



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

**THE MINUTES OF THE  
REGULAR MEETING OF THE  
BARTLESVILLE CITY COUNCIL  
Monday, May 2, 2022  
7 p.m.**

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

**MINUTES**

(The Notice of Meeting was posted December 15, 2021  
and the Agenda was posted April 28, 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; Terry Lauritsen, Director of Water Utilities; Micah Siemers, Director of Engineering; Kelli Williams, Chief Communications Officer; Fire Chief David Topping; Police Chief Tracy Roles; Lt. Josh Johnson, Security; and Elaine Baner, 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 Quinn Schipper.**
4. **Citizens to be heard.**

There were no citizens to be heard.

5. **City Council Announcements, Commendations, Presentations and Proclamations.**
  - Presentation of Life-Saving Award to Chad and Ana Marshall for their heroic actions rescuing their neighbor from a vicious dog attack. Presented by Fire Chief David Topping. Mr. Bailey recognized their son, Creed, for his obedience during the incident. Mayor Copeland presented a certificate of appreciation on behalf of the City to Chad and Ana Marshall as well.
  - Recognition of First Christian Church for 125 years of valuable presence, incomparable service and a lasting legacy to the Bartlesville community and beyond. Presented by Vice Mayor Jim Curd.
  - Rededication Day of the First Bartlesville Post Office - May 8, 2022 Proclamation. Presented by Mayor Copeland.
  - Kids to Parks Day - May 21, 2022 Proclamation. Presented by Councilmember Roane.
  - Flood Awareness Month – May 2022 Proclamation. Presented by Councilmember Stuart.
  - National Police Week – May 15-21, 2022. 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](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 Monday, April 4, 2022.

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

- i. Appointment of Mr. Kevin Sitton to a three-year term on the Adams Municipal Golf Course Committee at the recommendation of Councilman Dorsey.

### **c. Approval of Resolutions**

- i. Delegating settlement authority to certain employee positions to approve legal settlements that are negotiated by the City of Bartlesville's insurer.
- ii. In support of the Washington County Individual Safe Room Project and waiving the building permit fees.
- iii. Adopting the Washington County Multi-Jurisdictional Multi-Hazard Mitigation Plan Update.
- iv. Amending the Budget for the General Fund Park and Recreation Budget for FY 2021-2022.
- v. Amending the Budget for the Special Library Fund for FY 2021-22.

### **d. Approval of Agreements, Contracts, Leases, Memorandums of Understanding, and Proposals.**

- i. Production location agreement with Apple Studios to lease Hangar 1 for the purposes of set/film production located at the Bartlesville Municipal Airport.
- ii. Lease Agreement with Arthur Wilson to store one (1) Beechcraft Barron aircraft at the Bartlesville Municipal Airport.
- iii. Lease Agreement with Brittany and Bobbi Day to store one (1) RV 4 aircraft in Hangar 8 at the Bartlesville Municipal Airport.
- iv. Master Services Agreement with True North Mapping and Solutions for GIS consulting services.
- v. Professional Service Contract with Schuermann Enterprise Inc. for SCADA and Radio System Improvements for the Water Distribution System.
- vi. Engagement Letter with Arledge and Associates P.C. for Single Audit Services.

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

- i. Interim Financials for the nine months ending March 31, 2022.

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

- i. Bid No. 2021-2022-009 for 2022 Asphalt Rejuvenation Project – Tuxedo, Rogers, Penn, Lannom.

Mayor Copeland read the consent docket in its entirety.

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

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

**8. Discuss and take possible action to award Bid No. 2021-2022-009 Asphalt Rejuvenation Project – Tuxedo, Rogers, Penn, Lannom. Presented by Mayor Copeland.**

Mayor Copeland moved to award ProSeal, Inc., August, Kansas, in the amount of \$78,377.93, seconded by Ms. Roane.

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

**9. Presentation and receipt of the Annual Financial Statements and Independent Auditor's Reports as of and for the Fiscal Year ended June 30, 2021. Presented by LaDonna Sinning, CPA, CFE, Arledge and Associates PC.**

Ms. Sinning was unable to be in attendance. Mr. Muninger reported that the 2021-22 Fiscal Year Audit is complete with no outstanding issues. The City continues to receive high opinions on audits, helping to retain its AA- bond rating.

Mr. Stuart moved to receive the audit report for the fiscal year ended June 30, 2021 as presented, seconded by Mr. Dorsey.

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

**10. Discuss and take action to approve a Resolution fixing the amount of Combined Purpose General Obligation Bonds, Series 2022 to mature each year; fixing the time and place the Bonds are to be sold; designating a paying agent/registrar and disclosure counsel; approving the preliminary official statement and distribution thereof; ratifying and confirming continuing disclosure policies and procedures; and authorizing the Clerk to give notice of said sale as required by law and fixing other details of the issue. Presented by Chris Wolff, Municipal Finance Services, Inc.**

Mr. Wolff reported that the proposed Resolution authorizes the first issue from the \$16.4 million General Obligation Bond approved by voters in August 2020, setting a May 23 sale date with a closing on June 29. Funds will be issued at that time. The sale will provide \$9.5 million in funding for projects approved in the election. The remaining \$6.4 million will be issued next year.

