



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

**MINUTES OF THE
REGULAR MEETING OF THE
BARTLESVILLE CITY COUNCIL
Tuesday, January 2, 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 December 28, 2023 at 5:30 p.m.)

City Council present were Mayor Dale Copeland, Vice Mayor Jim Curd, Jr., Councilmembers Trevor Dorsey and Loren Roszel. Ms. Billie Roane was absent.

City staff present were Mike Bailey, City Manager; Jess Kane, City Attorney; Tracy Roles, Assistant City Manager; Jason Muninger, City Clerk/CFO; Terry Lauritsen, Director of Water Utilities; Micah Siemers, Director of Engineering; Kelli Williams, Chief Communications Officer; Matt McCollough, IT Director; Larry Curtis, Director of Community Development; Kelsey Walker, Communication & Marketing Manager; Police Chief Kevin Ickleberry; Deputy Fire Chief Jerry Berry; Captain Andrew Ward, Captain Troy Newell; Captain Daniel Elkins, Officer Sierra Compton; Lieutenant Chris Neal, Sergeant Steve Johnson and Captain Chris Buchanan 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 Father John O'Neill, Pastor, St. John Catholic Church.**
- 4. Citizens to be heard.**

John Hensley provided comments regarding the proposed Charter changes and the changes to the Citizens to Be Heard policy. He suggested to allow more time for comments, and that public comments were listed too early in the meeting agenda. He suggested allowing comments for any agenda item at the time the item comes up for discussion and/or action. He also was not in favor of moving the election for City Council to April due to a lower voter turnout nor was he in favor of changing terms from two years to three years.

5. City Council Announcements and Proclamations.

- Presentation of a Life-Saving Commendation to Lieutenant Chris Neal, Sergeant Steve Johnson and Captain Chris Buchanan. Presented by Police Chief Kevin Ickleberry and Deputy Fire Chief Jerry Berry.
- Presentation of Grand Mental Health Officer of the Year Award to Police Officer Sierra Compton. Presented by Jim Warring, Rachael Showler and Cori Bryson from Grand Mental Health with Police Chief Kevin Ickleberry.

6. Authorities, Boards, Commissions and Committee Openings

- One opening on the Ambulance Commission
- One opening on the Sewer System Improvement Oversight Committee
- One opening on the White Rose Cemetery Board

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

7. Consent Docket

a. Approval of Minutes

- i. The Regular Meeting Minutes of December 4, 2023.

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

- i. Ratification of the appointment of Mr. Tracy Roles, City Manager's Designee/Ex Officio Trustee; Mr. George Halkiades at the recommendation of Bartlesville Redevelopment Trust Authority, Mr. Jared Patton at the recommendation of the Bartlesville Development Authority, and Ms. Donna Keffer at the recommendation of Bartlesville Convention and Visitor's Bureau (Visitor's, Inc.) to the Bartlesville Film Authority.
- ii. Reappointment of Mr. Fletcher Daniels to an additional three-year term on the Sewer System Improvement Oversight Committee at the recommendation of Councilmember Dorsey.
- iii. Reappointment of Ms. Mary Dill and Ms. Dee Ann Willman to additional three-year terms on the Bartlesville Area History Museum Trust Authority at the recommendation of Councilmember Roane.

c. Approval of Agreements, Contracts, Engagement Letters, Memorandums of Understanding, and Items to be Tabled.

- i. Airport Hangar Lease Agreement of T-Hangar Unit 109 between the City of Bartlesville/Bartlesville Municipal Airport and David Day in the amount of \$203 monthly.
- ii. Professional Service Contract with Native Strategies, LLC for the Madison Boulevard Reconstruction project design.
- iii. Approval of contract amendment #2 to the professional service agreement with Tetra Tech, Inc. for engineering services for the Wastewater Treatment Plant Expansion and the Limestone to Chickasaw Transport Corridor Improvements.
- iv. Approval of a contract with B-Town Construction to install flow meters at the Golf Course, Maple and Virginia lift stations.
- v. Approval of a request to the Oklahoma Water Resources Board to allocate the American Rescue Plan Act (ARPA) grant to the engineering/pre-construction portion of the Chickasaw Wastewater Treatment Plant Expansion project
- vi. Interlocal Agreement between the Board of County Commissioners of Washington County, Oklahoma and the City of Bartlesville to complete a road bore under Bison Road to advance the sewer installation at the intersection of Bison Road and Highway 60.

vii. Table action on a request to update Sidewalk Ordinance No. 3555 until February 5, 2024 and the continuation of the moratorium on the existing Sidewalk Ordinance.

d. Approval of Resolutions

- i. Amending the budget of the City of Bartlesville for fiscal year 2023-24 appropriating donation funds from Patriot Auto Group in the Restricted Revenue fund.
- ii. Amending the budget of the City of Bartlesville for fiscal year 2023-24 appropriating 2023 General Obligation Bond proceeds.

e. Receipt of Financials

- i. Interim Financials for five months ending November 30, 2023.

f. Receipt of Bids

- i. Bid No. 2023-2024-012 Veterans Memorial

Mayor Copeland read the consent docket in its entirety. Vice Mayor Curd pulled Item 7.a.i. for further discussion.

