



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

**MINUTES OF THE REGULAR  
MEETING OF THE BARTLESVILLE  
CITY COUNCIL  
Monday, June 1, 2020  
Immediately following the  
Bartlesville Education Authority and  
Bartlesville Municipal Authority  
Special Meetings that begin at 7 p.m.**

**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/>**

**To participate in the public hearing on Item 6. Proposed Budget for Fiscal Year 2020-2021,  
please send an email to [kwilliams@cityofbartlesville.org](mailto:kwilliams@cityofbartlesville.org) for instructions  
prior to the start of the hearing.**

## **MINUTES**

(The Notice of Meeting was posted December 13, 2019 and the Agenda was posted May 28, 2020 at 5:00 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; Micah Siemers, Director of Engineering; Laura Sanders, Director of Human Resources; Elaine Banes, Executive Assistant.

**1. Mayor Copeland called the Business Meeting of the Bartlesville City Council to order at 7:12 p.m. immediately following the Bartlesville Municipal Authority Meeting.**

Mayor Copeland took this opportunity to encourage anyone wishing to speak at the public hearing about Item 6. to contact Kelli Williams at [kwilliams@cityofbartlesville.org](mailto:kwilliams@cityofbartlesville.org) and she would provide the invitation to connect to the Zoom meeting. He added that City Hall and the Council Chambers were open for anyone who wanted to appear in person and join the public hearing.

**2. Roll call was conducted and a quorum established.**

**3. City Council Announcements and Proclamations.**

- Mr. Curd read the Flood Insurance Month Proclamation – June 2020.
- Mr. Stuart read the COVID-19 Response Proclamation.

#### **4. Authorities, Boards, Commissions and Committee Openings**

- One opening on the City Planning Commission
- One opening on the Construction and Fire Code Appeals Board

Mayor Copeland read the openings and encouraged citizens to volunteer on City Committees. Applications can be found at [www.cityofbartlesville.org](http://www.cityofbartlesville.org) or at City Hall in the City Manager's Office.

Once again, Mayor Copeland took this opportunity to encourage anyone wishing to speak at the public hearing about Item 6. to contact Kelli Williams at [kwilliams@cityofbartlesville.org](mailto:kwilliams@cityofbartlesville.org) and she would provide the invitation to connect to the Zoom meeting. He added that City Hall and the Council Chambers were open for anyone who wanted to appear in person and join the public hearing.

#### **5. Consent Docket**

##### **a. Approval of Minutes**

- i. The Regular Meeting Minutes of May 18, 2020.

##### **b. Approval of Agreements, Contracts, and Engagement Letters**

- i. Agreement between the City of Bartlesville and Tokio Marine/HCC for stop loss insurance on the City's medical insurance plan.
- ii. Fourth Amendment to the Tower/Ground Lease Agreement between the City of Bartlesville and New Cingular Wireless PCS, LLC for a portion of property located at Southeast Water Tank, Bartlesville, OK.

##### **c. Receipt of Financials**

- i. Interim Financials for the ten months ending April 30, 2020.

Mayor Copeland read the consent docket in its entirety. Vice Mayor Gentges pulled Item 5.c.i. for further discussion.

Mr. Curd moved to approve the consent docket with the exception of Item 5.c.i., seconded by Mr. Curd.

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

Vice Mayor Gentges inquired as to the current status of sales tax. Mr. Muninger reported that revenues at this point have been strong, although May's report may be lower. Mayor Copeland added that Bartlesville is blessed to have good revenues.

Vice Mayor Gentges moved to approve Item 5.c.i., seconded by Mr. Curd.

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

#### **6. Public hearing and possible action on a resolution adopting the proposed City of Bartlesville Budget for Fiscal Year 2020-2021. Presented by Jason Muninger, City Clerk/CFO.**

Once again, Mayor Copeland took this opportunity to encourage anyone wishing to speak at the public hearing about Item 6. to contact Kelli Williams at [kwilliams@cityofbartlesville.org](mailto:kwilliams@cityofbartlesville.org) and she would provide the invitation to connect to the Zoom meeting. He added that City Hall and the Council Chambers were open for anyone who wanted to appear in person and join the public hearing.

