

**IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING LAW
THE AGENDA WAS POSTED NOVEMBER 1, 2024 AT 10:50 A.M.
AT THE MUNICIPAL BUILDING, 723 SOUTH LEWIS, STILLWATER, OKLAHOMA**

**MINUTES
STILLWATER CITY COUNCIL
REGULAR MEETING
COUNCIL HEARING ROOM
723 S. LEWIS
NOVEMBER 4, 2024**

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

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. Sheerar Museum 50th Anniversary Proclamation

Mayor Joyce read the proclamation recognizing the Stillwater History Museum at the Sheerar Cultural Center for their 50th anniversary on November 9, 2024. Museum Director Catarina de Araujo accepted the proclamation.

4. CONSENT DOCKET

- a. Approve October 21, 2024 Regular Meeting minutes and October 28, 2024 City Council and Planning Commission Joint Study Session Special Meeting minutes**
- b. Approve award of Bid #32-2024 to VSC Fire & Security, Inc., in the bid amount of \$345,740 plus a 15% contingency in the amount of \$51,861, for a total of \$397,601 for the Community Development Block Grant 19186 SC 23 for the Stillwater Public Library Sprinkler System Retrofit**
- c. Accept two Deeds of Dedication required for the Airport Roundabout and Parking Service Road Project.**

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

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

None.

7. PUBLIC HEARINGS

- a. Presentation and Second Public Hearing, pursuant to 62 O.S. §859, of the proposed Stillwater Data Center Economic Development Project Plan and its supporting six (6) Incentive Districts for the purpose of providing the public an opportunity to be heard in support of or opposition to the proposed Project Plan.

Dan Batchelor, Center for Economic Development Law (CEDL) stated that they have been engaged as special counsel with the City of Stillwater in connection with its Economic Development activities specifically in connection with this prospective opportunity to ensure the development of a Data Center. Previously information was presented about the proposed Project Plan at the first public hearing which was held in order to provide information to the public. Mr. Batchelor stated that the second public hearing is an opportunity for the public to speak for or against the proposed Project Plan. He reported that there are two reasons this proposed Project Plan should be approved. The first reason is that this project and its consideration has been approached with the utmost care, commitment and competency that any community could offer on behalf of its citizens. The second reason is that it is an extraordinary project because it offers a substantial investment in this community. Mr. Batchelor presented a summary of the Project Plan and the financial impact it would have on the community.

Mayor Joyce opened the public hearing.

Crystal Hayes, 908 E. Richmond Road, expressed her concerns about the affects this plan would have on her property and the environment.

Robin Cornwell, 2223 N. Crescent, stated that she was able to talk to a representative from OG&E and she now feels confident to support the Data Center Project Plan with OG&E as the energy provider. She stated she does feel it is still important to advocate for clean energy so she hopes there is something in the Economic Development Agreement (EDA) supporting clean energy.

Tony Bowman, First Deputy County Commissioner to Rhonda Markum, District 3, 506 Expo Circle South, stated he is representing the constituents of Payne County District 3 with their concerns to the north and to the east with noise and the change to the skyline. The constituents concerns are after Phase 2 and the bigger transmission lines that will come across their properties.

Roger Gose, 1120 E. Connell, stated he recently drove around Data Centers and he was within 100 feet and could not hear any noise from the Data Centers. He reported he has looked into the renewable energy and that OG&E has really good track record and a plan to move forward with that. He stated that the economic benefit for the community with this project would allow the community to be enchanced with quality of life projects.

Henri Uehara, 1911 E. Kelsey, stated he had concerns about the carbon emissions from the Data Center but based on what was heard from CEDL that the company is a good corporate citizen and does try to offset their power consumption through renewable energy, he is now in favor of this project. He would like something in the EDA regarding renewable energy, water consumption and water recycling. He stated he is in support of OG&E supplying power to this project.

Shad Hagan, 46 Windsor Circle, stated he felt like there was a lack of public discussion regarding this Data Center project. He stated he has not heard any reports on the environmental impact or on the water consumption.

Lois Green, 1012 S. Lewis, expressed concerns about the water impact this project would have on the community and the secrecy regarding this project.

