

**IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING LAW
THE AGENDA WAS POSTED AUGUST 16, 2024 AT 12:00 P.M.
AT THE MUNICIPAL BUILDING, 723 SOUTH LEWIS, STILLWATER, OKLAHOMA**

**MINUTES
STILLWATER CITY COUNCIL
REGULAR MEETING
COUNCIL HEARING ROOM
723 S. LEWIS
AUGUST 19, 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. PROCLAMATIONS/PRESENTATIONS

- a. International Overdose Awareness Day

Mayor Joyce read the proclamation declaring August 31, 2024 as International Overdose Awareness Day in Stillwater, OK.

4. CONSENT DOCKET

- a. Approve August 5, 2024 regular session meeting minutes
- b. Approve Amendment No. 3 to the Fire Station #2 CMAR Agreement; authorize the City Manager to sign the amendment; and approve associated budget amendments.
- c. Approve appropriation of funds for holiday season carriage rides and Santa as reflected in the attached budget amendment.

Councilor Clark removed item b. from the consent docket.

MOTION BY COUNCILOR HAWKINS, SECOND BY COUNCILOR CLARK 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.

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

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

6. ITEMS REMOVED FROM CONSENT DOCKET

- b. Approve Amendment No. 3 to the Fire Station #2 CMAR Agreement; authorize the City Manager to sign the amendment; and approve associated budget amendments.

Councilor Clark requested information on what action has been taken to bring Fire Station #2 within the budget and how construction is progressing.

Director of City Engineering, Candy Staring, reported that since the bond was passed the City has been working on the design, survey and bid openings in coordination with the CMAR, Crossland. Ms. Staring explained the changes and cutbacks made to help reduce the cost of Fire Station #2, but stated that the project is still over the amount of the original bond proceeds. She discussed the additional funding sources that have been identified as the Fire Station #2 project continues. Ms. Staring reported that construction has begun but most of the work has been underground such as utilities and piers. She stated that vertical construction should begin soon. Ms. Staring answered Council's questions.

MOTION BY COUNCILOR CLARK, SECOND BY COUNCILOR HARDIN 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.

7. PUBLIC HEARINGS

- a. First public hearing, pursuant to 62 O.S. § 859, and presentation of the proposed Stillwater Data Center Economic Development Project Plan and its supporting six (6) incentive districts for the purpose of providing information, including an analysis of potential positive or negative impacts, and answering questions regarding the proposed Project Plan and Incentive Districts.

Lisa Harden, Center for Economic Development Law (CEDL), presented the Comprehensive Project Plan for the development of a new Data Center campus in Stillwater. She reviewed the summary of the project plan objectives and presented an overview of the project and location. Ms. Harden discussed the legal basis for Tax Incentive Districts and the Phase 1 and 2 pilot payments structure. In addition to the pilot payments, she explained that the company will also make Community Betterment Payments to the City and how that process works. She stated that the City will also receive an annual franchise fee from the sale of electric power to the company. Ms. Harden explained the combined Phase 1 and 2 project budget. She presented the financial impacts this project would have on the taxing jurisdictions and the greater Stillwater community. The Review Committee and the Planning Commission unanimously recommended approval of the Project Plan. Ms. Harden reviewed the approval process of the Tax Incentive Agreement and answered Council's questions.

Mayor Joyce opened the public hearing.

Robin Cornwell, 2223 N. Crescent Drive, expressed her concerns regarding the increased usage of fossil fuels used to support the Data Center and its ability to use clean energy. She also stated her concerns about the franchise fee for OG&E and who pays this fee and how this process works with GRDA which is where the City buys its electricity.

Mayor Joyce explained that an ordinance granting OG&E a franchise to serve this development has to pass City Council with two readings and then it would be put on the November ballot for a vote that would have to be approved by the voters of Stillwater.

Sean Byrne, legal counsel for the company, stated that energy is a huge concern for the company as it is a very large expense. The company is making it a priority to be more energy efficient and their Data Centers are 30% more efficient than typical Data Centers. He stated that the company is very focused and making it a priority to become more and more energy efficient by looking at clean sources of energy for both electricity and water.

Kimberlee Adams, OG&E Community Affairs Manager, reported that OG&E is continually expanding their renewable energy portfolio. She stated that wind and solar options are expanding and OG&E is focused on making the entire mix work.