Mr. Muninger provided the budget preparation schedule; changes since the workshop presentation (Water/Wastewater Manager change, additional water and wastewater projects added to Capital Reserve Fund to match Capital Improvement Program Budget and formatting and grammatical errors); Budget Recap; and the review of the Budget Adoption Resolution, section by section. He added that a public hearing is required for budgets adopted in accordance with the "Municipal Budget Act".

Mr. Bailey provided Ms. Williams' phone number to the public just in case an email request to speak had not been received. A brief discussion ensued with appreciation of staff for their work on the budget; the challenges in holding a public hearing during a pandemic crisis and social distancing; and how challenging estimating and building the budget has been without knowing what the future holds after the pandemic and subsequent fluctuations to the economy. Several minutes were allowed during this time for the public to call in, email or appear in person for the public hearing. Mr. Bailey then reported there were no requests to join the videoconference and that no one was present in person in Council Chambers to speak.

Mayor Copeland opened the public hearing at 7:40 p.m. There being no one appear to speak either by phone, email or in person (confirmed by Mr. Bailey), Mr. Kane stated that everything has been covered to allow for the public to speak, so it would be acceptable for the Mayor to close the public hearing. That being the case, Mayor Copeland closed the public hearing at 7:42 p.m.

Vice Mayor Gentges moved to adopt the City of Bartlesville FY 2020-2021 Budget as presented, seconded by Mr. Stuart.

Vice Mayor Gentges and Mr. Curd commented on City staff doing a great job on the budget. Mr. Muninger said the previous Council's direction in creating the Reserve Fund has been very prudent. Mayor Copeland concurred.

Aye: Mr. Dorsey, Mr. Curd, Vice Mayor Gentges, Mr. Stuart, Mayor Copeland

Nay: None

Motion: Passed

**7. Discuss and take possible action to approve the Capital Improvements Program (CIP) Budget for Fiscal Year 2020-2021. Presented by Micah Siemers, P.E., Director of Engineering.**

Mr. Siemers reported in June of 2013, the citizens of Bartlesville voted to extend a one-half sales tax to finance capital improvements for a seven-year period, to be used for the making of capital improvements. These include but are not limited to roads and streets, drainage improvements, water improvements, sewer improvements, machinery and equipment, furniture and fixtures, rights-of-way, all real property, all construction or reconstruction of buildings, appurtenances and improvements to real property and other costs and expenses related thereto. He continued reporting that the accounting staff identified in the FY 2019-2020 Operating Budget for Capital Improvements Projects Sales tax Fund a \$4,335,968 budget for new projects. Carry over projects totaling \$2,816,633 include the committed

capital funding for the previous fiscal year projects that have not yet been encumbered. Staff compiled a list of proposed FY 2020-2021 ½-cent sales tax CIP projects totaling \$4,195,000 for Council consideration. In addition to allocating funds from the ½ cent sales tax revenue source, proposed carry over projects are summarized for the City Hall Fund, Storm Sewer Fund as well as the 2009, 2012, 2014A, 2014B, 2015, 2017, 2018A, 2018B, 2018C, 2019A and 2019B General Obligation Bond funds. Mr. Siemers then reviewed the CIP Projects with the Council.

Mr. Curd thanked Mr. Siemers for his work on the CIP Budget.

Mr. Curd moved to approve the City of Bartlesville FY 2020-2021 Capital Improvements Program Budget as presented, seconded by Mr. Stuart.

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

**8. Discuss and take possible action to approve the Fiscal Year 2020-21 Business Plan and Operating Budget for the Bartlesville Development Authority. Presented by David Wood, President, Bartlesville Development Authority.**

Mr. Wood reported that in consultation with the City, the proposed FY 2020-2021 budget is relatively the same as FY 2019-20. He presented a PowerPoint showing a 6% reduction in total revenue, and an \$880,000 appropriation, which is the same as last year. He further provided information on personnel; administration and support; legal fees, special project reserve, advertising and marketing and research expenses. He reported that the Bartlesville Convention and Visitors Bureau (CVB) allocation remains unchanged. He added that over the past three years, the CVB has returned \$1.94 for every dollar allocated, which is a 94% return. Last year, they reported a 111% return. A very large percentage of revenues that affect the CVB revenue is during the March, April and May. It is notable to report that even with the economic hit of the pandemic, the CVB's numbers were still positive. Mr. Wood concluded that the BDA's budget request remains the same.

