

**IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING LAW
THE AGENDA WAS POSTED MARCH 3, 2022 AT 2:45 P.M.
AT THE MUNICIPAL BUILDING, 723 SOUTH LEWIS, STILLWATER, OKLAHOMA**

**MINUTES
STILLWATER CITY COUNCIL
REGULAR MEETING
COUNCIL HEARING ROOM
723 S. LEWIS
MARCH 7, 2022**

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

Mayor Joyce read the proclamation proclaiming the month of March 2022 as DeMolay Month in Stillwater.

b. Recognition of Citizens Police Academy Class

Police Lieutenant Kyle Bruce presented the Citizens Police Academy Class #7 and gave an overview of the academy's program.

4. CONSENT DOCKET

- a. Approval of February 14, 2022 regular and executive session minutes and February 28, 2022 study session minutes**
- b. Accept temporary construction easement required for the Sanitary Sewer Interceptor Replacement Project located in the 1600 Block of South West Street and authorize the Mayor to execute the easement document**
- c. Approve budget amendments reflecting revenue and expenditure projections of \$235,000 for the Community Center accessibility project**
- d. Approve budget amendment for Fire Department reflecting donation revenue and public education appropriation of \$500**
- e. Accept temporary easement and approve expenditure and payment in the amount of \$150 in compensation to Gene R. Smith Jr. Trust for the temporary easement, accept donation from Stillwater Public School for temporary easement, and authorize the Mayor to execute the easement documents associated with the Husband Street Bridge Replacement Project**
- f. Approve request from Stillwater Public Housing for waiver of payment of \$8,568.21 in lieu of taxes (PILOT)**
- g. Approve final plat and accept public improvements for Bourbon Street Square subdivision**

- h. Acknowledge receipt from Oklahoma Department of Environmental Quality of Permit No. WL000060220017 for the construction of 291 linear feet of eight (8) inch PVC potable waterline, and all appurtenances to serve the 8" Waterline Upgrade - Lot 3, Northwest Territory Commercial Park, Payne County, Oklahoma

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, CLARK-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

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

Brian Correa, 2401 W. 8th Avenue, spoke against MA21-14 and asked for clarification on when the moratorium on the proposed project takes effect.

City Attorney Kimberly Carnley stated that because the applicant withdrew the application before the meeting and there will be no public hearing, there is no moratorium.

6. ITEMS REMOVED FROM CONSENT DOCKET

None.

7. PUBLIC HEARINGS

- a. Receive public comment regarding a request from Stillwater Medical Center for a map amendment to rezone property addressed as 721 S Stanley from (O) Office to (P) Public and 1202, 1218, 1302, 1318 W 8th Avenue, 705, 711, 717, 720 South Blakely and 706, 710, 714, 718 S Adams from (RSS) Small Lot Single Family to (P) Public

Chief Performance Innovation Officer Brady Moore stated that the applicant requests a review and approval of a map amendment to rezone the properties listed above from Small Lot Single Family Residential to Public. The Future Land Use Map within the Comprehensive Plan indicates that the desired land use within this part of the community is Commercial.

Mayor Joyce opened the public hearing.

Stephen Gose, Gose & Associates, spoke on behalf of the applicant.

Aerial Ross, stated she knows that progress is needed so she asked that the applicant please consider the impact this project has on the residential areas as it moves forward.

Mayor Joyce closed the public hearing.

Planning Commission recommended approval 5-0.

MOTION BY VICE MAYOR ZANNOTTI, SECOND BY COUNCILOR DZIALOWSKI TO ACCEPT THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE THE MAP AMENDMENT AS REQUESTED BY STILLWATER MEDICAL CENTER.

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

- b. Receive public comment regarding a request for a Map Amendment to rezone 802 S Western, 2302 W 8th Avenue, and 2324 W 8th Avenue from Small Lot Single Family to Office (Continued from January 24, 2022)

Chief Performance Innovation Officer Brady Moore stated that this application was officially withdrawn by the applicant.

- c. Receive public comment regarding a request for a Specific Use Permit for a marijuana dispensary at 611 W Highpoint Drive

City Attorney Kimberly Carnley requested this item be tabled until the March 21, 2022 City Council meeting.

MOTION BY COUNCILOR CLARK, SECOND BY COUNCILOR HAWKINS TO TABLE THIS REQUEST FOR AN SUP TO THE MARCH 21, 2022 CITY COUNCIL MEETING.

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

8. GENERAL ORDERS

- a. Approve award of the 3rd Avenue Bridge Replacement Project to Oklahoma Bridge Co. in the form of a per unit price contract for an amount not to exceed \$3,208,700; authorize the City Manager to sign contract documents; and approve the associated budget amendment of \$700,000 and budget revisions in the amounts of \$100,000, \$60,428, and \$184,57

Director of City Engineering Monty Karns reported that in October 2018, Council approved moving forward with replacing two bridges over E. Boomer Creek. The projects were included in the list of capital projects put on hold during the pandemic over concerns of a funding shortfall. Mr. Karns stated those funding concerns have now been resolved so the City is ready to move forward with the 3rd Avenue Bridge replacement project. He stated the bridge has a reduced load limit and will eventually need to be replaced or removed from service. Bids were solicited with three bids received. Staff recommends awarding the contract to the low bidder Oklahoma Bridge Company including a 10% contingency.

