



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

**MINUTES OF THE
REGULAR MEETING OF THE
BARTLESVILLE CITY COUNCIL
Monday, April 4, 2022
at 7 p.m.**

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

MINUTES

(The Notice of Meeting was posted December 15, 2021
and the Agenda was posted March 31, 2022 at 5:00 p.m.)

Present were Mayor Dale Copeland, Vice Mayor Jim Curd, Jr., Councilmembers Trevor Dorsey, Paul Stuart, and Billie Roane.

City staff present were Mike Bailey, City Manager; Jess Kane, City Attorney; Jason Muninger, City Clerk/CFO; Lisa Beeman, Director of Community Development; Terry Lauritsen, Director of Water Utilities; Micah Siemers, Director of Engineering; Shellie McGill, Director of the Public Library; Laura Sanders, Director of Human Resources, Kelli Williams, Chief Communications Officer; Captain Jay Hastings, 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 held and a quorum established.**
- 3. Invocation by Errol Hada, The Lighthouse Outreach Center.**
- 4. Citizens to be heard.**

There were no citizens to be heard.

- 5. City Council Announcements, Commendations, Presentations and Proclamations.**
 - Presentation of the 2021 PISCES Exceptional Project plaque to the City of Bartlesville by Ms. Tonya White, Marketing and Outreach Manager, Financial Assistance Division of the Oklahoma Water Resources Board.
 - Donate Life Month – April 2022 proclamation was presented by Councilmember Stuart.
 - Fair Housing Month – April 2022 proclamation was presented by Vice Mayor Curd.
 - Civitan Month – April 2022 proclamation was presented by Councilmember Roane.
 - World Autism Day - April 2, 2022 and Autism Acceptance Month – April 2022 Presented by Mayor Copeland.
 - Child Abuse Prevention Month – April 2022 proclamation was presented by Councilmember Dorsey.
- 6. Authorities, Boards, Commissions and Committee Openings**
 - One opening on the Park 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 Monday, March 7, 2022.
- ii. The Special Meeting Minutes of March 21, 2022 and March 28, 2022.

b. Approval of Appointment, Reappointments and Ratifications to Authorities, Boards, Commissions and Committees

- i. Reappointment of Ms. Debra Cook and Ms. Louis Reich to additional three-year terms on the White Rose Cemetery Board at the recommendation of Mayor Copeland.
- ii. Appointment of Ms. Miranda Shelts and Mr. Joe Todd to three-year terms on the White Rose Cemetery Board at the recommendation of Mayor Copeland.

c. Approval of Agreements, Contracts, Leases, Memorandums of Understanding, and Proposals.

- i. Contract between the City of Bartlesville/Public Library and Creativebug, LLC for a one-year subscription to the Creativebug Database for Fiscal Year 2022/2023 for on-line video arts and crafts workshops, techniques, patterns, templates and recipes for anyone who has a current Library card.
- ii. Contract between the City of Bartlesville/Public Library and Link Media Outdoor for billboards for the 2022 Summer Reading Program.
- iii. Contract between the City of Bartlesville/Public Library and ProQuest for annual subscription for the database, Newspaper.com-World Collection.
- iv. Amendment to the current agreement between the City of Bartlesville/Public Library and Innovative Interfaces for *The Carousel Toolkit* license in order to display carousels of books on the main page of the Library website under development.
- v. Contract between the City of Bartlesville and CEC Corporation for engineering services on the M. J. Lee Parking Improvements Project.
- vi. Traffic Signal Maintenance Agreement and Resolution with the Oklahoma Department of Transportation for Job Piece Number 23438(10) State Highway 123 over Caney River.
- vii. Merchant Agreement between the City of Bartlesville/Municipal Airport with Kropp Holdings, Inc. to sell merchandise, products or services to authorized holders of the RESQ card for first responders and/or the U.S. Government Air Card.

d. Approval Surveyor's Certificate and Correction of Plat

- i. Surveyor's Certificate and correction of the plat of Cunningham Addition to the City of Bartlesville, Washington County, Oklahoma.

e. Adoption of Ordinance

- i. Amendment to the City of Bartlesville plan adopting revised and restated Oklahoma Municipal Retirement fund (OMRF) Master Defined Contribution Retirement Plan.

f. Receipt of Financials

- i. Interim Financials for the eight months ending February 28, 2022.

Mayor Copeland read the consent docket in its entirety.

Mr. Stuart moved to approve the consent docket as presented seconded by Ms. Roane.

