



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

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

**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 Mike Bailey, City Manager, Jason Muninger, City Clerk/CFO; 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; Fire Chief David Topping; Deputy Police Chief Rocky Bevard; Captain Troy Newell, 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. The invocation was provided by Pastor Joe Colaw, First Wesleyan Church.**

Prior to Item 4. Mr. Stuart asked speakers to consider those watching or listening who may have mental health issues who may react adversely to what is said.

**4. Citizens to be heard.**

The subject matter of alleged adult entertainment, in this instance a drag queen show held on September 10, 2022 at Tower Center at Unity Square, and whether or not it should be allowed in a public park was again at the forefront of comments entertained by the City Council during this agenda item. Mayor Copeland provided a brief instruction to be civil and respectful, to keep comments to three minutes; and that City Council members cannot engage in discussion with speakers per the Oklahoma Open Meetings Act.

Rev. Kelley Becker, President of Oklahomans for Equality Morgan Lawrence-Hays, Hilary Kamplain, Ben Pauls, Dr. Jon Lindblom, Marilou Bork, Vic Holcomb, and Devin Williams provided individual comments including but not limited to support of allowing all members of the community equal treatment in public parks, and that the program on September 10, 2022 was family friendly, and that no laws were broken.

Pastor Peter Johnson, Pastor Rod McIlvane, Beth Flowers, Pastor Thomas Lowry, Carolyn Morgan, Homer Heffington, Pastor Ryan Ridinger, Jim Henley, Pastor David Grisham, Pastor

Richard Penkoski, Bill Payton, and Judy McCormick provided individual comments including but not limited to support of ordinances/laws that prohibit adult entertainment such as a drag queen program in public parks.

Quinn Schipper thanked the City Council for their diligence and encouraged them to take their time to thoroughly research the situation before initiating ordinances.

Jonathan McCormick stated that he is Libertarian and in favor of no censorship. He also provided information about instant runoff voting.

**5. Consideration and discussion of report by the City Attorney regarding municipal regulation of adult entertainment and the “Bartlesville Pride” event hosted by Oklahomans for Equality on September 10 2022 at Tower Center at Unity Square. Presented by Jess Kane, City Attorney.**

Mr. Kane presented an extensive report on laws pertaining to obscenity, as well as the First Amendment. Attached to these minutes is his PowerPoint presentation. His full 118 page report can be found at <https://www.cityofbartlesville.org/city-government/city-council/meeting-agendas/> under the 11/7/22 packet column. Following his report, he concluded that the City of Bartlesville may, under its inherent police power, enact reasonable restrictions upon adult entertainment so long as those restrictions are (1) content neutral, (2) narrowly tailored to serve a significant government interest, and (3) leave open ample alternative channels for alternative communication. City ordinances and state statutes regulating this area are already on the books. The City may also restrict adult entertainment which is deemed obscene. Those restrictions, and any new restrictions enacted by the Bartlesville City Council will be evaluated using the *Miller* test based on prevailing Community Standards in Bartlesville as determined by a judge or jury based on the evidence presented to them at trial. The City Council took no action on the item, as it was set for discussion only. Based on council member comments after the presentation, it is anticipated the council will continue to look into the issue with input from other groups responsible for park oversight, including the Bartlesville Community Center Trust Authority, which oversees activities at Unity Square, and the City Park Board.

**6. City Council Announcements and Proclamations.**

- Life Saving Commendations recognizing Sergeant Diedrich, Sergeant Martinez, Corporal Dunkle, Reserve Officer Raley, and Chief Roles was presented by Deputy Chief of Police Rocky R. Bevard.
- The Extra Mile Day -November 1, 2022 Proclamation was presented by Mayor Copeland.