MOTION BY COUNCILOR DZIALOWSKI, SECOND BY COUNCILOR HAWKINS TO AWARD THE 3RD AVENUE BRIDGE REPLACEMENT PROJECT TO OKLAHOMA BRIDGE CO. IN THE FORM OF A PER UNIT PRICE CONTRACT FOR AN AMOUNT NOT TO EXCEED \$3,208,700; AUTHORIZE THE CITY MANAGER TO SIGN CONTRACT DOCUMENTS; AND APPROVE THE ASSOCIATED BUDGET AMENDMENT AND REVISIONS.

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

- b. Approve bid award to UBC Precast in the amount of \$164,772 for the replacement of Couch Park restrooms

Community Resources Manager Barbara Bliss reported that staff addressed in the capital plan the need to replace aging restroom facilities in the parks. Couch Park restroom was determined to be in very poor condition and was chosen as the initial restroom replacement due to being one of the most utilized restrooms in the park system. Staff solicited bids to replace the Couch Park structure with a pre-fab restroom facility. Two bids were received with UBC Precast being determined the low bid at \$164,772. Ms. Bliss reported that City staff would demolish the old restroom, pour the new pad and do the electrical and plumbing for the new restrooms.

MOTION BY COUNCILOR HAWKINS, SECOND BY COUNCILOR CLARK TO AWARD THE BID FOR REPLACEMENT OF COUCH PARK RESTROOM TO UBC PRECAST IN THE AMOUNT OF \$164,772.

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

- c. Approve budget amendments reflecting appropriation of funds for repairs totaling \$35,000 for Runway 17-35 at Stillwater Regional Airport

Airport Director Paul Priegel reported that the primary runway, Runway 17-35, at Stillwater Regional Airport has developed an area in need of urgent repair. Shifting ground has resulted in the closure of expansion joints and concrete breaking. Mr. Priegel stated even though temporary measures are in place, repair is needed to permanently repair the damage and also prevent further damage from occurring. Contech is currently mobilized at the airport constructing the final phase of the concrete apron reconstruction and has prepared an estimate of \$30,875 to complete the repairs of Runway 17-35.

MOTION BY COUNCILOR CLARK, SECOND BY COUNCILOR DZIALOWSKI TO APPROVE BUDGET AMENDMENTS INCREASING REVENUE PROJECTIONS AND APPROPRIATING EXPENDITURES OF \$35,000 FOR REPAIR TO RUNWAY 17-35.

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

- d. Approve bid award to Stillwater Turf Services in the amount of \$126,560 for lawn maintenance of City facilities and \$150 per acre for on-call mowing

Special Projects Director John McClenny reported that staff solicited the annual bid for lawn care of various City facilities, rights-of-way, parking lots and small parks. 26 locations were included in this bid as well as an on-call mowing rate per acre. Dates for service will begin once contract is executed and end October 31, 2022. Mr. McClenny stated that two bids were received with one bid being non-responsive. Staff recommends awarding the bid to Stillwater Turf Services.

MOTION BY COUNCILOR HAWKINS, SECOND BY VICE MAYOR ZANNOTTI TO APPROVE BID FROM STILLWATER TURF SERVICES IN THE AMOUNT OF \$126,560 FOR LAWN MAINTENANCE OF LISTED FACILITIES AND \$150 PER ACRE FOR ON-CALL MOWING.

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

9. RESOLUTIONS

- a. Resolution CC-2022-6: A resolution authorizing City Council to execute the Project Agreement between the Oklahoma Department of Transportation and the City of Stillwater for Federal Aid Small Cities Project No. STP-260C(070)UR

Director of City Engineering Monty Karns stated that in 2014, City Council and Oklahoma Department of Transportation (ODOT) began developing a long term plan to improve a corridor from Western Road and Hall of Fame Avenue north to Airport Road and then east to Washington Street. Design work on the first phase from Lakeview Road north to Airport Terminal Road is over 60% complete and utility relocations have begun. Mr. Karns stated that a project agreement with ODOT is needed formalizing the letter of agreement previously received from ODOT. Resolution No. CC-2022-6 authorizes execution of the project agreement.

MOTION BY VICE MAYOR ZANNOTTI, SECOND BY COUNCILOR HAWKINS TO ADOPT RESOLUTION NO. CC-2022-6 AS PRESENTED.

