

**IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING LAW
THE AGENDA WAS POSTED MARCH 3, 2023 AT 9:10 A.M.
AT THE MUNICIPAL BUILDING, 723 SOUTH LEWIS, STILLWATER, OKLAHOMA**

**MINUTES
STILLWATER CITY COUNCIL
REGULAR MEETING
COUNCIL HEARING ROOM
723 S. LEWIS
MARCH 6, 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. Recognition of 2023 Citizens Police Academy Class

Lieutenant TJ Low presented the 2023 Citizens Police Academy Class 8 and gave an overview of the program.

4. CONSENT DOCKET

- a. Approve regular meeting minutes of February 13, 2023
- b. Accept right-of-way dedication and permanent sewer easement located at 999 N. Lewis Street required for the Redbud Sewer Project and authorize the Mayor to execute the right-of-way and easement documents
- c. Approve budget amendment increasing Animal Welfare revenue and expenditures by \$965 to fund the spring 2023 vaccination clinic
- d. Approve budget amendment accepting \$1,000 donation from Sigma Alpha Epsilon to Stillwater Fire Department
- e. Approve Encroachment Agreement and Release of Liability for placement of an electronic sign at 611 North Main Street
- f. Accept electric utility easement at 514 East 7th Avenue
- g. Accept grant funds of \$23,172.61 from OK Office of Homeland Security as reimbursement for repairs and maintenance to SFD's CBRNE response unit, approve budget amendments reflecting the projected receipt and expenditure of funds and authorize City Manager to sign related documents

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.
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. SWEARING-IN OF COUNCILOR-ELECT TIM HARDIN – JUDGE TANYA RAUN

Judge Tanya Raun swore in Councilor Elect Tim Hardin to Council Seat 2.

8. PUBLIC HEARINGS

- a. Pursuant to 11 O.S. § 22-112 and 11 O.S. §22-112.4, the Stillwater City Council will conduct a hearing to determine whether the structure located at 638 East 14th Avenue, Stillwater, Oklahoma is dilapidated as defined in 11 O.S. §22-112(C) and abandoned as defined in 11 O.S. §22-112.4(E) on March 6, 2023, at 5:30 P.M., in the City Council Hearing Room, 723 South Lewis Street, Stillwater, Oklahoma. At said date and time, the City Council shall make a determination as to whether said building is dilapidated and/or abandoned as defined by the referenced statutes and whether to order the abatement and removal of said structure and the assessment of all associated costs thereof to the owner of said property.

Beth Anne Childs, Childs Law Firm, stated that this item has been before Council two previous times with the item being tabled both times. She reported that Code Enforcement Officer James Moore went out to the property and took pictures and there has not been any significant progress made.

Mayor Joyce opened the public hearing.

David Sorenson, 1302 E. Maple Avenue, reported on the progress he has made and listed the materials he has ready to install on the property. He stated that he thought he could have more improvements completed on the property by May 1, 2023.

Mayor Joyce closed the public hearing.

Ms. Childs stated that staff recommends approval of the resolution later on the agenda. She reported that after adoption the resolution allows 90 days before action by the City Manager can be taken on this property.

No action was taken on this item.

- b. Receive public comment regarding a request to close approximately 75 square feet of the utility easement for future development of a medical office (US Dermatology Stillwater) on the northern lot of the Baymere Addition

City Planner Jacquelyn Porter reported that U.S. Dermatology Stillwater requests the closure of approximately 75 square feet of the utility easement for future development of a medical office on the northern lot of the Baymere Addition development. The 75 square feet is a portion of the water line easement located to the east of the ingress/egress easement that extends five feet to the east.

Mayor Joyce opened the public hearing.

Katie Purdy, Gose & Associates, 113 E. 8th Avenue, spoke on behalf of the applicant.

Mayor Joyce closed the public hearing.

Ms. Porter stated that staff recommends approval of the closure as requested.

MOTION BY VICE MAYOR DZIALOWSKI, SECOND BY COUNCILOR HAWKINS TO CLOSE THE PORTION OF THE UTILITY EASEMENT AS REQUESTED ON PROPERTY ADDRESSED AS 1210 W. 12TH AVENUE.

