

**IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING LAW
THE AGENDA WAS POSTED SEPTEMBER 10, 2020 AT 1:00 P.M.
AT THE MUNICIPAL BUILDING, 723 SOUTH LEWIS, STILLWATER, OKLAHOMA**

**MINUTES
STILLWATER CITY COUNCIL
SPECIAL MEETING
COUNCIL HEARING ROOM
723 S. LEWIS
SEPTEMBER 14, 2020**

**PRESENT: MAYOR WILLIAM H. JOYCE, VICE MAYOR PAT DARLINGTON
COUNCILORS JOHN WEDLAKE AND AMY DZIALOWSKI
ABSENT: COUNCILOR ALANE ZANNOTTI**

1. CALL MEETING TO ORDER

Mayor Joyce called the meeting to order at 5:38 p.m.

2. PLEDGE OF ALLEGIANCE

The Stillwater City Council led the audience in the Pledge of Allegiance.

3. CONSENT DOCKET

- a. Approve special meeting minutes August 17, 2020
- b. Approve special meeting minutes August 24, 2020
- c. Approve special meeting minutes September 8, 2020
- d. Approve executive session minutes September 8, 2020

Approve setting October 19, 2020 for public hearing to consider a request from KMR Development, LLC to close the south 2 feet of a platted 20 foot utility easement located in Lot 1, Lot 2, Lot 3, Lot 4, Lot 6, Lot 7 and Lot 8 of Block 6 of the Eastridge Second Addition on property addressed as: 1004 E Swim Avenue, 1010 E Swim Avenue, 1014 E Swim Avenue, 1108 E Swim Avenue, 1116 E Swim Avenue, 1122 E Swim Avenue and 1204 E Swim Avenue

MOTION BY COUNCILOR WEDLAKE, SECOND BY VICE MAYOR DARLINGTON TO APPROVE THE CONSENT DOCKET AS PRESENTED.

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

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

There were no requests to speak on agenda items not scheduled for public hearing.

5. ITEMS REMOVED FROM CONSENT DOCKET

None.

6. PUBLIC HEARINGS

- a. Receive public comment regarding a request from Stillwater Springs Residential Development to consider an annexation petition request with recommended zoning classification for property

located east of the intersection of E 19th Avenue and S Jardot Road (Continued from August 3, 2020)

City Attorney John Dorman reported the annexation request has been withdrawn so no action is needed.

7. GENERAL ORDERS

- a. Approve budget revision to fund sponsor obligations for FAA 2023 AIP grant to reconstruct center apron and update master plan for Stillwater Regional Airport, and approve contract amendment #11 with LBR, Inc. for the project engineering services

Airport Director Paul Priegel reported that on August 3, 2020 City Council approved Resolution CC-2019-1, authorizing Stillwater Regional Airport to make application to the Federal Aviation Administration for Airport Improvement Program grant funds to reconstruct the center portion of the apron and to conduct an update to the Airport's Master Plan. He stated funds must be allocated to cover the 10% sponsor match obligation and proposed professional service needs. Mr. Priegel reported LBR, Inc. has prepared Contract Amendment #11, which covers the required engineering services to go forward on this project. The total for this contract is \$516,240. Mr. Priegel reported that Transportation Director Monty Karns has reviewed the proposed amendment and prepared an Independent Engineering Fee Analysis confirming the reasonableness of the proposed fees for services.

MOTION BY VICE MAYOR DARLINGTON, SECOND BY COUNCILOR DZIALOWSKI TO APPROVE THE BUDGET REVISION FUNDING THE SPONSOR OBLIGATIONS FOR THE FAA 2021 AIP GRANT TO RECONSTRUCT THE CENTER APRON AND UPDATE THE MASTER PLAN AT THE STILLWATER REGIONAL AIRPORT.

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

MOTION BY COUNCILOR WEDLAKE, SECOND BY COUNCILOR DZIALOWSKI TO APPROVE LBR CONTRACT AMENDMENT #11 FOR ENGINEERING SERVICES ON THE CENTER APRON PROJECT.

