



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

**MINUTES OF THE  
REGULAR MEETING OF THE  
BARTLESVILLE CITY COUNCIL  
Monday, October 3, 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 September 29, 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 Police Chief Tracy Roles, sitting in for Mike Bailey, City Manager, Jason Muninger, City Clerk/CFO; Attorney Tommy Brown, sitting in for Jess Kane, City Attorney; Terry Lauritsen, Director of Water Utilities; Micah Siemers, Director of Engineering; Laura Sanders, Director of Human Resources; Shellie McGill, Director of the Library; Kelli Williams, Chief Communications Officer; Greg Collins, Assistant Community Development Director; Nancy Warring, Planner II; Alicia Shelton, Accountant; Julie Brewer; Steve Roper, Engineering; Deputy Police Chief Rocky Bevard, 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. The invocation was provided by Rev. Kelley L. Becker, Senior Minister, Disciples Christian Church.**
- 4. Citizens to be heard.**

Mayor Copeland opened the floor for citizens to be heard following a brief instruction asking that all speakers keep their comments civil and at three minutes in length. Several citizens signed up to speak regarding the September 10, 2022 Pride Celebration featuring a drag queen show at Unity Square.

Morgan Lawrence-Hayes, President of Oklahomans for Equality, stated that her organization supports action to restrict adult entertainment in City-owned parks, and commented that the drag queen show in question did not include anything that could be considered adult entertainment. She also stated that her organization stands ready to defend their rights legally should it be necessary to do so.

Shannon King, a local citizen, presented a petition to the Mayor with 2000 signatures, after reading a cover statement attached to the petition. In summation of the final paragraph, she asked the City Council to determine if the activity, a drag queen show in a city-owned park, violated any laws, State or City, or city contracts for use of public areas, and if so, to take

appropriate action. She also asked that if no laws, ordinances or current contracts were violated, to study and consider a new city ordinance to prohibit adult-oriented activity from happening in public areas.

Rod MacIvaine, Jason Artherton, Joel Rabin, Bill Patton, Johnathon Long, Homer Heffington, and Zac Costello provided their comments individually on why they are against allowing adult entertainment in city-owned parks and how they are in favor of the petition and request for City Council action.

Jonathan McCormick, Jr. provided his comments on the subject of adult entertainment concluding that whether he agrees or not with either side, he supports the Constitution in favor of free speech for everyone.

Tonja Senn provided comments including how the drag queen portion of the Pride Celebration was handled appropriately and encouraged love and acceptance.

Mayor Copeland thanked everyone for their comments and remaining civil during the comments portion of the meeting. He stated that further research will be conducted and a report made at a later date. He explained that per the Oklahoma Open Meetings Act discussion cannot be held between citizens and the City Council without it being an action item listed on the agenda. Therefore, no discussion can be held regarding the subject brought before the City Council during the Citizens to be Heard portion of the agenda.

#### **5. City Council Announcements and Proclamations.**

- National Colonial Heritage Month October 2022. Presented by Councilmember Roane.
- Mental Illness Awareness Week October 2-8, 2022. Presented by Mayor Copeland.
- Arbor Day October 12, 2022. Presented by Vice Mayor Curd.
- Code Enforcement Officer's Appreciation Week October 10-14, 2022. Presented by Councilmember Dorsey.
- National Fire Prevention Safety Week October 9-15, 2022. Presented by Councilmember Stuart.
- Domestic Violence Awareness Month October 2022. Presented by Mayor Copeland.

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

- One opening on the White Rose Cemetery Board.
- One opening on the Bartlesville Area History Museum Trust Authority

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 September 6, 2022

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

- i. Appointment of Ms. Sara Freeman to a three-year term on the Bartlesville Redevelopment Trust Authority at the recommendation of Councilmember Stuart.

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

- i. Contract between the Oklahoma Department of Libraries and the Bartlesville Public Library/City of Bartlesville for the Health Literacy Grant, #F-23-075 in the amount of \$9,000 to host exercise classes and monthly healthy cooking classes.
- ii. Planned Maintenance Program Contract between the City of Bartlesville/Bartlesville Public Library and Dormakaba in the amount of \$478.80 for inspections, adjustments and service on the three automatic entrance doors into the Library.
- iii. Professional Service Contract with Freese and Nichols, Inc. for design services on the Sunset Boulevard over Butler Creek Bridge Rehabilitation and Repair Project in the amount of \$208,560.00.
- iv. Professional Services Contract with Guy Engineering Services, Inc. for design services on the Tuxedo Boulevard Bridges over the Caney River and Overflow/pond Rehabilitation and Repair Project in the amount of \$175,415.00.
- v. Professional Service Contract with Freese & Nichols (FNI) for design services on the Minnesota Avenue Rehabilitation Project and a Water Feasibility Study along Minnesota Avenue and Madison Boulevard in the amount of \$82,468.00.
- vi. Lease Agreement between the City of Bartlesville and Legacy Church of Christ for lease of the north portion of the 1<sup>st</sup> floor of the First Christian Church Building.

