



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

**REGULAR MEETING OF THE
BARTLESVILLE CITY COUNCIL**

**Monday, January 4, 2021
7 p.m.**

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

MINUTES

(The Notice of Meeting was posted December 15, 2020
and the Agenda was posted December 3, 2020 at 5:00 p.m.)

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

City staff present 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; Kelli Williams, Chief Communications Officer; Laura Sanders, Director of Human Resources; Shellie McGill, Director of the Library; Nancy Warring, Assistant Planner; Greg Collins, Assistant Community Development Director; Trevor Bay, Code Enforcement Officer; Police Chief Tracy Roles, Security; and Elaine Banes, Executive Assistant.

- 1. The business meeting of the Bartlesville City Council was called to order at 7:00 p.m. by Mayor Copeland.**
- 2. Roll call was conducted a quorum established.**
- 3. The Invocation was provided by Pastor Darrell Wootton, Spirit Church.**
- 4. Citizens to be heard.**

Mr. Quinn Schipper provided complimentary remarks about the City Council and City staff after attending and observing several City Council meetings.

- 5. City Council Announcements and Proclamations.**
 - The Bartlesville School Lunch Week – January 4-8, 2021 proclamation was presented by Councilman Stuart.
- 6. Authorities, Boards, Commissions and Committee Openings**
 - Three openings on the Ambulance Commission
 - One opening on the City Planning Commission
 - One opening on the Construction and Fire Codes Appeals 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 or at City Hall in the City Manager's Office.

7. Consent Docket

a. Approval of Minutes

- i. The Regular Meeting Minutes of December 7, 2020.

b. Approval and/or Ratification of Appointments and Reappointments to Authorities, Boards, Commissions and Committees

- i. Appointment of Ms. Pammala Ramsey to a three term on the Ambulance Commission at the recommendation of Mayor Copeland.
- ii. Reappointment of Mr. Brian Schexnayder for an additional term of three years on the Ambulance Commission at the recommendation of Mayor Copeland.

c. Approval of Agreements, Change Orders, Contracts, and Lease Agreements

- i. Third 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 7136 East WT Bartlesville.
- ii. Proposed Lease Agreement between the City of Bartlesville and Washington County for lease of the south half of the 4th floor of the City Hall Building.
- iii. Professional Service Agreement with S2 Engineering, PLLC for a Water System Risk and Resiliency Assessment and Emergency Response Plan.
- iv. Three-year contract between Bartlesville Public Library/City of Bartlesville and BTC Broadband for the Library's internet services paid with Federal and State e-rate monies.
- v. Contract between the Bartlesville Public Library/City of Bartlesville and United Systems for basic maintenance and internal connections for e-rate funding, July 1, 2021- June 30, 2022.
- vi. Update Article 24, Section 2 of the International Association of Fire Fighters (IAFF) Collective Bargaining Agreement.

d. Receipt of Financials

- i. Interim Financials for the Five Months ending November 30, 2020.

e. Receipt of Bids

- i. 2020-2021-013 for Interactive Art Feature – Tower Center.

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

8. Discuss and take action to award Bid 2020-2021-011R for One (1) 4x4 Multi-Purpose Excavator. Presented by Councilman Curd.

Mr. Curd moved to award Bid No. 2020-2021-011R to Kirby-Smith of Tulsa, OK in the amount of \$372,557.07 for one unit and include all items and options as bid, seconded by Mr. Dorsey.

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

9. Discuss and take action to award Bid No. 2020-2021-012 for Frank Phillips Blvd. Water Line Replacement. Presented by Vice Mayor Gentges.

Vice Mayor Gentges moved to award Bid No. 2020-2021-012 to Marsau Enterprises, Inc. of Enid, OK, in the amount of \$1,613,441.66 seconded by Mr. Stuart.

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

10. Discuss and take action to award Bid No. 2020-2021-013 for Interactive Art Feature. Presented by Vice Mayor Gentges.

Vice Mayor Gentges moved to award a construction contract (Bid No. 2020-2021-013) to Magnum Construction of Broken Arrow, OK, in the amount of \$275,645.00 for the Interactive Art Feature Site Improvements at Unity Square and Splash Pad at Johnstone Park, seconded by Mr. Stuart.

