



**REGULAR MEETING OF THE
BARTLESVILLE CITY COUNCIL
Monday, October 2, 2023
5:30 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, 2022
and the Agenda was posted September 28, 2023 at 5:30 p.m.)

Present were Mayor Dale Copeland, Vice Mayor Jim Curd, Jr., Councilmembers Trevor Dorsey, Billie Roane, and Loren Roszel.

City staff present were Mike Bailey, City Manager; Tracy Roles, Assistant City Manager; Jess Kane, City Attorney; Jason Muninger, City Clerk/CFO; Micah Siemers, Director of Engineering; Kelli Williams, Chief Communications Officer; Larry Curtis, Director of Community Development; Fire Chief David Topping; Police Chief Kevin Ickleberry; Captain Jay Hastings; and Elaine Banes, Executive Assistant.

- 1. The business meeting of the Bartlesville City Council was called to order at 5:32 p.m. by Mayor Copeland.**
- 2. Roll Call was held and a quorum established.**
- 3. The invocation was provided by Pastor Kristy Rogers, First Presbyterian Church.**
- 4. Citizens to be heard.**

There were no citizens to be heard.

- 5. City Council Announcements and Proclamations.**
 - Recognition and presentation of Meritorious Service Award to Firefighter Cody Nissen. Presented by Fire Chief David Topping.
 - National Fire Prevention Safety Week-October 8-14, 2023 Presented by Mayor Copeland.
 - National Colonial Heritage Month-October 2023. Presented by Ms. Roane.
 - Domestic Violence Awareness Month-October 2023. Presented by Mr. Dorsey.
 - Mental Illness Awareness Week-October 1-7, 2023. Presented by Mayor Copeland.
 - Manufacturing Month – October 2023. Presented by Vice Mayor Curd.
 - National American Indian Heritage Month – November 2023. Presented by Mr. Roszel.
- 6. Authorities, Boards, Commissions and Committee Openings**
 - One opening on the Ambulance Commission
 - One opening on the Bartlesville Library Trust Authority
 - One opening on the Library Board
 - One upcoming opening on the Park Board

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

7. Consent Docket

a. Approval of Minutes

- i. The Regular Meeting Minutes of September 5, 2023.
- ii. The Special Joint Meeting of the City Council and the Bartlesville Development Authority on September 19, 2023.

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

- i. Reappointment of Mr. Graeme Biggs to his first full-term of three years on the Bartlesville Community Center Trust Authority at the recommendation of Mayor Copeland.
- ii. Reappointment of Mr. Jon Lindblom, DDS to his first full-term of three years on the Park Board at the recommendation of Vice Mayor Curd.
- iii. Appointment of Mr. Richard Keim and Mr. Harry Deathe to three year terms each on the Community Center Trust Authority at the recommendation of Mayor Copeland.
- iv. Appointment of Mr. Bill Weintz to fill an unexpired term on the Street and Traffic Committee at the recommendation of Mr. Roszel.

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

- i. Lease Agreement between Custom Molding Services Inc., the Bartlesville Police Department and the City of Bartlesville for use of their building to provide a satellite office with 24 hour access for special operations in the amount of \$300 per month.
- ii. Contract between the City of Bartlesville/Bartlesville Public Library and Polaris Integrated Library System that will provide training for three library employees to learn about cataloging and acquisitions modules in Polaris, the software used to manage the library's collections in the amount of \$1,050.00.
- iii. Lease Agreement between the City of Bartlesville and Intuitech for equipment to conduct a pilot study for the Wastewater Treatment Plant Expansion Improvements in the amount of \$112,982.
- iv. Service Agreement between the City of Bartlesville and OKWIN LMR with the State of Oklahoma to allow the City to connect to and communicate on the State's system and allow the expansion of the 800MHz system to the NE corner of Oklahoma, the area currently lacking in coverage.
- v. Three-year Business Services Agreement between the City of Bartlesville and BTC to complete connection with a dedicated circuit that is required from the City to the State's central location in the amount of \$700 installation fee and a \$1,000 monthly fee.
- vi. Encroachment Agreement and Release of Liability with First Presbyterian Church for playground equipment that encroaches upon a portion of Dewey Avenue Right-of-Way.
- vii. Amendment No. 1 to the Design Contract with Heckenkemper Golf Course Design for design of the greens rebuild for Adams Municipal Golf Course.
- viii. Development Agreement between Arcadian Housing, LLC/LW Development, LLC and the City of Bartlesville relating to the development of the Arcadian Housing project located in Oak Wood Addition, Bartlesville, Washington County.
- ix. Agreement for Professional Planning and Landscape Architecture Services with Halff Associates, Inc. for a Comprehensive Plan for the City of Bartlesville.
- x. Approve the Engagement Letter for audit services with Arledge and Associates P.C.