**d. Approval of Engineering Reports**

- i. Reports for the Chickasaw Wastewater Treatment Plant Expansion and Collection System Improvements Limestone-Chickasaw Corridor.

**e. Approval of Plat Amendments**

- i. Amendment to the Plat of Lot 1 through 12, Block 1, Foxtail Villas of Bison Trails.
- ii. Amendment to the Plat of Lot 5, Block 3, Park Place Addition, Also known as 3117 SE Stonewall Drive.
- iii. Amendment to the Plat of Lot 27, Block 1, Park Place Addition, also known as 3022 SE Talbot Circle.

**f. Receipt of Financials**

- i. Interim Financials for two months ending August 31, 2022.

Mayor Copeland read the consent docket in its entirety. Vice Mayor Curd pulled Items 7.c.vi. and 7.f.i. from the consent docket for further discussion.

Ms. Roane moved to approve the consent docket with the exception of Items 7.c.vi. and 7.f.i., seconded by Mr. Stuart.

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

Nay: None

Motion: Passed

**7.c. Approval of Agreements, Contracts, Engagement Letters and Change Orders**

- vi. Lease Agreement between the City of Bartlesville and Legacy Church of Christ for lease of the north portion of the 1<sup>st</sup> floor of the First Christian Church Building.

Vice Mayor Curd stated that a current floorplan had been provided to the City Council prior to the meeting as the one in the packet was obsolete. He commented that the City is fortunate to develop the lease with Legacy Church allowing the facility to keep the utilities on and in use. He added that the City is still pursuing RFP's for

use of the church facility, and if needed there is a clause in the Legacy lease allowing for a change of occupancy.

**f. Receipt of Financials**

- i. Interim Financials for two months ending August 31, 2022.

Vice Mayor Curd inquired of Mr. Muninger about the financials. Mr. Muninger stated that projected sales tax is up 1.3% which is ahead \$50,000 from last year at this time. For the year projections, the City is at 7.3% above budgetary expectations which equates to about \$260,000. Due to conservative budgeting for FY 2022-2023, the City's sales tax remains above expectations.

Vice Mayor Curd moved to approve Items 7.c.vi. and 7.f.i., seconded by Mr. Stuart.

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

Nay: None

Motion: Passed

**8. Public Hearing for the purpose of obtaining citizen views on proposed modifications to the FY 2021 Community Development Block Grant-Coronavirus Relief (CDBG-CV) Grant, and possible approval of a resolution modifying the scope and budget of the FY 2021 Community Development Block Grant-Coronavirus Relief (CDBG-CV) Grant. Presented by Nancy E. Warring, Planner II, Community Development.**

Ms. Warring reported that in April 2021, the City Council accepted the FY 2021 CDBG-CV Grant Award from the Oklahoma Department of Commerce to fund activities that address the health and economic challenges brought on by the COVID-19 pandemic. Specifically, the grant funds rent, utility, and mental health assistance to low and moderate income Bartlesville residents who have been affected by COVID-19. To date, much of the grant has been expended. The mental health assistance portion of the project is complete, and there are no funds remaining in that line item. However, there are substantial funds remaining for rent and utility assistance, and the demand for that assistance has consistently declined over time. As of August 31, 2022, there are \$513,045.36 in grant funds remaining. The staff at Concern have been administering the rent and utility assistance portion of the project. They anticipate needing approximately \$27,667.02 through the end of the grant period which is March 2023. This will cover rent and utility assistance, plus their administrative costs which are also eligible under the grant but were not originally included in the budget.

Continuing, Ms. Warring stated that there is \$485,378.34 remaining in grant funds. Rather than returning the unspent funds in March, staff is proposing to put them towards a new eligible activity that has been added to the CDBGCV Grant Program: *Rehabilitation Assistance*. This involves the rehabilitation of a commercial building or public facility (but not buildings for the general conduct of government) to improve indoor air quality and ventilation to prevent the spread of Coronavirus and similar airborne illness or disease. This could include, but is not limited, replacing the HVAC system, replacing other systems that affect air quality, or adding operable windows. The facilities must either serve low to moderate income clientele or be located in a low to moderate income area. In order to change the scope and budget of the existing CDBG-CV Grant project and put funds toward Rehabilitation Assistance, the City of Bartlesville must submit a Grant Modification to the Oklahoma Department of Commerce for approval. As part of that process, the City Council must hold a public hearing to solicit public input and adopt a Resolution approving the modifications.

