



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

**REGULAR MEETING OF THE  
BARTLESVILLE CITY COUNCIL**

**Tuesday, January 3, 2023  
5:30 p.m.**

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

**MINUTES**

(The Notice of Meeting was posted December 15, 2022  
and the Agenda was posted December 29, 2022 at 5:00 p.m.)

Present were Mayor Dale Copeland, Vice Mayor Jim Curd, Jr., Councilmembers Trevor Dorsey (arriving after roll call at 5:34 p.m.), Billie Roane and Loren Roszel.

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; Fire Chief David Topping; Police Chief Tracy Roles; Larry Curtis, Director of Community Development; Greg Collins, Assistant Community Development Director; and Captain Kevin Ickleberry, Security.

- 1. The business meeting of the Bartlesville City Council was called to order at 5:30 p.m. by Mayor Copeland.**
- 2. Roll Call was held and a quorum established.**
- 3. The Invocation was provided by Pastor Cory Lovell, Unitarian Church of Bartlesville.**
- 4. Citizens to be heard.**

Mayor Copeland reviewed the policy regarding public comments. Rev. Kelley Becker expressed her gratitude for the Council's work, how religious beliefs should not be used to make laws due to the various interpretations of religion, that everyone has the right to believe whatever they wish to believe, and that decisions at hand (drag queen show in a public space) should be focused on freedom, equality and justice. Bill Payton stated his background in law enforcement and cited Oklahoma Law Title 21, Section 10-21 that he believes governs the issue of the drag queen show in Unity Park, which in his opinion, should be considered an illegal activity. He questioned why the event has not been addressed as a criminal event. Homer Heffington spoke on sexual dysphoria, the personal effects of sexual dysphoria has had on his family, and he concluded by reading a satirical poem. Caleb Cochran commented on his position against having adult entertainment in public spaces, citing it as a moral issue.

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

There were no announcements or proclamations.

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

- One opening on the Bartlesville Area History Museum Trust Authority.

- One opening on the Bartlesville Redevelopment Trust Authority.
- 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](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 December 5, 2022.

### **b. Approval of Agreements, Contracts, Engagement Letters, Leases, MOU's and Proposals.**

- i. Lease Agreement with James Hogan for the purposes of aircraft storage and aeronautical activity for 500 square feet in Hangar 8 for \$150 per month at the Bartlesville Municipal Airport.
- ii. Water Purchase Contract with John Prather for non-potable water from Hudson Lake.
- iii. Agreement between Chika and Aaron Leyda and the City of Bartlesville concerning required public infrastructure improvements for conveyance of land and lot line adjustment to Lot 4, Quarry Ridge Estates, Phase I Addition to the City of Bartlesville, Washington County, Oklahoma, property addressed as 3914 SE Quarry Park Drive.
- iv. Change Order #1 from Electrical Express, LLC for the Robinwood Soccer Field Lighting Project.

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

- i. Establishing fee structure for the First Christian Church Building and authorization for the City Manager and/or CFO to draft and execute rental agreements of the premises.

### **d. Approval of 2022-2023 City Auction**

- i. 2022-2023 City Auction for disposal of surplus items for the public on January 28, 2023 at 10:00 a.m. at the City of Bartlesville Operations Center.

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

- i. Interim Financials for four months ending October 31, 2022.
- ii. Interim Financials for five months ending November 30, 2022.

Mayor Copeland read the consent docket in full. Mr. Roszel pulled items 7.b.iii. and 7.c.i. for further discussion.

Mr. Dorsey moved to approve the consent docket as presented with the exceptions of Items 7.b.iii. and 7.c.i, seconded by Ms. Roane.

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

Voting Nay: None

Motion: Passed

**7.b. Approval of Agreements, Contracts, Engagement Letters, Leases, and Proposals.**

iii. Agreement between Chika and Aaron Leyda and the City of Bartlesville concerning required public infrastructure improvements for conveyance of land and lot line adjustment to Lot 4, Quarry Ridge Estates, Phase I Addition to the City of Bartlesville, Washington County, Oklahoma, property addressed as 3914 SE Quarry Park Drive.

