



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

**REGULAR MEETING OF THE
BARTLESVILLE CITY COUNCIL
Monday, February 5, 2024
at 5:30 p.m.**

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

MINUTES

(The Notice of Meeting was posted December 15, 2023 and the Agenda was posted February 1, 2024 at 5:30 p.m.)

City Council present were Mayor Dale Copeland, Vice Mayor Jim Curd, Jr., Councilmembers Trevor Dorsey (arriving at 5:34 p.m.), Billie Roane and Loren Roszel.

City staff present were Mike Bailey, City Manager; Jess Kane, City Attorney; Tracy Roles, Assistant City Manager; Terry Lauritsen, Director of Water Utilities; Micah Siemers, Director of Engineering; Kelli Williams, Chief Communications Officer; Laura Sanders, Director of Human Resources; Shellie McGill, Director of Public Library; Larry Curtis, Director of Community Development; Mike Wickham, Neighborhood Services Supervisor; Greg Collins, Special Projects; .Police Chief Kevin Ickleberry; Captain Troy Newell; Captain Daniel Elkins, Security; and Elaine Banes, Executive Assistant.

- 1. The business meeting of the Bartlesville City Council was called to order by Mayor Copeland at 5:30 p.m.**
- 2. Roll call was conducted and a quorum established.**
- 3. The Invocation was provided by Pastor Joe Colaw, First Wesleyan Church.**
- 4. Citizens to be heard.**

Mike Dunlap commented on Agenda Item 10. informing the City Council that he would like to pay the liens against the property located at 1414 SE Dewey Avenue and ultimately purchase the property.

- 5. City Council Announcements and Proclamations.**

There were no proclamations or announcements.

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

- One opening on the Bartlesville Area History Museum Trust Authority
- One opening on the Sewer System Improvement Oversight Committee

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 January 2, 2024.
- ii. The Special Meeting Minutes of January 22, 2024.

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

- i. Appointment of Ms. Joanie Elmore to fill an unexpired term on the White Rose Cemetery Board at the recommendation of Mayor Copeland.
- ii. Appointment of Mr. William Ellis to a three-year term on the Ambulance Commission at the recommendation of Mayor Copeland.
- iii. Reappointment of Mr. Martin Patzkowski to an additional two-year term on the Bartlesville Public Library Board at the recommendation of Mayor Copeland.
- iv. Reappointment of Ms. Kathryn Franz to an additional two-year term on the Bartlesville Public Library Board at the recommendation of Mayor Copeland.
- v. Reappointment of Mr. Kyle Ppool to an additional three-year term on the Adams Municipal Golf Course Operating Committee at the recommendation of Councilmember Dorsey.
- vi. Appointment of Mr. Shawn Barker to fill an unexpired term on the Adams Municipal Golf Course Operating Committee at the recommendation of Councilmember Dorsey.

c. Approval of Agreements, Contracts, Engagement Letters, Change Forms, and Memorandums of Understanding.

- i. An Inter-Local Agreement between the Board of County Commissioners of Washington County, on behalf of the Washington County Sheriff, and the Bartlesville Police Department regarding the joint use of the firearm range.
- ii. Third amendment to a Letter Agreement between ConocoPhillips and the City of Bartlesville for ConocoPhillips' use of the vacant City-owned parking lot extending said agreement to February 6, 2030.
- iii. Contract with BTC Broadband with Bartlesville Public Library/City of Bartlesville for internet service for the Library.
- iv. Professional Service Contract with S2 Engineering for the Kaw Lake Water Supply Study.
- v. Professional Service Contract with HBK Engineering for Phase 1 of the Lead Service Line Inventory.
- vi. Professional Service Contract with Murray GeoConsulting LLC, for Monitoring and Reporting of Constituents of Emerging Concern (CEC) for the Wastewater Treatment Plant Indirect Potable Reuse pilot plant study.
- vii. Professional Service Contract with Eurofins and potentially other laboratory services to test for Constituents of Emerging Concern (CEC) for the Wastewater Treatment Plant Indirect Potable Reuse pilot plant study.
- viii. Agreement update between the City of Bartlesville and the Local Government Testing Consortium which is a group that provides Federal Department of Transportation and Non-Department of Transportation drug and alcohol testing for municipalities.
- ix. Contract between the Adams Golf Course/City of Bartlesville and Artesian Bottleless Water for a water dispenser at Adams Golf Course.

- x. Advisory Fee Change Form between the City of Bartlesville and Arvest Wealth Management.
- xi. Contract for Collection Services between the City of Bartlesville and Perdue, Brandon, Fielder, Collins & Mott, L.L.P. for the collection of delinquent court fees and fines, delinquent utility accounts and other receivables due to the City.
- xii. Professional Service Contract Amendment with Guy Engineering Services, Inc. for design services on the Tuxedo Boulevard Bridges over the Caney River and overflow/pond Rehabilitation and Repair Project.
- xiii. Task Order No. 2 to the Master Services Agreement with Parkhill, Smith and Cooper for Airport Consulting Services.

d. Approval of Resolutions

- i. Amending the budget of the City of Bartlesville for Fiscal Year 2023-24 appropriating Private Donations from multiple agencies for the Police Department.

e. Approval of Supplemental Easement and Right of Way Deeds

- i. Supplemental Easement and Right of Way Deeds on two (2) City-owned properties to Public Service Company of Oklahoma (PSO) for the Comanche-Blake Transmission Line Rebuild Project.

f. Approval of OMAG Board of Trustees Nomination

- i. Nomination approval of Mr. Michael Bailey, City Manager of the City of Bartlesville to serve a three-year term on the Board of Trustees of the Oklahoma Municipal Assurance Group.

g. Receipt of Financials

- i. Interim Financials for six months ending December 31, 2023.

Mayor Copeland read the consent docket in its entirety. Mr. Roszel pulled Items 7.c.ii. and 7.f.i. for further discussion. Vice Mayor Curd pulled Items 7.c.iv., v., vi. and xiii. for further discussion.

Ms. Roane moved to approve the consent docket except for Items 7.c.ii., iv., v., vi., xiii. And 7.f.i., 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.ii. Third amendment to a Letter Agreement between ConocoPhillips and the City of Bartlesville for ConocoPhillips' use of the vacant City-owned parking lot extending said agreement to February 6, 2030.

Mr. Roszel recused himself from the meeting due to a conflict of interest since his employer is ConocoPhillips.

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

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

Voting Nay: None
Motion: Passed

Mr. Roszel rejoined the meeting.

Item 7.f.i. Nomination approval of Mr. Michael Bailey, City Manager of the City of Bartlesville to serve a three-year term on the Board of Trustees of the Oklahoma Municipal Assurance Group.