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

- b. Approve budget amendment reflecting receipt by Stillwater Police Department of \$39,498 in Department of Justice grant funds for purchase of equipment for use in the pandemic response

Police Captain Kyle Gibbs reported that on May 27, 2020, the Stillwater Police Department received a Coronavirus Emergency Supplemental Funding grant from the Department of Justice, Office of Justice Programs in the amount of \$39,498. The grant funds are intended for use in preventing, preparing for, and responding to the coronavirus. Captain Gibbs stated the SPD will use these funds to purchase equipment for use in the department's response to the pandemic.

MOTION BY COUNCILOR DZIALOWSKI, SECOND BY COUNCILOR WEDLAKE TO APPROVE THE BUDGET AMENDMENTS REFLECTING RECEIPT OF \$39,498 IN GRANT FUNDS BY SPD FROM THE DEPARTMENT OF JUSTICE.

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

- c. 2020 Hazard Mitigation Plan Update

Director of Emergency Management Rob Hill reported that in February 2019 City Council adopted Resolution CC-2019-19 authorizing emergency management to begin the process of rewriting the City's hazard mitigation plan. He stated the City contracted with Meshek and Associates to assist emergency management staff with the project. Mr. Hill reported that staff applied for and received a FEMA grant, which will reimburse the City 75% of the \$156,000 in costs associated with this project (\$117,000). He stated this project has been paid in full and is awaiting reimbursement of the 75% match from FEMA. Mr. Hill reported the City of Stillwater will be one of only two cities in Oklahoma with a web hosted plan if the plan is adopted. Staff recommends adoption of Resolution CC-2020-16. No action was taken on this item and will be addressed under Item 8. Resolutions.

- d. Consider a request from KMR Development, LLC asking the City to share the cost of the street installation for the eastern section of Brooke Avenue

Director of City Engineering Monty Karns reported KMR Development, LLC is currently installing the improvements for the Skyline East, Section 2 development located near N Payne Street and Sunrise Avenue. The preliminary plat was approved by the Planning Commission on February 18, 2020 with the following conditions:

- The proposed Moore Avenue located on the west side of the development shall not be constructed and shall become a pedestrian access point for the neighborhood
- The construction of Grandview Street for the Eastridge development must be completed before the start of phase 2 of Skyline East, Section 2.
- There shall be a street connection to N Jardot Road from the subdivision on the east edge of the development at Brooke Avenue, 300 lineal feet of roadway.

Mr. Karns stated on July 29, 2020 the developer submitted a request asking the City to share the cost of the street installation for the eastern section of Brooke Avenue. Planning Commission required the street extension as part of the conditional approval of the subdivision.

Mr. Karns stated the following sections of the City of Stillwater Ordinance outline the responsibilities of the developer for the installation of public improvements:

- Sec. 23-240. Engineering Services
- Sec. 23-342. Rights-of-way
- Sec. 23-344. Construction
- Sec. 23-345. Testing and inspection
- Sec. 23-347. Final approval and acceptance

Mr. Karns reported the two primary concerns that exist with using City funds to participate are:

- There are insufficient funds to maintain the existing street network at the current Pavement Index rating. Funds used to assist a developer in paying what have traditionally been developer's costs could be used for the overall street network improvements or maintenance. Though the ½ cent funds aren't available for this use, the public may not fully understand and equate those funds being used to help developers and might react negatively when the ½ cent proposal comes up for renewal.
- This sets a precedence where, in the future if a developer doesn't like/agree with the PC or CC ruling, they can claim the cost of such ruling wasn't in their budget and the city should participate in said cost.

Mr. Karns stated the City ordinance states that the developer shall furnish and install, at his own expense, the labor and material necessary to complete the required improvements for their development.

Mr. Karns introduced one of the owners of KMR Development, LLC, Jim Carnley, who spoke on behalf of KMR.

MOTION BY VICE MAYOR DARLINGTON, SECOND BY COUNCILOR DZIALOWSKI TO DENY THE REQUEST TO COST SHARE IN THE CONSTRUCTION OF BROOKE AVENUE EXTENSION.