Vice Mayor Curd moved to approve the consent docket as presented except for Item 7.a.i., seconded by Mr. Roszel.

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

Item pulled for discussion:

7.a. Approval of Minutes

- i. The Regular Meeting Minutes of December 4, 2023.

Vice Mayor Curd stated that he had asked for his comments regarding City Charter, Article 4 to be added to the November 20, 2023 minutes. His requested comments were also included in detail to the minutes of December 4, 2023. He stated that he approved of what had been included in both sets of minutes.

Vice Mayor Curd moved to approve the Items 7.a.i. as presented, seconded by Mr. Dorsey..

Mayor Copeland commented for the public that minutes are not a transcript of proceedings and explained the difference.

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

- 8. A public hearing and possible action on requests for approval of a PUD (Planned Unit Development) and SDP (Site Development Plan) on a 7,000-sq-ft lot zoned RM-.75 (Residential Multi-Family), located at 730 S. Shawnee Ave. and 608 E. 8th Street, from**

**Jeremy James on behalf of Logos Properties LLC and Ascension Rentals LLC.
Presented by Larry Curtis, Director of Community Development.**

Mr. Curtis reported Jeremy James on behalf of Logos Properties LLC and Ascension Rentals LLC requested approval of a PUD (Planned Unit Development) and Site Development Plan on an approximately 7,000-square-foot lot platted as Lot 9, Block 4 of Guthrie's Addition, and zoned RM-.75 (Residential Multi-family). The property currently has one single-family detached structure and one two-family structure. Parking for both structures is provided by a 46- by 20-foot wide drive located on the south end of the property off of SE 8th Street within the public right of way. The property is currently owned by two separate entities and each would like to officially split the lot to reflect this ownership. The proposal is to create one 4,682 square-foot lot for the single-family home, and one 2,322 square-foot lot for the two-family structure. With this PUD and Site Development Plan, the applicants are requesting to modify the minimum lot area, lot width, and setbacks required by the RM-.75 district to allow the official division of the lot. Additionally, both structures currently receive sewer service from a single tap on the 8-inch sewer line in the alley to the east. The proposed western lot will be cut-off from accessing this sewer main if the lots are approved to be split. There are no other sewer lines available to serve the single-family structure in the vicinity. Mr. Curtis continued stating that staff is recommending that a condition of approval of this PUD and Site Development Plan be that each proposed lot have independent sewer service which can be accomplished by installing a service line within an easement on the property to the north or within the right-of-way to the south. Both lots must have separate sewer taps serving them independently. In their regular meeting held December 19, 2023, the Planning Commission recommended approval of PUD-1123-0033/34 per staff recommendation. Staff recommended approval subject to independent water and sewer service being formally established for each proposed lot. No one signed up to speak during the public hearing on this item. These requests were followed by lot split request LS-1123-0004 to split the property as proposed by the PUD and Site Development Plan. Planning Commission approved this request subject to City Council approval. The City Planning Commission recommended approval of the requests by a vote of 5-0, subject to the following conditions: 1) Independent water and sewer service must be formally established for each proposed lot. Mr. Curtis concluded that staff has found that independent water service has been established for both proposed lots, therefore this portion of the condition has been resolved.

Mayor Copeland opened the public hearing at 5:59 p.m. There being no one appear to speak, the Mayor closed the public hearing at 6:00 p.m.

Mr. Roszel moved to approve the PUD (Planned Unit Development) and SDP (Site Development Plan) on a 7,000-sq-ft lot zoned RM-.75 (Residential Multi-Family), located at 730 S. Shawnee Ave. and 608 E. 8th Street as presented, seconded by Mr. Dorsey.

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

- 9. Discuss and take possible action on a recommendation by the Bartlesville Development Authority to appropriate up to \$1,500,000 from the Economic Development Fund (EDF) for job creation incentive up to a maximum of 100 new**

fulltime LEC employees at \$15,000 per new FTE over 36 months, and allocating up to \$1,000,000 for the Resident Recruitment employee relocation incentive for up to 100 new residents associated with LEC's expansion over 36 months, contingent upon LEC closing on the purchase of the former Siemens industrial complex at 406 US Highway 60. Presented by Chris Batchelder, Vice President, Business Development, Bartlesville Development Authority.