Mr. Roszel thanked Mr. Bailey for serving and continuing his service, upon re-election, on the OMAG Board of Trustees adding that he does a great job. Mr. Bailey provided information as to what Oklahoma Municipal Assurance Group provides to municipalities.

Mr. Roszel moved to approve Item 7.f.i., seconded by Ms. Roane.

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

Item 7.c.iv. Professional Service Contract with S2 Engineering for the Kaw Lake Water Supply Study.

Vice Mayor Curd is agreeable to the contract but asked Mr. Lauritsen to provide an overview as to why the contract is needed. Mr. Lauritsen reported that in 2006, the City partnered with the Corp of Engineers through the Planning Assistance to States program to determine raw water options for long term water supply. One of the options investigated was to access water in Kaw Lake. The 2006 study estimated the cost of the pipeline, pump station and water storage rights at \$106MM. Projecting this estimate to a present-day value resulted in a cost around \$150MM based on roughly 60 miles of pipeline. The City of Enid recently built a pipeline from Kaw Lake to Enid and the cost was over \$300M, so staff feels that \$150MM is not sufficient. In order to determine an accurate estimate, staff requested a proposal from S2 Engineering for a Kaw Lake Water Supply Study. They will also research other options, as well as ensure the water in Kaw Lake is compatible with our treatment process. Vice Mayor Curd confirmed that funds are available for this study.

Item 7.c.v. Professional Service Contract with HBK Engineering for Phase 1 of the Lead Service Line Inventory.

Vice Mayor Curd asked Mr. Lauritsen to provide information. Mr. Lauritsen stated that this relates directly to Flint, Michigan water issues which caused the EPA to revise and improve their existing Lead and Copper Rule. In 2021, the EPA approved an amendment that requires the utility to inventory all service lines both on the public (City) and customer side of the water meter, by October 16, 2024. This would be conducted on homes built after 1986. The goal is to have all lead/galvanized service lines replaced by 2031 in all of the United States. Once the inventory is concluded, the City will be required to

develop a service line replacement plan and a plan to identify materials of all service lines of unknown material. If lead is found, property owners will be notified, the City will replace the City's portion of the line, and additional filters will be utilized for the customer's portion. The City currently provides corrosion control, and of the 30 homes that have been and are currently being tested only one home has been found to have a very minimal trace of lead.

- Item 7.c.vi. Professional Service Contract with Murray GeoConsulting LLC, for Monitoring and Reporting of Constituents of Emerging Concern (CEC) for the Wastewater Treatment Plant Indirect Potable Reuse pilot plant study.

Vice Mayor Curd asked Mr. Lauritsen to provide additional information. Mr. Lauritsen reported that as part of the waste water plant expansion, there is a stream or portion of it designated for potable waste reuse. One of the rules is to have an actual pilot plant study to prove the process proposed, which started today. Unregulated contaminants, as well as many other constituents, are tested, as well as tests to quantify what is in the wastewater, and what gets removed within the treatment process. Murray did the study in 2018 which was submitted to the State which was approved for us to go forward with water reuse testing, so he and his company are familiar with the project. The pilot study will run through late May and will be conducted internally within the treatment plant. He confirmed that the water reuse system will be used only in emergencies, extreme drought situations. Mr. Lauritsen invited the Council to visit the pilot plant to view the process and see the product it is delivering. He is inviting other residents who have voiced concerns to visit as well.

- Item 7.c.xiii. Task Order No. 2 to the Master Services Agreement with Parkhill, Smith and Cooper for Airport Consulting Services.

Vice Mayor Curd asked Mr. Siemers to provide additional information. Mr. Siemers reported that the City Council approved a Master Services Agreement with Parkhill, Smith and Cooper in November of 2022 for airport consulting services. As part of that agreement, Task Order No. 1 was authorized to move forward with a Hangar Development Plan for the airport. While the focus of this plan was on hangar development, it really was updating the overall plan for the airport. The current taxi lane project has evolved from that plan and will consist of two new taxi lanes to improve access to additional development areas north and east of the terminal building and help ensure successful future development of the airport property. This project will include funding from FAA Non-Primary Entitlement (NPE), FAA AIG/BIL, and Oklahoma Department of Aerospace and Aeronautics (ODAA), formerly known as the Oklahoma Aeronautics Commission. The airport currently receives \$150,000 in NPE funds and \$293,500 in AIG funds annually. The ODAA funding is anticipated to be \$600,000, though in recent discussions with ODAA officials, there are more funds available that they may be willing to put towards the project if necessary to be able to construct both taxi lanes. Task Order No. 2 includes \$163,900.00 for Final Design Services, \$7,600.00 for Bidding Services, \$12,500.00 for FAA AIG Grant Administration, \$10,000.00 for ODAA Grant

Administration, and \$7,000.00 for Disadvantaged Business Enterprise (DBE) Goal Update. The total cost of the proposed services is \$201,000.00. While this is higher than most of the recent design and grant administration agreements for airport consulting services, this large price tag is justified because of the size of the project. Most of the airport projects have been much smaller in recent years and there are also more grant funding sources associated with the project which require more grant administration services. Overall, Mr. Siemers feels that the fees are what would be expected for a project of this scale. He added that there may be a higher percentage of reimbursement due to the ODAA funding being included which requires a lower sponsor match, but those details are tough to pin down with all of the different funding sources. The maximum City match for Task Order No. 2 will be 10%, but likely closer to 7%. The City's share for the professional services will be covered by the available balance in the Airport Fund. Vice Mayor Curd commended the airport manager and stated that he has received many compliments on the airport. He added that he is glad to see continued good use of it through our economic development side.

Vice Mayor Curd moved to approve Items 7.c.iv., v., vi., and xiii., seconded by Mr. Dorsey.

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

8. Discuss and take possible action to award Bid No. 2023-2024-012 for the Veterans Memorial Project. Presented by Councilmember Roane.

Ms. Roane read the staff report prepared by Mr. Siemers. A brief discussion covered how Ms. Roane brought the project forward, and how staffs and Council appreciate her and the local contributor who is bringing this project forward. Mr. Siemers provided a rendering of the project and details.

Ms. Roane moved to award the Base Bid and Alternate A2 to eliminate lighting from the project for a total bid award of \$199,894.76 to Rick Scott Construction, Bartlesville, OK, with the understanding that unallocated Sales Tax funds will be used to cover \$49,894.76 of the contract, and that staff will work with the contractor to value engineer the project to reduce the price as close a possible to the original \$150,000 budget, seconded by Vice Mayor Curd.

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

Mr. Roszel requested a five-minute recess at 6:37 p.m.
The Mayor resumed the meetings at 6:42 p.m.

9. Public hearing, consideration, and possible action on a request for approval of a new PUD (Planned Unit Development) and Site Development Plan on an 8,400-square-foot property zoned RS-7 (Single Family Residential)/PUD, located north of the northwest

corner of Oak Park Road and Palmetto Drive, from Arcadian Housing LLC. Presented by Larry R. Curtis, Director, Community Development Department.