At Mr. Roszel's request, Mr. Collins explained the reason for the deferment of constructing a sidewalk at this location at this time. He explained the Leydas will construct the sidewalk when the abutting 28.2 acres is subdivided or developed. The reasoning behind this is so that the sidewalks will be consistent in alignment and location with the development of the remaining acreage. Mr. Roszel stated that he would like to amend the agreement to require the Laydas to construct the sidewalk upon ten years from the date of this agreement or at the time of the future development of the remaining acreage, whichever comes first. Ms. Roane inquired if the time frame can be amended at the end of ten years, in which Mayor Copeland stated it is could be amended and/or extended.

Mr. Roszel moved to approve Item 7.b.iii. with the amendment as proposed, seconded by Ms. Roane.

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

**7.c. Approval of Resolutions**

i. Establishing fee structure for the First Christian Church Building and authorization for the City Manager and/or CFO to draft and execute rental agreements of the premises.

Mr. Roszel inquired about the fee structure, in particular, leases that may extend past July 2023 when the City's lease with the Church expires. Mr. Bailey explained that the fee structure was requested in order to allow short term rentals until such time as decision is made for full use of the Church or until it is returned to the Church Board. He added that termination clauses will be included in any lease of the facility. Mr. Bailey also confirmed to Mr. Roszel, per his inquiry, that the fees will cover/recoup any cost of overhead/operation.

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

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

**8. Public hearing to discuss and take possible action on proposed text amendments to the Zoning Regulations for the City of Bartlesville, such revisions shall include modifications to the General Development Standards Soil Erosion and Sediment Control Regulations (Section 7.4.9). Presented by Greg Collins, Assistant Director, Community Development.**

Mr. Collins reported that the Oklahoma Department of Environmental Quality (ODEQ) conducts a routine audit of municipalities' stormwater pollution prevention plans and programs every 10 years, to ensure that municipalities are complying with the Oklahoma Pollution Discharge Elimination System (OPDE) regulatory program. ODEQ reviewed the City's zoning regulations during this routine audit in 2020 and requested amendment of the Soil Erosion and regulations to update them to the State's current standards. Mr. Collins concluded that the City Planning Commission reviewed the updates and recommend approval of the Ordinance bringing the regulations up-to-date.

Discussion covered appreciation for the example provided; an explanation of how the developer is responsible for maintaining best practices during development, as well as continued maintenance of the sand bags and other means required. Mayor Copeland opened the public hearing at 6:11 p.m. There being no one appear to speak on this matter, the Mayor closed the public hearing at 6:11 p.m.

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

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

Voting Nay: None

Motion: Passed

**9. Discussion to update the Council on events related to the regulation of adult entertainment in public spaces with possible action by Council to give direction to City Staff. Presented by Mike Bailey, City Manager.**

Mr. Bailey, using a PowerPoint guideline, recapped the events that have occurred since September, 2022 at the 5<sup>th</sup> Annual Pride Event that included a drag show for the second year in a row (PowerPoint attached to these minutes). He reported that over the past several months, the City Council has been involved in discussions relating to the regulation of adult entertainment in the City's public spaces, which has been taken very seriously by all parties involved. The discussion about this issue began with the 2<sup>nd</sup> annual drag show at the 5<sup>th</sup> Annual Pride Event in September 2022 performed in a City park (Unity Square), and a subsequent petition that was submitted on October 3, 2022 to the Bartlesville City Council members. The petition was from change.org and was presented by Ms. Shannon King with over 2,000 unverified signatures requesting that the City Council members "determine if this activity violated any state laws, city ordinances, or city contracts for use of public areas and if so, to take appropriate action. If no laws or ordinances were broken, and no current contracts violated, then I ask you to study this issue and consider a new city ordinance to prohibit adult-oriented activity from happening in our public areas again. Thank you." This is not a legal petition and to -date there are up to 3,000 signatures both locally and out of state. While the Pride Event drag show was not mentioned specifically, it is understood by everyone involved that the drag show was the event that was mentioned in both Mrs. King's petition and her remarks. Lengthy comments from citizens on both sides of the issue were heard. The City Attorney was asked at that time to prepare a legal brief to be presented to the City Council at their November meeting. The City Council also directed staff to obtain recommendations from the Tower Center Management Committee/Community Center Trust Authority and the Park Board whether or not additional regulations should be applied to leasing agreements for the parks.