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

- c. Receive public comment regarding a request for a Text Amendment to Land Development Code, Chapter 23, Land Development Code, Article VI, Use Classifications, Division 1, Generally; Section 23-121, Exemptions; Setback for Fences, etc., Projections into Yards.

City Planner Jacquelyn Porter reported that the Board of Adjustment requested that staff review and amend the fence code to address a common variance request regarding the fences on secondary right-of-way to be considered a side yard. The text amendment has been developed by staff to create less of a hardship on residents on corner lots. Ms. Porter stated that the intent of the proposed changes were to keep the integrity of the current code but make minor adjustments to meet the community's need at this time. Staff presented the text amendment to Planning Commission where there was discussion with some concerns regarding sight triangle and the clarity of the proposed text. Planning Commission recommended approval of the Text Amendment request with 4-1 vote. Ms Porter stated that the text amendment was a discussion item during the Building Relations Committee Meeting and that discussion was similar to that of the Planning Commission. Staff is recommending Council remand this item back to Planning Commission for further discussion and consideration.

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

MOTION BY COUNCILOR CLARK, SECOND BY VICE MAYOR DZIALOWSKI TO ACCEPT STAFF'S RECOMMENDATION AND REMAND THIS ITEM BACK TO THE PLANNING COMMISSION FOR FURTHER CONSIDERATION.

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

9. GENERAL ORDERS

- a. Consider approval of budget amendments reflecting the receipt and expenditure of CDBG-CV grant funds to administer Phase 4 of the Stillwater COVID Impact Assistance Program

Grants Manager Shelly Crynes reported that due to COVID-19, a large number of residents have sustained unprecedented financial hardship causing them to be in need of immediate assistance. She stated that there have been three phases of the CDBG-CV funding program to give assistance to residents in need. Ms. Crynes reported that the Oklahoma Department of Commerce (ODOC) has approved \$365,000 in additional CDBG-CV funding to CDBG-CV Contract 18119. The City of Stillwater staff will use these funds to administer Phase 4 of the Stillwater COVID Impact Assistance.

MOTION BY COUNCILOR HAWKINS, SECOND BY COUNCILOR CLARK TO APPROVE THE BUDGET AMENDMENTS REFLECTING RECEIPT AND EXPENDITURE OF ADDITIONAL CDBG-CV FUNDS (CDBG-CV CONTRACT 18119) IN THE AMOUNT OF \$365,000 FOR THE PURPOSE OF FUNDING THE STILLWATER RESIDENT COVID IMPACT ASSISTANCE PROGRAM PHASE 4.

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

- b. Report on past and future implementation of the Community Development Block Grant (CDBG) Minority/Women-Owned Business Enterprises (M/WBE) Utilization Plan, also referred to as Disadvantaged Business Enterprises (DBE), and the effect the 2019 Purchasing Policy will have on notifying M/WBE's of bidding opportunities

Grants Manager Shelly Crynes stated that Councilor Clark requested information be provided to City Council on past and future implementation of the Community Development Block Grant (CDBG) Minority/Women-Owned Business Enterprises (M/WBE) Utilization Plan, also referred to as Disadvantaged Business Enterprises (DBE). She reported that the M/WBE Utilization Plan is submitted annually to Council as a requirement for receiving CDBG grant money for City projects that are partially funded by Housing and Urban Development federal funds. The plan shows Stillwater's good faith efforts to ensure the inclusion, to the maximum extent permitted by law, of minorities and women, and minority and women-owned business enterprises in its procurement process. Ms. Crynes reported that currently, CDBG-funded City projects that improve transportation, drainage, and water utilities infrastructure are bid through the Engineering Department.

- Bid documents contain specific wording for bidders to document whether or not they made good faith efforts to make M/WBE's aware of and provided opportunities for them to participate in the competitive process to subcontract with the bidders.
- Bidding documents are submitted to the State for review and the State checks whether M/WBE's have been properly notified or subcontracted before permission is granted to start the contract execution process.

