



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

**MINUTES OF THE
REGULAR MEETING OF THE
BARTLESVILLE CITY COUNCIL**

**Monday, May 1, 2023
5:30 pm.**

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

MINUTES

(The Notice of Meeting was posted December 15, 2022
and the Agenda was posted April 27, 2023 at 5:30 p.m.)

Present were Mayor Dale Copeland, Vice Mayor Jim Curd, Jr., Councilmembers Trevor Dorsey, Billie Roane (arrived at 5:46 p.m.), and Loren Roszel.

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; Laura Sanders, Director of Human Resources; Kelli Williams, Chief Communications Officer; Tracy Roles, Assistant City Manager, Interim Police Chief Jay Hastings; and Elaine Banes, Executive Assistant.

- 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 Pam Crawford, Good Shepherd Presbyterian Church**
- 4. Citizens to be heard.**

Dale Earhart provided comments about the OKEQ Agreement and September drag queen event..

Andy Dossett expressed his appreciation of the City Council and City staff for remaining steadfast in making decisions for the good of the community.

Jonathon McCormick, Jr. reported on "swatting" and the need to be trained and prepared for it.

Kieran Andrews commented on her support of the LGBTQ community and encouraged tolerance and inclusivity.

5. City Council Announcements and Proclamations.

- National Day of Prayer Proclamation – May 4, 2023. Presented by Mayor Copeland
- Flood Awareness Month Proclamation- May 2023. Presented by Mayor Copeland
- National Police Week Proclamation – May 14-20, 2023. Presented by Mayor Copeland.

6. Authorities, Boards, Commissions and Committee Openings

- One opening on the Bartlesville Area History Museum Trust Authority.
- One opening on the Bartlesville Convention and Visitor's Bureau Board (Visit Bartlesville)
- Two upcoming openings on the Park Board
- Two upcoming openings on the Board of Adjustment

Mayor Copeland read the openings and encouraged citizens to volunteer on City Committees. Applications can be found at www.cityofbartlesville.org or at City Hall in the City Manager's Office.

7. Consent Docket

a. Approval of Minutes

- i. The Regular Meeting Minutes of April 3, 2023.
- ii. The Special Meeting Minutes of April 13, 2023.

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

- i. Appointment of Mr. Bill Hollander to a three-year term on the Construction & Code Appeals Board at the recommendation of Mayor Copeland.

c. Approval of Agreements, Contracts, Engagement Letters, Leases, MOU's, Proposals, Change Orders, and Consent Orders

- i. Agreement with Optum as the City's stop loss carrier.
- ii. Agreement with the Local Government Testing Consortium to provide Federal Department of Transportation and Non-Department of Transportation drug and alcohol testing for municipalities.
- iii. Fifth Amendment to the tower/ground lease agreement between the City of Bartlesville and New Cingular Wireless PCS, LLC of a portion of property located in Washington County named SE Water Tower Bartlesville.
- iv. Consent Order 19-200-Addendum A from the Oklahoma Department of Environmental Quality on the wastewater collection and treatment system.

d. Receipt of Financials

- i. Interim Financials for nine months ending March 31, 2023.

e. Receipt of Bids

- i. Bid No. 2022-2023-017 for the Bartlesville Community Center Speaker Replacement.

Mayor Copeland read the consent docket in full. Vice Mayor Curd pulled Item 7.c.4 for further discussion.

Ms. Roane moved to approve the consent docket, with the exception of 7.c.4., seconded by Vice Mayor Curd.

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

Voting Nay: None

Motion: Passed

Item 7.c. Approval of Agreements, Contracts, Engagement Letters, Leases, MOU's, Proposals, Change Orders and Consent Orders.

iv. Consent Order 19-200-Addendum A from the Oklahoma Department of Environmental Quality on the wastewater collection and treatment system.

