

**IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING LAW
THE AGENDA WAS POSTED MARCH 15, 2023 AT 3:25 P.M.
AT THE MUNICIPAL BUILDING, 723 SOUTH LEWIS, STILLWATER, OKLAHOMA**

**MINUTES
STILLWATER CITY COUNCIL
REGULAR MEETING
COUNCIL HEARING ROOM
723 S. LEWIS
MARCH 20, 2023**

**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. National Safe Place Week – Payne County Youth Shelter

Mayor Joyce read the proclamation declaring March 20-26, 2023 as National Safe Place Week. Angie Freeny, Payne County Youth Services, accepted the proclamation and gave statistics of the youth that are helped by this organization.

- b. Sunshine Week – League of Women Voters

Mayor Joyce read the proclamation declaring March 12-18, 2023 as Sunshine Week in Stillwater, OK and Carol Anderson accepted the proclamation.

4. CONSENT DOCKET

- a. Approve regular meeting minutes of March 6, 2023
- b. Accept public improvements for Park View Estates Section 8
- c. Accept public improvements for Skyline East Phase 4
- d. Approve budget amendments returning unspent appropriations from capital projects to the fund balance of the City capital fund
- e. Approve budget amendments reflecting receipt and appropriation of \$741.90 in donations to the Stillwater Public Library
- f. Approve budget amendments from the Oklahoma Department of Libraries and Institute for Museum and Library Services reflecting receipt and appropriation of \$1,300 in federal grants to the Stillwater Public Library

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.

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. Receive public comment regarding a request for a Specific Use Permit to allow a new medical marijuana dispensary at property addressed as 107 West 10th Avenue

City Planner Jacquelyn Porter reported that the applicant is requesting a review and approval of a Specific Use Permit to allow a new medical marijuana dispensary at the property addressed as 107 West 10th Avenue. The property was the previous location of Granny's Diner and is located at the intersection of West 10th Street and South Main Street.

Mayor Joyce opened and closed the public hearing as no one was present to speak.

Planning Commission recommended approval of this SUP 5-0.

MOTION BY COUNCILOR HAWKINS, SECOND BY COUNCILOR CLARK TO ACCEPT THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE THE SPECIFIC USE PERMIT FOR THE PROPERTY LOCATED AT 107 WEST 10TH AVENUE.

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

- b. Receive public comment regarding a request to close approximately 20,100 square feet of general access easement located along the north property line of 4099 N Land Run Drive

City Planner Jacquelyn Porter reported that on February 13, 2023, Council approved March 20, 2023 as the date for a public hearing to close approximately 20,100 square feet of general utility easement that runs parallel with the north property line of 4099 N Land Run Drive approximately 80 feet from the property line. 4099 N Land Run northern property line is adjacent to the Stillwater Regional Airport. This closing is to allow for future development on the property. Ms. Porter stated that Wright Drive, a road maintained by the City, is used by the City to access fuel, storage, and other facilities on the northern portion of the airport grounds. The property owner of 4099 North Land Run uses the road to access the property, and the owner has access to the property from North Land Run. She reported that based on a recent records search, it has been deduced that there is not an access easement or ROW dedicated over Wright Drive. The use of Wright Drive is a critical access point for the operation of the north portion of Stillwater Regional Airport. Due to the recent discoveries, staff is recommending to table this item to April 17, 2023 meeting.

Mayor Joyce opened the public hearing.

Stephen Gose, Gose & Associates, spoke on behalf of the applicant and stated that there is a meeting scheduled on Thursday with the applicant and City staff to discuss this issue. Mr. Gose stated that he would like for action to be taken at this meeting rather than tabling this item to April 17, 2023.

Mayor Joyce closed the public hearing.

City Planner Jacquelyn Porter stated that staff recommends tabling this item to April 17, 2023. Tabling will allow staff and the property owner time to derive a written agreement to obtain the appropriate documentation for easements and/or rights-of-way.

City Attorney Kimberly Carnley explained the legal aspects and process of closing this easement.

Director of City Engineering Candy Staring explained the history of this property and why there is not a current City easement. She discussed various options to make this easement work for all involved.