Mr. Curtis reported that Arcadian Housing LLC seeks approval for a new PUD and Site Development Plan on two lots where a structure will be built to serve as a community building and leasing office for an already approved housing development. The two lots were not part of the original development plans and if approved, would replace the 1981 PUD and require the combination of the lots. The Planning Commission voted 5-0 to approve the request and make recommendation for approval to the City Council. He added that the structure will match other residential structures in the area. There was a community meeting as required, with two citizens speaking who were concerned with the overall development, but not this building specifically. Ms. Roane added that part of the proposed building will be used to store maintenance equipment for the development.

The Mayor opening the public hearing at 6:46 p.m. Appearing to speak was David Barnes who stated his concerns regarding construction truck traffic in the area, and that the neighbors who lived in Oak Park would like more information available for the development as a whole. Mr. Bailey pointed out that there have been more than one required community meetings covering the new development held to answer questions and take comments from citizens. He added that this public hearing is to amend the PUD regarding the new proposed building and not the development as a whole, and suggested meeting with Mr. Curtis. There being no one further appear to address this item, Mayor Copeland closed the public hearing at 6:50 p.m.

Mayor Copeland provided that that the public has access to all the information brought to the City Council via the City website, or through requests through the pertinent department. He also added that the City Planning Commission, Board of Adjustment and City Council is streamed and recorded on the website for anyone to watch at their convenience if they want additional information or to stay informed. Ms. Roane stated that she would be happy to answer Mr. Burns questions and concerns.

Ms. Roane moved to adopt the Ordinance changing the property from RS-7/PUD to RS-7/PUD (new PUD) and acknowledging the approval of a Supplemental Designation Planned Unit Development as presented, seconded by Mr. Dorsey.

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

10. Discuss and take possible action on an application and agreement between the City of Bartlesville and Bartlesville Area Habitat for Humanity, Inc. to forgive liens in the amount of \$14,627.44 plus special assessments and fees on property located at 1414 SE Dewey Avenue. Presented by Larry R. Curtis, Director, Community Development Department.

Mr. Curtis began by reporting that requests for lien releases have come before the City Council before by Habitat for Humanity, as well as others. The City has forgiven and released liens on four properties since 2020, averaging \$4,549.20. Since the program began, the City has released a total of \$18,000 in liens. Release of liens allows Habitat for Humanity to afford

building a home on the property, which in turn they sell to families at an affordable rate. Mr. Roszel inquired why the discrepancy in the amount shown on County records what is shown in this report. Mr. Curtis stated that the City can only waive City lien amounts, which in this case is \$14,627.44. The difference is the County's costs and liens accumulated on the property. Mr. Roszel inquired about a couple of requests that the City did not waive costs. Mr. Bailey stated that those two did not meet the criteria of the policy. If criteria of the City's policy are met, such as the request tonight, then the Council can approve at their discretion.

Discussion included that there is not an amount cap listed in the policy; Ms. Roane's concern with the amount of the lien and that there is someone of good reputation with construction background who desires to pay the amounts in full; Ms. Roane's support of Habitat for Humanity; that she is a former member of the organization; her concern is the amount requested and her fiduciary responsibility to the citizens. Mr. Roszel agreed that Habitat for Humanity is a great organization but stated his concern about the amount as well and his fiduciary responsibility. Additional discussion covered how the highest amount waived in the past was \$6,000; how the applicant does meet the policy criteria; and how the person who wishes to pay the liens does not have the deed to the property. Mayor Copeland reviewed the situation covering the average amount of liens waived; the remaining County fees that cannot be forgiven by City Council, his concern about the amount, and how he greatly values Habitat for Humanity, concluding that the Council could pull the item and ask staff to continue discussions to see what the best path forward for all the parties might be. In response to Mr. Dorsey's question as to how Habitat for Humanity came to own the property, Charlotte Dausses, President of Habitat for Humanity, reported that the property was donated to them. She added that through obtaining the title opinion they discovered the liens. The organization paid the back taxes of \$985 to the County, and paid for tree work on the property. They have paid over \$4600 on the lot itself to-date. She reported that their mission is to build houses for families, having built over 100 homes since 1987, with 41 mortgages. Their treasurer just paid \$40,000 in property taxes on those mortgages. The mortgages offered are low interest, and the homes are good quality being appraised at \$122,000. She stated that she understood the City liens is a lot of money but added that the house will increase the tax rolls.

There was no motion made for action, therefore no vote was taken. The Mayor asked staff to continue to work towards a solution.

11. 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. Presented by Larry R. Curtis, Director, Community Development Department.

Mr. Curtis reported that staff has been working to provide an update to the existing ordinance that has been put into moratorium for past several months, one that would be more palatable to the community. He reviewed each item from his PowerPoint as follows:

- Comprehensive review and revision of sidewalk ordinances for pedestrian-friendly infrastructure.
- New definition for "Legacy Subdivisions" approved before 2000, exempting them from sidewalk requirements if none exist.
- Emphasis on including sidewalks in new or refurbished transportation projects.

- Introduction of "sidewalk fee-in-lieu" to address 'orphaned sidewalks'.
- Removal of the "Payment in-kind option" for simplification.
- Clarification of "Critical Sidewalk Areas" within 100 feet of construction or existing sidewalks
- Elimination of restrictions on the use of fees-in-lieu for specific sidewalk improvements.
- Guidelines for sidewalk maintenance and repairs based on private and public responsibilities.
- Cost Repair Partnership program for property owners with repair costs exceeding \$500.
- Enforcement measures for non-compliance, including fines
- Private Sidewalk: Owned by property owner, not maintained by the municipality.
- Private Sidewalk Maintenance: Property owners are responsible for fixing private sidewalks with gaps over 1 inch or tripping hazards.
- Public Sidewalk: In the public right-of-way, typically owned and maintained by the city or municipality, may also be in designated public use easements. Easements allow specific limited land use.
- Public Sidewalk Maintenance: Abutting property owners and the city share responsibility for public sidewalks with similar issues.
- Cost Repair Partnership Program: Assists property owners with repairs costing over \$500, with eligibility, documentation, application, review, agreement, repairs, and reimbursement.
- Major Repairs of Public Sidewalks by the City: The city handles significant repairs during road maintenance or when necessary
- Permit Application Fee Waiver for Minor Repair: The fee is waived for minor sidewalk repairs.
- Enforcement: Property owners must not let sidewalks or driveways deteriorate dangerously. Failure to maintain results in repair assessments and potential fines.
- Funding: City staff will recommend dedicated funds for sidewalk maintenance in fiscal year budgeting.