Vice Mayor Curd asked Mr. Lauritsen, Director of Water Utilities, to explain the agenda item. Mr. Lauritsen provided the background of the ODEQ consent orders with the goal to eliminate bypasses which is sewage backing up and flowing out of the wastewater collection system, typically occurring during rain events where storm water infiltrates into the collection system and overloads it. To date, the City has spent over \$43 million to upgrade the wastewater system to mitigate these bypass locations. Many studies and improvements have been made over the past several years to meet OKEQ mandates. The current Consent Order, 19-200 issued in 2022, tasked the City to expand and renovate the wastewater plant, in accordance with the facility plan, as well as upgrade the Caney River pump station corridor. Due to the complexity of the indirect potable reuse treatment stream of the plan expansion, the additional testing and study requested by the ODEQ, and better understanding of the lead times for major equipment purchases, staff requested an amendment to the Consent Order to account for these items. The amendments will allow renovations to begin in 2025 and finish in 2031. This is paid for by water users, added as a line item to utility bills, and if there is not enough to pay for it all, then the City will need to make adjustments to those rates. Defects have been identified around the Wilson and Jane Phillips school areas through smoke testing. Those are being repaired at this time. Mr. Bailey stated that the number one driver of utility rates is capital improvements.

Vice Mayor Curd moved to approve Item 7.c.iv. as presented, seconded by Ms. Roane.

Mayor Copeland added that ODEQ submits the consent orders, and often when one is completed and new order is submitted.

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

Voting Nay: None

Motion: Passed

8. Discuss and take possible action to award Bid No. 2022-2023-017 for the Bartlesville Community Center Speaker Replacement. Presented by Vice Mayor Curd.

Vice Mayor Curd moved to award the bid to TMG Systems, Tulsa, OK, base bid only in the amount of \$139,718.74 and using unallocated sales tax funds to cover the \$1718.74 deficit in the remaining project budget, seconded by Mr. Roszel.

Discussion covered the difference in the two bids and an explanation thereof; the low number of bids received and why; how the old speakers will be used in Unity Square; and installation of the speakers will need to fit into the Community Center event schedule.

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

Mayor Copeland recused himself from Item 9 due to potential or possible familial reasons. Vice Mayor Curd took the gavel and Mayor Copeland left the Council Chambers.

- 9. Discuss and take possible action on a recommendation by the Bartlesville Development Authority to provide development assistance in the amount of \$100,000 upon opening, and a rebate of 50% of the annual city sales tax collected for a period of nine (9) years to Neal's Homestore for the remodel and operation of a furniture store at Eastland Shopping Center, 560 Washington Boulevard. Presented by David Wood, President, Bartlesville Development Authority.**

Vice Mayor Curd read the agenda item. Mr. Wood provided a background of the incentive program the BDA has used successfully in attracting business to Bartlesville. He then reported on the BDA's history with Neal's Furniture and how over the past ten years, different locations were considered but ultimately were not feasible. The location in Eastland Center is now considered a good fit, and Mr. Wood provided the details on what the business offers and how the incentive was developed. Expenditures for Neal's Furniture to move into the building will be approximately a \$3,475,000 investment.

Discussion covered whether other local business have reached out for an incentive, and how Ms. Roane and Vice Mayor Curd appreciated Mr. Wood and the BDA's work on finding a good location for Neal's Furniture.

Ms. Roane moved to approve providing development assistance in the amount of \$100,000 upon opening, and a rebate if 50% of the annual city sales tax collected for a period of nine years to Neal's Homestore as presented, seconded by Mr. Dorsey.

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

Mayor Copeland re-entered the meeting and regained the gavel.

- 10. Discuss and take possible action on a recommendation by the Bartlesville Development Authority for development assistance of \$119,000 to WAB Venture, Inc. to be utilized for construction of a Whataburger restaurant at 1350 SE Washington Boulevard, the location of the former Hunan restaurant, payable upon Certificate of Occupancy within 24 months. Presented by Chris Batchelder, Vice President, Business Development, Bartlesville Development Authority.**

Mr. Batchelder provided background on WAB Ventures, Inc. He added that they plan to build and open a Whataburger franchise location at 1350 SE Washington Blvd., the location of the former Hunan restaurant. WAB Venture, Inc. is a division of KMAC Corporation of Fayetteville, AR, and is also the franchise owner of the Bartlesville Taco Bell restaurant. WAB plans to invest roughly \$4,000,000+ into the new project. The \$119,000 incentive is based on the

estimated yearly sales of \$3,500,000 (annual estimated average franchise location revenue) per the BDA retail policy.

