



City Hall, Council Chambers  
401 S. Johnstone Avenue  
Bartlesville, OK 74003

**MINUTES OF THE  
SPECIAL MEETING  
OF THE  
BARTLESVILLE CITY COUNCIL  
Thursday, April 30, 2020  
at 7 p.m.**

**Via Videoconference  
Per Senate Bill 661**

**Mayor Dale Copeland  
918-338-4282**

**Per Senate Bill 661  
City Council Members attended by VideoConference.**

**The public attended virtually at the following link  
<https://www.cityofbartlesville.org/city-government/city-council/webcast/>**

## **MINUTES**

(Notice of Meeting and Agenda were posted April 28, 2020 at 5:30 p.m.)

Council members present via videoconferencing were Mayor Dale Copeland, Vice Mayor Alan Gentges, Councilmen Jim Curd, Jr., Trevor Dorsey and Paul Stuart.

City staff present via videoconferencing were Mike Bailey, City Manager; Jess Kane, City Attorney; Jason Muninger, City Clerk/CFO; Terry Lauritsen, Director of Water Utilities; Lisa Beeman, Director of Community Development; and Elaine Banes, Executive Assistant. Also attending via videoconferencing were Scott Ambler, Ambler Architects and David Wood, President of Bartlesville Development Authority.

- 1. Mayor Copeland called the Business Meeting of the Bartlesville City Council to order at 7:00 p.m.**
- 2. Roll call was conducted and a quorum established.**
- 3. The invocation was provided by Councilman Dorsey.**
- 4. Discuss and take possible action on a contract award for an Interactive Art Feature for the Tower Center at Unity Square. Presented by Vice Mayor Alan Gentges.**

Vice Mayor Gentges reported that funds in the amount \$150,000 were allocated for the development of an interactive water feature at Tower Center at Unity Square. A process was approved in which artists submitted their concept and were then judged by a panel of local citizens. There were 23 concepts received from the United States as well as from Poland and Spain. Initial judging of the concepts were completed and the field was narrowed down to five finalists. Out of the five finalists, only four submitted their final concept. They were then submitted to next group of judges and out of those finalists, there was a recommendation made. The Tower Green Design Committee met on April 15 and unanimously recommended the project be awarded to Aime Jacobson from Kansas City, Missouri. Scott Ambler provided a PowerPoint presentation showing the history of the project and each of the four concepts. Ms. Jacobson's concept is entitled "Native Color at Unity Square" and uses Oklahoma native flowers, Indian Blanket, in her design. Mr. Ambler noted

that he found a photo of Frank Lloyd Wright holding a flower similar to this while speaking to Frank Phillips. The Tower Green Design Committee voted unanimously in favor of Ms. Jacobson's concept and to recommend to the City Council for approval. In addition, Ms. Jacobson's concept and bid was the most detailed, and came in under budget at \$105,690.00. The remaining funds can be used for additional decoration to accent the Native Color at Unity Square design.

Vice Mayor Gentges moved to approve a contract award to Amie Jacobsen of Kansas City, MO in the amount of \$105,690.00, seconded by Mr. Stuart.

Mr. Stuart asked the timeline for having it installed and completed. Mr. Ambler and Mr. Lauritsen both stated the completed date has been estimated for the end of October 2020.

Voting Aye: Mr. Stuart, Mr. Dorsey, Mr. Curd, Vice Mayor Gentges, Mayor Copeland  
Voting Nay: None  
Motion: Passed

**5. Update from the Bartlesville Development Authority Task Force. Presented by David Wood, President, Bartlesville Development Authority.**