- xi. Contract between the City of Bartlesville/Bartlesville Public Library Literacy Services and the Oklahoma Department of Libraries for funds to schedule and coordinate a variety of health and wellness programs for the Bartlesville community.

d. Approval of Resolutions

- i. Amending the budget for the City of Bartlesville, Oklahoma for Fiscal Year 2023-24 appropriating unanticipated donation revenue for the Golf Course Memorial Fund.

e. Acceptance of Audit

- i. Acceptance of the City of Bartlesville 2022 Financial Audit Report.

f. Bartlesville NEXT Report

- i. Bartlesville NEXT Progress Report – October 2023

g. Receipt of Financials

- i. Interim Financials for two months ending August 31, 2023.

Mayor Copeland read the consent docket in its entirety. Vice Mayor Curd pulled Items 7.c.vii., 7.c.ix., 7.e. and 7.g. for further discussion. Ms. Roane pulled Item 7.c.viii. for further discussion.

Vice Mayor Curd moved to approve the consent docket as presented except for Items 7.c.vii., 7.c.viii., 7.c.ix., 7.e and 7.g, seconded by Mr. Dorsey.

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

Item 7.c.viii. Development Agreement between Arcadian Housing, LLC/LW Development, LLC and the City of Bartlesville relating to the development of the Arcadian Housing project located in Oak Wood Addition, Bartlesville, Washington County.

Ms. Roane provided background on the development and explained the purpose of the development agreement.

Ms. Roane moved to approve Item 7.c.viii. seconded by Mr. Dorsey.

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

Item 7.c.vii. Amendment No. 1 to the Design Contract with Heckenkemper Golf Course Design for design of the greens rebuild for Adams Municipal Golf Course.

Vice Mayor Curd reported that this is the next step in the green rebuild project. He added that he was concerned about the fee which he felt was excessive. Mr. Siemers stated that the fee is comparable to other fees of this type. Funding is from GO Bonds and private donations.

Item 7.c.ix. Agreement for Professional Planning and Landscape Architecture Services with Halff Associates, Inc. for a Comprehensive Plan for the City of Bartlesville.

At Vice Mayor Curd's request, Mr. Bailey explained that developing a Comprehensive Plan is part of the City Council approved Strategic Plan. Mr. Curtis reported that Halff Associates, Inc. was selected by a Comprehensive Plan Committee out of a group of 15 firms that submitted proposals in response to the City's Request for Qualification publicized this past summer. In response to questions, Mr. Curtis explained that the Plan will provide guidance to residents, developers, businesses, institutions, stakeholders, City policymakers and staff for the physical, economic, and social development of Bartlesville over the next 20 to 30 years. The plan will provide consistency and continuity for current and future City Councils and staff.

Item 7.e.i. Acceptance of the City of Bartlesville 2022 Financial Audit Report

At Vice Mayor Curd's request, Mr. Muninger reported that due to scheduling conflicts the complete Report will be presented by the auditor at the November 6, 2023 meeting. The City completed its FY 2022 Audit on September 29. The City received an unmodified opinion, which is a clean opinion stating the City's financials present fairly in all material respects.

Item 7.g.i. Interim Financials for two months ending August 31, 2023.

Mr. Muninger reported that Sales Tax is up, as is Use Tax.

Vice Mayor Curd moved to approve Items 7.c.vii., 7.c.ix., 7.e.i., and 7.g.i. as presented, seconded by Mr. Roszel.

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

8. Discuss and take possible action to award Bid No. 2023-2024-008 for a Gravity Belt Polymer Feed System. Presented by Mr. Dorsey.

Mr. Dorsey moved to award Bid No. 2023-2024-008 to Environmental Improvements, Edmond, OK, in the amount of \$51,300.00 as presented, seconded by Vice Mayor Curd.

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

9. Discuss and take possible action to award Bid No. 2023-2024-009 for a Day Cab Truck Tractor for the Wastewater Treatment Plan. Presented by Mr. Dorsey.

Mr. Dorsey moved to award Bid No. 2023-2024-009 to Holt Truck Centers, Tulsa, OK, in the amount of \$151,037.45 as presented, seconded by Mr. Roszel.

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

10. Public hearing, consideration, and possible action on a request by Josh and Kimberly Davis to close two (2) feet of the portion of the utility easement that runs north and south on the west side of the property in Lot 1, Block 4, Prairie Ridge Addition, Bartlesville, Washington County, Oklahoma. Presented by Micah Siemers, Director of Engineering.