Ms. Crynes stated that all bids going out through the Engineering Department are going to be moved to the Procurement Manager and will utilize the City's new online bidding portal, Ion Wave, which is going to make it easier for the City to have good faith efforts to target local and M/WBE's in the bidding process for projects funded or partially-funded by federal funds. Information for M/WBE's will be entered into the new online bidding portal and they will receive notification of bidding opportunities by email.

Procurement Manager John McClenny stated that a staff committee was formed to implement the new purchasing policy, and to improve purchasing workflow, internal controls, and processes. Three broad goals were developed for implementation of policy and improvement of purchasing process.

- Modernize antiquated purchasing process.
- Rewrite outdated purchasing manual.
- Train and certify front-line staff.

Mr. McClenny stated the City is now using an online bid portal called IonWave and he presented the online bid process as outlined below:

- Online bid portal
 - ✓ Documents distributed and submitted online.
- Vendor registration
 - ✓ Ability to target notices by commodity.
 - ✓ Ability to target specific vendors based on Council policy (i.e. local and M/WBE's).
- Email notifications and reminders
 - ✓ For example, lists of email addresses of M/WBE's can be entered into the system for notification of open bids on projects.

No action was taken on this item.

10. RESOLUTIONS

- a. Resolution No. CC-2022-37: A resolution of the Stillwater City Council declaring the structure located at 638 East 14th Avenue, Stillwater, Oklahoma, dilapidated and abandoned, and a public nuisance detrimental to the health, safety, and welfare of the general public and the community, and ordering the dilapidated structure to be torn down and removed pursuant to 11 O.S. §22-122

MOTION BY COUNCILOR CLARK, SECOND BY COUNCILOR HAWKINS TO ADOPT RESOLUTION NO. CC-2022-37 AS PRESENTED.

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

- b. Resolution No. CC-2023-4: A resolution authorizing the creation of Phase 4 of a grant program to assist Stillwater residents experiencing financial hardship due to Covid-19

MOTION BY VICE MAYOR DZIALOWSKI, SECOND BY COUNCILOR HAWKINS TO ADOPT RESOLUTION NO. CC-2023-4 AS PRESENTED.

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

11. ORDINANCES

- a. First 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 CLARK, SECOND BY COUNCILOR HAWKINS TO ADVANCE ORDINANCE NO. 3520 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.

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

Chief Performance Innovation Officer Brady Moore reported that the 2022 Amended Stillwater (Re)Investment Plan (A Stillwater Downtown/Campus Link Project Plan) was adopted on May 16, 2022. During review committee meetings prior to the approval of the Amended Project Plan to create Increment District No. 5, commitments were made to the affected taxing jurisdictions that they would continue to receive their respective allocation of taxes generated by the property (USA Rare Earth) up to the purchase price assessed valuation. Mr. Moore stated that the revisions clarify:

- (1) the portion of the increment generated by the assessed real and personal property values in Increment District No. 5 up to an assessed valuation of \$1,128,600.00, shall be allocated to all

affected taxing jurisdictions in proportion to their respective tax levies (including sinking funds), in the same manner as taxes generated by the base assessed value as if there was no increment district; and

(2) disbursements of assistance in development financing will equal ninety percent (90%) of the Project Costs Allocation (which is that portion of the increment generated by the assessed real and personal property values in Increment District No. 5 in excess of an assessed valuation of \$1,128,600.00 pursuant to Section VI.B.2 of the Project Plan).

Mr. Moore reported that the remaining ten percent (10%) of the Project Costs Allocation will be available for disbursement to the Stillwater Public Schools pursuant to the Project Plan and the remainder to SEDA for administrative and implementation costs. The minor amendment also increases the budget for Increment District No. 5 by five percent to provide a source of revenues for administrative and implementation costs. Mr. Moore reported that Rare Earth and its counsel have approved the terms of the amendments to the Redevelopment Agreement and the Covenant Agreement and the proposed minor amendment to the Downtown/Campus Link Project Plan.

