

**IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING LAW
THE AGENDA WAS POSTED JANUARY 19, 2023 AT 11:15 A.M.
AT THE MUNICIPAL BUILDING, 723 SOUTH LEWIS, STILLWATER, OKLAHOMA**

**MINUTES
STILLWATER CITY COUNCIL
REGULAR MEETING
COUNCIL HEARING ROOM
723 S. LEWIS
JANUARY 23, 2023**

**PRESENT: MAYOR WILLIAM H. JOYCE, COUNCILORS AMY DZIALOWSKI AND
CHRISTIE HAWKINS**

ABSENT: COUNCILOR KEVIN CLARK

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. ELECTION OF VICE MAYOR

MOTION BY MAYOR JOYCE, SECOND BY COUNCILOR HAWKINS TO APPOINT COUNCILOR DZIALOWSKI AS VICE MAYOR.

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

4. CONSENT DOCKET

- a. Approve regular meeting minutes of January 9, 2023
- b. Approve budget amendments reflecting receipt and appropriation of \$12,450 in donations from the Friends of the Library to the Stillwater Public Library
- c. Accept Sheerar Museum quarterly report for October through December 2022
- d. Memo to set March 6, 2023 as the date for a public hearing to consider closing a portion of a utility easement at 1210 W. 12th Avenue, Baymere Addition

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

ROLL CALL VOTE: JOYCE-YEA, DZIALOWSKI-YEA, HAWKINS-YEA.
NAY-NONE. MOTION CARRIED WITH THREE 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 for a medical marijuana dispensary at property addressed as 104 S Perkins Road

City Planner Jacquelyn Porter reported that the applicant is requesting a review and approval of a Specific Use Permit to allow a medical marijuana dispensary at the property addressed as 104 South Perkins Road.

Mayor Joyce opened the public hearing.

Chris Beatie, owner of American Cannabis, spoke on his behalf.

Mayor Joyce closed the public hearing.

Planning Commission recommended approval 3-0.

MOTION BY VICE MAYOR DZIALOWSKI, SECOND BY COUNCILOR HAWKINS TO ACCEPT THE PLANNING COMMISSION'S RECOMMENDATION AND APPROVE THE SPECIFIC USE PERMIT FOR THE PROPERTY LOCATED AT 104 SOUTH PERKINS ROAD.

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

- b. 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 January 23, 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, reported that the property owners of 638 East 14th Avenue have been working very well with code enforcement officers and there has been significant progress on this property such as painting, brush clearing and roof replacement. Ms. Childs requested this public hearing be tabled to the March 6, 2023 City Council meeting.

MOTION BY VICE MAYOR DZIALOWSKI, SECOND BY COUNCILOR HAWKINS TO TABLE THIS PUBLIC HEARING UNTIL MARCH 6, 2023 CITY COUNCIL MEETING.

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

- c. 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 3033 East Peachtree 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 January 23, 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 the structure located at 3033 East Peachtree Avenue is not capable of remediation. Ms. Childs stated that the property owner's counsel, Micah Sexton, was present. Mr. Sexton reported that a demolition crew has been hired but they are 30 days away from being able to demolish the property and haul away the debris.

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

No action was taken on this item.

- d. Pursuant to 50 O.S. § 1, *et seq.*, 11 O.S. §22-121, Sections 18-64 through 18-74 of the Stillwater Code of Ordinances, and the Development and Engineering Codes of the City of Stillwater, including Chapter 35, Stormwater Quality and Management of the Stillwater Code of Ordinances, the Stillwater City Council will conduct a hearing to determine whether the property located at 1600 East 16th Avenue, Stillwater, Oklahoma and as shown on the attached Exhibit "A" constitutes a public nuisance as set forth in the statutory and Code references identified above, on January 23, 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 this property constitutes a public nuisance as defined by the referenced statutes and codes and whether to order the abatement of the property and the assessment of all associated costs thereof to the owner of said property.

Beth Anne Childs, Childs Law Firm, reported this item generated a considerable amount of discussion at the last Council meeting. She stated City staff, code officers and floodplain manager have done a remarkable job of working with the developers in an attempt to get this problem resolved. The owners of the property have hired Gose & Associates and have started constructing a retention pond.