Mr. Siemers reported that Mr. and Dr. Davis requested the closure because it was discovered when trying to sell the property that 6" of the hot tub sits inside the easement. When they purchased the home in 2014, the hot tub was shown to be out of the easement. Utility companies were contacted who verified that the hot tub was not constructed on top of any utilities and the partial closure was acceptable to them. There were no objections from City staff as well.

The Mayor opened the public hearing at 6:41 p.m. There being no one appear to speak; the Mayor closed the public hearing at 6:41 p.m.

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

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

11. Public hearing, consideration, and possible action on a request to rezone 1.85 acres from IP (Industrial Park)/PUD (Planned Unit Development) to C-5 (General Commercial)/PUD, and for approval of a PUD Site Development Plan on property located at 219 N Virginia Ave., from Keith and Christy McPhail of B the Light Mission Foundation. Presented by Larry R. Curtis, Director, Community Development.

Mr. Curtis reported that the property owner, B the Light Mission Foundation, is requesting to rezone 1.85 acres located at 219 N, Virginia from IP/PUD to C-5 with a new PUD and associated Site Development Plan in order to develop the property as a homeless shelter/rescue mission. The property has an existing 2-story building totaling over 50,000 sq ft of floor area. The applicants revised the PUD and Site Development Plan from their original plan to remove the proposed tiny homes and add 6-ft tall, opaque screening fencing around the proposed gardening/bee-keeping/chicken-keeping area. Mr. Curtis provided the mission of the Foundation; the Foundation's plans for the facility; Permitted Uses and Site Design Standards; Excluded uses of the facility; the City's specific criteria regarding parking, screening, landscaping, etc.; the environmental considerations, the schedule of development/phasing; how the development fits with the City's Strategic Plan; public notice and participation requirements. He reported that the City Planning Commission recommends approval of the rezoning and the Site Development Plan with the following condition: Housing and daycare shall not be permitted uses until documentation from Oklahoma Department of Environmental Quality has been provided to the City of Bartlesville stating that these uses are permitted in connection with the commercial/industrial land use restrictions on the site referenced in the ODEQ Brownfields Voluntary Redevelopment Certificate of No Action Necessary awarded to the U.S. Department of Energy dated November 1999. Regardless of the need for a building permit for remodeling/conversion of building space for these uses, issuance of a certificate of occupancy from the City of Bartlesville will be required prior to these uses commencing.

The Mayor opened the public hearing at 6:45 p.m. Appearing to speak were: Marti Karich, Pastor Rando, Shiloh Gamble, Sherri Smith, Don Stivers, Kim Breedlove, Tyler Vaclaw, Derrick Maynard who all spoke in favor of the rezoning.

Maria Clampitt, who has a business close to the site, spoke in favor of the rezoning, but requested that the Council disallow bee-keeping and chickens on site.

There being no one further appear to speak; the Mayor closed the public hearing at 7:09 p.m.

Discussion by the Council included confirming the location of the chicken coop; that the location of the garden/bee-keeping and chicken coop is the best location on the site; that the rezoning does allow bees and chickens; how the fence will have panels installed to block the bee hives and chicken coops from the neighboring property; and the CPC's condition involving ODEQ.

Ms. Roane moved to adopt the Ordinance to rezone 1.85 acres from IP (Industrial Park)/PUD (Planned Unit Development) to C-5 (General Commercial)/PUD, and for approval of a PUD Site Development Plan on property located at 219 N Virginia Ave.as presented, seconded by Vice Mayor Curd.

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

12. Discuss and take possible action to adopt an Ordinance amending Ordinance 3277 pertaining to Bartlesville Municipal Code Section 7-17 Flood Prevention and Control. Presented by Micah Siemers, P.E. Director of Engineering.

Mr. Siemers reported that the City of Bartlesville participates in the National Flood Insurance Program (NFIP). The NFIP makes federally backed flood insurance available for all buildings within the City of Bartlesville. The City is required to adopt and enforce the minimum standards for coverage under the NFIP. Within this program, there are opportunities for communities to exceed the minimum standards to attain a better Community Rating which affects what kind of discount citizens within the community are afforded on flood insurance policies. Communities are rated on a scale of 1-10 with 1 being the best possible rating and 10 being the rating for only meeting minimum standards. The City of Bartlesville is currently rated as a Class 7 Community through this program, which affords a 15% discount on flood insurance policies for the citizens of Bartlesville. The NFIP minimum standards are updated periodically by FEMA and become more stringent with each revision. Currently, the City of Bartlesville's Flood Damage Prevention Ordinance does not meet one of the new prerequisites for Class 8 communities in the standards updated in 2022 with respect to elevating mechanical and electrical equipment above the base flood elevation (BFE). We have enforced this already, but it is not spelled out in our Municipal Code. The City does not meet the Class 7 rating and does meet all prerequisites for even the Class 8 rating. Staff made proposed modifications to Section 7-17(f) of the Bartlesville Municipal Code that will meet these prerequisites to help maintain our Class 7 rating, and recommends approval of the Ordinance.