Discussion included that brick sidewalks can remain brick as long as tripping hazards are eliminated; commendations to staff for the work on the ordinance by the Mayor and Vice Mayor; and Mr. Roszel offering his thanks and appreciation for incorporating many of his previous suggestions. Mr. Roszel continued stating that he still has issues with the ordinance, such as private property issues, for example the sidewalk to the front door is not city property, but personal property; what constitutes a public health hazard; concerns about the payment in lieu of building sidewalks exceptions; unfunded mandates; grandfathered issues; and inadequate timelines for repair.

Mr. Roszel moved to table action on the Ordinance amending Chapter 17, Streets, Sidewalks, and other Public Places, Article IV, Sidewalks, of the Bartlesville Municipal Code, to the next Regular City Council meeting, seconded by Ms. Roane.

Vice Mayor Curd asked for another red-lined draft with additional changes from the one submitted for this meeting. Ms. Roane stated that she had heard from constituents regarding personal property rights and agrees with tabling. Mr. Bailey asked that in the interest of advancing this item, that the Council please email he and Mr. Curtis their comments and concerns about specific areas of this ordinance. Mayor Copeland commended staff for all of the work that has gone into this ordinance amendment.

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

Ms. Roane and Mr. Roszel added their thanks to Mr. Collins, Special Projects Manager, for his work on the ordinance as well.

12. Discuss and take possible action to nominate and approve a City Councilmember to serve on the Keep Bartlesville Beautiful (KBB) Committee. Presented by Larry R. Curtis, Director, Community Development Department.

Mr. Curtis reported that a City Councilmember is to serve on the Committee.

A brief discussion ensued with Mr. Roszel offering to serve; Ms. Roane's experience of serving on this committee in other towns; and how due to her experience, how she is most suited to serve.

Mr. Roszel moved to nominate and approve Ms. Roane as the City Council Representative on the KBB Committee, seconded by Mr. Dorsey

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

13. Consider and take action on an appeal by Jay A. Mitchell, II of the Hearing Examiner's Administrative Order and Declaration of a Public Nuisance, specifically violations of property maintenance code at 415 SE Frank Phillips Blvd., legally described as Lot 1 and the North Half of Lot 2, Block 32, Original Town, Now City of Bartlesville, Washington County, Oklahoma (Code Enforcement Case Number PM-ES-0823-0148). Presented by Larry R. Curtis, Director, Community Development Department.

Mr. Curtis reported that Mr. Mitchell filed an appeal following a hearing declaring the property, the old Teco building, a public nuisance. Using a PowerPoint, Mr. Curtis reviewed The State and Local Laws regarding the declaration of nuisances and abatement. He then listed the actions taken and a timeline, as well as providing pictures to support the order. The PowerPoint reviewed with City Council by Mr. Curtis is attached and made a part of these minutes. The appellant, Mr. Mitchell, was not present but did provide an email submitted on February 5, 2024 that was copied and distributed to the City Council and City staff. It is attached and made a part of these minutes.

Discussion covered who Mr. Mitchell bought the property from; what was his long-term plan for the property; how Mr. Mitchell is not present to answer questions and staff should not speak for him; that Mr. Kane's opinion on Mr. Mitchell's email claims is that he may have a procedural argument that is sufficient, but he would not speculate on what he feels Mr. Mitchell might accomplish with a lawsuit; how Mr. Kane feels there is no conflict of interest in how this was handled by City staff; and that Mr. Kane stated that City staff followed legal process. Mayor Copeland stated that the staff report is quite thorough, and finds it peculiar that there is no one to speak on the appeal or anyone present to represent the appellant. Mr.

Kane stated that in his experience, the appellant is usually present. Additional discussion covered how Mr. Mitchell still has until April 26, 2024 to bring the building into compliance; how structural deficiency is expected if not repaired; and how the structure is dangerous to the public in the state it is in.

Mr. Roszel moved to deny Mr. Mitchell's appeal and to uphold the City's Hearing Examiner's Administrative Order and Declaration of a Public Nuisance, specifically violations of property maintenance code at 415 SE Frank Phillips Blvd., seconded by Vice Mayor Curd.

Ms. Roane appreciated the Code Enforcement officers patience and tenacity in this and other cases they address, calling them unsung heroes of the community. Mr. Roszel stated his appreciation to Mr. Collins, Special Projects Manager, also for his work on the case. Vice Mayor Curd agreed and stated his appreciation of the work on this case.

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

14. New Business.

There was no new business.

15. City Manager and Staff Reports.

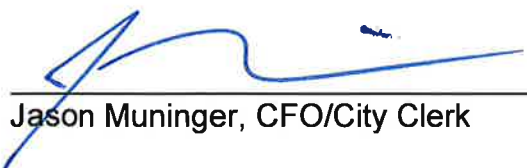
Mr. Bailey reported on the upcoming Citizens Academy, provided a Comprehensive Plan update; and a Water Supply update. He also reported on the overlay project on Delaware, the Civitan Shade Structure, and the Veteran's Memorial. He encouraged everyone to sign up for City Beat to receive the latest information on all of these topics and more.

16. City Council Comments and Inquiries.

The Mayor commented on how this was a good meeting with a lot of interesting discussion.

17. There being no further business to address, Mayor Copeland adjourned the meeting at 8:00 p.m.


Dale W. Copeland, Mayor

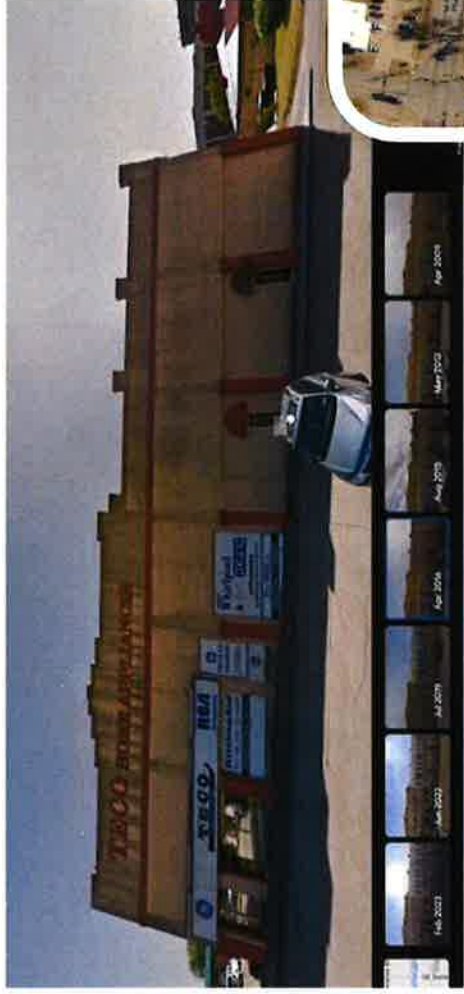

Jason Muninger, CFO/City Clerk





APPEAL OF PM-ES-0823-0148

- Jay A. Mitchell, II appeals Hearing Examiner's orders on property maintenance violations at 415 SE Frank Phillips Blvd.
- Violations relate to the former TECO Home Appliances Building. Property was acquired from Four S Investment, Inc. in 2017.
- Violations detailed in in the report.