Vice Mayor inquired about an example of a building that could qualify. Ms. Warring stated that CONCERN, Mary Martha, those types of buildings that serve the low to moderate income area would qualify. Mr. Stuart inquired if the old Siemens building would qualify since it is located in a low-income census tract. Ms. Warring stated that a qualifying facility must serve all of the people in the designated low to moderate income tract, so it would not qualify with how it is currently being used.

Mayor Copeland opened the public hearing at 8:18 p.m. Appearing to speak was Jonathan McCormick, Jr. who inquired if the grant is a Federal grant and what restrictions are required. Mayor Copeland responded that this is an existing grant which has been expanded to include the new eligible use of the funds. Ms. Warring confirmed the grant is a Federal grant and the City has and will meet all requirements.

There being no one further appearing to speak, the Mayor closed the public hearing at 8:20 p.m.

Ms. Roane moved to approve the resolution as presented, seconded by Mr. Stuart.

Mayor Copeland confirmed that the City already has the funds and this is simply a reallocation of those funds. Ms. Roane commended Ms. Warring for bringing this opportunity forward for the good of the community.

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

Nay: None

Motion: Passed

9. **A public hearing to consider and take possible action on an application from Jim Swezey of Swezey Realty Services to allow rezoning from C-2/PUD (Neighborhood Shopping/Planned Unit Development) to C-5/PUD (General Commercial/Planned Unit Development), as well as approval of a Planned Unit Development and Site Development Plan at 102 and 106 SW Kaw Ave., legally described as Lots 23 and 24, Block 3, George B. Keeler 1st Addition, Bartlesville, Washington County, Oklahoma. Presented by Greg Collins, Assistant Director, Community Development.**

Mr. Collins, using a PowerPoint presentation, reported that the applicant, Jim Swezey, proposes rezoning two lots at the southwest corner of Hensley Blvd. and Kaw Ave. from C-2/PUD (Major Shopping/Planned Unit Development), to C-5/PUD (General Commercial/Planned Unit Development). The applicant proposes to construct an approximately 3, 200 square foot commercial building on the site. The building would have three units with proposed uses of contractors' offices with accessory enclosed stored and professional offices. These uses are not allowed under the current base zoning, but are allowed under C-5 (General Commercial) base zoning. Mr. Collins reviewed the land use and zoning history, site requirements, street landscaping, stormwater fee in lieu of storm water detention, traffic study, sidewalks, signage, lighting plan, NZOD permit application, architectural style and finishes, platting, and the results of public participation meeting.

Mr. Collins continued stating that an analysis of this rezoning request must consider the following factors in Zoning Regulation 7.6.5.5 in determining whether to recommend approval of the rezoning and PUD application: a) whether the proposal is consistent with, and promotes the intent and purpose of the Comprehensive Plan; b) whether the proposal is compatible with

and harmonizes with existing and expected development of surrounding areas, the natural environment, and the planned capacities of public services and facilities affected by the proposed land use; c) whether the proposal is a unified treatment of the development possibilities of the project site; d) whether the proposal would benefit orderly and proper development of the metropolitan area; e) whether the sidewalks and streets provide a traffic flow compatible with the development and surrounding street pattern; and f) whether the proposal is consistent with the public health, safety, and welfare of the community. Staff has reviewed this application and finds that these factors are satisfied, or will be satisfied upon the applicants'/landowners' completion of any remaining conditions, and that the proposed development is appropriate at this location and is compatible with the surrounding area. The City Planning Commission, at its September 27, 2022 regular meeting, adopted Staff's recommendation, and recommends to City Council approval of the requested Rezoning, PUD, and Site Development Plan, subject to conditions as presented by City staff. The conditions are as follows:

1. The applicant must submit a revised Site Development Plan at the building permit application stage and it must include:
  - a. A lighting plan; A completed landscape plan (as described in this memo);
  - b. Public floor area of the building to confirm compliance with parking requirements;
  - c. Dumpster enclosure location with screening.
2. Land uses permitted for this site shall be specifically limited to those proposed by the applicant:
  - a. Contractor or construction offices and shops (e.g. air conditioning, building, cement, electrical, heating, masonry, painting, plumbing, refrigeration, roofing and ventilation), with accessory storage or warehousing (enclosed only)
  - b. Office: architectural, engineering, legal, or other professional; real estate, insurance.
3. The applicant must receive administrative approval of a Lot Combination before a building permit will be issued for any development that crosses a platted lot line.
4. Sidewalks on Hensley Blvd. and Kaw Ave. are required to be repaired and/or replaced as needed and subject to review by City staff.
5. A traffic study required at the building permit stage to confirm there is adequate capacity of streets on Kaw Ave. to support this development impact, to the satisfaction of city staff.
6. The applicant shall apply for and obtain approval of a National Zinc Overlay District (NZOD) / Soil Disturbance Activity Permit prior to building permit issuance.
7. The applicant shall use the style and finishes for the exterior of the building as described in his application attachment.