Mayor Joyce closed the public hearing.

Mayor Joyce stated that possible projects have long term discussions with City staff before any projects become questions of public concern. There has been public discussion about this project as Council has engaged in individual meetings, community meetings and has responded to Facebook comments. Mayor stated that an ordinance would have to be passed in order to adopt the Project Plan. If the ordinance is adopted, then the City would have to enter into an EDA with this company. The EDA does address some of the concerns that have been mentioned like the environmental impact and water usage. Mayor clarified that the voting being discussed regarding OG&E to serve this project is not a vote on the Data Center itself but a vote on whether OG&E can have a franchise to serve this specific project only.

Councilor Clark addressed the concerns about the water usage of the Data Center.

Mayor Joyce moved to item 9a. Ordinances on the agenda.

8. RESOLUTIONS

- a. Resolution No. CC-2024-35: A resolution of the Stillwater City Council adopting the Community Development Block Grant (CDBG) Section 3 Annual Plan directed at increasing the utilization of low-and very low-income residents and businesses within the CDBG Project Site.

City Attorney Kimberly Carnley reported that the City is the recipient of federal grant funding through the Oklahoma Department of Commerce Community Development Block Grant (CDBG) Small Cities, which requires adoption of a Section 3 Plan. Section 3 is a provision of the Federal Housing and Urban Development Act and ensures that employment and other opportunities generated by federal assistance for housing and community development programs are to the greatest extent feasible directed towards low and very-low income persons, those who receive government assistance for housing and those business concerns which provide economic opportunities to low and very-low income persons. The Section 3 Plan applies to public construction projects when assistance to the projects exceeds \$200,000. The Section 3 Plan outlines how the City of Stillwater, any subrecipients, contractors and subcontractors will comply with requirements in implementing CDBG projects.

MOTION BY VICE MAYOR DZIALOWSKI, SECOND BY COUNCILOR HARDIN TO ADOPT RESOLUTION NO. CC-2024-35 AS PRESENTED.

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

- b. Resolution No. CC-2024-36: A resolution authorizing the Mayor of the City of Stillwater, Oklahoma, A Municipal Corporation, to sign and issue an Election Proclamation calling for a General Election and a Runoff Election, if needed, in the City of Stillwater.

MOTION BY COUNCILOR CLARK, SECOND BY COUNCILOR HARDIN TO ADOPT RESOLUTION NO. CC-2024-36 AS PRESENTED.

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

9. ORDINANCES

a. Second Reading

Ordinance No. 3546: 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

MOTION BY MAYOR JOYCE, SECOND BY COUNCILOR CLARK TO CONTINUE ACTION ON ORDINANCE NO. 3546 TO THE DECEMBER 2, 2024 CITY COUNCIL MEETING.

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

Mayor Joyce moved back to item 8a. Resolutions on the agenda.

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 pending PFAS litigation and class action settlements with Tyco and BASF including whether to join the settlements. 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 claim or conduct a pending investigation, litigation, or proceeding in the public interest.

b. Miscellaneous items from the City Manager:

- Interim City Manager Brady Moore invited residents to save the date and participate in the annual 2024 Parade of Lights and Tree Lighting event on Thursday, December 5th, 2024, at 6:30 p.m., in Downtown Stillwater. Stillwater Community Center, Visit Stillwater, and Downtown Association President Collett Campbell are accepting parade participant entry forms now and until Friday, November 15th at 5 p.m.

c. Miscellaneous items from the City Council:

- Councilor Hardin stated the he is proud to share with our community, a new voluntary program led by Stillwater Police and dispatch upon request of Healthy Communities, Healthy Children, that allows individuals, parents, guardians, and caregivers to assist first responders in emergency situations that involve individuals with special needs and health conditions. The program is called "SAID" which stands for "Special Needs Alerts and Identification." Participants submit their information, and it is securely entered into the emergency responder dispatch system. The SAID alert is not public record, and information will only be used by Stillwater Police and local first responders. The information provided explains special needs and conditions to aid First Responders prior to arriving to an incident in effort to improve the response, interaction, and communication with all individuals involved.
- Councilor Clark reported that the City currently has surveys being conducted for the neighborhood parks. If you utilize these specific spaces or live in

neighborhoods near these parks, please participate in the short surveys. Also, the City knows it is early, but staff asks that you save the date now and plan to attend the community meeting on January 9, 2025, to provide input as the City develops a "vision plan" for parks, community spaces, and public facilities. These are the citizen's public parks and community spaces, and staff wants to make sure they meet the needs of our residents and families. Every voice matters, please plan to join us on January 9th.