- “Cities and towns in this state shall have the right and power to determine what is and what shall constitute a nuisance within their respective corporate limits” 50 O.S. Section 16
- “The municipal governing body may declare what shall constitute a nuisance, and provide for the prevention, removal, and abatement of nuisances.” 11 O.S. Section 22-121
- Section 4-221 Adoption of “International Property Maintenance Code”
- “Section 11-8. Nuisance abatement. This chapter [11] shall be administered and enforced by the building development department [*community development*] and where appropriate, the police and fire departments, and they are granted the authority expressly granted and impliedly needed and necessary for enforcement”

CODE VIOLATIONS

Exhibit F: List of International Property Maintenance Code (IPMC) Violations and Corrective Action Required

IPMC Section	Subject Title/Heading	Code Language	Corrective Action
IPMC Section 304.6	Exterior Walls	Exterior walls, exterior walls shall be free from holes, cracks, and loose or rotted materials, and maintained weathertight and properly surface coated where required to prevent deterioration.	Remove old adhesive coating from brick wall. Repair or replace damaged or deteriorated exterior walls with approved material. Weathertight as required. Trim work around all windows and doors shall be repaired/replaced/repainted.
IPMC Section 304.1	Exterior Structure- General Requirements	The exterior of a structure shall be maintained in good repair; structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. * * * 304.1.1 <u>Unsafe conditions</u> . The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the <u>International Building Code</u> or the <u>International Existing Building Code</u> as required for existing buildings. * * * 4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights <u>are not maintained, weather resistant or water tight</u> .	Remove old adhesive coating from brick, wall. Complete necessary repairs to the exterior of the structure with approved materials.
IPMC Section 304.2	Protective Treatment	Exterior surfaces, including but not limited to doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective coating or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.	Prep and paint or cover all non-compliant exterior surfaces with an approved product.
IPMC Section 304.13	Window, skylight and door frames	Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.	Repair or replace damaged or deteriorated / broken boarded up windows, skylights, exterior door frames with approved materials. Deteriorated trim work around all glass needs to be repaired/replaced and caulked.
IPMC Section 304.13.1	Window Glazing	Glazing materials shall be maintained free from cracks and holes.	Replace damaged or deteriorated window glazing with approved materials.

- August 9, 2023: Complaint received by City Neighborhood Services about building exterior condition at 415 SE Frank Phillips Blvd. Validated by Supervisor Mike Wickham, who noted various issues.
- August 10, 2023: Courtesy Notice mailed and posted at the property, giving 10 days to rectify property maintenance violations.
- August 18, 2023: Extension granted until October 20, 2023, via phone and email communication with Mr. Mitchell.
 - 63 Days from August 18th
- November 1, 2023: Code enforcement case initiated due to lack of progress on repairs.
 - 75 Days from August 18th
- November 2, 2023: Notice of Violation mailed and posted at the property, listing violations and corrective actions by November 16, 2023, setting a hearing for November 16, 2023.

- November 16, 2023: Hearing postponed to December 13, 2023, at 2:00 PM, at the property site.
 - Mailed Noticed Said at City Hall
- December 13, 2023: On-site hearing held, Mr. Mitchell did not attend, and Hearing Officer issued an order for abatement of property maintenance violations within 120 days.
 - Staff Members located On-Site and in City Hall
- December 14, 2023: Mr. Mitchell expressed confusion via email regarding the hearing.
- December 28, 2023: Order of Citation mailed and posted, ordering abatement by April 26, 2024, and informing of the 10-day appeal window to City Council.
 - **Would Have Been 252 Days Since August 18th 2023**
- January 9, 2024: Appeal requested by Mr. Ronald Cummings, representing Mr. Mitchell, with a \$100 filing fee, scheduling a City Council meeting for February 5, 2024, without specifying the appeal's basis.

DOCUMENTATION

415 SE FRANK PHILLIPS BLVD
12/13/2023

Code Violation(s):

Including:

- IPMC 304.6,
- IPMC 304.1,
- IPMC 304.1.1,
- IPMC 304.2,
- IPMC 304.13,
- IPMC 304.13.1



Corrective Action(s):

Including:

- Remove old adhesive/coating from brick
- Repair / replace damaged / deteriorated exterior, walls w/ approved material;
- Weatherproof as required;
- Trim work around all windows & doors shall be repaired / replaced / repainted;
- Complete necessary repairs to exterior of structure w/ approved materials;
- Prep & paint / cover all non-compliant exterior surfaces w/ approved product;
- Repair / replace damaged or deteriorated / broken / boarded up windows w/ approved materials;
- Deteriorated trim work around all glass needs repaired / replaced / painted;
- Replace damaged or deteriorated window glazing w/ approved materials.

415 SE FRANK PHILLIPS BLVD
12/13/2023

Code Violations:
Including:

- IPAC 304.1,
- IPAC 304.1.1,
- IPAC 304.2,
- IPAC 304.13,
- IPAC 304.13.1



Corrective Actions:
Including:

- Repair / replace damaged or deteriorated / broken / boarded up windows w/ approved materials;
- Deteriorated trim work around all glass needs repaired / replaced / painted;
- Replace damaged or deteriorated window glazing w/ approved materials;
- Prep & paint / cover all non-compliant exterior surfaces w/ approved product.

DOCUMENTATION

415 SE FRANK PHILLIPS BLVD
 12/13/2023

Code Violation(s):
 Including:
 IPMC 304.6,
 IPMC 304.1,
 IPMC 304.1.1,
 IPMC 304.2,
 IPMC 304.13,
 IPMC 304.13.1



Corrective Action(s):
 Including:
 -Remove old adhesive/coating from brick
 -Repair / replace damaged / deteriorated exterior, walls w/ approved material;
 -Weatherproof as required;
 -Trim work around all windows & doors shall be repaired / replaced / repainted;
 -Complete necessary repairs to exterior of structure w/ approved materials;
 -Prep & paint / cover all non-compliant exterior surfaces w/ approved product;
 -Repair / replace damaged or deteriorated / broken / boarded up windows w/ approved materials;
 -Deteriorated trim work around all glass needs repaired / replaced / painted;
 -Replace damaged or deteriorated window glazing w/ approved materials.