Mr. Batchelder provided history on the purchase of the former Siemens building which the BDA purchased in September 2020. He added that the purchase protected the use of the facility as well as provide space for Apple Studios during the production of "Killers of the Flower Moon". That production brought in 58,000 hotel room nights to Bartlesville with the whole production over several months was quite a boon to Bartlesville's economy. He reported that Lincoln Electric Products, based in Union City, New Jersey is expanding operations by adding a second location in Bartlesville, OK. After several meetings and site searches, it is their plan to purchase the former Siemen's building and hire 100 employees over the next 36 months. Mr. Batchelder took a moment to report that there is a very real migration of citizens moving into the center of the country, and whether it is for pollical or financial reasons, Oklahoma and Bartlesville has become a very attractive place to live. One reason Bartlesville stands out in this migration is the standardized incentive program that the BDA and City has in place to motivate companies to locate here and residents to live here. He stated his appreciation to the officials who approved the incentive program. He added that typically there are three or four requests weekly, but now the BDA is receiving six or more requests for the incentive applications a week. He provided information about Lincoln Electric and the products they make adding that it is a "true" expansion into Oklahoma which will double the size of their company. The BDA approved the sale of the bldg. for 2.5 million dollars to Lincoln Electric. The request for Council approval tonight is for allocation of funds from the Economic Development Fund related to job creation and resident recruitment of \$15,000 per full time employees and setting aside 1 million dollars for resident recruitment.

Discussion covered how the \$1m set-aside is the maximum that can be offered to a business; how the amount was increased from \$10,000 to \$15,000 about three-years ago; how this is the standard incentive, is the same for everyone and is upfront information; how the successful results of the incentives increase the tax base of Bartlesville; how the jobs are also available to local citizens; how this will keep the activity level high along highway 60 which is a much used highway with good expansion; and confirming the relocation incentives are available with no prohibition even though the facility is not in the City's limits. Additional discussion covered the residential incentive; how this is the second largest incentive package after the Walmart incentive; the financial impact to the BDA; Mr. Wood's report on a study conducted over the BDA financials and the impact of this new package will have on the budget; how the City is the beneficiary of everything the BDA does; how if there is a cash shortfall, the BDA can and will cover it; how the balance of the fund is high now because there has not been a lot of high dollar deals over the past three years, and also due to the success of other BDA packages such as ABB and Silver Lake Village businesses.

Vice Mayor Curd moved to approve appropriating up to \$1,500,000 from the Economic Development Fund (EDF) for job creation incentive up to a maximum of 100 new fulltime LEC employees at \$15,000 per new FTE over 36 months, and allocating up to \$1,000,000 for the Resident Recruitment employee relocation incentive for up to 100 new residents associated with LEC's expansion over 36 months, contingent upon LEC closing on the

purchase of the former Siemens industrial complex at 406 US Highway 60 as presented, seconded by Mr. Dorsey.

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

10. Discuss and approve language related to proposed Charter changes. Presented by Mike Bailey, City Manager.

Mr. Bailey began by clarifying that the citizens to be heard or public comment changes that have been previously proposed to Council are not a part of Charter Amendments. He stated that the current policy is more restrictive than the one being proposed allowing more opportunity for public comment. Returning to the Charter proposals, Mr. Bailey provided a timeline of action one of which is to call the election by February. The language presented at this meeting may change somewhat from what will be presented in February since he and the attorney, David Weatherford, who was hired to assist will continue to review and tweak the document. He then reviewed the proposed changes to Articles 2, 3, 4 and 16 and the reasons behind them. Changes made from previous discussions included increasing the days allowed to gather recall signatures from 90 days to 180 days, and to strike the language that elections and campaigns are to be held on a non-partisan basis. Both changes were made due to previous Council discussion. Candidates will continue to remain non-partisan upon filing. He also pointed out an error in the red-line draft regarding Section 2, Article 2 that initial terms for Ward 4 and 5 which he clarified would be for three years.

Discussion covered Mr. Roszel's requested clarification regarding Article 16. Mr. Bailey stated that all contracts will continue to be reviewed by the City Attorney; that any contract that exceeds \$25,000 will have to come before the City Council; and how he feels that the controls are clearer in the proposed language. Mr. Bailey added that contracts have been brought before the Council for the Mayor's signature although the current Charter does not specify that process, only that the Mayor and City Clerk must be the signors. The Mayor commented that he is in favor of the change to Article 16.

Mr. Bailey confirmed to Mr. Roszel that the Council would need to call for the April election at the February 4, 2024 Council meeting.