Vice Mayor Gentges moved to approve the Bartlesville Development Authority FY 2020-21 Business Plan and Operating Budget as presented, seconded by Mr. Stuart.

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

**9. Discuss and take possible action to approve the annual contract between the City of Bartlesville and the Bartlesville Development Authority for Economic Development Services for the period of July 1, 2020 through June 30, 2021. Presented by David Wood, President, Bartlesville Development Authority.**

Mr. Wood reported that the annual agreement has not changed from last year, except for the dates, with the amount of \$880,000 payable in monthly installments.

Vice Mayor Gentges stated his appreciation of Mr. Wood for his leadership and all that has accomplished for the community.

Vice Mayor Gentges moved to approve the Bartlesville Development Authority Economic Development Services Contract for the period of July 1, 2020 through June 30, 2021 as presented, seconded by Mr. Dorsey.

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

**10. Discuss and take possible action appropriating up to \$650,000 from the Economic Development Fund for small business assistance in the form of Utility Assistance Grants and Loan Guarantees consistent with input from the Economic Recovery Task Force and the Bartlesville Development Authority. Presented by David Wood, President, Bartlesville Development Authority.**

Mr. Wood reported that the BDA was charged by the City Council to form a task force to focus on current business retention, small business assistance during the current crisis, and a path to eventual economic recovery. The Task Force is facilitated through BDA but is an independent board comprised of a broad array of business and community leaders. The Task Force met, conferred with City Councilors, City Manager and BDA Trustees and all agreed upon modest grants only for those businesses which demonstrably need it; publicly-supported lending only to those businesses with a reasonable expectation of continuing operation; and can be rolled out quickly and implemented effectively with available staff resources - at a cost that represents a responsible use of public funds.

Mr. Wood presented the Utility Program which will be available for Bartlesville businesses which were current (electric, water, gas) as of the February billing cycle and now carry a past-due balance as of the close of business May 31 (substantial reopening) will have the past due portion paid. The total cost estimate will be approximately \$150,000. Funds will be provided to ONG, PSO and City of Bartlesville and each organization will apply the funds accordingly.

The second program is a loan guarantee program. Bartlesville banks may participate in a specialized lending program for their existing customers under the Bartlesville Small Business Recovery (SBR) loan program. They will be 75% guaranteed by BDA/City with the guarantee capped at \$500,000 to support over \$650,000 local in loans. The interest rate on SBR loans will be fixed at 5% APR, with interest paid monthly by BDA (as borrower's terms specify zero interest) for 12 months. Banks pledge to originate SBR loan to pay-off/pay-down existing impaired loans, thus transferring 75% of the anticipated loss to BDA/City. The businesses (borrowers) minimum requirements are that loan amounts up to 100% of debt-service-coverage is based on the preceding 12 months ending January 2020; or if a new enterprise, the preceding month(s) of operation ending January 2020, up to a maximum loan amount of \$25,000; business must be located with the City of Bartlesville, and current on license, permit, registrations, etc., if required; collateral not mandated by BDA/City, but may be required by originating bank with liquidation value split pro-rata 75/25 with BDA; all borrowers will be required to execute a personal guarantee; minimum FICO score of 620; and borrowers must certify that they have not received, nor will they apply, for funding under PPP or EIDL. In addition, one-year term loans will defer monthly loan payments for two months, with the loan principal fully-amortized over the remaining 10 months and will carry an interest rate of 0% (for loans in good-standing). Two-year term loans monthly loan payments will be deferred for two months, with the loan principal fully-amortizing over the remaining 22 months. Loans in good-standing will carry an interest rate of 0% for the initial 12 months, with monthly payments increased to cover 5% interest over the remaining 12 months.