MOTION BY COUNCILOR CLARK, SECOND BY COUNCILOR HARDIN TO APPROVE THE REQUEST.

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

8. GENERAL ORDERS

- a. Approve budget amendment appropriating \$93,000 from the Transportation Sales Tax Fund for public improvements for the convention center/hotel development project and authorize the City Manager to execute a task order under the existing Master Services Agreement with Gose & Associates for a not to exceed fee of \$80,885 for design and construction phase services

Engineering Deputy Director Bill Millis reported that on November 15, 2021, the SEDA Trustees adopted a resolution related to the redevelopment agreement for the proposed hotel and convention center at Duck Street and Maple Avenue. Adjacent roadway, drainage and utility improvements are needed to accommodate the development of the hotel and event center. Mr. Millis stated that the City has agreed to make improvements to the nearby public roadway, drainage and utility systems in an amount not-to-exceed \$2 million. Gose & Associates has submitted a proposal under the existing Master Services Agreement for design and construction phase services for those public improvements including design services, potholing, and permits. Mr. Millis stated that appropriation of \$93,000 is necessary for the recommended action, including contingency. He reported that a portion of funding for this project is provided by the Transportation Sales Tax, a TIME proposition that was passed on February 8, 2022.

MOTION BY COUNCILOR HAWKINS, SECOND BY VICE MAYOR DZIALOWSKI TO AUTHORIZE THE CITY MANAGER TO EXECUTE A TASK ORDER UNDER THE EXISTING MASTER SERVICES AGREEMENT WITH GOSE & ASSOCIATES FOR A NOT TO EXCEED FEE OF \$80,885; APPROVE EXPENDITURES OF \$93,000 FOR DESIGN SERVICES, POTHOLING, PERMITS AND CONTINGENCY; AND APPROVE A BUDGET AMENDMENT APPROPRIATING \$93,000 FROM THE TRANSPORTATION SALES TAX FUND.

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

- b. Approve budget amendment appropriating an additional \$80,000 for the design, bid phase support, construction administration services, and contingency for Block 34 area improvements and authorize the General Manager to execute a task order amendment with Gose & Associates for \$105,919.55

Engineering Director Candy Staring reported that on December 17, 2022, through a Gose & Associates (Gose) Task Order, an evaluation of the alternatives for Block 34 Area Improvements was authorized. Gose has completed the evaluation and provided three alternatives and related cost estimates to City staff. Ms. Staring presented the three alternatives and estimated costs of each alternative to Council. She stated that drainage improvements for the area total an estimated \$1.3 million, which applicable to all of the three alternatives as an additional cost. Ms. Staring said City staff selected Option 1, the least

cost option, which provides only the essential improvements needed to support Block 34. Drainage improvements are not included in this recommendation. Ms. Staring stated that for Gose to complete design, bidding and construction administration services for the work, additional authorization is needed in the form of task order amendment for \$105,919.55, bringing the total task order amount to \$161,745. She reported an additional appropriation of \$80,000 is necessary for the recommended action for a total authorized budget of \$180,000 to cover the design, bid phase support, construction administration services and contingency.

Stephen Gose and Katie Purdy, Gose & Associates, addressed Council's questions regarding draining designs, costs and other issues.

Deputy Director of City Engineering Bill Millis addressed Council's questions regarding stormwater drainage.

Discussion was held amongst Council and City staff regarding the area improvements around Block 34 and drainage issues in that area. Mayor Joyce said he would prefer to do the drainage improvements concurrently with the other public improvements to avoid having to disturb streets, sidewalks, etc. later. Council and staff considered the pros and cons of several other options.

MOTION BY COUNCILOR CLARK, SECOND BY COUNCILOR HARDIN TO AUTHORIZE THE CITY MANAGER TO EXECUTE A TASK ORDER AMENDMENT UNDER THE EXISTING MASTER SERVICES AGREEMENT WITH GOSE & ASSOCIATES FOR A NOT TO EXCEED FEE OF \$105,919.55; AND APPROVE A BUDGET AMENDMENT APPROPRIATING AN ADDITIONAL \$80,000 BRINGING THE TOTAL TO \$180,000 TO COVER THE ALTERNATIVES PHASE, ENGINEERING, PLANS, BID PHASE SUPPORT, CONSTRUCTION ADMINISTRATION AND CONTINGENCY.