**7. 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.

**8. Consent Docket**

**a. Approval of Minutes**

- i. The Regular Meeting Minutes of October 3, 2022

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

- i. Reappointment of Mr. Philip Wright 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. Community Literacy Grant Contract No: F-23-021 between the City of Bartlesville/Bartlesville Public Library Literacy Services and the Oklahoma Department of Libraries in the amount of \$9,600.00 that will fund the Literacy Assistant Position for 21 hours per week at \$11.10 per hour for the majority of this fiscal year 2022-2023.
- ii. Airport Hangar Lease Agreement between the Bartlesville Municipal Airport/City of Bartlesville and Phoenix Rising Aviation, Inc. for T-Hangar "D" in the amount of \$100 per month and improvements made to the hangar at Phoenix Rising's expense.
- iii. An extension of an existing purchase of service agreement with United Community Action Program for the CityRide community transportation program extending the program for the next operating year, 2022-2023, starting October 1, 2022.
- iv. Professional Services Agreement with Parkhill, Smith and Cooper (Parkhill) for Airport Consulting Services.

**d. Approval of Resolutions**

- i. Authorizing application for an American Rescue Plan Act (ARPA) grant from the Oklahoma Water Resources Board for water and sewer projects.

**e. Receipt of Financials**

- i. Interim Financials for three months ending September 30, 2022.

**f. Receipt of Bids**

- i. Bid No. 2022-2023-010 2021 CDBG Project - 5<sup>th</sup> Street Paving & Sidewalks
- ii. Bid No. 2022-2023-011 Robinwood Park Soccer Fields and Skate Park Lighting

**Addendum to the Agenda**

- ii. Bid No. 2022-2023-012 Chalkless Parking System

Mayor Copeland read the consent docket in its entirety.

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

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

Nay: None

Motion: Passed

**Discuss and take possible action to award Bid No. 2022-2023-010 on the City of Bartlesville's 2021 Community Development Block Grant (CDBG) Project for 5<sup>th</sup> Street Sidewalks and Concrete Paving Rehabilitation. Presented by Councilmember Roane.**

Ms. Roane moved to award Bid. 2022-2023-010 to KSL Dirworks LLC, Bartlesville, OK, in the amount of \$489,900, seconded by Mr. Dorsey.

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

Nay: None

Motion: Passed

**9. Discuss and take possible action to award Bid No. 2022-2023-011 for Robinwood Park Soccer Fields and Skate Park Lighting. Presented by Vice Mayor Curd.**

Vice Mayor Curd moved to award Bid. 2022-2023-011 to Electrical Express, LLC, Edmond, OK, in the amount of \$310,000.00 with the understanding that this is a turnkey project for LED lighting at Robinwood Park Soccer Fields that completely replaces the Base bid and excludes the \$30,000 Engineer's Allowance bid item, seconded by Mr. Stuart.

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

Vice Mayor Curd moved to award the Skate Park Lighting Alternate portion of the Bid No. 2022-2023-011 to Electrical Express, LLC, Edmond, OK in the amount of \$107,000 for the Skate Park Lighting, and use of the \$40,000 that was underbudget on the Soccer Fields Lighting, and make up the difference with other funding to complete the project, seconded by Mr. Dorsey.

Mr. Siemers provided funding options available to complete the Skate Park Lighting.

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

**ADDENDUM TO THE AGENDA**

**Discuss and take possible action to award Bid No. 2022-2023-012 for a Chalkless Parking System. Presented by Councilmember Stuart.**

Mr. Stuart moved to award Bid No. 2022-2023-013 to Tannery Creek Systems in the amount of \$59,500.00, seconded by Mr. Dorsey.

A brief discussion covered ratings and references obtained from other cities who use the chalkless parking system; how the software will interact with the Tyler system; how the system works; if parking permits will be allowed; warranties; and monthly charges to the City for the system that will be offset with improved efficiencies of the system.