Mr. Kane presented an excellent legal brief at the November 6, Council meeting. Mr. Bailey provided Mr. Kane's findings 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. 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."

Mr. Bailey continued by reporting that in November and December, the Park Board and the Tower Center Management Committee/Community Center Trust Authority met to discuss the need for regulations. Both groups felt that there are sufficient safeguards and laws in place to protect the public from being unwittingly exposed to adult entertainment in our parks and public spaces and did not support enacting additional regulations. Until the September 2022 event, neither group had ever received complaints about events.

Additionally, during this time-frame, City Staff attempted to act as unofficial mediators between a representative from the petitioners and representatives from OKEQ Bartlesville. Early meetings were productive, with the petitioners and OKEQ representatives offering and accepting concessions. However, as details were being worked out, the mediation failed. Mr. Bailey added that it is unfortunate that this option is no longer available to Council, but it is apparent, at least at this time, that both the petitioners and OKEQ Bartlesville have removed the possibility of negotiations as a means to settle this matter.

Continuing, Mr. Bailey stated that City staff cannot go any further and the decisions now lie fully with the City Council. All of this information was gathered and brought forward to enable the Council to provide further direction. He stated that the Council may ask Staff to draft an ordinance regulating adult entertainment in public spaces; do nothing; defer the discussion to a later date; ask Staff to draft a resolution requesting that the State examine this issue; or to ask staff to proceed in another direction that has not been contemplated.

Mr. Bailey provided that the City Attorney's legal brief offers the Council two paths forward if it chooses to regulate adult entertainment in public spaces. Both broad categories of regulation have unique limitations and risks. They are: (1. The Council may elect to regulate performances in public spaces as it applies to reasonable time, place, and manner restrictions so long as the regulations are content neutral. The last part of that requirement is the most important, since content neutral regulations will affect all performances in public spaces. These types of regulations, by definition, cannot specifically target adult entertainment or drag shows, so all events including plays, concerts, school events, birthday parties, etc., that occur in public spaces will have to abide by this type of regulation; and/or (2. The Council may elect to regulate performances in public spaces that are deemed obscene. These regulations are complicated because they may be subject to court review based on the 1st Amendment of the United States Constitution. Any court review will likely be based on the Miller test, which our City Attorney described in detail in his legal brief. Obscenity regulations carry legal risks that content neutral regulations do not, and these risks should be fully considered before adopting any obscenity ordinance. These regulations could be tailored to address specific types of events including adult entertainment or drag shows, but as noted above, can be considered discriminatory by the courts. The Council, under the authority of the City Charter and other

laws, may enact regulations under either or both of these scenarios, but as described above, either path may result in unintended consequences and/or complicated legal challenges. Again, the Council can do nothing or defer discussion. Lastly, the Council could pass a resolution asking the State to examine this issue. They have greater resources to study, regulate, and defend. He added that his concern is how to determine if these activities are harmful and how is a City to decide. This not an area that municipal government has expertise in, whereas the State would have resources to address this issue.