MOTION BY COUNCILOR HAWKINS, SECOND BY VICE MAYOR DZIALOWSKI TO ADVANCE ORDINANCE NO. 3521 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 VICE MAYOR DZIALOWSKI, SECOND BY COUNCILOR CLARK DECLARING ORDINANCE NO. 3521 AN EMERGENCY.

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

b. Second Reading

Ordinance No. 3518: An ordinance rezoning a tract of land located at 619 West 12th Avenue from Office (O) to Public (P)

MOTION BY COUNCILOR CLARK, SECOND BY COUNCILOR HAWKINS TO ADOPT ORDINANCE NO. 3518 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. 3519: An ordinance rezoning a tract of land located at 299 South Drury Street from Small Lot Single Family Residential (RSS) to Two Family Residential District (RT)

MOTION BY COUNCILOR HAWKINS, SECOND BY VICE MAYOR DZIALOWSKI TO ADOPT ORDINANCE NO. 3519 AS PRESENTED.

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

12. APPOINTMENTS

- a. Appointment of Stillwater Police Captain Todd Parry to Payne County Enhanced 911 Communications Board

City Manager Norman McNickle stated with his retirement he will no longer be on the Payne County Enhanced 911 Communications Board and as an outgoing member it is his responsibility to name a replacement for his seat. Mr. McNickle recommended Stillwater Police Captain Todd Parry to take his place on this board.

MOTION BY MAYOR JOYCE, SECOND BY COUNCILOR HAWKINS TO APPOINT STILLWATER POLICE CAPTAIN TODD PARRY TO THE PAYNE COUNTY ENHANCED 911 COMMUNICATIONS BOARD.

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

13. 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 City is accepting applications for citizen representatives to serve on various committees including: Airport Advisory Board, Board of Adjustment, Board of Drainage Appeals and the (Re)Investment Plan Implementation Policy Committee. These committees are essential for increased economic development and infrastructure projects within our community. If residents would like to get involved in their 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 Clark announced the annual "Trash-Off" event to help keep Stillwater beautiful, will be Saturday, March 25, from 9 a.m. to 12 p.m. This is an opportunity to earn community service hours, if needed. 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 by March 21 by calling (405) 533-8482.
 - Councilor Hawkins stated if residents are looking for an environmentally-friendly way to save money on their water bills, they may want to purchase a rain barrel through the City of Stillwater. These barrels capture water from your roof and store it for future use. Using rain barrels also helps to reduce stormwater pollution by minimizing the amount of stormwater runoff that leaves a site. Mail in order forms are due by April 27 and online orders are due by April 30.
 - Vice Mayor Dzialowski announced that the City's annual Household Hazardous Waste Collection Event will be Saturday, April 22 from 8 a.m. to 1 p.m. at the Convenience Collection Center located at 807 S. Perkins Rd. We want to inform our residents about this event now so they have plenty of time to prepare with spring cleaning. Virtually any household pollutant will be collected. Bring oil-based paints, pesticides, herbicides, household cleaning products, mixed fuels, fertilizer, pool chemicals, craft and hobby supplies, rechargeable batteries, etc. Staff will also be collecting unwanted pharmaceuticals again this event, though those can be dropped off year round at the Stillwater Police Department.
 - Mayor Joyce announced that the City of Stillwater is hiring. Full and part time positions are available in a variety of areas including: Police, Library, Waste Management, Stillwater Regional Airport, Water Utilities, Public Works and more. Also the City has started a new text service to be notified about openings in the Fire and Police departments. To receive these notifications, text the word "Police" or "Fire" to: (405) 742-8281. To see a full list of employment opportunities with the City of Stillwater, go online to: Stillwater.org/employment.
- i. Discussion about scheduling items for future meetings.

14. QUESTIONS & INQUIRIES

None.

15. ADJOURN

MOTION BY COUNCILOR CLARK, SECOND BY COUNCILOR HAWKINS TO ADJOURN THE MARCH 6, 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 6, 2023 regular meeting of the Stillwater City Council adjourned at 6:24 p.m.



WILLIAM H. JOYCE, MAYOR
STILLWATER CITY COUNCIL



TERESA KADAVY
CITY CLERK