



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

**THE MINUTES OF THE  
REGULAR MEETING OF THE  
BARTLESVILLE CITY COUNCIL  
Monday, November 2, 2020  
7 p.m.**

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

## **MINUTES**

(The Notice of Meeting was posted December 13, 2019  
and the Agenda was posted October 29, 2020 at 5:00 p.m.)

City Council present were Mayor Dale Copeland, Vice Mayor Alan Gentges, Trevor Dorsey and Paul Stuart. Councilman Jim Curd, Jr. was absent.

City staff present were Mike Bailey, City Manager; Jess Kane, City Attorney; Terry Lauritsen, Director of Water Utilities; Micah Siemers, Director of Engineering; Greg Collins, Assistant Director, Community Development; Alicia Shelton and Meghan Snead, Accountants; Community Development; Deputy Police Chief Rocky Bevard, Security; and Elaine Banes, Executive Assistant.

- 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 will be provided by Pastor Jason Elmore, Friday Nite Church/President, Bartlesville Ministerial Association.**
- 4. Citizens to be heard.**

There were no citizens to be heard.

- 5. City Council Announcements and Proclamations.**
  - Extra Mile Day – November 2, 2020 – Presented by Councilman Dorsey
  - Veterans and Military Families Month – November 2020 – Presented by Councilman Stuart
  - Diabetes Awareness Month – November 2020 – Presented by Mayor Copeland
- 6. Authorities, Boards, Commissions and Committee Openings**
  - One opening on the Construction and Fire Code Appeals Board
  - Four openings on the History Museum Trust Authority
  - Two openings on the Library Board
  - One opening on the Park Board
  - One opening on the Sewer System Improvements Oversight Committee
  - One opening on the White Rose Cemetery 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.

## **7. Consent Docket**

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

- i. The Regular Meeting Minutes of October 5, 2020.

### **b. Approval of Appointments and Reappointments to Authorities, Boards, Committees and Commissions**

- i. Reappointment of Mr. Amos Radlinger to an additional three-year term on the Park Board at the recommendation of Councilman Curd.

### **c. Approval of Resolution**

- i. To amend the contracts of the City Manager, City Attorney, City Judge and Golf Professional adjusting their compensation to accommodate the approved cost of living adjustments and merit increases for Fiscal Year 20-21.

### **d. Approval of Agreements, Contracts, Engagement Letters and Change Orders**

- i. Preventative Maintenance Contract between the City of Bartlesville/History Museum and Graphic Resources for the Museum's Large Format Printer/Plotter.
- ii. Master Services Agreement between Kellogg and Sovereign, LLC and Bartlesville Public Library/City of Bartlesville for professional e-rate and OUSF compliance services.
- iii. Professional Service Agreement with Olsson, Inc. for engineering services for a Hydraulic Study and Pump Station Analysis for the Maple and Nebraska Sub Basins.
- iv. An Agreement between the City of Bartlesville and the Bartlesville Area Habitat for Humanity to forgive liens in the amount of \$6,384.06 (\$8,472.74 including administrative fees) on property located at 1349 SW Jennings. Ave.

### **e. Receipt of Financials**

- i. Interim Financials for the Three Months Ending September 30, 2020.

### **f. Receipt of Bids**

- i. Bid No. 2020-2021-011 for One (1) 4x4 Multi-Purpose Excavator

Mayor Copeland read the consent docket in its entirety.

Vice Mayor Gentges moved to approve the consent docket as presented, seconded by Mr. Stuart.

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

Nay: None

Motion: Passed

- 8. Discuss and take possible action to approve the law enforcement agreement between the Cherokee Nation and City of Bartlesville Police Department through signing of the Addendum Deputation Agreement for law enforcement in the Cherokee Nation. Presented by Rocky Bevard, Deputy Chief of Police.**

Deputy Chief Bevard reported that On July 9, 2020, the Supreme Court of the United States ruled in the case of McGirt v. Oklahoma, in favor of McGirt and the argument that the State of Oklahoma lacked jurisdiction to prosecute crimes committed by and/or against enrolled members of Indian tribes within Indian Country. Indian Country is described as all land within the limits of any Indian reservation under the jurisdiction of the U.S. Government. Since the City of Bartlesville lies completely within Indian Country and reservation land of the Cherokee Nation, jurisdictional issues could be forthcoming regarding crimes committed by or perpetrated against enrolled members of the Indian Tribes within the City of Bartlesville. Deputy Chief Bevard continued that since the Cherokee Nation and the Bartlesville Police Department are committed to collaborating, the Cherokee Nation extends their law enforcement authority to local law enforcement agencies as outlined in the agreement through cross deputation of member of local law enforcement. If approved by the City Council, the signed Addendum Deputation Agreement is filed by the Cherokee Nation Marshalls Service with the State of Oklahoma. Sworn police personnel of the Bartlesville Police department are vetted through the Cherokee Nation. Once approved, the listed personnel are declared deputized law enforcement officials with the Cherokee Marshalls Service.