Mayor Copeland stated his appreciation of the recap of the situation and invited discussion from his fellow council members. Mr. Dorsey stated that good discussions have been held, but at this time, there does not seem to be a plan or solution that will benefit everyone in the community. He made a motion to start looking at an ordinance with Council working with the City Attorney to develop language to get these type of events in line with community standards. Mr. Kane requested that Mr. Dorsey's motion would include authorizing Mr. Kane to obtain outside counsel to assist him in developing such an ordinance in which Mr. Dorsey agreed to include that in his motion, and to also add that sufficient time be allowed for the legal advisors to develop the ordinance. Ms. Roane stated that she would like to speak before the motion proceeded. Mr. Dorsey agreed to set aside his motion so that the other Council members could speak and provide input.

Ms. Roane stated that her goal as a City Council member is to always consider the health, safety and general welfare of the citizens of Bartlesville. She stated that she has heard from several and realizes that this issue has been disconcerting and divisive, and she felt that a content neutral ordinance would be the most fair and non-discriminatory. She added that she does not want to consider an obscenity ordinance due to how the research she conducted proved obscenity as hard to define. She also agreed that a resolution asking State legislators to address this issue also be prepared for review so that the law is consistent among the States cities and towns.

Mr. Roszel stated that he has spoken to many people on both sides of the issue and he feels it is important not to take a misstep in this decision due to how it could affect the community. He provided an example of how important freedom of speech is to him, even if a group such as the KKK leased a park for an event. He stated that he would not agree with their event, but that they have the right to assemble and free speech. He added that the Oath he took to be a City Council member included a promise to defend the Constitution, and he would fight for to uphold it. He concluded that the community has held a healthy dialogue about this issue; that the City Attorney advised the City Council on actions that could be taken including taking no action and why; how he feels it is time to come together, heal the wounds, and work instead on the goals included in the Strategic Plan. His desire is that Council take no action on this issue.

Vice Mayor Curd praised the community and the good faith efforts on both sides of the table. He stated that he was part of the negotiations between the City and OKEQ and stated that those negotiations did not break down; that it was the petitioner's side of negotiations that ended. He feels that both sides of the issue has been heard, the constitutional side and the religious side, and he agrees with Ms. Roane on developing a content neutral ordinance. He also agrees on submitting a resolution to State legislatures to regulate this issue and feels that if it is accompanied by an adopted ordinance, then the legislators would see how

committed Bartlesville is in getting a law in place. He assured constituents that the ordinances and resolution would be fully reviewed before voting on them.

Mayor Copeland stated that the City Council has only spoken to staff and not to each other about this issue until this meeting, and he appreciated their input. He agrees and supports a resolution asking the State to look at regulating events such as being discussed which would allow conformity state-wide, as well as to provide direction and understanding. He added that a content neutral ordinance may have unintended consequences but could be dealt with as they occur.

Mayor Copeland returned to Mr. Dorsey and his motion. A brief discussion ensued covering the amount of time that should be allowed to develop the ordinance and resolution which they determined at 120 days. Mr. Kane then asked for clarity on the motion for the ordinance(s) he is being asked to prepare, whether to address community standards which would entail defining obscenity, or what other council members requested looking more for content neutral language. He provided examples of a content neutral ordinance per the legal brief he had provided to the Council. Following further discussion and an explanation of content neutral ordinances, Ms. Roane retracted her request for a content neutral ordinance due to a misunderstanding that it would not address what she felt is needed regarding adult entertainment in public places. Discussion followed covering nudity laws that are already in place; that an obscenity ordinance would include community standards; if the concerns of the community could be addressed in a content neutral ordinance; another review by Mr. Kane on what is allowable in a content neutral ordinance which would not include obscenity regulations; how adult entertainment is already regulated in private/business situations; and how adult entertainment would be defined.

Mayor Copeland said he has not heard anyone disagree that adult entertainment should not be managed appropriately, but that the difficulty is agreeing on how adult entertainment can be defined. Mayor Copeland reviewed Mr. Dorsey's motion with him, and Mr. Dorsey concurred with the content of the motion. Mr. Kane clarified that the Council does have the authority to regulate a community standard definition/obscenity ordinance and how such an ordinance would open the Council to litigation. Vice Mayor Curd seconded the motion and Mr. Roszel asked for the motion to be re-read.