Mr. Bailey commented on how Municipal Finance Services, Inc. and the City's auditing service, Arledge and Associates worked together to line everything up in order to conduct the sale in

this fiscal year in order to ensure the tax levy remains where it needs to be. He and the Mayor expressed their appreciation to both entities for their team work on this item.

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

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

Nay: None

Motion: Passed

**11. Discuss and take possible on a property acquisition agreement for land northeast of the Chickasaw Wastewater Treatment Plant. Presented by Terry Lauritsen, Director, Water Utilities.**

Mr. Lauritsen, using a PowerPoint, provided an overview of the subject area. He reported that in September 2020, a professional services contract was awarded to Tetra Tech to development an engineering report for the wastewater plant expansion and pump corridor conveyance improvements, which will provide a 35% level of engineering design as well as the environmental review of the proposed improvements. He added that for the wastewater plant expansion, one of the proposed improvements will be to construct a berm around the property to protect the plant during flood vents. He explained the City's floodplain regulations and how 250,000 cubic yards of material/dirt will be needed for the berm construction. Redbird Ranches, LLC owns land nearby and is suitable to harvest dirt for the project. While only approximately 40 acres are needed for the dirt harvesting to comply with the floodplain regulations, the property owners indicated that they wish to sell the entire tract. After negotiations, an agreement was reached with the following terms: the City will purchase 41.1 acres for \$82,200 (\$2,000 per acre); Redbird Ranches will donate the remaining 41.1 acres to the City; and Redbird Ranches shall furnish an abstract to the City, so the City can have a title examination to determine if the title is merchantable. Funding for the purchase will be through the Wastewater Capital Reserve Fund. Mr. Lauritsen concluded that the proposed Resolution and Agreement supplied in the City Council packet will not be the final documents. Redbird Ranch wished to obtain another appraisal, and apart from any major changes, Mr. Lauritsen asked that the City Council go ahead and authorize the Mayor to sign both documents when they are finalized.

Discussion covered who owned parcels around the subject property; benefit of having the fill dirt close to the need for it; and the benefit of having property to move dirt into;

Mr. Stuart moved to authorize the Mayor to sign the final Resolution and Agreement once it has been finalized, seconded by Ms. Roane.

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

Nay: None

Motion: Passed

**12. Discuss and take possible action on Change Order #1 from Crossland Heavy Contractors, Inc. for the Caney River Raw Water Intake Improvements. Presented by Terry Lauritsen, Director, Water Utilities.**

Mr. Lauritsen, using a PowerPoint, provided an overview of the river and pump stations. He reported that one of the capital projects approved last fiscal year through the Water Distribution Capital Reserve Fund was for improvements to the Caney River raw water intake

structure and pump station. The proposed improvements will replace the pumps, electrical, add variable frequency drives, as well as renovate the exterior of the station. The overall capacity of the raw water pump station will be 6.5 MGD. He continued stating that Crossland Heavy Contractors was awarded the bid for the project for just over \$1.2 million. During construction several items have come up that were not within the scope of the construction contract which requires the proposed change order. Those items are: level floor around existing motor pads and fill in opening (\$3,237.91), Remote mount readout for flow meter (\$1,931.60), Meer Vault Piping (\$15,883.02), Additional chain hoist (\$11,141.77), and electrical utility modifications (\$70,196.93). These changes will add \$102,391.23 to the contract resulting in a total contract cost of \$1,334,401.23. The project budget is \$1.5 million, thus there are sufficient funds to pay for the proposed changes. Staff is requesting approval of the overall increase and add 52 calendar days to the contract.

Vice Mayor Curd moved to approve Change Order No. 1 in the amount of \$102,391.23 and adding 52 calendar days to the contract as presented, seconded by Mr. Stuart.

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

Nay: None

Motion: Passed

**13. Discuss and take possible action to adopt an ordinance amending Chapter 17, Streets, Sidewalks, and Other Public Places, Article IV, Sidewalks, of the Bartlesville Municipal Code, concerning the construction of sidewalks. Presented by Greg Collins, Assistant Director, Community Development.**

Mr. Collins, using a PowerPoint for reference, reported that staff has researched and drafted a proposed amendment to the municipal code clarifying when landowners and developers are responsible for construction of sidewalk during the land subdivision and building and development process. The proposed municipal code provisions are based on a City of Tulsa model that was enacted in 2019 and 2020. The proposed code amendment clarifies that sidewalk construction is required for properties and developments whenever there is: (a) a subdivision of land or platting including lot splits, lot combinations, and lot line adjustments; and (b) development for which a building permit, certificate of occupancy or certificate of compliance is required for all new development and the expansion or improvement of existing development and uses meeting the criteria in Zoning Regulation 7.4.A or 7.4.B.