Roger Gose, 1120 E. Connell, stated that he is all for this project and thinks it is a great win for Stillwater but his one concern is that at some point there needs to be a final plat (Exhibit B in the plan) wrapped around this project.

Ms. Harden, CEDL, stated that the Local Development Act requires the description of the project area and each incentive district to describe the boundaries of the areas as they exist so if the property has not been platted it is appropriate for their to be a description only. She reported if the property is platted a minor amendment can be made to the project plan to reflect that plat.

Sean Byrne, legal counsel for the company, stated that there will be a final plat proposal submitted.

Drew Gagliardi, 302 Topaz Avenue, stated he has concerns about everything being veiled in secrecy and not being able to get specific data points until everything is passed. He stated his concerns include noise levels and wastewater and a huge concern as to why all the research and data that has gone into this project has not been made public. He stated that he feels everything has not been forthright and forthcoming and there seems to be a big eagerness to push this project through without the public having all the information to make comments.

Mayor Joyce stated that with any economic development project that is worked on there is long period of time where the project is a private development and not publicly discussable. This time is used to determine if the City of Stillwater and the company are a good fit for each other. When the project reaches a point where City action has to be taken that is when it starts being discussed at City meetings.

Ms. Harden, CEDL, stated that the Economic Development Agreement has not been dispursed for review but the terms of the memorandum of the agreement that has been agreed to by the company provide that top priority on water and wastewater services will be given to residential areas and public services like fire, police, emergency response services and healthcare.

Mayor Joyce closed the public hearing.

Mayor Joyce stated that there will be a second public hearing on this item on September 9 at the regular City Council meeting.

No action was taken on this item.

8. GENERAL ORDERS

a. Lake McMurtry Annual Report

Parks & Community Resources Director Barbara Bliss introduced Lake McMurtry Friends Executive Director Jill vanEgmond. Ms. vanEgmond presented the annual report for Lake McMurtry Friends. She listed the highlights and achievements of the past year and gave an overview of the variety of programs, classes, camps and other services offered by Lake McMurtry. She mentioned a new program Ride to Thrive was added this year. It is a program for 7th grade students that are recommended by teachers

and counselors at the middle school. Ms. vanEgmond reported that this new program was very successful, and they're excited for year number two of this program. She answered Council's questions.

No action was taken on this item.

9. RESOLUTIONS

- a. Resolution No. CC-2024-25: A Resolution of the Stillwater City Council adopting the Stillwater Regional Airport Title VI Plan as required by The Federal Aviation Administration (FAA) for recipients of federal financial assistance

Airport Director Kellie Reed reported that the FAA requires that commercial service airports comply with this new guidance to make sure airports are meeting all non-discrimination requirements outlined in Title VI.

MOTION BY VICE MAYOR DZIALOWSKI, SECOND BY COUNCILOR HAWKINS TO ADOPT RESOLUTION NO. CC-2024-25 AS PRESENTED.

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

10. ORDINANCES

- a. First Reading

Ordinance No. 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.

MOTION BY COUNCILOR CLARK, SECOND BY VICE MAYOR DZIALOWSKI TO ADVANCE ORDINANCE NO. 3543 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.

MOTION BY COUNCILOR CLARK, SECOND BY COUNCILOR HAWKINS DECLARING ORDINANCE NO. 3543 AN EMERGENCY.

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

Ordinance No. 3544: An ordinance approving and adopting The Stillwater Data Center Economic Development Project Plan and Supporting Incentive Districts, pursuant to the Oklahoma Local Development Act; Identifying and Establishing Six Incentive Districts; Designating and Adopting Project Area and Incentive District Boundaries; Deferring the Numerical Designations and Effective Dates for the Incentive Districts; Adopting Certain Findings; Authorizing the City of Stillwater and the Stillwater Economic Development Authority to carry out and administer the Project Plan; ratifying and confirming the actions, recommendations and findings of The Review Committee and the Stillwater Planning

Commission; approving and adopting a Tax Incentive Agreement; providing for severability; and declaring an emergency.

Mayor Joyce stated that a single number 2 was omitted on page 7 and Council would be adopting the version with the 2 added. City Attorney Kimberly Carnley reported that the number 2 that was inadvertently omitted has been added.