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

**10. Discuss and take possible action to adopt an ordinance granting a non-exclusive permit to Dobson Technologies, Inc. dba Dobson Fiber, for the Construction and Operation of a Cable System. Presented by Jason Muninger, CFO/City Clerk.**

Mr. Muninger reported that Dobson Fiber had contacted the City of Bartlesville, for interests in establishing competition in the Internet Market within the City of Bartlesville. Staff was presented with projects currently under development and recently completed projects demonstrating their experience with cities of like size and population. The language contained in this agreement is standard language used across the State of Oklahoma and very similar to our current active Cable Franchise agreements. Franchise fee is set at 5% of the gross revenues that Dobson would collect if and when they provide Cable service and 5% of the

portion of gross revenues from advertising, which are defined as a permit fee. At this time, there is no plan by Dobson to provide cable service only Internet packages.

Vice Mayor Curd moved to adopt an ordinance granting a non-exclusive permit to Dobson Technologies, Inc. for the construction and operation of a cable system, seconded by Mr. Stuart.

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

Nay: None

Motion: Passed

11. **Discuss and take possible action on an application for release of City liens by Kyle Persaud on behalf of Caleb Swanson, for property located at 818 S Seneca Avenue, legally described as Lot 12, Block 7, Guthrie Addition, Bartlesville, Washington County, Oklahoma. Presented by Greg Collins, Assistant Director, Community Development.**

This item was pulled from the agenda due to applicant illness.

12. **Discuss and take possible action to adopt an ordinance amending the Bartlesville Municipal Code, Chapter 13, Parks and Recreation, Article II. Use Regulations for Specific Park and Recreational Facilities, concerning fishing at Hudson Lake Water Reservoir. Presented by Greg Collins, Assistant Director, Community Development.**

Mr. Collins reported that in regard to fishing at Hudson Lake, City municipal code requires that all bass caught under fifteen (15) inches in length must be immediately returned to the water. However, the Oklahoma State Department of Wildlife Conservation adopted a rule, effective on September 11, 2022, mandating a statewide daily bag limit of six (6) largemouth and smallmouth bass, only one of which may exceed 16 inches in length. The City's and State's rules conflict and would narrowly restrict sport fishing on Hudson Lake. Reading the rules together, an angler could catch and keep only 15-inch to 16-inch bass, and only one fish exceeding 16 inches, and no fish less than 15 inches. The City's rule preserves smaller fish for future growth. By contrast, the State's rule promotes catching smaller fish, and limits the catch of larger fish. The State's rule reflects more recent research indicating that lakes statewide have an overpopulation of smaller fish competing for resources, and this overpopulation restricts their growth. City staff drafted the proposed ordinance, adopting the State's rule, to allow the catching and harvesting of smaller fish at Hudson Lake, limiting the daily number to six (6), and allowing only one (1) fish harvested to exceed 16 inches, and recommends adoption.

Mr. Stuart moved to adopt the ordinance amending Chapter 13, Parks and Recreation, Article II as presented, seconded by Ms. Roane.

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

Nay: None

Motion: Passed

### 13. **New Business.**

There was no new business to address.

**14. City Manager and Staff Reports.**

Mr. Bailey stated his appreciation of the respectful dialogue during the last and current City Council meeting covering the sensitive issue of the use of public parks.

He also thanked Mr. Stuart for his four-year tenure as a City Councilmember.

**15. City Council Comments and Inquiries.**

Each member of the City Council expressed their appreciation of Mr. Stuart during his time on the City Council, and thanked him for his service.


Mayor Copeland reminded citizens to vote tomorrow.

Ms. Roane reminded citizens of the Veteran's Day Parade on Saturday at 11 a.m. She added that a DC3 will be flying over the parade as well.

Mr. Stuart stated his appreciation of the City Council, stating that he had learned a lot during his time as a City Councilmember, and that he enjoyed working with City staff.

**16. There being no further business to address, Mayor Copeland adjourned the meeting at 10:25 p.m.**

  
Dale W. Copeland, Mayor

  
Jason Muninger, CFO/City Clerk