Mr. Dorsey moved to direct staff to authorize City Attorney Jess Kane to obtain outside counsel with expertise in constitutional law to assist with drafting options for possible municipal ordinances that may be both content neutral, or that which applies to everyone rather than a specific individual or group, and which seeks to define and regulate obscenity in Bartlesville, and to direct City staff to draft a resolution for possible council approval to request that the Oklahoma Legislature review adult entertainment in public places and provide direction, if applicable, and allowing 120 days from the date of this meeting to prepare such documents, seconded by Vice Mayor Curd.

Mr. Kane confirmed that he will be allowed to obtain outside counsel for assistance in developing the options set out in the motion. All agreed.

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

Voting Nay: Mr. Roszel

Motion: Passed

- 10. Discuss and take possible action on a Memorandum of Understanding between Grand Mental Health and the City of Bartlesville to create a Crisis Intervention Response Team Program, to provide for two (2) mental health case managers and two (2) police officers to be paired up as mental health co-response teams, with the City providing funds to Grand Mental Health for the two (2) mental health case workers in the total amount of \$100,000.00 per year, beginning January of 2023. Presented by Captain Ickleberry, Bartlesville Police Department.**

Captain Ickleberry reported that due to the rising issues of mental health and homelessness within the Bartlesville community, and across the nation, Law Enforcement has been made to deal with persons in mental health crisis on a regular basis. Bartlesville Police deal with persons in crisis daily. They and Grand Mental Health began discussions in 2022 to create a co-response mental health team to better address the continued mental health of citizens in an effort to find long term solutions to better assist those in crisis. The goal is to help those in mental health crisis to better maintain the mental health and to reduce the number of possible violent encounters that may be forced to occur if dealt with by law enforcement alone. Captain Ickleberry continued reporting that two mental health care coordinators will be hired at \$50,000 each and two police officers will be hired at \$61,597.97, all of which will be funded by the City of Bartlesville. Ongoing applications are applied for by Grand Mental Health to help sustain the future of the program, moving forward with the City committing to fund the project for three years or until grant funds are found. The funding has already been approved by City Council as part of the 2022-2023 budget year, but the Memorandum of Understanding is needed to move forward with the activating the Response Team. Captain Ickleberry introduced the Team as follows: Jim Warring-Grand Mental Health, Officer Sierra Compton-BPD, Officer Maggie Blevins-BPD, Cory Bryson-Grand Mental Health, and Allison Klasna-Grand Mental Health.

A brief conversation was held about the change of name from Grand Lake Mental Health to Grand Mental Health; appreciation for the police department and members of the Response Team; and how important this service is to our community.

Vice Mayor Curd moved to approve the Memorandum of Understanding as presented, seconded by Mr. Dorsey.

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

- 11. Discuss and take possible action on an application from Taylor Kimrey, LLC for Final Plat approval of a 113-lot residential development to be known as Stonebranch 3<sup>rd</sup> Addition, located on a 61.93 acres +/- tract on the north side of Tuxedo Boulevard, one-quarter mile east of Madison Boulevard, legally described as part of the East Half of the Southwest Quarter of Section 3, Township 26 North, Range 13 East, Washington County, Oklahoma. Presented by Greg Collins, Assistant Director, Community Development.**

Mr. Collins reported that the applicant, Taylor Kimrey, LLC, requests approval of the Final Plat of Stonebranch 3<sup>rd</sup> Addition, a 113-lot residential subdivision on 61.93 acres on the north side of Tuxedo Blvd., ¼ mile east of Madison Blvd. In December 2020, the City Planning Commission approved the Preliminary Plat, and the infrastructure to serve the development



has since been completed, inspected and approved by the City. Mr. Collins reviewed the various requirements and criteria, and reported that staff recommends approval of the Final Plat of Stonebranch 3<sup>rd</sup> Addition subject to the following conditions:

