being a point on the Northerly Rail Road R/W line of Eastern Oklahoma Railway particularly described in Book 7, Page 208;
Thence in a southwesterly direction with a non-tangent curve turning to the right with a radius of 2793.96 feet, having a chord bearing of S 27°41'11" W and a chord distance of 761.36, and an arc length of 763.73 feet to a point on said Northerly Rail Road R/W Line;
Thence with a bearing of N 54°28'57" W a distance of 20.00 feet to a point on said Northerly Rail Road R/W Line;
Thence in a southwesterly direction with a non-tangent curve turning to the right with a radius of 2773.96 feet, having a chord bearing of S 40°33'13" W and a chord distance of 487.07 feet, and an arc length of 487.70 to a point on said Northerly Rail Road R/W Line monumented by a 1/2" Rebar w/ cap PLS 1802;
Thence with a bearing of S 44°24'34" E a distance of 20.00 feet to a point on said Northerly Rail Road R/W Line monumented by a 1/2" Rebar w/ cap PLS 1802;
Thence in a southwesterly direction with a non-tangent curve turning to the right with a radius of 2793.69 feet, having a chord bearing of S 51°55'38" W and a chord distance of 616.73, and an arc length of 617.99 feet to a point on said Northerly Rail Road R/W Line monumented by a 1/2" Rebar w/ cap PLS 1802;
Thence with a bearing of S 59°21'10" W a distance of 1676.22 feet to a point on said Northerly Rail Road R/W Line;
Thence with a bearing of S59°21'10" W a distance of 614.77 feet to a point on said Northerly Rail Road R/W Line;
Thence in a southwesterly direction with a tangent curve turning to the left with a radius of 2915.05 feet, having a chord bearing of S 55°26'11"W and a chord distance of 387.62 feet, and an arc length of 387.91 feet to a point on said Northerly Rail Road R/W Line monumented by a 1/2" Rebar w/ cap Hitech;
Thence with a bearing of N 00°47'43" W along the west line of the east 60 acres of the SW/4 a distance of 2333.99 feet to a point on the north line of the SW/4, SEC36-T20N-R2E monumented by a 1/2" pipe;
Thence along said north line of said SW/4 with a bearing of N 89°28'48" E a distance of 1645.64' back to the POINT OF BEGINNING.

CONTAINING 18,196,038 SQUARE FEET OR 417.723 ACRES, MORE OR LESS

RESOLUTION CC-2024-26

A RESOLUTION AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN THE CITY OF STILLWATER, OKLAHOMA, ON THE FIFTH DAY OF NOVEMBER, 2024, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED, QUALIFIED ELECTORS OF SAID CITY THE QUESTION OF APPROVING OR REJECTING ORDINANCE 3543, WHICH ORDINANCE GRANTS A FRANCHISE TO OKLAHOMA GAS AND ELECTRIC COMPANY (OG&E), AN OKLAHOMA CORPORATION, ITS SUCCESSORS AND ASSIGNS, GIVING IT THE RIGHT TO PRODUCE, TRANSMIT, DISTRIBUTE AND SELL ELECTRICITY FOR ALL PURPOSES FOR WHICH IT MAY BE USED BY KIPPER, LLC, ITS AFFILIATES AND SUBSIDIARIES ON SPECIFIC DESIGNATED PROPERTY AND THE RIGHT TO CONSTRUCT, MAINTAIN AND OPERATE A SYSTEM OF POLES, WIRES, CONDUITS AND OTHER FACILITIES AND EQUIPMENT IN, UPON, ACROSS, UNDER AND OVER THE STREETS, ALLEYS, PUBLIC GROUNDS OR WAYS IN THE CITY FOR THE LIMITED PURPOSE OF PROVIDING ELECTRICITY TO SAID PROPERTY AND IN ACCORDANCE WITH THE CITY'S RIGHT OF WAY MANAGEMENT ORDINANCES AND POLICIES; FOR A PERIOD OF TWENTY-FIVE YEARS; AND PROVIDING COMPENSATION TO THE CITY; AND ORDERING AN ELECTION.

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

§ 1. That, Ordinance 3543 is hereby proposed by the City Council of said City and shall be submitted to the qualified voters of said City at a Special Election to be held on November 5, 2024, in accordance with the Stillwater City Charter and applicable state laws.