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

10. ORDINANCES

a. Second Reading

Ordinance No. 3490: An ordinance amending the Stillwater City Code by amending Chapter 18, "Environment," Article V, "Junk or Abandoned Vehicles," to amend Section 18-128, "Definitions," by adding definitions for Director, Enforcement Officer and Operable Condition; amending Section 18-129, "Violations," by providing that the Enforcement Officer has the ability to issue citations following notice; amending Section 18-130, "Storing, Parking, Etc.," by providing that junk vehicles are a public nuisance; amending Section 18-131, "General Responsibility For Removal," by changing it to "Exceptions" and setting out exceptions to Section 18-130; amending Section 18-132, "Notice To Remove," by changing it to "Rebuttable Presumption," and setting out criteria that establishes a junk vehicle; amending Section 18-133, "Content Of Notice," by changing it to "Notice To Abate Junk Vehicle," establishing the requirements for notice of a junk vehicle; by adding Section 18-134, "Hearing," that sets forth the procedure for a hearing before the Community Development Director and providing for appeal to the City Manager; adding Section 18-135, "Removal Of Junk Vehicle," which provides for removal; adding Section 18-136, "Notice Of Removal," which provides for notification of the registered owner of a junk vehicle; repealing all ordinances to the contrary; and providing for severability

MOTION BY VICE MAYOR ZANNOTTI, SECOND BY COUNCILOR DZIALOWSKI TO ADOPT ORDINANCE NO. 3490 AS PRESENTED.

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

11. REPORTS FROM OFFICERS & BOARDS

a. Miscellaneous items from the City Attorney:

- I. Request for executive session pursuant to 25 O.S. §307(B)(4) for the purpose of confidential communication with the City Attorney concerning a pending tort claim filed by Keith Reed as spouse and immediate next of kin of Teri Reed. It is the opinion of the City Attorney that public disclosure of this matter will seriously impair the ability of the City Council to process the claim and/or conduct an investigation, and/or to prosecute or defend any resulting litigation or proceeding in the public interest.

b. Miscellaneous items from the City Manager:

- City Manager Norman McNickle stated that Highway 177/Perkins Road is down to one lane in each direction from Hall of Fame to Lakeview Road. Motorists are advised to expect delays, be aware of travel congestion and plan for additional travel time or locate alternate routes. Mr. McNickle reported that this project has two phases—Phase 1 is the east side of Perkins Road and is anticipated to be completed by fall 2022. Phase 2 will begin after the conclusion of the OSU football season.

c. Miscellaneous items from the City Council:

- Councilor Clark stated that the bond proposition for a new Fire Station #2 will be on the ballot in April. He encouraged all registered voters to participate. Election Day is April 5, with early voting on March 31 and April 1.

- Councilor Hawkins stated that the Stillwater TIF Committee can award assistance for small business enhancements. To be considered at the April TIF meeting, applications must be received by March 31, 2022. The TIF District 3 application is available on line at Stillwater.org/TIF.
- Councilor Dzialowski reminded residents that the City's annual Trash-Off event will be Saturday, March 26 from 9:00 a.m. to 12:00 p.m. The deadline to RSVP is Monday, March 21. Don't miss out on this great opportunity to clean up our streets and earn some community service hours.
- Vice Mayor Zannotti announced that the Stillwater Fire Department, City of Stillwater and OSU Student Government Association are hosting a voter registration cookout on Tuesday, March 8 from 5:00 to 6:30 p.m. Come to Fire Station 2, grab a hot dog, tour the station and register to vote.
- Mayor Joyce stated that the Stillwater Public Library holds one shredding event each year for community members to securely dispose of their sensitive documents. This year's drive-thru event had to be rescheduled due to the ice we received just over a week ago. The new date is Saturday, March 12 from 9:00 to 11:00 a.m. Participants may bring up to two copier-sized boxes of material to the Library parking lots.

12. EXECUTIVE SESSION

- a. Confidential communication regarding a tort claim filed by Keith Reed as spouse and immediate next of kin of Teri Reed.

Stillwater City Council meeting recessed at 6:26 p.m. to convene Stillwater Utilities Authority meeting.

Stillwater City Council reconvened at 7:39 p.m.

MOTION BY COUNCILOR DZIALOWSKI, SECOND BY VICE MAYOR ZANNOTTI TO ENTER INTO EXECUTIVE SESSION AT 7:40 P.M.

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

13. RETURN FROM EXECUTIVE SESSION

MOTION BY COUNCILOR CLARK, SECOND BY VICE MAYOR ZANNOTTI TO RECONVENE THE REGULAR STILLWATER CITY COUNCIL MEETING AT 7:48 P.M.

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

- a. Possible action regarding a tort claim filed by Keith Reed as spouse and immediate next of kin of Teri Reed.

No action was taken on this item.

14. QUESTIONS AND INQUIRIES

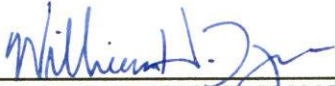
None.

15. ADJOURN

MOTION BY COUNCILOR CLARK, SECOND BY COUNCILOR DZIALOWSKI TO ADJOURN THE MARCH 7, 2022 REGULAR MEETING OF THE STILLWATER CITY COUNCIL.

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

The March 7, 2022 regular meeting of the Stillwater City Council adjourned at 7:49 p.m.



**WILLIAM H. JOYCE, MAYOR
STILLWATER CITY COUNCIL**



**TERESA KADAVY
CITY CLERK**