MOTION BY COUNCILOR HAWKINS, SECOND BY COUNCILOR HARDIN TO ADVANCE ORDINANCE NO. 3544 TO SECOND READ WITH STATED CORRECTION.

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

MOTION BY COUNCILOR HARDIN, SECOND BY COUNCILOR HAWKINS DECLARING ORDINANCE NO. 3544 AN EMERGENCY.

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

11. REPORTS FROM OFFICERS & BOARDS

- a. Miscellaneous items from the City Attorney: None.
- b. Miscellaneous items from the City Manager:
 - i. Announcement of September 9, 2024, as the date of the Second Public Hearing and presentation of the Stillwater Data Center Economic Development Project Plan, at which time any interested persons shall have the opportunity to be heard in support of or opposition to the proposed Project Plan prior to any action with regard to adoption of the proposed Project Plan.
 - City Manager Kimberly Meek announced that the City is accepting applications for citizen representatives to serve on various committees including Audit Committee and the Stillwater Reinvestment Plan Implementation Policy Committee, also known as the Downtown TIF #3. These committees are essential for increased development and infrastructure projects within our community. If anyone would like to get involved in the local government and help make Stillwater even greater, please consider serving on one or more of these committees.
- c. Miscellaneous items from the City Council:
 - Councilor Hardin announced that The City of Stillwater is hiring. Full and part time positions are available in a variety of areas including Police, Waste Management, Finance, Water Utilities and Public Works and more. Also, the City has a text service that sends notifications when there are openings in the Fire and Police departments. To receive these notifications, text the word "Police" or "Fire" to: (405) 742-8281.
 - Councilor Clark shared updates on several City projects:
 - ✓ Stillwater Regional Airport: There is much work being done at the airport, with demolition of Hanger 1 and surrounding concrete to begin around the first of September. We are looking at a groundbreaking event for the new terminal to occur possibly at the first of October.
 - ✓ Rails to Trails: Last week, we received notice from the Surface Transportation Board that permits the City and ODOT to enter trail use negotiations. This means we are even closer to constructing the extension to connect Boomer Lake Park on the north side of Stillwater with Couch Park in the southeastern part of the city.

- ✓ Block 34 and Fire Station No. 2 have live construction cameras at the sites so we can see the progress in real time. Currently, these projects are on timeline and we're looking at summer/fall 2025 completion for them. To see more updates, go online to: stillwaterok.gov/projects.
- Councilor Hawkins reminded residents that it's back to school time for Stillwater Public Schools, Oklahoma State University, Meridian Technology, and Northern Oklahoma College. There is an increase in walkers and cyclists near campuses and throughout our community. Please be mindful when driving and always stop at crosswalks to let pedestrians pass. Obey school zone speed limits and do not pass another vehicle in a school zone. Be an attentive driver, put your cell phone away, and be aware of what or who may be around you near and on the road. Additionally, you must stop your vehicle at least 20 feet before reaching a school bus that is stopped with its red lights flashing. Together, we can ensure our students arrive at their destinations safely.
- Vice Mayor Dzialowski invited citizens to attend the 2024 Payne County Free Fair from August 28th through the 31st. City of Stillwater departments such as Waste Management, Public Library, Communications, Public Works, and more will share a booth near Emergency Management, Fire, and Police in the Community Building. Please stop by, pick up some swag, and let us know how we can help you and our community.
- Mayor Joyce reminded residents that there is a better way to park for OSU Football home games. Oklahoma State University Athletics, City of Stillwater, and Visit Stillwater have teamed up to offer free parking, shuttle service, and a full gameday guide. The Park and Ride shuttle service begins 3 hours before the game and runs every 30 minutes. The pick-up and drop-off location is at 7th Avenue and Lewis Street. For a gameday guide, go online to: visitstillwater.org.
- i. Discussion about scheduling items for future meetings.

12. QUESTIONS & INQUIRIES

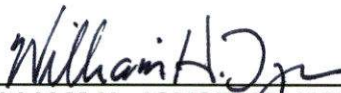
None.

13. ADJOURN

MOTION BY COUNCILOR HARDIN, SECOND BY COUNCILOR CLARK TO ADJOURN THE AUGUST 19, 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 August 19, 2024 regular meeting of the Stillwater City Council adjourned at 6:50 p.m.


WILLIAM H. JOYCE, MAYOR
STILLWATER CITY COUNCIL


TERESA KADAVY
CITY CLERK