- Vice Mayor Dzialowski invited residents to save the date for November 16th, 2024, and join us for the second volunteer day at Washington School. Volunteers are welcome from 9 a.m. to 1 p.m., and lunch will be provided by the Stillwater Community Center Foundation. The volunteer registration and waiver forms are available online. Volunteers will need to be dressed appropriately (closed toe shoes, etc.) Work will focus on cleaning up trees and yard waste; removal and breakdown of exterior breezeways and overall general exterior cleanup. We hope you can join us as we continue efforts to restore this incredible historical facility that serves as a beacon of hope and progress for our community.
- Mayor Joyce stated that Election 2024 is underway with thousands who have participated in early voting. We appreciate everyone who exercises their democratic right to vote for who and what they believe is best. As always, we encourage voters to educate themselves on the many items that will be included on the ballot. For anyone voting tomorrow, on the official Election Day, polls will be open from 7 a.m. to 7 p.m. Voters need to go to their normal polling location to participate. Again, the OG&E Franchise proposition relative to the data center project we have discussed this evening, will be on the ballot for Stillwater voters. If you need additional information regarding this proposition, please go to: stillwaterok.gov/datacenter.
- i. Discussion about scheduling items for future meetings.

11. QUESTIONS AND INQUIRIES

None.

12. EXECUTIVE SESSION

- a. Confidential communication between City Council and City Attorney concerning a pending investigation, claim or action involving PFAS Litigation and class action settlements with Tyco and BASF.

MOTION BY MAYOR JOYCE, SECOND BY COUNCILOR CLARK TO RECESS THE STILLWATER CITY COUNCIL MEETING AT 6:20 P.M.

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

Stillwater City Council meeting recessed at 6:20 p.m. to convene Stillwater Utilities Authority meeting.

Stillwater City Council reconvened at 6:34 p.m.

MOTION BY VICE MAYOR DZIALOWSKI, SECOND BY COUNCILOR HARDIN TO ENTER INTO EXECUTIVE SESSION AT 6:34 P.M.

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

13. RETURN FROM EXECUTIVE SESSION

- a. Possible action regarding PFAS litigation, including possible action to approve joining the Tyco and BASF settlements.

MOTION BY VICE MAYOR DZIALOWSKI, SECOND BY COUNCILOR HARDIN TO RECONVENE THE REGULAR STILLWATER CITY COUNCIL MEETING AT 6:49 P.M.

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

MOTION BY COUNCILOR CLARK, SECOND BY COUNCILOR HARDIN TO WITHDRAW THE EXCLUSION TO OPT-OUT OF THE SETTLEMENTS AND APPROVE PARTICIPATING IN THE TYCO AND BASF SETTLEMENTS.

ROLL CALL VOTE: JOYCE-YEA, DZIALOWSKI-ABSTAIN, CLARK-YEA, HARDIN-YEA.
NAY-NONE. MOTION CARRIED WITH THREE YEA VOTES AND ONE ABSTENTION.

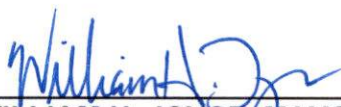
Vice Mayor Dzialowski stated she abstained from this vote because the company she works for does business with one of these companies.

14. ADJOURN

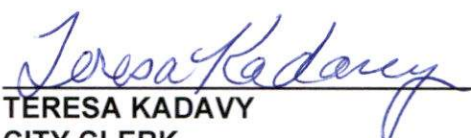
MOTION BY COUNCILOR CLARK, SECOND BY COUNCILOR HARDIN TO ADJOURN THE NOVEMBER 4, 2024 REGULAR MEETING OF THE STILLWATER CITY COUNCIL.

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

The November 4, 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