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

11. Hold a public hearing on and consideration of a request to close the North 10 feet of the 20 foot utility and drainage easement in Lot 24, Block 6, Covington Park Addition, Bartlesville, Washington County, Oklahoma. Presented by Micah Siemers, Director, Engineering Department.

Mr. Siemers reported that Brook and Cynthia Trotter, the applicants, are requesting the closure to provide more usable space in their back yard. The yard on the south side of the property is undevelopable for accessory buildings or other features due to the size of the easement and the easement. City, staff, and the utility companies have no objection to the closing.

Mayor Copeland opened the public hearing at 7:30 p.m. There being no one appear to speak, the Mayor closed the public hearing at 7:30 p.m.

Vice Mayor Gentges moved to adopt the ordinance to close the north 10' of the 20' utility and drainage easement in Block 6 of Covington Park Addition, Bartlesville, Washington County, Oklahoma as presented, seconded by Mr. Curd.

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

12. Discuss and take possible action to adopt an ordinance amending Chapter 13, Parks and Recreation, Article II, Use Regulations for Specific Park and Recreational Facilities, of the Bartlesville Municipal Code to include specific use regulations for the use of the Pathfinder Parkway. Presented by Vice Mayor Alan Gentges.

Vice Mayor Gentges reported that this amendment is to allow increased use of pedal-assist electric bicycles, electric scooters, hoverboards, segways, and motorized skateboards on Pathfinder Parkway. Limitations upon these are: the speed limit would be no more than 20 mph; no internal combustion engines; limit the weight of the device to 100 pounds, except for low-speed powered wheelchairs for persons with disabilities; and limit devices to a maximum width of 32 inches, which would still accommodate an adult three wheeled bicycle. He stated he is favor of this amendment, as it would increase further use of the Parkway. The Park Board approved the amendment. The Transportation Committee was unable to meet to discuss the amendment due to a lack of quorum. Mr. Curd stated that there was a lengthy discussion with the Park Board and they are in favor of the amendment. Members of the Park Board also discussed enforcement of laws and rules concerning Pathfinder Parkway.

Mr. Stuart stated that a constituent inquired if verbiage could be added to ensure the path is not blocked when used in a group. Vice Mayor Gentges stated that he felt this is already addressed in the amendment in Section 13-19(3)e. A brief discussion ensued with the amendment remaining as is. Mayor Copeland added that the City is improving in providing methods of travel around Bartlesville, and he is happy to support the amendment. Mr. Curd wanted it to part of the record that signage will be installed with this new information.

Mr. Curd moved to adopt the ordinance amending Chapter 13, Parks and Recreation, Article II, Use Regulations for Specific Park and Recreational Facilities, of the Bartlesville Municipal Code to include specific use regulations for the use of Pathfinder Parkway as presented, seconded by Mr. Dorsey.

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

13. Discuss and take possible action to approve a Resolution requesting financial assistance from the Oklahoma Department of Commerce through the 2020 Community Development Block Grant (CDBG) Coronavirus Disease Response Program. Presented by Nancy Warring, Assistant City Planner.

Ms. Warring reported that the Oklahoma Department of Commerce (ODOC) received CARES Act funding to place towards the Coronavirus Disease Response Program. The Program provides grant funding for activities that address the health and economic challenges brought on by the COVID-19 pandemic. The funds re intended to pay costs not covered by other form of assistance and that specifically benefit persons of low and moderate income. Eighteen designated small cities are eligible for the first round of funding, \$8,072,433.48. If divided evenly among the eighteen communities, Bartlesville's share of this funding would be approximately \$448468.53. A formal application is now due to ODOC by February 1, 2021. As part of the process, the City of Bartlesville is required to adopt a Resolution that requests this funding assistance and commits to administering the grant by all applicable rules and regulations. There are five eligible areas of activities but only three are allowed. The five areas

are utility assistance, rental assistance, medical assistance, nutrition assistance and mental health assistance. Internally, staff has chosen the activities of Utility Assistant, Rental Assistance, and Nutrition Assistance, and the City hopes to collaborate with local non-profits. Staff is in the process of meeting with local non-profits to see if they wish to participant. Requirements for this funding also includes citizen participation, a Participation plan, and a public hearing for the public input. The public hearing will be January 19, 2021 at 7 p.m. and it must be a Special City Council meeting. There will also be a close-out phase public hearing later as well.