Aye: Ms. Roane, Mr. Stuart, Mr. Dorsey, Vice Mayor Curd, Mayor Copeland

Nay: None

Motion: Passed

8. Report on the YMCA managed, city-owned swimming pools and athletic fields. Presented by Robert Phillips, YMCA Chief Executive Officer.

Mr. Phillips reported on the Field Management Goals established in 2017 when the City and the YMCA began their agreement. He also reported that in 2017 there were 23 paid contracts totaling \$17,600; in 2018 there were 21 contract totaling \$22,190; in 2019 there were 21 contracts totaling \$23,869.90; in 2020 there were 12 contracts totaling \$5,320 (data impacted by COVID-19 Pandemic); in 2021 there were 24 contracts totaling \$22,300; and as of March 25, 2022 there are 9 contracts totaling \$300. He reported that the Washington County Baseball Softball organization turned their management over to the YMCA in February, and how they will be scheduled for this season.

Continuing with his report, Mr. Phillips distributed a spreadsheet covering income and expenses from when the YMCA started managing Frontier and Sooner Pools in 2015. He provided statistics on swimming lessons, City employee usage, and discounted group visits by various churches and organizations. He reported that the YMCA employs three full-time employees, more than 50 seasonal staff, and that for 2022, the new minimum wage will be \$9 an hour for pool employees and \$10 an hour for lifeguards.

Mr. Bailey confirmed the income brought in from the field usage; personnel for field management; the increase over the years of field usage; and how he had asked Mr. Phillips to come before the Council to describe the City and YMCA roles each play in the City's recreational program. He encouraged the City Council to let him know of the concerns and questions that they receive from user groups so they can be resolved. He added that there is great communication between Mr. Phillips and City staff, and that he has found that any issue that has been brought forward, has been successfully resolved.

Discussion followed covering salaries and payroll taxes and their preparation; how tiered fees for field usage are set by the City Council; how two of the larger user groups pay more based upon field maintenance costs; how out-of-town user groups pay more per field; how the rate is figured per field, per hour, again set by the City Council; how the football program is not played on City fields with the exception to the Virginia Avenue fields; how there is a rate for lights and a rate for no lights; that cricket and adult soccer play at Daniels Field on Friday nights; how communication is the biggest issue between users and the YMCA staff; staffing issues and discussion about hiring a dual purpose full-time employee; how the Director is a contract employee; how the funds provided by the City is for managing the pools, not the fields; how the YMCA Director hires his staff for the fields from field registrations and fees; how important the swimming lessons are to the 1300-1400 children that have participated in them since 2015; that perhaps additional funding may be needed

for personnel; and how Bartlesville offers recreational programs at a cost less than many other cities of comparable size.

Mayor Copeland and Vice Mayor Curd both thanked Mr. Phillips for his presentation.

9. Discuss and take possible action on an agreement with the Osage Nation Gaming Enterprise to provide sewer service for property located west of the Bartlesville Corporate Limits. Presented by Terry Lauritsen, Director of Water Utilities.

Mr. Lauritsen reported that the Osage Nation Gaming Enterprise (Nation) has requested City sewer service for their property with a privately financed public improvement. They will construct a lift station and force main to pump wastewater from their development to the City's collection system located north of the intersection of SH 123 and Frank Phillips Blvd. The development of this property is anticipated in phases with the first phase generating an estimated 125,000 gallons of wastewater per day. The City's wastewater collection system downstream of this proposed connection does have the capacity to accommodate this phase of development, however, this downstream collection system is at capacity when factoring in wet weather inflow and infiltration. The Casino's discharge will require future downstream improvements to ensure no bypasses during rain events over two inches with the goal of the City's collection system is to convey peak flows generated during a 2.25 inch rain event). The Nation will financially participate in the upgrade of the City's downstream collection system through a separate agreement. Since the request is for sewer service of a property located outside of the City's corporate limits, a contract is required to provide this service. The agreement stipulates that the Nation will design, and construct the lift station and force main in accordance to applicable City, State, and Osage Nation regulations. City staff must approve construction documents and once the system is complete and accepted, ownership of the pump station and pipeline will be transferred to the City. Easements will be dedicated for portions of the system located outside of the right of way of US Highway 60 (the majority of the force main will be within the highway right of way, with the pump station being located on Nation property). Limits have been placed on the volume of discharge to mitigate any downstream capacity limitations during wet weather events. All permits and fees are the responsibility of the Nation. Bonds and inspection fees will be provided by the Nation in accordance with the Bartlesville Subdivision Regulations. The Nation will pay the City \$625 per month for the first 60 months to cover the operation and maintenance of the lift station and pipeline, after which, this monthly fee may be adjusted annually to reflect increases in operational and/or maintenance costs. The sewer agreement, downstream sewer, and tourism agreements are tied together so a default on one allows the termination of sewer service. Mr. Cass from the Osage Nation was present.