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

- c. Approve budget amendments for mid-year adjustments to budget:

Revenue

The following areas were identified to increase the FY23 revenue projections:

- Sales Tax – \$2,000,000 due to increased collections; 1 cent is dedicated to SUA; 1 cent is dedicated to Transportation Projects
- Use Tax - \$800,000 due to increased collections
- Health Insurance Reimbursements - \$482,674 due to reimbursements received under reinsurance policy

Expenditures

The following areas were identified to increase the FY23 expenditure appropriations:

- Health Insurance – \$2,000,000 due to increased claims activity; funded by reinsurance proceeds and transfers from General Fund, SUA Operating Fund, Water Fund, Wastewater Fund and Waste Management Fund

Finance Director Christy Cluck reported that City staff continually monitors revenues and expenditures and their relationship to the budget. This is important in order to inform management and the City Council of measures needed to be taken to meet projections or to modify the budget. In staff's analysis of the FY23 revenues and expenditures, several amendments have been identified. Passage of these budget amendments will allow the City to meet its obligations with respect to health insurance claims and bank charges as well as aid in the preparation and presentation of a balanced FY24 budget. Ms. Cluck presented the revenue projections and expenditure appropriations that need to be increased in FY23.

MOTION BY COUNCILOR HAWKINS, SECOND BY VICE MAYOR DZIALOWSKI TO APPROVE BUDGET AMENDMENTS AS SUMMARIZED IN THE FINANCIAL IMPACT/FUNDING SOURCE SECTION OF THIS REPORT AND LISTED ABOVE.

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

9. RESOLUTIONS

- a. Resolution No. CC-2023-5: A resolution of the Stillwater City Council approving the bylaws of The Stillwater Public Library Board

Library Director Stacy DeLano stated that a committee was formed to research and develop bylaws for the Stillwater Public Library Board. These bylaws will provide guidance to the Board on several important matters such conflicts of interest, mid-term succession of a chair and public comments at Board meetings. Ms. DeLano stated she is asking Council to approve and adopt the bylaws for the Stillwater Public Library Board by adopting Resolution No. CC-2023-5.

MOTION BY COUNCILOR HAWKINS, SECOND BY COUNCILOR CLARK TO ADOPT RESOLUTION NO. CC-2023-5 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. Second Reading

Ordinance No. 3520: An ordinance closing a portion of a utility easement located in the Southeast Quarter (SE/4) of the Northeast Quarter (SE/4 NE/4) of Section Twenty-Two (22), Township Nineteen (19) North, Range Two (2) East of the Indian Base and Meridian, City of Stillwater Payne County, Oklahoma, near property addressed as 1210 West 12th Avenue

MOTION BY COUNCILOR HAWKINS, SECOND BY COUNCILOR CLARK TO ADOPT ORDINANCE NO. 3520 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. 3521: An ordinance amending Ordinance No. 3494 approving a minor amendment to the 2022 Amended Stillwater (Re)Investment Plan (A Stillwater Downtown/Campus Link Project Plan) pursuant to the Oklahoma Local Development Act; allocating a portion of the increment generated by the increase in real and personal property values in Increment District No. 5 up to \$1,128,600.00 to the affected taxing jurisdictions; increasing the budget of project costs for Increment District No. 5 by five percent to provide a source of funds for implementation and administrative costs incurred by the Stillwater Economic Development Authority; providing for severability; and declaring an emergency

City Attorney Kimberly Clark asked Council to table Ordinance No. 3521 to the March 27, 2023 Council meeting to allow outside counsel to make corrections/changes to the ordinance.

MOTION BY COUNCILOR CLARK, SECOND BY VICE MAYOR DZIALOWSKI TO TABLE ORDINANCE NO. 3521 TO THE MARCH 27, 2023 CITY COUNCIL MEETING.