Discussion covered that a certain amount is requested and a budget is submitted; whether a per capita split may be an option; that the City does not have to match the funds; that the City along with participating non-profits will administer the funds; and criteria on who qualifies to receive the funds.

Mr. Curd moved to approve a resolution requesting financial assistance from the Oklahoma Department of Commerce through the 2020 Community Development Block Grant – Coronavirus Response Program as presented, seconded by Mr. Dorsey.

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

14. Discuss and take possible action to approve a Citizen Participation Plan for the 2020 Community Development Block Grant (CDBG) Coronavirus Disease Response Program. Presented by Nancy Warring, Assistant City Planner.

Ms. Warring reported this is related to the item previously discussed. The Citizens Participation Plan sets forth opportunities for citizen involvement and input. The Plan states that the public hearing will be held during a Special City Council Meeting on January 19, 2021. Following citizen input, the Council will determine how to best utilize the grant funds and will direct staff to proceed with the writing and submittal of the grant application. The Citizen Participation Plan will be submitted with the application.

Mr. Curd moved to approve the Citizen Participation Plan for the 2020 Community Development Block Grant (CDGB) Coronavirus Disease Response Program as presented, seconded by Vice Mayor Gentges.

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

15. Progress report on Mr. Tony Watson's abatement of code violations and City Council's upholding of the Hearing Examiner's Administrative Orders and Declarations of a Public Nuisance, specifically inoperable vehicles and accumulation of debris, trash, and waste, at 1313 SE Grandview Road, legally described as Lot 3, Block 24, West Ranch Acres 3rd, Bartlesville, Washington County, Oklahoma (Code Enforcement Case Numbers JV-20-102 and WT-20-471). Presented by Greg Collins, Assistant Director, Community Development.

Mr. Collins presented this progress report. He reported that at the Regular City Council Meeting of September 8, 2020, Mr. Watson appealed the City's Code Enforcement Hearing Officer's administrative orders and declarations of public nuisance for inoperable vehicles, rash, junk, rubbish, tires and discarded items in yard areas and porches. The City Council upheld the Hearing Examiner's Orders with the stipulation to allow the property owner 90 days to abate the property with staff to follow-up every 30 days for a progress check. During that meeting, City Council and staff discussed bringing this agenda item back to City Council for a progress report 90 days from the September 8 meeting date, or at this City Council meeting, the first regular meeting in January 2021.

Mr. Collins stated that in prior communications with Mr. Watson, and during the September 8 City Council meeting, Mr. Watson stated his intent to sell the 1967 Ford Ranchero, 1991 Chevy Van, and the 1953 International Harvester pickup truck. It was stated that the Dodge Charger just needed a charged battery to be operable. Mr. Watson also stated his intent to keep and properly store the 1937 Ford Huckster (converted pickup) and the 1951 Ford Victoria.

Mr. Collins also stated that Neighborhood Services Officer, Trevor Bay, met with Mr. Watson on October 9 and together they performed a walk-through of the property. Items had been removed from the front porch and the white Chevy van had been moved to the building in the back yard. The other vehicles at issue remained on the property, and Mr. Watson stated again that he was planning to sell a few of the vehicles and admitted he needed to remove more items from the back yard.

Due to COVID and scheduling challenges, staff was unable to visit with Mr. Watson on his property in November, but was able to check the property over the last two months preceding December 29. All of the vehicles at issue remained on the property, the white Chevy van was being stored on the driveway again, and loose items were still being stored in the back yard. In addition, items again were placed on or near the front porch front yard and front driveway area. Mr. Watson told Mr. Bay in a phone call on December 28 that Mr. Watson no longer had plans to remove the vehicles, that they are collector's items and that if necessary, he would make a case to district court.