Mr. Bailey pointed out that the agreement included in the Council packet has been amended and a copy of the amended agreement has been provided. The amendments were in Agreement Item No. 13, creating a notification period so that if the City perceives a default, the Nation has 30 days to respond. This amendment was included in all three agreements.

Discussion covered water service that is already established in the area; water line improvements will occur that are associated with the project; how agreements for water line improvements are under development; the formula used to determine the amount for participating in the sewer upgrade was determined by estimating flow which then resulted in the cost of \$1.7 million; and it was agreed that both parties would pay half due to inefficiencies in the system that the City is responsible to repair.

Mr. Stuart moved to approve the agreement as presented, seconded by Vice Mayor Curd.

Aye: Mr. Stuart, Mr. Dorsey, Vice Mayor Curd, Ms. Roane, Mayor Copeland

Nay: None

Motion: Passed

10. Discuss and take possible action on an agreement with the Osage Nation Gaming Enterprise for downstream sewer line improvements within the City's wastewater collection system. Presented by Terry Lauritsen, Director of Water Utilities.

Mr. Lauritsen reported that the Nation has requested City sewer service for this property with a privately financed public improvement as set out above. Also, as reported in the Item 9, the Nation will construct a lift station and force main to pump wastewater from their development to the City's collection system located north of the intersection of SH 123 and Frank Phillips Blvd. The development of this property is anticipated in phases with the first phase generating an estimated 125,000 gallons of wastewater per day. The City's wastewater collection system downstream of this proposed connection does have the capacity to accommodate this phase of development. However, this downstream collection system is at capacity when factoring in wet weather inflow and infiltration, and the Casino's discharge will require future downstream improvements to ensure no bypasses during rain events over 2 inches (the goal of the City's collection system is to convey peak flows generated during a 2.25 inch rain event). To ensure compliance goals, the City's collection system needs to be upgraded from Johnstone Park to Cudahy. The estimated cost of this upgrade is \$1.87 million. The Nation will contribute \$1,000,000 towards this upgrade, contingent on use of these funds within 10 years. Again, the downstream sewer, tourism and sewer service agreements are tied together so a default on one allows the termination of sewer service.

Discussion covered the City's plan to conduct wet weather testing to eliminate the private side defects, then determine what will be needed for the Casino; whether any of the sewer lines go under the Caney River, which they do not; how the lines will not run under the proposed new Hwy. 123 bridge; and how the testing will be similar to the smoke testing that has been conducted in the past.

Vice Mayor Curd moved to approve the agreement as presented, seconded by Mr. Stuart.

Aye: Mr. Dorsey, Vice Mayor Curd, Ms. Roane, Mr. Stuart, Mayor Copeland

Nay: None

Motion: Passed

11. Discuss and take possible action on an agreement with the Osage Nation Gaming Enterprise for tourism support for property located west of the Bartlesville Corporate Limits. Presented by Terry Lauritsen, Director of Water Utilities.

Mr. Lauritsen reported that in support of tourism, the Nation has agreed to pay the City 5% of all revenues derived from the rental of hotel rooms. The tourism and sewer agreements are tied together so a default on one allows the termination of sewer service. Mr. Bailey explained that since the Casino will lay outside the corporate City limits, lodging tax cannot be collected. Since the City is providing wastewater and water service, the Nation agreed to contribute the 5% to offset those costs.

A brief discussion covered how the 5% will be funded within the City budget. Mr. Bailey stated that the 5% is not a lodging tax, and he expressed his appreciation to the Nation for offering the funds.

Mr. Lauritsen introduced Mr. Cass who stated his appreciation for the relationship built between the Osage Nation and the City of Bartlesville. The new hotel will have 132 rooms and will likely rent for between \$125 to \$200 a night. He concluded that the projected an opening date for the Casino Resort will be approximately December 30, 2022. Ms. Roane inquired if the entrance into the Casino will be a lighted intersection or have turn lanes. Mr. Cass stated that he is working with ODOT to make sure all ODOT requirements are satisfied. Vice Mayor Curd expressed his appreciation to all parties involved who worked together and brought the agreements forward. Mayor Copeland also expressed his appreciation to Mr. Cass, the Osage Nation and City staff.