Discussion covered a December 2023 opening date; entrance and exit issues that will be determined by City and State engineers; and the incentive structure difference between WAB Ventures and Neal's Furniture.

Vice Mayor Curd moved to approve providing development assistance in the amount of \$109,000 to WAB Venture, Inc. to be utilized for construction of a Whataburger Restaurant payable upon Certificate of Occupancy within 24 months as presented, seconded by Ms. Roane.

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

Voting Nay: None

Motion: Passed

11. Discussion about First Christian Church proposal review and committee recommendations. Presented by Mayor Copeland and Vice Mayor Curd.

Mayor Copeland provided a brief history of the item, and how a study was initially conducted on whether or not Bartlesville needed a conference center, which findings concluded that a conference center would not be supported at this time. Following that study and its conclusion, in October 2022, the City issued a request for proposals (RFP) for the use of the facility and received six proposals. A review of the proposals was handled by an ad hoc group with several discussions and reviews of the proposals were covered. The committee narrowed the choices down to the two highest rated proposals. Vice Mayor Curd reported that the two top proposals were Ambler Architects/Helm Ventures/Green Copper Holdings offering a proposal for a mixed-use office and retail center, and Buffalo Roam who proposed the facility to be used for film production facility and film training institute. Mayor Copeland reported that Buffalo Roam was ultimately chosen for many reasons such as, their use does not create competition for existing businesses; they will preserve the historical architecture in its entirety; they plan to invest \$2M of private funds in addition to the public funds; and although this is a new industry for Bartlesville, the community has already been the site of multiple Hollywood productions. Mayor Copeland concluded that he and the committee recommend Buffalo Roam proposal for funding as part of the FCC renaissance project. Vice Mayor Curd added that grants are also available to assist with this type of business/industry.

Discussion covered the extent of what Buffalo Roam offers to the community; how the \$2M funds promised by the City be taken from the BRTA (TIF funding) and BDA Incentive funds instead of using GO Bond funding; how the downtown TIF is expiring soon and would need to be extended; and Council directing staff to meet with the Presidents of the BDA and BRTA to discuss funding of the \$2M public funding offer. Maria Gus, President of Visitor's Inc., Evan Hewitt and Steve Napolitan from Buffalo Roam also provided comments about rebates from the State and the Cherokee Nation, and how the industry provides many types of jobs for the community.

12. Discuss and take possible action for City staff to review the City's Sidewalk Ordinances/Policies, and approve a Six-Month Moratorium on new sidewalks (unless located within a subdivision platted within the last twenty years or located within 100

feet of a connecting sidewalk) until the review is complete. Presented by Larry R. Curtis, Director, Community Development.

Mr. Curtis reported that he and his staff are requesting a review of the City's sidewalk ordinances/policies and while doing so, requesting the City Council to approve a six-month moratorium on requiring new sidewalks (unless located within a subdivision platted within the last twenty years or located within 100 feet of a connecting sidewalk). He added that with the growth of the City and the increase in pedestrian traffic, it is important to evaluate whether the current policy is still effective in meeting the needs of the community. Complaints have been received about the conditions of existing sidewalks, as well as the lack of connectivity. He concluded that a thorough review of the current policy is necessary to ensure that it is fair and effective and will include an analysis of the current policy and any necessary revisions to be made to improve its effectiveness. He stated that this will require input from various stakeholders, including city staff, residents, and advocacy groups.

Discussion covered the reason behind needing a moratorium which is to make sure all elements involved are fair; how this study will be able to clean up all ordinances that pertain to sidewalks; and how Mr. Curtis' staff will handle potential situations of developers hoping to take advantage of the moratorium.

Ms. Roane moved to approve a six-month moratorium on new sidewalks unless located within a subdivision platted within the last twenty years or located within 100 feet of a connecting sidewalk until a review of the City's Sidewalk Ordinances/Policies are completed, seconded by Vice Mayor Curd.