Mr. Collins and his staff recommended that the Council set a time frame of 14 days for Mr. Watson to abate all violations on the property that were described in the Council Memo for September 8, 2020, after which time, if any violations remain, the City would abate the property in accordance with State Law and Municipal Code, cite the owner and bill the owner for the cost of abatement.

Following Mr. Collins presentation, which included the law and code provisions regarding each issue, and the status of each issue, discussion and questions from the City Council covered topics including how a vehicle is determined to be inoperable; how a property owner can provide proof that a vehicle is operable; how the items on the trailer filled with debris is new and not covered in the previous case; the process involved with abating the inoperable vehicles, where the abated vehicles are taken, how they are disposed of, and who receives the monies from the sale of said vehicles if they are not recovered by the owner; how the owner can remedy and bring inoperable vehicles up to code; concerns about the City's process for abating inoperable vehicles, especially those of value; how this process is strictly limited by state law; how Mr. Watson had agreed to the previous directions affirmed by City Council in September, but now has changed his position on the vehicles; continued discussion

on the condition of the vehicles; and the importance of keeping the integrity of the neighborhood.

Mayor Copeland opened the floor to Mr. Watson. Mr. Watson spoke extensively on his life situation and health, how the vehicles on his property are his hobby vehicles and are valuable. He stated that if the City tried to tow away the 1951 Ford Victoria, then he would file an injunction against the City. He provided the status of the van, stating that it has a new fuel pump, battery and is tagged. He stated that the 1967 Ranchero is a good vehicle. He added that he had a garage built to house his vehicles and that they are not junk, and that he does not agree with the City's use of the term "nuisance". He stated that if the City requires the vehicles to be parked on concrete, he could park them on his front drive. He also stated that the second visit by staff that was to be in November was not conducted, and he was not notified that it had been canceled. Mr. Watson introduced William Crawford who, with his family, is assisting Mr. Watson in cleaning up the property inside and out.

At this point, Mayor Copeland and Mr. Watson addressed the vehicles individually as follows: Mr. Watson confirmed that the 1951 Ford Victoria has a cover, is operable, and can be moved to the concrete drive. The 1991 Chevy white van will be operable with a new fuel pump and battery that has been purchased and it is currently tagged. The 1967 Ranchero needs new tires and needs to have a fuel pump installed (currently stored on the front seat), and then it will be operable. The Ford Huckster is not operable and is on a trailer. The engine leaks oil and needs to be overhauled. The white Pacer is operable, tagged and sits on a hard surface. The Dodge Charger is operable with a new battery in it and is properly tagged. The 1953 International Harvester pickup is not operable.

Mayor Copeland asked Mr. Crawford about the status of clean up. Mr. Crawford stated that he started working for Mr. Watson only a week prior. He stated that Mr. Watson is unable to do the work himself because of Mr. Watson's health, that Mr. Watson could hardly walk across the room without being winded, and the fact that the work is physical. Most of Mr. Crawford's work is cleaning up the property and remodeling the interior of the house, fencing and gates. Mayor Copeland reiterated that it is the exterior issues that need to be remedied. Mr. Crawford said that he and Mr. Watson discussed creating additional space in the garage in the backyard, by reorganizing that space so that personal property could be stored vertically, freeing up floor space so that the cars could be put back in the garage. The garage, around 1,400 square feet, was built to accommodate several vehicles and did previously house the cars, but is now currently filled with Mr. Watson's stepmother's personal items. In response to questions, Mr. Crawford and Mr. Watson stated that Mr. Watson has hired Mr. Crawford's family and that the cleanup effort is a family endeavor, and that Mr. Crawford's future son-in-law, a mechanic, would be working on the Ford Ranchero. Mr. Watson stated that he had purchased a license tag renewal sticker for the Ranchero, but he had not placed it on the tag yet. In response to a question asking how much more time was needed to make the vehicles operable and compliant, Mr. Crawford and Mr. Watson both stated one month or 30 days, to abate the property, with the help Mr. Watson now has. Mr. Crawford added that the trailer recently parked in the front was placed there to load interior and exterior debris.