1. Approval of the following plat variances as set out in the final plat and as built in the subdivision: a. Lots 1 through 4 exceeding the recommended depth to width lot ratio in Subdivision Regulation 5-502; b. Austen Lane exceeding the recommended length of 500 feet for cul-de-sac streets.
2. Add a plat note stating no parking in the cul-de-sacs for Austen Ln, Blue Bird Rd, Coldspring Ln, and Brandon Ln, and require "No Parking signage" installed by the developer, or other measure to the satisfaction of City staff.
3. Entrance signage and median: Applicant shall add a plat note and/or a statement in the subdivision covenants stating the private ownership and maintenance responsibility of the entrance signage and median areas located at Tuxedo Boulevard and Blue Bird Road.
4. Outlot A: Applicant shall add a plat note and/or statement in the subdivision covenants stating the private ownership and maintenance responsibility of Outlot A and its purpose to be used as a private park.
5. Applicant shall submit for City staff review and approval the subdivision's covenants, conditions and restrictions.
6. Completion of the following prior to the final plat being released for recordation: a. Construction of a temporary turnaround where Ohio Street dead ends. b. Payment of all development fees.
7. Construction of a 5-foot sidewalk along Tuxedo Blvd and improvement of drainage near intersection of Blue Bird Rd. and Tuxedo Blvd. by the developer prior to issuance of a certificate of occupancy on the first residence in the subdivision.

Mayor Copeland suggested that Item 4 have greater clarity that the park will be private and not maintained by the City. Mr. Collins agreed and will remove the word "or" out of the "and/or" portion of the condition.

Mr. Dorsey moved to approve the Final Plat with amendment to Condition 4 as presented, seconded by Vice Mayor Curd.

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

**12. 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 SE Seneca Avenue, legally described as Lot 12, Block 7, Guthrie Addition, Bartlesville, Washington County, Oklahoma. Presented by Greg Collins, Assistant Director, Community Development.**

Mr. Collins, using a PowerPoint presentation, reported that Kyle Persaud, representing Caleb Swanson, filed an application requesting that the City release its liens on a vacant lot located at 818 SE Seneca Avenue. Mr. Swanson purchased this property on June 13, 2022 from the County Treasurer at the County's tax resale auction of tax delinquent properties, held annually the second Monday in June. Mr. Swanson paid \$482.41 for the vacant lot. The County Assessor lists the land value at \$3,170. The City liens on the property amount to \$6,599.67 for the City's expense in removing a dilapidated structure in 2018, and for cleaning