Mr. Wood stated that Dennis Halpin, Truity CEO and Task Force member has assisted with the structuring of this program, as has Councilman Dorsey. By Mr. Halpin's estimate, as many as 20% of these could ultimately prove uncollectable. A pledge of \$500,000 in public guarantee supports over \$650,000 in potential loans. Assuming 100% of funds were disbursed on day one and 20% ultimately filed, then the program would lose \$133,333 split 75/25 between the EDF \$100,000 and originating banks (\$33,333). Add in one-year of 5% interest (\$32,500), the all-in total public cost would be \$132,500.00. Total cost estimate of this program would be approximately \$200,000.

A brief discussion covered the amounts involved, how this assistance is for commercial businesses only, and whether or not 1099's would be provided to businesses who receive assistance.

Vice Mayor Gentges commended David Wood and Trevor Dorsey, as well all of the members of the Task Force, for their time and expertise.

Mr. Curd moved to approve appropriating up to \$650,000 from the Economic Development Fund for small business assistance as presented, seconded by Vice Mayor Gentges.

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

**11. Discuss and take possible action on Change Order 1 with McAnaw Construction for the Water Utilities Renovation Project. Presented by Terry Lauritsen, P.E., Director of Water Utilities.**

Mr. Lauritsen reported that the City Council awarded the construction contract to McAnaw Construction for \$1,494,717.27 in February 2020. Construction started in March and the project is approximately 25% complete. Several items have come up that were outside of the original scope of work. Mr. Lauritsen listed each item totaling \$52,596.24 which will be paid through savings within the water department operating budget.

Vice Mayor Gentges moved to approve Change Order 1 in the amount of \$52,596.24 with McAnaw Construction as presented, seconded by Mr. Curd. (Following his motion to second, Mr. Curd's videoconferencing ability went down at this time.)

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

Mr. Curd reconnected to the videoconference.

**12. Discuss and take possible action on Amendment 1 to the professional service agreement with Tetra Tech, Inc. for engineering services on the Wastewater Treatment Plant Effluent Pump Station and pipeline and Raw Water Intake Rehabilitation Project. Presented by Terry Lauritsen, P.E., Director of Water Utilities.**

Mr. Lauritsen reported that after the completion of the Water Reuse Feasibility study, the next task in the plant expansion/reuse concept is the engineering design for the reuse pump station, pipeline as well as renovating the raw water intake structure on the Caney River. In

February 2019, Council approved a professional service contract with Tetra Tech for the engineering services to prepare necessary environmental and construction documents for this project. The cost of the engineering services was \$570,000. During the course of the design, two items came up outside of the original scope of the project, the IPR Feasibility Study required by the ODEQ and the 2<sup>nd</sup> round of ABB Trapping and Survey. The cost of the additional services is \$34,000. The project is being paid through water capital funds.

Mr. Curd moved to approve Amendment 1 in the amount of \$34,000 to the Professional Services Agreement with Tetra Tech, Inc. as presented, seconded by Mr. Dorsey.

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

**13. Discuss and take possible action to adopt Ordinance No. 3528 repealing Ordinance No. 3527; creating emergency measures related to the COVID-19 Pandemic; and declaring an emergency. Presented by Mayor Dale Copeland.**

Mayor Copeland referred to the information in the Council Packet stating that the proposed ordinance has been reduced from five pages to two, with limitations and restrictions that were in place in Ordinance No. 3527 having been removed. The proposed ordinance would basically place Bartlesville under Phase 3 of the Governor's OURS Plan.