Discussion regarding Article 4 included how Vice Mayor Curd felt 90 days was sufficient to obtain signatures for a recall petition, especially in a smaller city such as Bartlesville; how Mr. Roszel does not want to limit citizen's rights and would only compromise at 180 days; how the initial staff proposal was 90 days but was increased to 180 days after previous Council discussion; how the Mayor feels a boundary or limit is not unreasonable; and how he feels 90 days is sufficient but 180 is agreeable. Mr. Roszel asked when the 180 day clock would start. Mr. Bailey stated that had not been discussed but presumed it would begin once the petition is filed with the City Clerk, and that only signatures that signed the petition within 180 days of the date of submitting it to the City Clerk would be qualified.

Discussion on Articles 2 and 3 covered how moving the election from November to April would help candidates with their campaigns, as well as having more informed voters at the polls; how the State is even recognizing the value of moving local elections away from the

National elections; and how the Mayor and Mr. Bailey met with the chairman of the previous Charter Review Committee and one of its members to discuss the proposed amendments, whose input was valuable in 2010 and is valuable now.

Discussion was also held on how the motions should be made to approve the proposed language to call the election. It was agreed to call each separately.

Vice Mayor Curd moved to approve the preliminary language as proposed by staff memo for Articles 2 and 3, seconded by Mr. Dorsey.

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

Mayor Copeland moved to approve the preliminary language as proposed by staff memo for Article 4, seconded by Vice Mayor Curd.

Mr. Roszel commented that this is a tough decision for him considering how he feels about voter rights. Mayor Copeland reminded Mr. Roszel that there are rules in place even for voter rights.

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

Mr. Roszel moved to approve the preliminary language as proposed by staff memo for Article 16, seconded by Vice Mayor Curd.

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

Mayor Copeland stated that a lot of thought and research has gone into the proposed amendments, and the decisions are not taken lightly. Vice Mayor Curd added that the final decision for any change will be made by the citizens. Mayor Copeland concurred stating it is their responsibility to bring this forward, then respect the will of the people.

- 11. Discuss and take possible action to enter into Executive Session as authorized by 25 Okla. Stat. § 307 (B)(4) for consideration of pending class action litigation against 3M Company and E.I. Dupont de Nemours and Company and other defendants involving Per- and Polyfluoroalkyl Substances (PFAS) contamination in In Re: Aqueous Film-Forming Foams Products Liability Litigation, MDL No. 2:18-mn-2873, United States District Court, District of South Carolina, and possible retention of McAfee & Taft and Fulmer Sill to represent the interests of the City in such litigation and/or other litigation related to PFAS contamination.**

Mayor Copeland read the item and invited the public to remain until the City Council returns from the Executive Session. City Attorney Kane requested that Bob Joyce from McAfee &

Taft be allowed to join the executive session to provide his input and expertise on the subject.

Mr. Roszel moved to enter into Executive Session in the 1st Floor Conference Room at 7:09 p.m., seconded by Mr. Dorsey.

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

12. Return to open meeting at 7:46 p.m. The Mayor reported that no action was taken in Executive Session.

13. Discuss and take possible action to approve the Legal Representation Agreement between the City of Bartlesville and McAfee & Taft, A Professional Corporation and Fulmer & Sill. Presented by Jess Kane, City Attorney.

Mr. Kane confirmed that at the last meeting, the City authorized McAfee & Taft to submit documents to opt out of the South Carolina litigation against Dupont and 3M. He recommends approval of the agreement to work with McAfee & Taft and Fulmer & Sill to ensure that the City understands the nature and extent of this issue and what options may become available.

Mr. Roszel moved to approve the Legal Representation Agreement as presented, seconded by Mr. Dorsey.

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

14. New Business.

There was no new business to address.

15. City Manager and Staff Reports.

Mr. Bailey wished everyone a Happy New Year and reported that the City received a great gift of water recently into the Hulah Lake watershed. He reported that there are no water restrictions at this time since Hulah is 100% full. He added that the Bartlesville Water Resources Committee and staff are continuing to research additional water supplies. Mr. Roszel asked that since Copan Lake is not full or filling up, how negotiations for their water rights would be affected. Mr. Bailey stated that negotiations would continue as normal.

16. City Council Comments and Inquiries.


Vice Mayor Curd reported that he had good site visits at Schlumberger and at ABB recently, and how he appreciated their continued growth and commitment to Bartlesville. He also added his congratulations to MedWise reporting that they had a record-setting opening day.

The Mayor concurred with Vice Mayor Curd about our community growth. He commended citizens on their conservation efforts.

17. **There being no further business to address, Mayor Copeland adjourned the meeting at 7:55 p.m.**



Mayor Dale W. Copeland



Jason Muninger, CFO/City Clerk