Mayor Copeland prefaced the report by stating the task force was approved March 23, 2020 by Ordinance 3525 to study the economic impact of the COVID-19 pandemic. They were tasked with a focus on current business retention, small business assistance during the current crisis and a path to eventual economic recovery. Mr. Wood, with the assistance of a PowerPoint, provided the action timeline, Payroll Protection Program (PPP) activated on April 7, proposed reopening's, potential business assistance programs; the members of the task force; and results of the task force meeting on 4/24/20. He provided information about local banks assisting with PPP and that within two rounds of loans, a total of approximately \$225,000,000 to \$250,000,000 in forgivable income was issued in our community that will assist businesses through early June. He continued that virtually all Bartlesville enterprises have been impacted and the full impact may not be known until 30 days or more past reopening. Contingency plans have been prepared for the first part of June, one idea is for the utility side, and another is a potential loan program, a public loan guarantee, for those who could not benefit from the Payroll Protection Plan. Kristina Adams with McKinsey & Company, an outside consultant, reported that the effect of the pandemic may extend into December 2020 or could go as far out as early as 2023. Mr. Wood continued stating that recovery is in early stages and encompasses a lot of moving parts. The task force and City officials all care deeply about the community and want to help as much as possible. It is the general agreement to press ahead with development of contingency plans that could be launched in early June. There are those who would prefer more immediate assistance, but it is agreed that doing the right thing at the right time, is much better. It is the hope of all concerned that implementation of these contingency plans will be unnecessary.

Mr. Curd stated his appreciation of the task force giving their time and expertise in working to help small businesses in this town. Vice Mayor Gentges thanked Mr. Wood for all of the work he has done, as well as thanking Ms. Adams for her very helpful report. Mayor Copeland stated that he was thankful for the caliber of people who have stepped up to participate on the task force and for Ms. Adams. We appreciate them taking their time and their knowledge to assist us.

**6. Review of current COVID-19 mitigation measures and possible action on an ordinance to amend said mitigation measures. Presented by Mayor Dale Copeland.**

Mayor Copeland reported that the City Council received documents, a staff report, and a proposed ordinance for consideration. The proposed ordinance will replace Ordinance No. 3525 and No. 3526, both set to expire May 4. Governor Stitt announced his Open Up and Recover Safely Plan to begin in some areas on April 24 and Phase 1 to begin May 1. Due to the Governor's effective date and the City's dates are in conflict, the Council felt it best to meet prior to May 4 to determine the proper path forward. Mayor Copeland credited Mr. Bailey for compiling the information for tonight's consideration from many sources and commended him on his work. In addition, the City Council and City Manager have received emails and phone calls from citizens, all which provided excellent suggestions and ideas.

Mayor Copeland turned the meeting to Mr. Bailey who presented the Washington County COVID-19 cases and deaths as of 4/30/20-cummulative cases increased but not at the rate previously projected. He presented the current Bartlesville restrictions in Ordinances 3525 and 3526 that are currently in effect through May 4, and the proposed ordinance that will shape and form with the Governor's Open Up and Recover Safely (OURS) Plan. He presented the OURS Plan which is contingent upon certain criteria from the White House Gate criteria. The Governor evaluated the three gates and felt that the State met all of the gates, therefore the phased re-opening. Mr. Bailey reviewed each Gate: Symptoms Gate – the State level was met, however data at the County level was not available to assess this gate; Hospitals Gate – the State level was met and officials at Ascension/St. John's hospital confirmed that Bartlesville meets this Gate; Cases Gate- the State level was met as was Washington County showing that pure day-to-day confirmed cases are trending down.

Mr. Bailey reported that in order to align with the Governor's Plan certain sections of the City's ordinance will need to be removed, some amended, and possibly new regulations added. He outlined and explained the changes individually.

Mayor Copeland stated his appreciation on the thorough report. He opened the review and discussion portion by stating that each section can be reviewed discussed, approved and then he will move on to the next section. All agreed.

The first page is the same as prior ordinances. There were no concerns or questions on Sections 1, 2, 3, 4 and 4. Section 6, regarding the opening of city pools, Mr. Curd would like the City Council to be included in the decision, not just left at the City Manager's discretion. The Mayor and Vice Mayor stated that this can be revisited at any time should it be necessary. Section 6 remained as written. Section 7 regarding the library and history museum, Mr. Stuart inquired if occupancy restrictions would apply when they reopen. Mr. Bailey stated the Library Director has requested restrictions and protections for patrons and staff, and those requests will be reviewed and taken into consideration. He stated that both will reopen with restrictions and plans on how to do so are forthcoming. There were no comments or concerns regarding Sections 8 and 9.