Mr. Baily provided PowerPoint slides covering the Washington County COVID-19 Cases and deaths as of 6/1/20; how the proposed ordinance moves Bartlesville to Phase 3 of the Governor's OURS Plan; what expires and what is still in effect as of June 1 prior to adoption of the proposed ordinance; Case Analysis-Rolling 7 Day Average of 6/1/20; the Case Analysis-Unadjusted Confirmed Cases as of 6/1/20; Long Term Care Facility Summary. Mr. Bailey then provided the proposed ordinance on the screen with Mayor Copeland stating that the ordinance would move us into Phase 3 of the Governor's OURS Plan. Vice Mayor Gentges encouraged everyone to continue to follow CDC guidelines in order to keep the number of infections down, that the pandemic is not quite over and to continue good sanitation practices. He extended his condolences to everyone who lost family to COVID-19. Mayor Copeland concurred with Vice Mayor Gentges that following CDC guidelines is just good practice. Mr. Stuart commented that he hoped people do not become complacent. Mayor Copeland stated that if the proposed ordinance is adopted, it will go into effect at midnight.

Mr. Curd moved to adopt Ordinance 3528 as presented, seconded by Vice Mayor Gentges.

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

Mayor Copeland commended City staff and his fellow Councilmembers for a doing an amazing job throughout the pandemic crisis.

Mr. Dorsey moved to declare an emergency as presented, seconded by Vice Mayor Gentges.

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

**14. Discuss and take possible action to adopt an ordinance amending Section 5-58 B. 2) ii. of Ordinance No. 3507 as it pertains to permissible locations for commercial medical marijuana growing facilities. Presented by Vice Mayor Alan Gentges.**

Vice Mayor Gentges reported that Ordinance 3507 was passed December 3, 2018 which regulated commercial marijuana facilities in the City of Bartlesville. In that Ordinance indoor growing facilities had the same 200 foot restriction from residential properties. Due to the nature of operating an indoor growing facility such as no signage, minimal activity, hermetically sealed building with filtration, they are not as bothersome to nearby residences as outdoor growing facilities. Therefore, Vice Mayor Gentges is recommending the ordinance be amended to remove the setback restriction on indoor growing facilities.

Vice Mayor Gentges moved to adopt the Ordinance as presented, seconded by Mr. Stuart.

A brief discussion covered the preference that growers have for indoor facilities due to the high value of the crops; how the setback is unfair to the indoor growers since residents can grow up to six plants for personal use on their personal property without setback restrictions; and how the City has nuisance laws in place to monitor abuse of the laws. Mr. Curd stated that he did not agree with the amendment stating that he felt the setbacks in the original ordinance were well thought out and placed there for a good reason. He added that more facilities may be added throughout the City and wanted the setback restriction to remain in place for indoor facilities as well as for the outdoor facilities.

Aye: Vice Mayor Gentges, Mr. Stuart, Mr. Dorsey, Mayor Copeland

Nay: Mr. Curd

Motion: Passed

**15. New Business.**

There was no new business.

**16. City Manager and Staff Reports.**

Mr. Bailey thanked the City Council for their diligence throughout the budget process and COVID-19 crisis; provided information regarding the opening of City facilities; and appreciated the Accounting staff for their work on the budget preparation.

Mayor Copeland inquired about the Kiddie Park, whether it was open and if there were any new restrictions or requirements about attending. Mr. Bailey stated that he would research and provide the information.

**17. City Council Comments and Inquiries.**

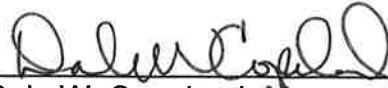
Mr. Dorsey thanked the City Council, City Attorney, City Manager and City staff for their hard work over the last two to three months managing the City during the COVID-19 crisis.

Mr. Curd reported on how Tower Center at Unity Square is now open and looks great. Vice Mayor Gentges agreed and added that July 10 will be the official grand opening. He added his appreciation for his fellow Councilmembers, private donors and citizens for funding Tower Center at Unity Square, calling Bartlesville uniquely blessed. He also stated his appreciation for the Mayor and Mr. Bailey for their leadership during the pandemic crisis.



Mr. Stuart reported that the Bartlesville Public Library is planning a variety of outdoor events in and around Tower Center at Unity Square.

**18. There being no further business to discuss, Mayor Copeland adjourned the meeting at 9:34 p.m.**



Dale W. Copeland, Mayor



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Jason Muninger, City Clerk/CFO