Vice Mayor Curd moved to adopt the Ordinance as presented, seconded by Ms. Roane.

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

13. Discuss and take possible action to adopt an Ordinance amending Chapter 17, Streets, Sidewalks, and Other Public Places, Article IV, Sidewalks, of the Bartlesville, Municipal Code concerning the Construction of Sidewalks. Presented by Larry R. Curtis, Director, Community Development.

Mr. Curtis reported that the City has undertaken a comprehensive review and revision of its sidewalk ordinances to address evolving urban planning challenges and ensure a pedestrian-friendly infrastructure. He began by reviewing State Statutes in Title 11, Section 36-103 and 104 which provides how improvements are funded and how property owners are responsible for sidewalk repairs.

He continued reporting that the sidewalk ordinance update includes a new definition for "Legacy Subdivisions" has been incorporated, highlighting those subdivisions approved before 2000, which often lack sidewalks. While the mandate for sidewalks on both sides of arterial, collector, and residential streets remains, there is now an added provision exempting Legacy Subdivisions from sidewalk requirements if no sidewalks currently exist therein. Additionally, the ordinance has been amended to stress the inclusion of sidewalks in any new or refurbished transportation projects, emphasizing the City's forward-thinking approach. The "sidewalk fee-in-lieu" section has seen changes as well, with the introduction of an option that addresses "orphaned sidewalks" by collecting fees, allowing the City to focus on high-traffic pedestrian areas. This change emphasizes a strategic, interconnected approach to sidewalk development. Conversely, the previously existing "payment in-kind option" within the fee-in-lieu section, which had several conditions tied to property changes, has been removed for simplification. Furthermore, for "Critical Sidewalk Areas", the ordinance now provides clarity that these are areas with 100 feet of construction projects or existing sidewalks. Lastly, a previous restriction within the "Creation of Separate Fund; Use of Sidewalk Fees Collected" section, which limited the use of fees-in-lieu for specific sidewalk improvements, has been eliminated, allowing for potentially greater flexibility in fund allocation.

Discussion ensued regarding clarity about Legacy Sidewalks; how this is a first step with possible adjustments in the future; that the current moratorium is soon to lapse; and how additional time is needed to study the ordinance and get questions answered on various aspects of the ordinance. .

Vice Mayor Curd moved to table taking action on the Ordinance to allow for further discussion until the December 4, 2023 Regular Meeting of the City Council, and to extend the existing sidewalk moratorium until December 4, 2023, seconded by Ms. Roane.

Ms. Roane asked Mr. Curtis to forward his PowerPoint to the Council members.

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

14. Discuss and take possible action to adopt an Ordinance amending Chapter 12, article XI of the Bartlesville Municipal Code pertaining to Equal Access to Housing, Sections 12-179 and 12-185. Presented by Larry R. Curtis, Director, Community Development.

Mr. Curtis reported that the Oklahoma Department of Commerce notified the City that it needed to update its Equal Access to Housing ordinance to be compliant with set standards for access to Community Development Block Grants (CDBG). The updates include assisting complaints with filing a complaint with the Housing & Urban Development (HUD) Secretary; empowering the City Attorney to file criminal cases that are supported by the facts made

known through the complaint and hearing process before the fair housing council; and imposing a fine for violations.

Vice Mayor Curd 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

15. Discuss and take possible action on proposed amendments to Chapter 20, Division 7 of the Bartlesville Municipal Code pertaining to Water Shortages. Presented by Mike Bailey, City Manager.

Mr. Bailey reported that the Bartlesville Water Resources Committee reviewed the amendment to the water shortage ordinance, and has brought forward a recommendation to the City Council for further amendment. He began his presentation providing water supply as of September 28, 2023; explaining the weighted water supply based on water rights; explaining the gaps in the original and current ordinance; showing which stages were effective and/or ineffective with graphs; the goal of managing consumption so that the Caney River water is all that is needed, keeping the lakes unaffected; the difference in residential and wholesale consumption; commercial consumption numbers; how car washes had increased consumption levels; and how the Committee did not wish to target any one business but develop a high use line rate increase. He then reviewed the proposed amendments individually and the reasons for them. A summary of the modifications is shown below.