and mowing the property on six separate occasions from March 2018 to March 2022. Mr. Swanson was aware of the liens when he purchased the property. Mr. Persaud states in the application that Mr. Swanson wishes to build a modular home on the lot. Mr. Persaud further states that if the City does not release these liens, Mr. Swanson likely will not be able to pay the liens off, the property will remain vacant, and it would likely be sold again at a future County tax resale. He states that the City will derive no benefit from continuing to enforce the liens. City staff responds that most of the lien amount comes from the removal of a dilapidated structure on the lot, at public expense, that was determined through a code enforcement hearing process to be a nuisance and a hazard to the health, safety, or welfare of the general public. City staff is now trying to recover those public funds. The removal of the dilapidated structure would have been a necessary site development cost for any future owner of the property. The applicant is in effect requesting public funds to pay for a private development cost. Mr. Swanson can arrange for a payment plan with the City to pay the liens off in installments. Alternatively, he can sell the lot to an affordable housing provider in the community, that would qualify for a lien release. Because public funds are spent in abating properties, City staff requires applicants to show a municipal public purpose in a lien release, in order for Staff to recommend approval. A municipal public purpose may be shown by the following: A. The market value of the property is less than the lien amount and recording costs associated with the lien; and B. The applicant plans imminent development of the property providing measurable value to the city by increasing the tax base, creating jobs, or providing other measurable value to the City; and C. The measurable value is equal to or greater than the City's costs of abatement, or otherwise fulfill a municipal public purpose as determined by City Council; and D. Any lien release will be effective only upon completion of the project and issuance of a certificate of occupancy. The City may require that the applicant enter into an agreement to complete the project, and may require financial security to ensure completion. City staff estimates that the proposed house on the property would not generate property tax to the City in an amount equal to or greater than the amount of the liens. Mr. Collins provided examples of the proposed modular home, and future estimated property tax revenue. Mr. Collins concluded that staff recommends denial of the application for release of the City liens, unless the applicant can show a municipal public purpose for the lien releases, by showing one of the following: 1. Measurable value to the public through future property tax revenues to the City, in an amount equal to or greater than the City's cost of abatement, or 2. A municipal public purpose as determined by City Council. City Council has found a municipal public purpose for a lien release for construction of one single-family residence where the owner was a recognized provider of affordable housing to the community (for example, Nehemiah Community Development Corporation, and Habitat for Humanity), and the owner entered into an agreement with the City. Mr. Persaud is available to answer questions if needed.

Mayor Copeland invited Mr. Persaud to speak on his client's behalf. Mr. Persaud stated that he filed a quiet title on all entities involved at the request of his client, and that the City filed their response stating their objection to the quiet title. He provided a list of all quiet title lawsuits against the City and only one had a response filed in the last 20-30 years. Due to this past history, his client felt assured the City would release the liens or he would not have purchased the property. Mr. Persaud stated that his client is not able to pay the lien, therefore the property will not bring any tax value into the City.

Discussion was held about the City's alleged responses to tax lien lawsuits; Mr. Kane's response that as the City's attorney, he would always respond to a City lawsuit; how the lien was public record and that the applicant had knowledge of the liens prior to the purchase of the

property; that there is a City policy that has been in place for the past two years that handle these types of requests and the criteria that is to be met according to the policy.

Mr. Roszel moved to deny the release of the City liens on this property, seconded by Ms. Roane.

Discussion was held as to what recourse the applicant would have if they met the criteria set out by City policy in the future; how that applicant knew about the policy but did not want to proceed with meeting the criteria set therein; and that if the applicant is allowed future recourse with the property, would a timeline be desired.

Mr. Roszel withdrew his motion, and Ms. Roane withdrew her second. Mr. Kane offered that the action at this time could be to deny release of the City liens, without prejudice, in the event the applicant wishes to proceed to within City policy as set out by Mr. Collins in his report.

Mr. Roszel moved to deny the release of the City liens on this property, without prejudice, seconded by Ms. Roane.

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

Voting Nay: None

Motion: Passed

**13. Presentation and possible action on an agreement between the City of Bartlesville and 4F Sports, LLC for the lease and operation of the Price Fields Complex. Presented by Vice Mayor Jim Curd, Jr.**

Vice Mayor Curd reported that over the past several years, the management of Bartlesville's sports fields has undergone several transitions. In the recent past, the City was responsible for all maintenance and leased the facilities directly to user groups. In an effort to expand utilization of the fields and better organize youth athletics in Bartlesville, the City contracted with the YMCA. Under this agreement, the YMCA leased the fields from the City and, as governed by the terms of the contract, subleased the fields to the user groups. Under this arrangement, the City was still responsible for the maintenance of the facilities. During the budget process, he and Councilmember Dorsey expressed an interest in exploring more effective methods of managing and maintaining the fields. To this end, Staff conducted a best practice review of the most successful youth baseball/softball field operations in the Tulsa area. The results of this review indicated that most of the successful baseball/softball complexes use a similar model. In this common model, the City leases the facility directly to a competent user group who is responsible for maintenance and operations of the complex. Key to the success of this model seems to be aligning authority and responsibility. For example, if the user group will be allowed to make their own rainout calls, then they also have to be responsible for maintenance and any issues caused by rainout calls. Through this combination of authority and responsibility, most complexes have seen increased use of their facilities and increased satisfaction of participants. After this review, the City decided to proceed with a trial of this model at Price Fields for baseball and softball. To accomplish this, the City issued a request for qualifications (RFQ) on October 25, 2022 to all interested parties receiving four submissions total. On December 14, 2022, an ad hoc review committee composed of Councilmember Dorsey, City Manager Bailey, he and three other Directors of the City met to review the submissions. This review committee chose 4F Sports, LLC as the most qualified