Mr. Stuart moved to approve the agreement as presented, seconded by Vice Mayor Curd.

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

12. Discuss and take possible action to adopt an Ordinance amending Chapter 20 of the Bartlesville Municipal Code pertaining to water and wastewater rates and fees. Presented by Jason Muninger, CFO/City Clerk.

Mr. Muninger reported that he based the proposed ordinances on the results he received from the City Council Workshop meeting last month. He added that although no one likes utility increases, they are necessary due to \$13 million projected for upcoming water projects, \$74 million in wastewater projects and \$5 million in sanitation projects. These projects are the driving factor for the increases. The City adopted year one of the rate study in 2021, but as assumptions changed for the AMI project, it changed the rate structure for years 2-5. Staff chose to include the current year's rates in this ordinance for codification and timing purposes. The five-year rate plan will recover the cost of operations and capital needs through 2026, which includes the above mentioned projects that includes the purchase of a new Automated Meter Infrastructure system, upgrades to the City's sanitation collection equipment and ongoing wastewater infrastructure needs.

Mayor Copeland reviewed the rate increases for all City services. Water, wastewater, and solid waste for the average customer, who uses about 6,000 gallons of water per month, is an approximately 7.5 percent, for Fiscal Year 2023. It drops slightly each year after that, with 5.5 percent in 2024, 5.2 percent in 2025, and 4 percent in 2026.

Discussion covered how the amounts/percentages have been determined to keep the rate increases stable and less of a hardship on utility users; how due to capital needs, the larger increase is first; and additional ways the increases could be managed.

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

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

13. Discuss and take possible action to adopt an Ordinance amending Chapter 8 of the Bartlesville Municipal Code pertaining to Garbage and Trash rates and fees. Presented by Jason Muninger, CFO/City Clerk.

Mr. Muninger reported that Garbage and Trash rate increases are mostly based on equipment needs and landfill pricing. It was found early in the NewGen study that the commercial rates were being subsidized with the residential rates. With these rate changes, this will now be brought more inline.

A brief discussion covered recycling costs and how Replenish may reduce those costs; and how revenue from Replenish has not yet been received.

Mr. Stuart moved to adopt the Ordinance as presented, seconded by Mr. Dorsey.

Aye: Mr. Stuart, Mr. Dorsey, Vice Mayor Curd, Ms. Roane, Mayor Copeland

Nay: None

Motion: Passed

14. New Business.

There was no new business to report.

15. City Manager and Staff Reports.


Mr. Bailey asked that Mr. Siemers provide information recently received regarding the Hillcrest renovation from 20th street to the Caney River project. Mr. Siemers reported that the contractor discovered that somehow a substantial amount of shale was present in the top lift of asphalt and brought this to his attention. This became visible once traffic had been on the road for a month or so. Shale is not as strong as limestone which is what the aggregate in asphalt is supposed to consist of, and it became clear that there was an issue when the shale particles started fragmenting and breaking at the surface. Siemers said the specification allows for a very small amount of shale or other deleterious materials to be present in the paving, but what was observed by Mr. Bell, the contractor, and through additional testing conducted by the City, exceeded what could be considered acceptable. Mr. Siemers stated that material testing methods the City employs would not catch this defect. He stated that the City tests for density, air voids, gradation, and compaction, but not the makeup of the aggregate, which is certified by the materials supplier as part of their asphalt mix design. He added that the City was fortunate to work with a contractor who identified the deficiency and stepped up immediately to help find a fix for it. Mr. Siemers explained that asphalt is laid in lifts, and that Hillcrest was built with two three-inch-thick lifts of a coarse asphalt mix called a base course and one two-inch-thick lift of a finer asphalt mix called a surface course. All three lifts were tested and, fortunately, the shale is isolated to the top two-inch lift which can and will be milled off, then be re-laid with asphalt that meets the specifications. Mr. Siemers concluded that no additional taxpayer cost is involved in the reconstruction, and the project is projected to begin in June.

16. City Council Comments and Inquiries.

There were no City Council comments or inquiries.

17. There being no further business to address, Mayor Copeland adjourned the meeting at 9:30 p.m.


Dale W. Copeland, Mayor


Jason Muninger, CFO/City Clerk