Section 10 Part 1. Regarding retail, gym, or exercise buildings or facilities, calculations are set out to determine capacity limits, signage, distancing between waiting customers and that businesses can use stricter restrictions should they so desire. Section 10. Part 2 regards bars and restaurants and how they are to space seating to enhance social distancing in each phase. Mr. Curd provided clarification on table spacing and the ordinance was amended to include the language "between seating areas of tables" to Section 10.2.a.i.ii. and iii. Vice Mayor Gentges thanked Councilman Curd for his expertise and input on this section. Mr. Dorsey agreed this section was a good plan as he feels it is time allow businesses to reopen and get the economy going again. The parameters allows for opening and protection, and he also thanked Mr. Curd for his input.

Mayor Copeland went on to Section 11 regarding the wearing of cloth or procedure masks effective May 1 at 7 a.m. A lengthy discussion began covering this Section. Vice Mayor Gentges began with children under the age of two should be an exception as well as those who have a respiratory disease. This was added to the proposed Part 3. Vice Mayor Gentges also reported that a citizen contacted him saying that he has masks he could make available to those who do not have access to masks. He thought that perhaps these could be made available to businesses to hand out to customers. Mayor Copeland was appreciative of the citizen offering the masks as well as all of the people in the community who have banded together to make masks and have them available to those who need them. Mr. Curd agreed with the community outreach and stated that he has been amazed to see the number of people who are wearing masks. He continued stating that he personally continues to support the original Section 22 in Ordinance 3526 following CDC guidelines regarding masks. He does not agree that wearing masks should be mandated since many are wearing them already, and since the City is controlling occupancy and table seating which results in reduced numbers inside establishments. Mr. Dorsey agreed with Mr. Curd stating that he does support dictating what businesses should do regarding the wearing of masks. He added that in his business the masks are offered and it is the choice of the employee and customer whether they want to wear one. He concluded that he does not support mandating the wearing of masks. Vice Mayor Gentges stated his appreciation of Mr. Curd and Mr. Dorsey's opinion, but that he has not witnessed as many people wearing masks as they indicated. He added that wearing a mask is important to minimize spread of the disease and for those people come into contact with, even though they may not be sick. He added that it would be great if wearing a mask was done voluntarily, but feels stronger language is needed in this case. He also stated that he has heard from many citizens who are in favor of making the wearing of masks mandatory. Mr. Stuart stated that he liked the proposed ordinance and pointed out that it does not force anyone to wear masks. It is each citizen's choice whether to go into a business or restaurant and wear a mask, or purchase items curbside or online and not wear a mask. He continued that Secretary of Commerce Kouplan made the statement that the State cannot relaunch the economy without the workers, so employees are being told they need to go to work, some in high risk areas. He feels if employees must return to work, then the City should make sure they are safe by having everyone wear masks. He added his appreciation of the fly by but it is the requirement of masks that make it safer for everyone. Mr. Stuart provided a PowerPoint using sections of the McKinsey Report referred to by David Wood in his presentation. One slide, assessment of 23 key public health interventions, had a section about the use of masks in public places. He continued to emphasize the need for masks covering the effectiveness and ease of them; best practices to have healthy work places; who the most vulnerable are; how 10% of employment is in retail; and how masks help reduce community spread, safeguards firemen, policeman, and sanitation workers. He concluded that when the Council meets on June 1, when Phase 3 of the Governor's plan may go into effect, there will be enough data to see if the masks need to be continued or discontinued. Mayor Copeland stated that everyone wants to keep the community safe, and that he could see both sides of the issue. He added that enforceability may be an issue. He added that mandating masks could be revisited at the May 4 or May 18 meeting, as he does not wish to mandate masks any longer than necessary. Discussion ensued covering the availability of testing; contact tracers, and how by May 18 there would be more data to use by Vice Mayor Gentges; how most good employers are not telling employees they have to come back if returning makes them uncomfortable; and instead of mandating masks, encourage employers to do what is right by their employees by Mr. Curd. It was agreed that everyone wishes to act in the best interest of the community, health wise and economy wise. A lengthy discussion began covering laws are made because of the small percentage of those who do not act in their best interest; freedom of choice; compromise to mandate masks and revisit on May 18 by Mayor Copeland; how data may or may not assist in a decision by May 18; enforcement and

obstacles involved by Mr. Curd; mandating masks may send citizens to other towns to shop by Mr. Dorsey; mandating masks may drive shoppers from other towns to shop here by Mr. Stuart; how the sales tax may be affected by Mr. Dorsey; how sales tax reports may provide more information by May 18 by Vice Mayor Gentges; and how Mr. Curd and Mr. Dorsey want to take a separate vote on Section 11.