DOCUMENTATION

415 SE FRANK PHILLIPS BLVD
12/13/2023

Code Violation(s):

Including:

- IPMC 304.6,
- IPMC 304.1,
- IPMC 304.1.1,
- IPMC 304.2,
- IPMC 304.13,
- IPMC 304.13.1



Corrective Action(s):

Including:

- Remove old adhesive/coating from brick
- Repair / replace damaged / deteriorated exterior, walls w/ approved material;
- Weatherproof as required;
- Trim work around all windows & doors shall be repaired / replaced / repainted;
- Complete necessary repairs to exterior of structure w/ approved materials;
- Prep & paint / cover all non-compliant exterior surfaces w/ approved product;
- Repair / replace damaged or deteriorated / broken / boarded up windows w/ approved materials;
- Deteriorated trim work around all glass needs repaired / replaced / painted;
- Replace damaged or deteriorated window glazing w/ approved materials.

DOCUMENTATION

415 SE FRANK PHILLIPS BLVD
 12/13/2023

Code Violation(s):
 Including:
 IPMC 304.6,
 IPMC 304.1,
 IPMC 304.1.1,
 IPMC 304.2,
 IPMC 304.13,
 IPMC 304.13.1



Corrective Action(s):
 Including:
 -Remove old adhesive/coating from brick
 -Repair / replace damaged / deteriorated exterior, walls w/ approved material;
 -Weatherproof as required;
 -Trim work around all windows & doors shall be repaired / replaced / repainted;
 -Complete necessary repairs to exterior of structure w/ approved materials;
 -Prep & paint / cover all non-compliant exterior surfaces w/ approved product;
 -Repair / replace damaged or deteriorated / broken / boarded up windows w/ approved materials;
 -Deteriorated trim work around all glass needs repaired / replaced / painted;
 -Replace damaged or deteriorated window glazing w/ approved materials.

DOCUMENTATION

415 SE FRANK PHILLIPS BLVD
 12/13/2023

Code Violation(s):
 Including:
 IPMC 304.6,
 IPMC 304.1,
 IPMC 304.1.1,
 IPMC 304.2,
 IPMC 304.13,
 IPMC 304.13.1



Corrective Action(s):
 Including:
 -Remove old adhesive/coating from brick
 -Repair / replace damaged / deteriorated exterior, walls w/ approved material;
 -Weatherproof as required;
 -Trim work around all windows & doors shall be repaired / replaced / repainted;
 -Complete necessary repairs to exterior of structure w/ approved materials;
 -Prep & paint / cover all non-compliant exterior surfaces w/ approved product;
 -Repair / replace damaged or deteriorated / broken / boarded up windows w/ approved materials;
 -Deteriorated trim work around all glass needs repaired / replaced / painted;
 -Replaces damaged or deteriorated window glazing w/ approved materials.

DOCUMENTATION

415 SE FRANK PHILLIPS BLVD
 12/13/2023

Code Violation(s):

Including:

- IPMC 304.6,
- IPMC 304.1,
- IPMC 304.1.1,
- IPMC 304.2,
- IPMC 304.13,
- IPMC 304.13.1

Corrective Action(s):

Including:

- Weatherproof as required;
- Trim work around all windows & doors shall be repaired / replaced / repainted;
- Repair / replace damaged or deteriorated / broken / boarded up windows w/ approved materials;
- Deteriorated trim work around all glass needs repaired / replaced / painted;
- Replace damaged or deteriorated window glazing w/ approved materials.



DOCUMENTATION

415 SE FRANK PHILLIPS BLVD
12/13/2023

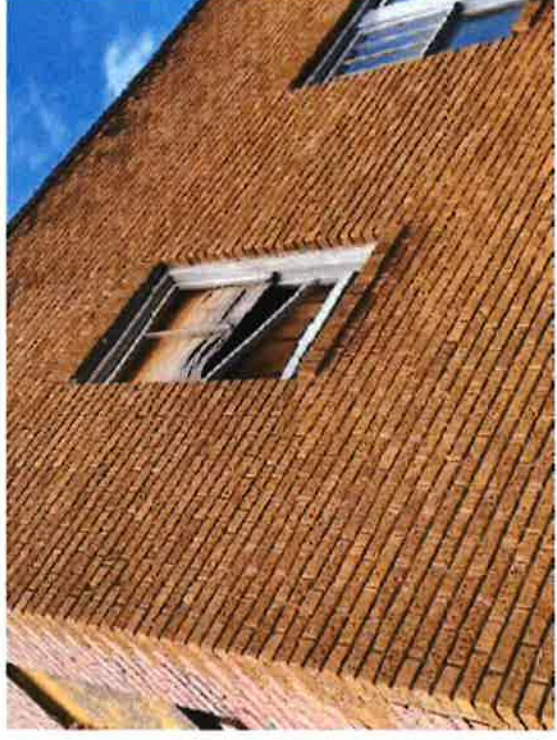
Code Violations:
Including:
 IFMC 304.6,
 IFMC 304.1,
 IFMC 304.1.1,
 IFMC 304.2,
 IFMC 304.13,
 IFMC 304.13.1



Corrective Actions:
Including:
 -Repair / replace damaged / deteriorated exterior, walls w/ approved material;
 -Weatherproof as required;
 -Trim work around all windows & doors shall be repaired / replaced / repainted;
 -Complete necessary repairs to exterior of structure w/ approved materials;
 -Prep & paint / cover all non-compliant exterior surfaces w/ approved product;
 -Repair / replace damaged or deteriorated / broken / boarded up windows, door frames w/ approved materials;
 -Deteriorated trim work around all glass needs repaired / replaced / painted;
 -Replace damaged or deteriorated window glazing w/ approved materials.

DOCUMENTATION

415 SE FRANK PHILLIPS BLVD
 12/13/2023



Code Violation(s):
 Including:
 IPMC 304.6,
 IPMC 304.1,
 IPMC 304.1.1,
 IPMC 304.2,
 IPMC 304.13,
 IPMC 304.13.1

Corrective Action(s):
 Including:
 -Repair / replace damaged / deteriorated exterior, walls w/ approved material;
 -Weatherproof as required;
 -Trim work around all windows & doors shall be repaired / replaced / repainted;
 -Complete necessary repairs to exterior of structure w/ approved materials;
 -Prep & paint / cover all non-compliant exterior surfaces w/ approved product;
 -Repair / replace damaged or deteriorated / broken / boarded up windows, door frames w/ approved materials;
 -Deteriorated trim work around all glass needs repaired / replaced / painted;
 -replace damaged or deteriorated window glazing w/ approved materials.

DOCUMENTATION

415 SE FRANK PHILLIPS BLVD
 12/13/2023

Code Violation(s):
 Including:
 IPMC 304.6,
 IPMC 304.1,
 IPMC 304.1.1,
 IPMC 304.2,
 IPMC 304.13,
 IPMC 304.13.1



Corrective Action(s):
 Including:
 -Repair / replace damaged / deteriorated exterior, walls w/ approved material;
 -Weatherproof as required;
 -Trim work around all windows & doors shall be repaired / replaced / repainted;
 -Complete necessary repairs to exterior of structure w/ approved materials;
 -Prep & paint / cover all non-compliant exterior surfaces w/ approved product;
 -Repair / replace damaged or deteriorated / broken / boarded up windows, door frames w/ approved materials;
 -Deteriorated trim work around all glass needs repaired / replaced / painted;
 -Replace damaged or deteriorated window glazing w/ approved materials.