Continuing, Mr. Collins reported that landowners can pay a fee in lieu of sidewalk construction for those properties that are not in "critical sidewalk areas." The fees in lieu would be collected and a separate fund would be established to account for them. Fees-in-lieu may be used only for new construction, not maintenance or repair of existing sidewalk.

For those properties in "critical sidewalk areas," the landowner would be required to install sidewalk, and would not be eligible for the fee-in-lieu option, unless they qualified for a deferment under specific circumstances, granted by the Community Development Director. "Critical sidewalk areas" are defined as (1) properties abutting or connecting to an existing sidewalk; (2) properties abutting arterial or collector streets; or (3) new subdivisions or replats of existing subdivisions.

Mr. Collins covered the following areas of the amendment of the Ordinance:

Property in critical sidewalk area may still qualify for the deferment and fee in lieu option where (1) there is anticipated future construction of sidewalk which would substantially damage or cause the replacement of sidewalk, if they were presently constructed; or (2) factors exist that make sidewalk construction impractical. The cost of construction alone, without other relevant factors, does not make construction impractical.

At the discretion of the Community Development Director, and with the approval of the Director of Engineering, an applicant may agree to dedicate right-of-way to the public instead of payment of a cash fee in lieu of construction. This option is well suited for situations such as large lots on arterials and collector streets, where the landowner is constructing a single-family home, there is no existing adjacent or abutting sidewalk, and where additional right-of-way would be needed for future improvement of the arterial or collector or improvement of utilities. Later, if the property is subdivided, or a more intense use is applied for in a rezoning or new building permit application, sidewalk construction would be required.

A landowner could appeal the Community Development Director's denial of a deferment / fee-in-lieu application to the Streets and Traffic Committee.

The permit application fee would be waived for minor repairs to sidewalk. Minor repair is defined as "[r]epair of existing sidewalk by filling, patching or sealing of cracks or spalling, or repair by grinding, beveling, or cutting to remedy differences in vertical grade of existing sidewalk such as upheavals, buckling, and settling."

City staff is developing a policy for a cost-sharing program whereby landowners not falling within the categories discussed above may voluntarily enter into an agreement with the City to split the costs of sidewalk construction to fill gaps in the sidewalk network. This policy would not be mandated by ordinance, but rather, would be implemented by policy and funded by City Council through the budget process.

Discussion covered the Community Development director's discretion on situations where a sidewalk is not practical; "funds in lieu of" will be kept in a fund specifically for in-fill sidewalks or to complete a complete sidewalk network; and how the City follows the sidewalk guidelines also.

Mr. Stuart moved to adopt the amended ordinance (distributed at the meeting) amending Chapter 17 of the Bartlesville Municipal Code concerning the construction of sidewalks as presented, seconded by Vice Mayor Curd.

Mayor Copeland, Vice Mayor Curd and Councilmember Roane all agreed this ordinance amendment is a fair document to address sidewalk needs.

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

Nay: None

Motion: Passed

#### **14. New Business.**

There was no new business.

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

Mr. Bailey updated the City Council on the Strategic Planning progress. Meetings were held over the past two months with staff, officials, the public, major employers, and the BDA, BRTA and Chamber of Commerce moderated by the consultant, Patrick Ibarra. A survey was also successfully conducted. Mr. Ibarra returned on April 28 and 29 and met with the Task Force to review all of the information from these meetings. The three items that the Task Force will start working on next is a Mission Statement, a Vision Statement and Core Values. In this week's City Beat, an update on this process will be included. Mr. Bailey stated that the process has been very enlightening and that he is excited to see the results. Mayor Copeland added that the overall theme from all of the meetings was a positive theme, that Bartlesville is a good place to live as well as how to continue making even better. He concluded that he felt it has been a very good exercise, and that Mr. Ibarra will return May 24 and 25 for additional sessions with the Task Force.


Mr. Bailey also reported that the Conference Center Feasibility Study is on-going. The consultant was here last month and met with several groups and will be back the end of May with preliminary market findings on what is available in Bartlesville. The final report should be ready three to four weeks after that. The letter of intent executed with First Christian Church provided that the City's commitment would be to inform them by May 31 on whether or not to accept the church for a conference center, or by May 21 execute a month to month lease. Since the results will not be completed until June, it appears that a monthly lease will be needed. He added that there will be a Special City Council meeting on May 23 so the lease may be presented for approval at that time. There will be a workshop included in that meeting in order to begin budget review.

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

Mr. Stuart reminded citizens of the free grass and leaf pickup the week of May 9. Bags of yard debris may be left on the curb on the day of scheduled pickup, and a different truck other than the polycart trucks will come by and collect them. Limbs can be picked up also, if they are bundled in 4ft in length or less and weigh less than 40 lbs.

**17. There being no further business to address, Mayor Copeland adjourned the meeting at 8:51 p.m.**

  
Dale W. Copeland, Mayor

  
Jason Muninger, CFO/City Clerk