Mayor Copeland stated that it sounded like progress was being made, and with Mr. Crawford's help, perhaps another extension could be approved. He reminded Mr. Watson that it has been several months at this point, and it is important that laws, codes and ordinances be upheld. Mr. Watson and Mr. Crawford agreed that the inoperable vehicles could be made operable or be covered/stored, debris cleared, and the garage organized in 30 days. Mr. Stuart suggested

giving them until March 1, with no extension after that date. Mr. Watson again stated that he did not agree with the City's interpretation of what is considered a nuisance. Mr. Curd stated that if he brought his property up to meet the City's codes, then there would be no further issue with the City. He also stated that it is their job to do what is right and enforce the City's codes. Mayor Copeland stated to Mr. Watson that he was encouraged that he found someone to assist him, and that everyone here desires a positive outcome.

Mr. Curd moved to retain City Council's previous ruling, and allow an extension until March 1, 2021 for the violations to be abated, which may include finding space for vehicles and/or making them operable and tagged, and to abate all violations on the property as described in the Council Memo for the September 8, 2020 Regular Meeting, after which time if any violations remain, the City would abate the property in accordance with State Law and Municipal Code, cite the owner, and bill the owner for the cost of abatement, seconded by Vice Mayor Gentges.

At Mr. Watson's inquiry about the vehicles being required to sit on paved or hard surfaces, Mayor Copeland suggested he talk to with City staff for specifics. Mr. Watson then stated that he had already done so.

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

16. Discuss the process of appointing a Municipal Court Judge. Presented by Mayor Copeland.

Mayor Copeland reported that due to the sudden passing of long-time Municipal Judge, Steve Conatser, a new judge must be appointed. During the interim, retired judge, John Gerkin, has agreed to be the City's Acting Municipal Judge. Interested parties should submit a resume with a cover letter to the City Manager's office no later than January 31, 2021. Interviews can be conducted in February with possible appointment made at the March 1 Regular City Council meeting. A brief discussion was held as to whether an executive committee of the Council should be formed to hold the interviews with applicants, perhaps consisting of the Mayor and Vice Mayor. Mr. Bailey suggested that once interviews were conducted, an Executive Session could be scheduled for the Council to discuss the applicants who were interviewed.

City Attorney Kane and Vice Mayor Gentges both stated their appreciation for Judge Gerkin for stepping in and assisting during this time, as did Mayor Copeland.

17. New Business

There was no new business.

18. City Manager and Staff Reports.

Mr. Bailey provided a COVID update covering the total cases in Washington County; cases just since September 1; 60 deaths to-date; rolling 7 day average of new cases/100,000 pop for Washington County; average daily cases by month; the significant increase in the last three months; the vaccine was received and the process will be to inoculate citizens using the phases set out by the CDC; and the Bville Bill Protect Our Heard campaign. A brief discussion

was held on how many 1st responders and critical infrastructure people signed up for the vaccine; trust level of the vaccination; the second vaccination phase roll-out; whether tracking of those inoculated is being done. Vice Mayor Gentges stated that he had noticed grouping in waiting areas and encouraged people to remember to distance at 6 feet.

Mr. Bailey also announced that Christmas trees can be taken to the southwest parking lot at the Sooner Tower entrance at Sooner Park. This site will be open through January 24th. The trees will then be mulched and made available to the public.

19. City Council Comments and Inquiries.

Mr. Curd thanked Mr. Collins and Ms. Beeman for their thorough report regarding Mr. Watson and his property.

Mr. Dorsey congratulated Mr. Stuart for stepping up to raise funds for the United Way by offering get a tattoo if a certain amount of funds were donated in order to promote the Bville Bill campaign.

Mayor Copeland inquired of Chief Roles about the Arrive Safe Program on New Year's Eve. Chief Roles reported that they assisted three people with rides. He complimented the public on the fact that there were no DUI's or accidents reported New Year's Eve.

20. There being no further business to address, Mayor Copeland adjourned the meeting at 9:40 p.m.



Jason Muninger, City Clerk/CFO



Dale W. Copeland, Mayor