DOCUMENTATION

415 SE FRANK PHILLIPS BLVD
 12/13/2023

Code Violation(s):
 Including:
 IPMC 304.6,
 IPMC 304.1,
 IPMC 304.1.1,
 IPMC 304.2,
 IPMC 304.13,
 IPMC 304.13.1



Corrective Action(s):
 Including:
 -Repair / replace damaged / deteriorated exterior, walls w/ approved material;
 -Weatherproof as required;
 -Trim work around all windows & doors shall be repaired / replaced / repainted;
 -Complete necessary repairs to exterior of structure w/ approved materials;
 -Prep & paint / cover all non-compliant exterior surfaces w/ approved product;
 -Repair / replace damaged or deteriorated / broken / boarded up windows, door frames w/ approved materials;
 -Deteriorated trim work around all glass needs repaired / replaced / painted;
 -Replace damaged or deteriorated window glazing w/ approved materials.

DOCUMENTATION

415 SE FRANK PHILLIPS BLVD
12/13/2023

Code Violation(s):
Including:
IPMC 304.6,
IPMC 304.1,
IPMC 304.I.1,
IPMC 304.2,
IPMC 304.I3,
IPMC 304.I3.1



Corrective Action(s):
Including:
-Repair / replace damaged / deteriorated exterior, walls w/ approved material;
-Weatherproof as required;
-Trim work around all windows & doors shall be repaired / replaced / repainted;
-Complete necessary repairs to exterior of structure w/ approved materials;
-Prep & paint / cover all non-compliant exterior surfaces w/ approved product;
-Repair / replace damaged or deteriorated / broken / boarded up windows, door frames w/ approved materials;
-Deteriorated trim work around all glass needs repaired / replaced / painted;
-Replace damaged or deteriorated window glazing w/ approved materials.

DOCUMENTATION

415 SE FRANK PHILLIPS BLVD
 12/13/2023



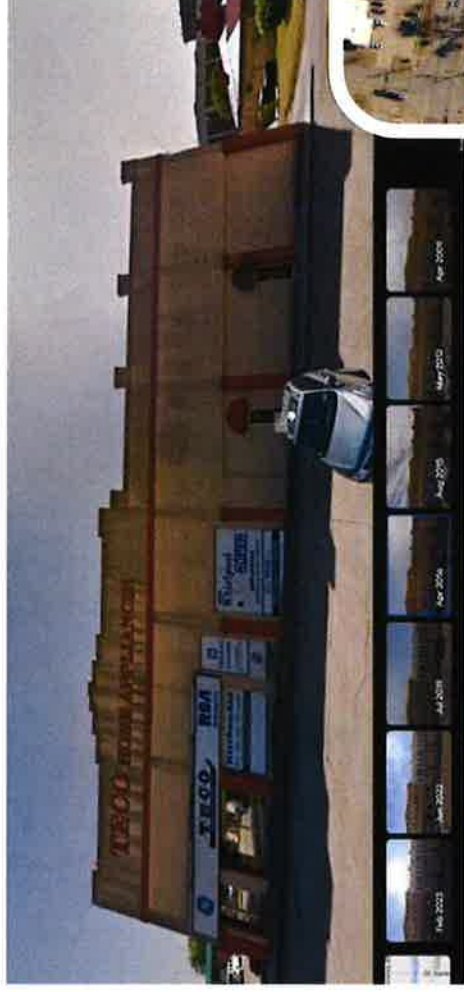
Code Violation(s):
 Including:
 IPMC 304.6,
 IPMC 304.1,
 IPMC 304.1.1,
 IPMC 304.2,
 IPMC 304.13,
 IPMC 304.13.1

Corrective Action(s):
 Including:
 -Remove old adhesive/coating from wall
 -Repair / replace damaged / deteriorated exterior, walls w/ approved material;
 -Weatherproof as required;
 -Trim work around all windows & doors shall be repaired / replaced / repainted;
 -Complete necessary repairs to exterior of structure w/ approved materials;
 -Prep & paint / cover all non-compliant exterior surfaces w/ approved product;
 -Repair / replace damaged or deteriorated / broken / boarded up windows w/ approved materials;
 -Deteriorated trim work around all glass needs repaired / replaced / painted;
 -Replace damaged or deteriorated window glazing w/ approved materials.



APPEAL OF PM-ES-0823-0148

- Staff recommends denial of the appeal.
- Enforcement of Hearing Officer's Order.
- Property owner must rectify violations by April 26, 2024.
- Failure to comply will result in citations.
- Corrective actions specified in Exhibit F, Courtesy Notice (Exhibit B), and Request for Voluntary Compliance (Exhibit C).



Elaine Banes

From: Elaine Banes
Sent: Monday, February 5, 2024 4:27 PM
To: Larry Curtis; Greg Collins; Mike L. Bailey
Subject: From Jay Mitchell
Attachments: Response_to_Council.pdf

Elaine Banes
Executive Assistant
City of Bartlesville
918-338-4282



From: Jay Mitchell <jamts@mac.com>
Sent: Monday, February 5, 2024 4:25 PM
To: Elaine Banes <rebanes@cityofbartlesville.org>
Subject: Re: Requested Information

CAUTION: External Source. THINK BEFORE YOU CLICK!

Hello Elaine.

Please see the attached letter. Notice it also has an attachment within it that is a yellow-highlighted copy of Exhibit D. Please print in color if possible so that highlighting will show.

Thanks for your help!!

Jay

On Feb 5, 2024, at 12:28 PM, Elaine Banes <rebanes@cityofbartlesville.org> wrote:

February 5, 2024

Re: Appeal of Hearing Officer's Order

To: Bartlesville City Council Members:

The appeal before you today concerns an improper hearing regarding an existing renovation of a property at 415 SE Frank Phillips Blvd. I request today that you vacate the order issued by Mr. Gregory Collins on December 28, 2023, and send the case back to Community Development with a direction from Council to schedule an onsite meeting to be held with me to establish the scope and direction of any work that the City would like to request be performed. The reason for this request is very simple. Proper legal procedure was not followed by the City, thus depriving me of an opportunity to attend the hearing.

At issue today are 2 questions: 1. Was proper notice given for an onsite hearing vs the location specified in the written notice? 2. Should Mr. Collins have recused himself from conducting that hearing, even if it had been held at the proper location?

In its Staff Report, Community Development conveniently did not address either of these very important issues, even though I brought them up repeatedly. Obviously, they cannot defend the issues because the evidence is overwhelming.