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:
 - City Manager Norman McNickle stated that the Stillwater Animal Welfare facility operates at maximum capacity every day with only 26 total dog kennels. However, with more than 40 dogs currently, they are at a critically high capacity level and are requesting adoption efforts from the public. Our Animal Welfare has operated as a no-kill shelter and serves as a trusted resource for multiple jurisdictions, including nearby communities and the county. Mr. McNickle reported that recently, there has been an increase of surrenders and a low adoption rate. Our officers are asking the community to consider adoption and help prevent the euthanasia of healthy animals due to lack of space.
- c. Miscellaneous items from the City Council:
 - Councilor Hardin reminded residents that this Saturday is the annual “Trash-Off” event to help keep Stillwater beautiful and healthy. It will be from 9 a.m. to 12 p.m. Volunteers will meet at the Couch Park Pavilion at 1270 E. Alcott Drive. Since work gloves, safety vests and trash bags will be provided, volunteers are asked to RSVP before end of day tomorrow, March 21, by calling (405) 533-8482. He stated that this is an opportunity to earn community service hours, if needed. Additional information is available online at: Stillwater.org/trash-off.
 - Councilor Clark announced that the City is accepting applications for citizen representatives to serve on various committees including Board of Adjustment and Board of Drainage Appeals. These committees are essential for increased development and infrastructure projects within our community. He encouraged anyone that would like to get involved in their local government to please consider serving on one or more of these committees. For more information and to apply online, go to: Stillwater.org/citizenboards.
 - Councilor Hawkins gave an update on ODOT projects:
Perkins Rd./US177: ODOT has remained on schedule throughout this project and their flexibility to work with the City during large events has been greatly appreciated. The City also appreciates the businesses located in the construction area and their patience, as well as our patrons who continued to support these businesses. This project is set to be completed in August.
6th St./Hwy 51: Residents and visitors will have a break from major highway construction through town after Perkins Road is complete because bidding for the Highway 51 project will not begin until fiscal year 2026-2027. After the bidding process, then construction will proceed.
 - Vice Mayor Dzialowski invited residents to another great community clean-up event going on this Saturday. Join the OSU Department of Wellness and the OSU Office of Sustainability for a park cleanup at Kameoka Trail from 2 to 6 p.m. Volunteers are asked to meet at 308 Franklin Lane, behind the Virtual Academy and Stillwater High School North to Boomer Lake.
 - Mayor Joyce gave a quick update on some major transportation projects: Husband St. and 3rd St. bridges are on schedule now. Husband St. is expected to be complete in August and 3rd St. should be completed in November. The design is about 90% complete for our Airport Industrial Road project. We cannot close until the environmental process for land conversion is complete for Sanborn Park. This process is through the Land and Water Conservation Fund. It is a long process and we are about halfway through right now.
- i. Discussion about scheduling items for future meetings.

12. QUESTIONS & INQUIRIES

None.

13. RECESS TO STILLWATER UTILITIES AUTHORITY AND STILLWATER ECONOMIC DEVELOPMENT AUTHORITY MEETINGS

MOTION BY COUNCILOR HARDIN, SECOND BY COUNCILOR HAWKINS TO RECESS THE CITY COUNCIL MEETING.

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

City Council meeting was recessed at 6:47 p.m. to convene the Stillwater Utilities Authority meeting.

City Council meeting reconvened at 7:01 p.m.

MOTION BY MAYOR JOYCE, SECOND BY COUNCILOR CLARK TO RECESS THE CITY COUNCIL MEETING FOR 10 MINUTES.

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

City Council meeting was recessed at 7:02 p.m. for a 10 minute break.

City Council meeting reconvened at 7:12 p.m.

14. ATTORNEY DAVID WEATHERFORD

- a. Participation in OMAG recognition training

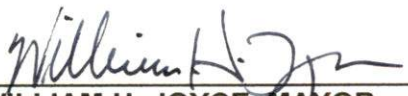
Bill Tackett with OMAG introduced David Weatherford who led the Council in recognition training focusing on planning and goal setting, stable management and policy setting.

15. ADJOURN

MOTION BY VICE MAYOR DZIALOWSKI, SECOND BY COUNCILOR CLARK TO ADJOURN THE MARCH 20, 2023 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 March 20, 2023 regular meeting of the Stillwater City Council adjourned at 7:52 p.m.



WILLIAM H. JOYCE, MAYOR
STILLWATER CITY COUNCIL



TERESA KADAVY
CITY CLERK