group. An additional interview was conducted with 4F Sports, LLC, so that members of the committee could ask questions of the principals. An additional meeting was also held with he, City Manager Bailey, and 4F Sports, LLC to discuss the terms of the possible agreement. 4F Sports, LLC is a non-profit LLC formed by John Pannell. Mr. Pannell has been a coach and/or manager for Bartlesville High School, Bartlesville Mid-High, and Doenges American Legion. Mr. Pannell has assembled a team of experts that will assist him with operations, field and facility management, marketing, concessions, financial services, safety, and umpires. The proposed agreement is based on a model agreement used by Owasso aligning responsibility and authority. The most important terms of this agreement are summarized as follows:

- 4F Sports will not owe a lease fee to the City but will instead mutually agree on improvements that 4F will make to the facility. This provision is waived for the first year to reduce the initial start-up costs on this organization.
- 4F Sports will have the right to operate baseball/softball recreational and competitive leagues and to coordinate tournaments at Price Fields.
- This initial agreement is for one year.
- 4F Sports is responsible for maintenance and repair of the entire complex.
- City shall inspect the fields to ensure compliance with this agreement.

Vice Mayor Curd concluded that the ad hoc review committee recommends that the City Council approve the agreement between 4F Sports and the City. He added his appreciation of the YMCA and their management, but he feels that 4F Sports, LLC will provide a type of management that may be more beneficial to the community.

Vice Mayor Curd moved to approve the agreement with 4F Sports, LLC as presented, seconded by Ms. Roane.

Mayor Copeland stated his agreement with Vice Mayor Curd about appreciating the YMCA for their past work on the baseball/softball program, and also feels that this new management may be more efficient to all parties concerned. Mr. Roszel expressed his respect for the quality of the RFQ, and inquired that since Price Fields is a City park, how will use of it by citizens be handled. Mr. Pannell stated that he would work with anyone who wishes to use the fields. Mr. Roszel expressed his appreciation for Mr. Pannell's reputation and wished him well. Vice Mayor Curd stated that primary user groups will have first priority to the fields, but it is a City park and everyone is welcome.

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

Voting Nay: None

Motion: Passed

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

There was no new business

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

Mr. Siemers reported that Tuxedo bridge has a pot hole in the interior west bound lane with daylight showing, therefore a substantial safety issue. Traffic has been re-directed at this time. Initially, discussion was held as to whether to get it patched quickly by a contractor or by City staff, or continue to keep it closed until rehabilitation can begin which is scheduled to begin in


late summer or early Fall. A design study of the bridge is underway at this time, and the engineers involved will be inspecting the bridge in a couple of weeks. Mr. Siemers provided details of the bridge, materially and financially, and assured the Council that monitoring will continue and staff will keep them apprised of the situation.

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

Mayor Copeland stated that a lot of ground was covered this evening with many important items considered. He added that Chief Roles reported that citizens enjoyed New Year's Eve, with a few citizens who utilized the Safe Ride option provided by the Chief and his staff.

**17. There being no further business to address, Mayor Copeland adjourned the meeting at 8:22 p.m.**

  
Dale W. Copeland, Mayor

  
Jason Muninger, CFO/City Clerk