Mr. Curd moved to amend the proposed Section 11 to the same language in Section 22 3.e. of Ordinance No. 3526, which is to follow CDC guidelines regarding the wearing of masks, seconded by Mr. Dorsey.

Mr. Stuart stated that the CDC guidelines referred to in Section 22.3.e. of Ordinance No. 3526 contains verbiage that are more like tips and suggestions except where it addressed covering of the face and nose. He feels that how the CDC writes their guidelines about this is the reason why it is important to mandate the wearing of masks. Mr. Curd stated that he supports the CDC guidelines, how it is on point from his perspective, and that the proposed ordinance is already restricting businesses and restaurants, capacity-wise. A brief discussion covered the ranking of illness per local zip codes by Mr. Stuart; how mandates and suggestions are two very different terms by Mr. Dorsey; laws codifying clothing requirements; and the differences in those laws between men and women by Mr. Stuart.

Mr. Bailey asked Mr. Curd and Mr. Dorsey if they would consider amending their motion to approve amending the proposed ordinance's Section 11 changing the word, "shall" to "should" thereby taking the mandate out of Section 11, due to the fact that the former Section 22 in Ordinance 3526 included additional information that is no longer relevant. Section 11.4. will also need to be removed if the motion passes. Mr. Curd and Mr. Dorsey agreed with the amended motion.

Voting Aye: Mr. Dorsey, Mr. Curd, Mayor Copeland  
Voting Nay: Vice Mayor Gentges, Mr. Stuart  
Motion: Passed

Sections 12 through 17 brought no concerns or comments.

Vice Mayor moved to adopt the ordinance as amended, seconded by Mr. Dorsey.

Voting Aye: Mr. Curd, Vice Mayor Gentges, Mr. Dorsey, Mayor Copeland  
Voting Nay: Mr. Stuart  
Motion: Passed

Mr. Dorsey moved to approve the emergency clause included in the ordinance, seconded by Mr. Curd.

Voting Aye: Vice Mayor Gentges, Mr. Stuart, Mr. Dorsey, Mr. Curd, Mayor Copeland  
Voting Nay: None  
Motion: Passed

Mayor Copeland thanked the Council for their passion and expressed his appreciation of each of them and staff.

## **7. City Manager and Staff Reports.**

Mr. Bailey reported that since masks are no longer mandated, sign templates for masks are no longer necessary. Capacity limits will need to be posted.

The Spring grass and leaf pickup is under discussion at this time due to sanitation running on limited staff. It is scheduled for the week of May 4 and a definitive answer will be posted tomorrow, Friday, May 1 as to whether it will go forward as planned.

## **8. City Council Comments and Inquiries.**

Mayor Copeland stated that the process of working through the ordinance has taken a tremendous amount of time as it should due to its importance. He commended all of the City staff working through a challenging time and getting the job done.

Vice Mayor Gentges thanked the citizens for their input. He added that almost to a person, the Council has been thanked by the citizens who have made contact with them. He stated that he hoped that the decisions made at this meeting do not increase the spread, and if our community is faced with the disease again in the Fall, that the Council has gained the insight to handle it well. He concluded that he appreciated Mayor Copeland's leadership.

Mr. Stuart stated that he felt there was good discussion tonight.

Mayor Copeland stated that when someone runs for and is elected as a City Council Member, it is a great honor, and along with it is interaction with citizens. It is a government for the citizens, not for the Council members. He added his hope that the curve will flatten, and stated that mitigation measures will be reviewed again on May 4 and May 18.

## **9. There being no further business to address, Mayor Copeland adjourned the meeting at 9:25 p.m.**



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Dale W. Copeland, Mayor



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Jason Muninger, City Clerk/CFO