§2. That, the Payne County Election Board is hereby directed to hold a special election in the City of Stillwater, Oklahoma on November 5, 2024, for submission of the question of the approval of Ordinance 3543 to the qualified electors in accordance with applicable laws of the State of Oklahoma and the Stillwater City Charter.

§3. That, the undersigned Mayor of the City of Stillwater, Oklahoma, is authorized to call a special election and provide notice thereof to the Payne County Election Board by issuing a proclamation calling the election and giving notice of the election as provided by law for the purpose of submitting to the registered qualified voters in said City this Proposition:

PROPOSITION

Shall a franchise be granted to the Oklahoma Gas & Electric Company, a corporation, its successors and assigns giving it the right to produce, transmit, distribute, and sell electricity for all purposes for which it may be used by Kipper, LLC, its affiliates and subsidiaries located on specific designated property, and the

right to construct, maintain and operate a system of poles, wires, conduits and other facilities and equipment in, upon, across, under and over the streets, alleys, public grounds or ways for the limited purpose of providing electricity to said property, for a period of twenty-five years, providing compensation to the City, all in accordance with the terms of Ordinance 3543?

_____ Yes – For the Above Proposition
_____ No – Against the Above Proposition

§ 4. That, if a majority of the registered qualified voters of the City of Stillwater voting on the proposition vote in the affirmative, Ordinance 3543 shall be approved and become effective immediately upon certification of election results by the Payne County Election Board Secretary.

PASSED, APPROVED AND ADOPTED this 20th day of August, 2024.

WILLIAM H. JOYCE, MAYOR

(SEAL)

ATTEST:

TERESA KADAVY, CITY CLERK

APPROVED AS TO FORM AND LEGALITY THIS 20TH DAY OF AUGUST, 2024.

KIMBERLY CARNLEY, CITY ATTORNEY

ELECTION PROCLAMATION AND NOTICE

Under and by virtue of the Statutes of the State of Oklahoma and the Charter of the City of Stillwater, and acts complimentary, supplementary, and enacted pursuant thereto, and Resolution CC-2024-26, authorizing the calling of an election on the Proposition hereinafter set forth, I, the undersigned Mayor of the City of Stillwater, Oklahoma, hereby call a special election and give notice thereof to be held in the City of Stillwater, Oklahoma, on the 5th day of November, 2024, for the purpose of submitting to the registered qualified voters in said City the following Proposition:

PROPOSITION

Shall a franchise be granted to the Oklahoma Gas & Electric Company, a corporation, its successors and assigns giving it the right to produce, transmit, distribute, and sell electricity for all purposes for which it may be used by Kipper, LLC, its affiliates and subsidiaries located on specific designated property, and the right to construct, maintain and operate a system of poles, wires, conduits and other facilities and equipment in, upon, across, under and over the streets, alleys, public grounds or ways for the limited purpose of providing electricity to said property, for a period of twenty-five years, providing compensation to the City, all in accordance with the terms of Ordinance 3543?

The ballot used at said election shall set out the Proposition as above set forth and shall also contain the words:

- ☐ Yes – For the Above Proposition
- ☐ No – Against the Above Proposition

(If the voter desires to vote for the above Proposition, he shall mark the ballot accordingly; if he desires to vote against the above Proposition, he shall mark the ballot accordingly.)

That only the registered qualified voters of the City of Stillwater, Oklahoma, may vote upon the Proposition as above set forth.

The polls shall be opened at 7:00 o'clock a.m. and shall remain open continuously until and be closed at 7:00 o'clock p.m.

The special election shall be held at the same places and in the same manner prescribed by law for conducting county and state elections and shall include all precincts totally or partially within the city limits of Stillwater, Oklahoma. The numbers and locations of the polling places and the persons who shall conduct said election shall be the same as for county and state elections, all as respectively designated and prescribed by the County Election Board of Payne County, Oklahoma.

[Remainder of page left blank intentionally]

WITNESS my hand as Mayor of the City of Stillwater, Oklahoma and the Seal of said City
affixed hereto on the 20th day of August, 2024.

William H. Joyce, Mayor

(SEAL)

ATTEST:

Teresa Kadavy, City Clerk