It is indisputable that Mr. Collins's November 16, 2023, signed order for continuance specified "City Hall, 401 S. Johnstone Avenue" for the hearing location. It is also indisputable that the hearing was instead conducted at "415 SE Frank Phillips Blvd." without proper notice to Mr. Mitchell.

It is important to understand that I am not today addressing the validity of any allegations of possibly needed repairs to the property. Clearly the renovation is in process and a massive amount of work has already been done to restore this beautiful piece of Bartlesville history and work remains. The status of that can all be discussed at an onsite meeting. But today we are addressing the simple question of whether or not proper procedure was followed and whether or not we address this in the courts or through cooperation from Community Development.

I am happy to work with Community Development as I continue the efforts and I am happy to adjust priorities and timelines to fit requests by the City. But I am NOT willing to let an order stand from a hearing that was conducted at a location and in a manner that was not in the original written order that was served to me. At the last minute, the City changed the location to an onsite meeting. I responded by asking for a phone call and explanation as to why the hearing was not being held as scheduled at the original location specified in the written order. I was ready to attend the hearing at the original location. I received no response until after the hearing was held incorrectly onsite without me and I got conflicting information from various City employees in the following days as to what was decided. In fact it took 2 weeks for the City to even issue a written order and it was only done after I made multiple requests. I then asked for the order to be set aside to give us an opportunity to sit down and resolve the matter and schedule an onsite meeting instead of wasting City time and tax dollar by going before City Council with this. My request was denied by Community Development. Thus we are here today.

If the Council does not vacate this improper order. Then I will seek relief from the courts, which will surely rule that a hearing must be conducted at the location specified in the original written notice given to a property owner. Proper notice is fundamental to all legal proceedings and must be strictly followed.

You may hear Community Development backpedal and claim the "hearing was conducted in both places". This is not only impossible, but also a preposterous notion. A hearing is only in one location. I was ready to attend at the location in the notice I received. Furthermore, I would have attended by phone while Mr. Collins was onsite, if I had received a response or a phone call while they were onsite.

Although the conducting of the hearing in an incorrect location is reason enough to vacate this order. There is a second matter as well. And this matter puts the City's improper behavior in an important context. The hearing officer, Mr. Collins, is involved in a very personal legal dispute with me. It stems from his illegally directing City employees to trespass inside at another property of mine and steal a refrigerator that was inside and up 3 flights of stairs in February of 2023. Records were then likely falsified as part of an apparent coverup. The details of this case are too much for this letter. But the City and Mr. Curtis and Mr. Collins are all very aware that there is pending civil and criminal liability being addressed, as well as violation of civil rights. Mr. Collins was investigated by Mr. Curtis for this

refrigerator theft and Mr. Curtis called me and told me that he found the City was at fault and made an offer to buy me a new refrigerator. Then, without my permission again, the City apparently retrieved the stolen refrigerator from some unknown location where it was being held, and trespassed again on my property, went inside and back up 3 flights of stairs inside and returned it in damaged condition and damaged the building itself again upon that second trespassing event. All of this is well documented and Mr. Collins and Mr. Curtis are well aware that the case is not resolved and that civil and criminal legal action is pending as Open Records Requests are being fulfilled.

The above situation has tainted Mr. Collins ability to be unbiased (or at the very least to be free or the appearance of bias to a neutral observer) and therefore, as I requested at multiple times prior to the improper onsite hearing, Mr. Collins must recuse himself from this matter until the criminal and civil issues involving the refrigerator theft, trespassing, destruction of property, civil rights violations, conspiracy, etc, are resolved.

If there is any doubt as to the possibility of deception and bias, then I would like to direct the Council's attention to the Staff Report that you have been supplied by Community Development. The attempt to deceive the Council is rather glaring.

For example, they say "Mr. Mitchell did not attend the hearing" on November 16, 2023. This is untrue. The hearings allow for telephone attendance, and I prearranged this with Community Development and took the action myself to attend by phone.

Then, in the Staff Report, they go on to deceive you again by saying "Hearing Officer Greg Collins informed Mr. Mitchell that the hearing would be continued to Wednesday December 13, 2023, at 2:00pm on the property site at 415 SE Frank Phillips Boulevard." Mr. Collins's own EXHIBIT D (see attached) exposes this deception. The continuance notice clearly states "The Hearing Officer orders this hearing to be continued to the 13th day of December 2023 at 2:00pm in the 1st floor conference room at City Hall, 401 S. Johnstone Avenue, Bartlesville, Oklahoma."

In light of all the above, I kindly request that Council direct Community Development to vacate the order and work with me to arrange a date for an onsite meeting to make a plan. Furthermore, given the pending criminal and civil legal issues that are ongoing since the refrigerator theft in February 2023, I request that Council direct Mr. Collins to recuse him from this property maintenance case.

Thank you for your time.
Jay Mitchell



EXHIBIT D

CITY OF BARTLESVILLE, OKLAHOMA
PROPERTY MAINTENANCE HEARING
ORDER OF CONTINUANCE - FAILURE TO APPEAR

CASE NUMBER: PM-ES-1123-0163 NSO: Wickham
PROPERTY OWNER: Jay Mitchell
PROPERTY ADDRESS: 415 S. Frank Phillips Blvd
LEGAL DESCRIPTION:
ORIGINAL HEARING DATE AND TIME: 11-16-2023
PREVIOUS CONTINUANCES, DATES AND TIMES:

WHEREAS, a hearing on the above referenced case was scheduled and held according to law on this 16th day of November, 2023 at 2:00 a.m.; and
WHEREAS, the above referenced owner or a representative of said owner failed to appear at said hearing;
WHEREAS, information and evidence presented by the above referenced NSO confirmed that some progress has been made to voluntarily abate the violations identified in the above referenced case; and
WHEREAS, Hearing Officer finds good cause exists to continue this hearing to a future date in order to allow additional time and opportunity for the voluntary abatement of the referenced case.

NOW, THEREFORE:

[X] The Hearing Officer orders this hearing be continued to the 13th day of December, 2023 at 2:00 a.m. in the 1st floor conference room at City Hall, 401 S. Johnstone Avenue, Bartlesville, Oklahoma.

[] The Hearing Officer orders that the following action shall be completed on this property by the property owner by the above identified hearing date to voluntarily abate the violations identified in this case. Owner is hereby advised that failing to complete said action before this date may result in legal action by the City of Bartlesville.

Owner participated in a Phone Call Hearing.

[] Owner is hereby advised that failing to complete the above identified action by this date may result in legal actions and penalties by the City, including appearance in Municipal Court.
[] By posting of this order on the above referenced property, the property owner and/or his representative is hereby ordered to appear at this hearing. No further notice is required.

Signed this 16th day of November, 2023, as follows:

Hearing Officer
[Signature]