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

Voting Nay: None

Motion: Passed

13. Discuss and take possible action from Washington County, Oklahoma, for Final Plat approval of a 1-lot development to be known as Washington County Emergency Management Addition, on a 3.86 +/- acre tract of land located on the west side of Bison Road, between Adams Boulevard and Nowata Road, about 0.4 miles south of Adams Boulevard, legally described as the north 350.4 feet of the south 650.4 feet of the west 480.0 of the east 530.0 feet of the SE/4 of the SE/4 of the NE/4 of Section 15, Township 26 North, Range 13 East, Washington County, Oklahoma. Presented by Larry R. Curtis, Director, Community Development.

Mr. Curtis reported that the applicant, Washington County, Oklahoma has requested approval of the final plat for a 1-lot subdivision of property to be known as Washington County Emergency Management Addition. The 3.86-acre property is located on the west side of Bison Road, about 0.4 miles south of Adams Boulevard. The County is building an emergency operations center on the property. In 1977, City Council approved the rezoning of this property to Single-Family Residential/Planned Unit Development, RS-7/PUD, with a site development plan (PC Case No. 120). In August 2021, Planning Commission granted conditional approval of a PUD amendment and site development plan (PC Case No. PUD-0721-0011/12) allowing the following new uses on the 3.86-acre tract: public land uses, specifically an emergency management operations center; enclosed storage or warehousing wireless communication tower and antenna (accessor use) and a heliport (accessory use). Mr. Curtis covered the platting and public improvements. The City Planning Commission approved the Preliminary

Plat of Washington County Emergency Management Addition at its April 25, 2023 meeting, subject to conditions. Staff recommends approval of the Final Plat of Washington County Emergency Management Addition subject to those following conditions:

1. Applicant/developer shall provide a copy of the deed for the additional 0.86 acres north and west, to be reviewed and approved by City staff as part of this plat application;
2. Label the plat with the Limits of No Access along the east lot line, showing the location of the driveways;
3. Sanitary Sewer line: a. Applicant/developer shall provide construction plans (for review and approval by City staff), cost estimate, a two-year maintenance bond (15% of cost of materials and labor) and an inspection fee (2.5% of the estimated cost of required improvements) for the sanitary sewer line; b. Applicant/developer shall extend the sanitary sewer line north to serve the adjacent Adams-Muir Land Trust property, when the adjacent trust property is subdivided in the future, creating any lot less than 10 acres. This condition will be included in a development agreement to be executed by the parties that runs with the land;
4. On site stormwater detention is required;
5. Sidewalk construction is deferred to the time of site development and the plat note shall be edited to state this;
6. Relocate the electrical easement to the west near and along the west lot line; and
7. The platting requirement to improve/widen Bison Road is waived.

Discussion covered water and sewer extension.

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

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

14. Presentation of the Bartlesville NEXT Progress Report. Presented by Mike Bailey. City Manager.

Mr. Bailey distributed the progress report document at the meeting to City Council members. He explained the format and added that if it is not user-friendly, to let him know. Presentations such as this will be made as needed. A brief discussion covered how the report is available for the public; and how the priorities on the report were presented to and voted on by the City Council.

15. New Business

There was no new business to address.

16. City Manager and Staff Reports.

Mr. Bailey reported that the Free Yard Debris Event begins the week of May 8. Bags of yard debris can be left on the curb on the day of regularly scheduled trash pick-up. Another truck

will pick up the bags. Limbs are to be bundled into four-foot lengths weighing no more than 40 pounds.

He also introduced former Police Chief Tracy Roles as the new Assistant City Manager, and Captain Jay Hastings as the Interim Police Chief.

17. City Council Comments and Inquiries.

Mr. Roszel inquired about the water supply. Mr. Bailey reported that water usage is down, but a significant downpour in the Sedan, Kansas area is needed to fill the lakes.


Mr. Roszel announced that he was holding a town hall meeting on May 11 at 6:30 at the Bartlesville Public Library.

Ms. Roane thanked staff for the new ward map.

Mayor Copeland encouraged citizens to conserve water and share conservation tips and information with family and friends. He added that Kelli Williams, Chief Communications Officer, is doing a great job getting information to the public regarding conservation.

18. There being no further business to be addressed, Mayor Copeland adjourned the meeting at 7:41 p.m.


Dale W. Copeland, Mayor


Jason Muninger, CFO/City Clerk