Mr. Collins concluded by stating that a public hearing to consider this request for approval of a Rezoning, Planned Unit Development, and Site Development Plan is required. He added that Mr. Swezey was present should the City Council have any questions for him.

Mayor Copeland noted that the zoning in this area is variable.

Mayor Copeland opened the public hearing at 8:32 p.m. Appearing to speak was Jonathan McCormick, Jr. who stated that as long as this passes all the rules then he supports bringing in more development in to Bartlesville.

There being no one further appearing to speak, the Mayor closed the public hearing at 8:33 p.m.

Mayor Copeland commented that applications such as this have been vetted by staff and the City Planning Commission, or other appropriate committees, so such homework/preparation is very thorough making decisions on these items somewhat easier for the City Council.

Vice Mayor Curd asked if the conditions and rezoning changes be carried over should the property sell. Mr. Collins stated that the rezoning would carry over and if changes are wanted, then the new property owner would have to submit changes to the City Planning Commission and the City Council.

Vice Mayor Curd moved to adopt the ordinance for rezoning and approval for a Supplemental Designation Planned Unit Development, with conditions, as presented, seconded by Mr. Dorsey.

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

Nay: None

Motion: Passed

**10. Discuss and take possible action to adopt an ordinance granting a non-exclusive permit to Clarity Telecom, LLC for the Construction and Operation of a Cable system. Presented by Alicia Shelton, Accountant.**

This item was pulled from the agenda pending further review.

**11. New Business.**

There was no new business to address.

**12. City Manager and Staff Reports.**

Chief Roles stated that tonight's meeting reminded him of how fortunate the City and its citizens are to live in a country where people can come together publicly, display their feelings, and to speak freely. He continued that Mr. Bailey asked him to let everyone know that City staff is aware of the petition that was presented tonight, and that at Mr. Bailey's request, Mr. Kane will prepare a presentation for the next regular City Council meeting in November. Mr. Kane will detail what actions the City can and cannot take to regulate adult entertainment in public places. This will be a discussion item on the agenda, and Mr. Bailey is requesting that if any City Council members have specific questions they wish to have addressed to please contact Mr. Kane directly.

**13. City Council Comments and Inquiries.**

Mr. Stuart wanted to applaud the water utility staff who attended to a six-inch water line break at his house last night. They worked throughout the night to get it fixed and did a great job.

Mr. Stuart also commented that there were inappropriate comments made by the protestors next to a bounce house where kids were playing at the Pride Celebration on Sept. 10. He added that the more disturbing part were the pamphlets that looked like coloring books that were being handed out by protestors that had pictures of aborted babies in them. Ms. Roane commented that she understood that many of the protestors were from out of town and felt that they were the ones who were behaving inappropriately.

Ms. Roane commented how happy she was to see the number of citizens attending the meeting tonight. She also commended the bravery of those who spoke, and all who attended and made their support known on whichever side they stood on. She stated how she applauds Bartlesville on how everyone can come together respectfully to bring their opinions forward for consideration to the City Council and to the community.

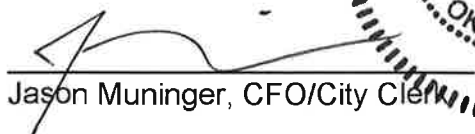
Vice Mayor Curd commended the police department on how they kept the protestors and their behavior separate from the Pride event. He did witness some vulgarity and inappropriate language from the protesters, and he felt the police force managed the situation very effectively. He also appreciated them allowing the festival to continue without large disruption from people who wished to cause mayhem. He also commended the citizens for coming to the meeting tonight and those who provided their opinions in a civil manner. He feels that the City Council is open to everyone's comments and opinions, and that he felt the meeting had been very productive.

Mayor Copeland stated his agreement with his fellow City Council members and Chief Roles. He added he expected nothing less than respect and courtesy, and that it was a privilege to see it in action. In addition, he provided information about how City Council meetings can be attended whether in person or through television (Sparklight), radio (KWON), live streaming (City of Bartlesville website), or via the local newspaper (the Examiner-Enterprise). Also, he informed the citizens that every City Council packet is available on the City's website prior to each meeting. In addition, the live streamed meetings are recorded and can be accessed via the City's website at any time. All of these options are a tremendous resource for those who wish information about the City and/or to find correct information in place of incorrect information often found on social media.

Ms. Roane also thanked Jonathan McCormick whom she met at the Oak Park neighborhood meetings for attending the meeting, and providing good questions and comments.

The Mayor concluded that if citizens have questions, please contact your Council member or any of the Council members who will be glad to assist you.

**14. There being no further business to address, Mayor Copeland adjourned the meeting at 8:45 p.m.**

  
Jason Muninger, CFO/City Clerk



  
Dale W. Copeland, Mayor