Property owner's counsel Micah Sexton reported that his client requests that Council pass this for 30 days. The retention pond has been formed but they are waiting on an overflow pipe to come in to complete the project and that should be able to happen within 30 days.

Watershed Quality Manager Zack Henson stated that according to the engineer's design, the retention pond should slow the discharge rate and contain a lot of the sediment. Mr. Henson stated that this is a temporary solution and the retention pond will only be in place until the development is completely built and then it will be removed.

Mayor Joyce opened the public hearing.

Ray Barnard, 1602 S. Payne, stated his disapproval of the time it has taken and the methods being done to abate this nuisance.

Mayor Joyce closed the public hearing.

Ms. Childs stated that if Council does adopt the resolution, in the event this problem is not remedied within the 30 days, it will give the City Manager authority to move forward and abate the property as necessary.

No action was taken on this item.

- e. 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 2110 West Sherwood, 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 January 23, 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 the property owner lives in Tahlequah but due to a family illness she has been spending a lot of time in Houston. The code officer has reached out to a local realtor that has been trying to purchase the property. A yard service has been hired so the yard is being maintained. Ms. Childs requested Council conduct the public hearing and then adopt the resolution that will give the property owner 90 days to either rehabilitate or demolish the structure.

Code Enforcement Officer Paul Bostick stated he talked with the realtor this morning and he said the actions the City has taken has prompted the property owner to move ahead to sell the property. There are title issues that have to be resolved but this deal will be finalized.

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

No action was taken on this item.

Mayor Joyce moved to item 9. Resolutions b. on the agenda.

8. GENERAL ORDERS

- a. Receive Johnson Controls presentation of the Investment Grade Energy Audit findings and consider authorizing staff to proceed with negotiating a performance contract

Deputy City Manager Melissa Reames introduced Caleb Kamarunas with Johnson Controls (JCI). Mr. Kamarunas presented the results from JCI's investment grade energy audit and suggestions for energy savings and answered Council's questions.

Pat Darlington, 1806 N. Husband, member of the Renewable Energy Task Force (RETF), spoke on behalf of the RETF and their support of JCI.

MOTION BY COUNCILOR HAWKINS, SECOND BY VICE MAYOR DZIALOWSKI TO AUTHORIZE STAFF TO NEGOTIATE A CONTRACT WITH JOHNSON CONTROLS FOR THE PERFORMANCE OF THE WORK OUTLINED IN THE PRESENTATION AND NEGOTIATE A FINANCING PACKAGE.

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

9. RESOLUTIONS

- a. Resolution No. CC-2023-2: A resolution acknowledging City Council authorization and approval for the submission of an application for Fiscal Year 2023 Bipartisan Infrastructure Law (BIL) funds administered by the Federal Aviation Administration for airport infrastructure improvements at Stillwater Regional Airport and approval of associated budget amendment

Airport Director Paul Priegel stated that this resolution will authorize the Stillwater Regional Airport to make application for round two of the Bipartisan Infrastructure Law funds that are available to the airport.

MOTION BY COUNCILOR HAWKINS, SECOND BY VICE MAYOR DZIALOWSKI TO ADOPT RESOLUTION NO. CC-2023-2 AS PRESENTED.

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

Mayor Joyce moved to item 8. General Orders on the agenda.

- b. Resolution No. CC- 2022-36 Amended: A resolution of the Stillwater City Council declaring the structure located at 2110 West Sherwood 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. §22-112

MOTION BY COUNCILOR HAWKINS, SECOND BY VICE MAYOR DZIALOWSKI TO ADOPT RESOLUTION NO. CC-2022-36 AS AMENDED.

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

- c. 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. §22-112

MOTION BY VICE MAYOR DZIALOWSKI, SECOND BY COUNCILOR HAWKINS TO TABLE RESOLUTION NO. CC-2022-37 TO THE MARCH 6, 2023 CITY COUNCIL MEETING.

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

- d. Resolution No. CC-2022-38: A resolution of the Stillwater City Council declaring the structure located at 3033 East Peachtree 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. §22-112

MOTION BY COUNCILOR HAWKINS, SECOND BY VICE MAYOR DZIALOWSKI TO ADOPT RESOLUTION NO. CC-2022-38 AS PRESENTED.