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

- e. Progress update and timeline for design development and ordinance creation for the Temporary Outdoor Expansion Areas (Streeteries/Parklets)

Planning Manager Lanc Gross gave an update on the progress and timeline for the Design Development and Ordinance creation for the Temporary Outdoor Expansion Areas. He stated staff is currently meeting with several groups to develop a new ordinance that will include design development criteria for outdoor bars, restaurants and shopping areas within commercial districts. Mr. Gross reported the plan is to take the ordinance with design criteria to the Planning Commission in late September and then to city Council in early October. The ordinance will consist of language permitting the use of the public right-of-way in specific areas along with design standards that are cost effective and aesthetically pleasing. Consideration will include parking in the areas affected by the Outdoor Expansion Area ordinance amendment.

- f. COVID update

Mayor Joyce reported Stillwater continues to have problematic numbers with the weekly average being over 50 and significant community spread. Impact on the health care system has been minimal to this point but the public school system is severely limited on educational and sports opportunities because of the high infection rate. Mayor stated the majority of the positive cases are in the age range of 18-35 with the median age being 24. This spread is not just limited to OSU campus but the bulk of the community is experiencing the spread. Mayor stated from the community perspective more needs to be done. He asked citizens to please avoid crowded places and large gatherings such as weddings, house parties, funerals, and bars. He stated this is just not about individual risk but that this infection spreads easily from person to person so one person can spread the disease to several others. Mayor reported Stillwater is in the top 10 of positive cases per capita in the nation. Mayor emphasized that this is our problem together and we have to fix it together.

Vice Mayor Darlington stated she had received several phone calls from people expressing high stress levels and wanting to know where they can turn for help. Vice Mayor urged anyone experiencing high stress levels or just needing someone to talk to to please contact her and she will put you in contact with someone. Vice Mayor asked that mental health resources continue to be listed on the city and library webpages.

8. RESOLUTIONS

- a. Resolution 2020-16: A resolution adopting the 2020 Hazard Mitigation Plan

MOTION BY VICE MAYOR DARLINGTON, SECOND BY COUNCILOR WEDLAKE TO ADOPT RESOLUTION NO. 2020-16 AS PRESENTED.

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

- b. Resolution 2020-17: A resolution authorizing signatories for depositories

MOTION BY COUNCILOR WEDLAKE, SECOND BY COUNCILOR DZIALOWSKI TO ADOPT RESOLUTION NO. 2020-17 AS PRESENTED.

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

- c. Resolution 2020-18: A resolution concerning funding pursuant to the CARES Act and the Coronavirus Relief Fund, confirming that it is the policy of the City Council of the City of Stillwater that all public safety personnel costs are “substantially dedicated” to the COVID-19 response efforts of the City of Stillwater throughout the ongoing State of Emergency

MOTION BY VICE MAYOR DARLINGTON, SECOND BY COUNCILOR DZIALOWSKI TO ADOPT RESOLUTION NO. 2020-18 AS PRESENTED.

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

9. ORDINANCES

- a. First Reading

ORDINANCE NO. 3458: AN ORDINANCE REZONING PROPERTY ADDRESSED AS 503 SOUTH PINE STREET FROM RTM, TWO-FAMILY AND MULTI-FAMILY RESIDENTIAL DISTRICT, TO RMI, MULTI-FAMILY INTERMEDIATE RESIDENTIAL DISTRICT

MOTION BY VICE MAYOR DARLINGTON, SECOND BY COUNCILOR DZIALOWSKI TO ADVANCE ORDINANCE NO. 3458 TO SECOND READING

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

- b. Second Reading

ORDINANCE NO. 3457: AN ORDINANCE AMENDING THE STILLWATER CITY CODE BY AMENDING CHAPTER 8, AVIATION, ARTICLE II, STILLWATER REGIONAL AIRPORT AUTHORITY, TO AMEND SECTION 8-19, DEFINITIONS; SECTION 8-20, CREATED; SECTION 8-21, MEMBERSHIP; SECTION 8-22, OFFICERS, MEETINGS, ETC.; SECTION 8-23, FUNCTIONS GENERALLY; TO CREATE SECTION 8-24, OPERATIONS; TO AMEND SECTION 8-25, RULES, REGULATIONS AND ORDERS; SECTION 8-26, FISCAL AFFAIRS; SECTION 8-27, PRIVILEGES; OPERATION AND USE; SECTION 8-28, CONTRACT FOR AIRPORT OPERATION; SECTION 8-29, GOVERNMENTAL FUNCTION; AND SECTION 8-30, CHARGES FOR AIRPORT SERVICES

MOTION BY COUNCILOR WEDLAKE, SECOND BY COUNCILOR DZIALOWSKI TO ADOPT ORDINANCE NO. 3457 AS PRESENTED.