- Provides the City Manager operational flexibility to implement restrictions (except rate increases) based on an assessment of relevant circumstances (just entered stage, rain is forecasted in the near future, etc.);
- The threshold for each stage was modified to include the overall water remaining, which is the current measure for water supply, and water supply remaining based on water right. This accounts for the current water level disparity between Hulah and Copan Lake.
- Stage 1 (water supply between 80% - 70%), moved outdoor watering restrictions from Stage 2, to Stage 1 (2 days per week). Also provided exceptions for hand watering and use of rain water or grey water.
- Stage 2 (water supply between 70% - 60%), added provision to prohibit car/boat/etc. washing outside of a vehicle wash facility.
- Stage 2, added a provision to prohibit water use for testing of new water or wastewater facilities.
- Stage 2, emergency water rates – increased emergency water rates for water use above 10k gallons and added a new block rate for water usage over 100k gallons. Still requires separate Council action to implement the emergency water rates if restrictions do not lower average consumption below 5.5 million gallons per day.
- Stage 3 (water supply between 60% - 50%), outdoor watering 1 day per week, still allows for hand watering and use of non-potable water.
- Stage 3, do not allow outdoor pools, hot tubs, spas to be filled.
- Stage 3, emergency water rates, increased rates for water use above 10k gallons and added a new block rate for water usage over 100k gallons. Still requires separate Council action to implement the emergency water rates if restrictions do not lower average consumption below 4.75 million gallons per day.
- Stage 4 (water supply less than 50%), complete ban on outdoor watering, except using rain water. Use of grey water outdoors is prohibited.

- Stage 4, closes all private and public pools. No water may be added to an indoor or outdoor pool or hot tub unless necessary to maintain the water purification system or structural integrity of the pool or hot tub.
- Stage 4, emergency water rates, increased water rates for all consumption above 2k gallons and added a new block rate for water usage over 100k gallons. Still requires separate Council action to implement the emergency water rates if restrictions do not lower average consumption below 4.25 million gallons per day.
- Exceptions, provided a list of exceptions to the water restrictions – water flushing, firefighting, use of water for construction and washing/sanitizing trash trucks and food equipment needed for public health.

Discussion covered how to effectively lower consumption; how the Bartlesville Water Resources Committee took into consideration the effect of rates on all users; the differences in rates for 3” meters and the lesser sized meters; how 98% of customers will see zero impact on rates; and that basically only commercial/wholesale customers will see an increase, as well as residential customers using 10,000 gallons and up. Mr. Roszel stated his concerns about the amendments, i.e., raising rates, closing private pools in Stage 4, and having one person with the authority to activate stages. He inquired if the City had the authority to close car washes. Mr. Kane did not feel the City could pick which business should be closed during drought situations, and he felt adding the new line/block of rates for those who use over 150,000 gallons per month would have a fair overall effect. Further discussion covered public and private pools and the pros and cons of closing them should the water situation reach Stage 4. Ms. Roane added that the Water Resources Committee covered everything that has been discussed tonight, with a great deal of input from members, staff and citizens in order to bring these recommendations to the City Council. Mr. Bailey added that an appeal process is included in the ordinance that would be heard by a variance committee if there is a hardship on a family or business. In response to Mr. Roszel’ s statement about the City’s authority, Mr. Bailey stated that in the Ordinance under Stage 4, there is an emergency clause that gives the City Council authority to take emergency action. Additionally, Mr. Bailey stated that if this action is tabled, then the moratorium on raising rates would need to be extended, since the City is currently in Stage 2 of the current water shortage ordinance.

Vice Mayor Curd moved to adopt the Ordinance amending Chapter 20, Division 7 of the Bartlesville Municipal Code pertaining to Water Shortages as presented, seconded by Mr. Dorsey.

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

16. New Business.

There was no new business to address.

17. City Manager and Staff Reports.

Mr. Bailey encouraged citizens living within the city limits of Bartlesville to vote in the G O Bond Election October 10. Early voting is available on October 5 and 6 on the 4th floor of City Hall in the Washington County Election Board office.

The water disinfection project is underway so citizens may notice a higher chlorine smell and taste during this time. The water continues to be safe to drink.


18. City Council Comments and Inquiries.

Ms. Roane thanked Bartlesville for attending the Back to Bartlesville Fly-In this past weekend. It was a great success.

Mayor stated that there is a lot of good people and a lot of good things happening in Bartlesville.

19. There being no further business to address, Mayor Copeland adjourned the meeting at 9:13 p.m.


Dale W. Copeland, Mayor


Jason Muninger, CFO/City Clerk