A brief discussion covered how the Cherokee Nation has purchased a 1500 bed facility in Cushing, Oklahoma for their use; how training for this deputation is basically the same training that is required of City police officers; that it is possible that the need for a special investigator may be determined at a later date; that an additional investigation task force may also be developed at a later date; and that Tahlequah is the only location at this time for judicial hearings of this nature.

Mr. Stuart moved to approve the Law Enforcement Agreement as presented, seconded by Mr. Dorsey.

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

Nay: None

Motion: Passed

**9. Discuss and take possible action on Change Order No. 1 from Whaling Construction for the Eastland Pathfinder Extension Project. Presented by Micah Siemers, P.E., Director of Engineering.**

**Note:** Mayor Copeland recused himself from discussion and vote because he is owner of part of the land that this action pertains to. He passed the gavel to Vice Mayor Gentges and left Council Chambers for the duration of this item and vote.

Mr. Siemers reported that this project consists of extending the Pathfinder Parkway trail from US 75 to Frank Phillips Boulevard. It extends through the Eastland property on the south side of Turkey Creek to the west termination of Brookline Drive. The project in its current form has been in the works since 2012 and has met with some resistance due to the fact it would have to run through the residential properties along Brookline Drive. Public meetings were held as part of the design and planning process to get feedback from property owners along Brookline in an effort to minimize the impact of the trail on those properties. Mr. Siemers details the final design. Issues with the proposed alignment were realized during the final states of design citing possible danger at the intersection with Greystone; a steep incline of the last 400 feet of the property that would require construction of a retaining wall to facilitate trail construction. Therefore, the shift unfortunately will place the trail in the front yards of six properties that would have been avoided with the original alignment. The project

was designed and bid with the revised alignment to eliminate the cost of retaining wall and improve safety for the trail crossing.

Mr. Siemers continued reported that when construction started, staff began to receive multiple complaints from the property owners who also approached the Mayor with their concerns of the trail being constructed on their property frontage. Mayor Copeland was concerned that the new alignment was different from what was shown to the public and felt the design should be as close as possible to what was presented to the neighbors, while keeping pedestrian safety in mind. Mr. Siemers details the updated design that would affect only two property owners instead of six, and would provide pedestrian safety. Therefore, a Change Order to the contract was necessary and includes the added work for the retaining wall along with a pipe rail re-install and an increase to the Engineer's Allowance to cover any additional unforeseen items that may arise. Change Order No. 1 will add approximately \$29,020.00 to the contract. The contractor has also been advised to use concrete in place of asphalt along Brookline because it will look nicer and be easier to maintain. This will increase the final cost of the project, as will additional driveway approaches to meet ADA requirements. Factoring in Change Order No. 1 and these changes to the project, the final cost is estimated to be about \$58,000 over the original amount. Staff is recommending utilizing remaining ½ Cent CIP funds set aside for Pathfinder improvements to cover Change Order No. 1 and other quantity over runs.

Discussion covered the estimated final cost of \$353,465; availability of funding through the ½ Cent CIP funds; and that since a portion of funding was grant funded a specific deadline of December 31, 2020 is required and will be met.

Mr. Dorsey moved to approve Change Order No.1 with Whaling Construction for an overall net increase in the contract amount of \$29,020.00 as presented, seconded by Mr. Stuart.

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

Mayor Copeland returned to Council Chambers and retained the gavel.

## **10. New Business.**

There was no new business.

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

Mr. Bailey reported:

The Fall Leaf and Grass pickup is scheduled for the week of December 7 and can include tree debris from the recent storm as long as the limbs are cut and bundled; and

He provided an update on COVID stating that as of October 30, Washington County was at 21.1 cases per 100,000 population, which keeps the County in the Moderate Risk Category. Unfortunately, another death occurred last weekend, bringing the death count to 42. At this time, the local hospital continues to have plenty of beds available should the need arise; and

Mr. Bailey concluded that tomorrow is Election Day, nation-wide, and asked that citizens to be patient since the lines may be longer than in the past. He reminded citizens in Wards 2 and 3 that a separate ballot will be included in order to vote on their city representative.

## 12. City Council Comments and Inquiries.

Mayor Copeland thanked KWON and the League of Women Voters for hosting candidate forums in recent weeks. He also reminded citizens to be patient when voting tomorrow.

Vice Mayor Gentges also thanked KWON and the League of Women Voters for the forums.

At Mr. Stuart's request, Mr. Bailey asked the City Councilmen to submit their requests on how they would like to apply the unappropriated \$23,388 CARES funds so that a decision can be made at the next City Council Meeting.


Vice Mayor Gentges inquired about financials. Ms. Shelton reported that the City is 2.8% up from last year at this time. She did say revenues were low in September and October but that the City is overall up 1% over last year.

Vice Mayor Gentges reminded citizens to be sure and vote tomorrow. He asked that citizens to continue to follow CDC guidelines, wash hands, social distance and wear a mask especially when social distancing is not available.

Mr. Stuart praised the Bartlesville Area History Museum for their medical history exhibit and encouraged citizens to visit the museum.

**13. There being no further business to conduct, Mayor Copeland adjourned the meeting at 7:56 p.m.**

  
Dale W. Copeland, Mayor

  
Jason Muninger, City Clerk/CFO