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

10. REPORTS FROM OFFICERS & BOARDS

- a. Miscellaneous items from the City Attorney: None.
- b. Miscellaneous items from the City Manager: None.
- c. Miscellaneous items from the City Council:

- Mayor Joyce reminded citizens that there are 16 days left to complete their Census so please respond.
- i. Discussion about scheduling items for future meetings.

11. QUESTIONS & INQUIRIES

None.

12. APPOINTMENTS

a. Stillwater Airport Authority

MOTION BY MAYOR JOYCE, SECOND BY COUNCILOR WEDLAKE TO REAPPOINT MARC TOWER AND APPOINT DERRICK DAVIES AND DENISE ROBERTS TO THE STILLWATER AIRPORT AUTHORITY.

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

b. Audit Committee

MOTION BY MAYOR JOYCE, SECOND BY VICE MAYOR DARLINGTON TO REAPPOINT KELLY COX AND APPOINT RANDY MURRAY TO THE AUDIT COMMITTEE

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

c. Board Of Adjustment

MOTION BY MAYOR JOYCE, SECOND BY VICE MAYOR DARLINGTON TO APPOINT JEFF DILLION, DORA BUSCH AND MARK NORDQUIST TO BOARD OF ADJUSTMENT

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

d. Board Of Drainage Appeals

MOTION BY MAYOR JOYCE, SECOND BY COUNCILOR WEDLAKE TO REAPPOINT DR. DALE DANIEL TO THE BOARD OF DRAINAGE APPEALS

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

e. Library Board

MOTION BY MAYOR JOYCE, SECOND BY VICE MAYOR DARLINGTON TO REAPPOINT ANDREA YOUGH AND APPOINT MARTHA MCMILLIAN AND MIKE WOODS TO THE LIBRARY BOARD

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

f. Library Trust Board

MOTION BY MAYOR JOYCE, SECOND BY VICE MAYOR DARLINGTON TO REAPPOINT LINDA BURKS TO THE LIBRARY TRUST BOARD

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

g. Stillwater Housing Authority

MOTION BY MAYOR JOYCE, SECOND BY COUNCILOR WEDLAKE TO REAPPOINT ROGER GOSE AND RUBY MANNING TO THE STILLWATER HOUSING AUTHORITY

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

h. Planning Commission

MOTION BY MAYOR JOYCE, SECOND BY VICE MAYOR DARLINGTON TO REAPPOINT BRETT ALLRED AND APPOINT JANA PHILLIPS TO THE PLANNING COMMISSION

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

i. Renewable Energy Task Force

MOTION BY MAYOR JOYCE, SECOND BY VICE MAYOR DARLINGTON TO APPOINT MABRIE BALDWIN, KALEB BILYEU, DANA COLE, ROBIN CORNWELL, MADELINE FONG-GODDARD, DEANNA HOMER, JUSTIN MINGES, MIKE SHANAHAN, SHARON SHANAHAN, ALAN TREE, HENRI UEHARA, AND KRISTINE WAITS TO THE RENEWABLE ENERGY TASK FORCE

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

13. ADJOURN

MOTION BY VICE MAYOR DARLINGTON, SECOND BY COUNCILOR DZIALOWSKI TO ADJOURN THE SEPTEMBER 14, 2020 SPECIAL MEETING OF THE STILLWATER CITY COUNCIL.

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

The September 14, 2020 regular meeting of the Stillwater City Council adjourned at 6:54 p.m.

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

**TERESA KADAVY
CITY CLERK**