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

- e. Resolution No. CC-2022-39: A resolution of the Stillwater City Council declaring the real property located at 1600 East 16th Avenue, Stillwater, Oklahoma, a public nuisance detrimental to the health, safety, and welfare of the general public and the community, and ordering the property to be abated pursuant to 50 O.S. §11

MOTION BY MAYOR JOYCE, SECOND BY VICE MAYOR DZIALOWSKI TO ADOPT RESOLUTION NO. CC-2022-39 AS PRESENTED.

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

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

10. APPOINTMENTS

- a. Stillwater Public Housing Authority CC-23-11

MOTION BY MAYOR JOYCE, SECOND BY VICE MAYOR DZIALOWSKI TO REAPPOINT RUBY MANNING AND ROGER GOSE TO THE STILLWATER HOUSING AUTHORITY.

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

- b. Stillwater Regional Airport Advisory Committee CC-22-13

MOTION BY MAYOR JOYCE, SECOND BY COUNCILOR HAWKINS TO REAPPOINT PHIL THOMAS AND DERRICK DAVIES TO THE STILLWATER REGIONAL AIRPORT ADVISORY COMMITTEE.

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

11. REPORTS FROM OFFICERS & BOARDS

- a. Miscellaneous items from the City Attorney: None.
- b. Miscellaneous items from the City Manager:
 - Deputy City Manager Melissa Reames reminded citizens that Election Day is February 14th with early voting on February 9th and 10th. The League of Women Voters will be holding a City Councilor Candidates Forum on Tuesday, January 31st from 7:00 to 8:30 p.m. Ms. Reames encouraged citizens to get to know the candidates and to please vote. She stated that the Stillwater City Council is not the only thing on the ballot on February 14th. The proposition for the Payne County 3/8 Cent Sales Tax will be on the ballot as well as the bond issue for Stillwater Public Schools.
- c. Miscellaneous items from the City Council:
 - Councilor Hawkins stated that the City is accepting applications for a citizen representative to serve on the (Re)Investment Plan Implementation Policy Committee. This committee focuses on the Stillwater Downtown/Campus Link Project Plan. The Committee reviews applications for compatibility with the Project Plan and the City of Stillwater Land Development Code & Standards. They evaluate applications and make recommendations regarding eligibility of public financial assistance to the Stillwater Economic Development Authority. For more information and to apply online, go to Stillwater.org/citizenboards.
 - Vice Mayor Dzialowski announced that the Police Department will begin the 8th Annual Citizen's Academy on January 24th. The academy provides residents a unique look behind the scenes and first-hand experience into many areas of law enforcement and how our police officers serve the community. This is a multi-week, educational course that includes real-life scenarios and a ride-along with an officer while on-duty. For more information on the academy and how to apply for the next year's academy, contact Lt. Low at terry.low@stillwater.org.
 - Mayor Joyce stated that it is tax filing season and the Stillwater Library is offering assistance. Community members can schedule appointments for free tax preparation assistance from the American Association of Retired Persons (AARP) by visiting library.stillwater.org/taxes.php, calling the library's Help Desk at (405) 372-3633 x8106, or stopping by the library in person during regular hours. There are a limited number of appointments available, so anyone with the ability to prepare their taxes by alternative methods should consider doing so to ensure enough appointments for those in the community who rely on this service the most.
- i. Discussion about scheduling items for future meetings.

12. QUESTIONS & INQUIRIES

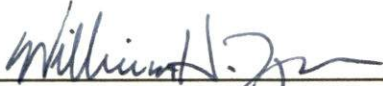
None.

13. ADJOURN

MOTION BY VICE MAYOR DZIALOWSKI, SECOND BY COUNCILOR HAWKINS TO ADJOURN THE JANUARY 23, 2023 REGULAR MEETING OF THE STILLWATER CITY COUNCIL.

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

The January 23, 2023 regular meeting of the Stillwater City Council adjourned at 6:54 p.m.



WILLIAM H. JOYCE, MAYOR
STILLWATER CITY COUNCIL



TERESA KADAVY
CITY CLERK