

**REGULAR MEETING OF THE
BARTLESVILLE CITY COUNCIL
Monday, December 4, 2023**



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

**Immediately Following the
Bartlesville Education Authority
Special Meeting beginning
at 5:30 p.m.**

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

MINUTES

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

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

City staff present were Mike Bailey, City Manager; Jess Kane, City Attorney; Jason Muninger, City Clerk/CFO; Terry Lauritsen, Director of Water Utilities; Laura Sanders, Director of Human Resources; Keith Henry, Director of Public Works; Kelli Williams, Chief Communications Officer; Matt McCollough, IT Director; Larry Curtis, Director of Community Development; Captain Jay Hastings, Security; and Elaine Banes, Executive Assistant.

- 1. The business meeting of the Bartlesville City Council was called to order by Mayor Copeland at 5:37 p.m. immediately following the Bartlesville Education Authority Special Meeting.**
- 2. Roll call was conducted and a quorum established.**
- 3. Citizens to be heard.**

There were no citizens to be heard.

- 4. City Council Announcements and Proclamations.**

There were no announcements or proclamations.

- 5. Authorities, Boards, Commissions and Committee Openings**
 - One opening on the Ambulance Commission
 - 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.

- 6. Consent Docket**
 - a. Approval of Minutes**
 - i. The Regular Meeting Minutes of November 20, 2023.

- b. Approval or Ratification of Appointments to Authorities, Boards, Commissions, and Committees.**
 - i. Appointment of Ms. Stacy Lewallen to a three-year term and Ms. Julie Pranger to fill an unexpired term on the Bartlesville Library Board at the recommendation of Mayor Copeland.
 - ii. Appointment of Mr. Dave Guard to a three year term on the Bartlesville Library Trust Authority at the recommendation of Councilmember Roszel.
- c. Approval of Agreements, Contracts, Engagement Letters, Memorandums of Understanding**
 - i. A Memorandum of Understanding between the City of Bartlesville and the Bartlesville professional Fire Fighters, Local 200 updating Article 25, Section 2 of the International Association of Fire Fighters (IAFF) Collective Bargaining Agreement.
 - ii. Agreement between Lighthouse Outreach Center and the City of Bartlesville, for the voluntary demolition of dilapidated structures on property addressed as 105 SW Bucy Ave.
 - iii. Amended 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.
 - iv. A lease for a three-station folder inserter IMI Mail System and bill-print software between Quadient (OME CORP) Leasing USA, Inc. and the City of Bartlesville, Oklahoma for a monthly lease amount of \$2,851.68.
- d. Approval of Resolutions**
 - i. Directing filing and notification of the publication of the 2023 printed Supplement No. 29 to the Bartlesville Municipal Code.
 - ii. City of Bartlesville Social Media Terms of Use and Comment Policy Resolution.
 - iii. Amending the budget of the City of Bartlesville for fiscal year 2023-24 appropriating funds from the Lyon Foundation to the CIP Sales Tax Fund.
- e. Receipt of Annual Report**
 - i. The 2022-2023 Annual Report for the Chickasaw Wastewater Treatment Plant.
- f. Bartlesville NEXT Report**
 - i. Bartlesville NEXT Progress Report – December 2023
- g. Receipt of Financials**
 - i. Interim Financials for four months ending October 31, 2023.

Mayor Copeland read the consent docket in its entirety. Ms. Roane pulled Item 6.c.iii. and Vice Mayor Curd pulled Item 6.a.i. for further discussion.

Vice Mayor Curd moved to approve the consent docket as presented except for Items 6.a.i. and 6.c.iii, seconded by Ms. Roane.

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

6.a. Approval of Minutes

- i. The Regular Meeting Minutes of November 20, 2023.

Vice Mayor Curd requested that the November 20, 2023 minutes reflect his comments in regards to Item 15. discussion on City Charter Article 4 relative to a timeline to gather recall signatures and the timeline for the City Clerk to verify said signatures. He added that he would like the minutes to include that he feels six months to collect recall signatures is too high and that 90 days would be reasonable. In regards to the signature verification timeline, he feels that 10 days for the City Clerk to verify signatures is not long enough and that up to 30 days would be adequate.

6.c. Approval of Agreements, Contracts, Engagement Letters, Memorandums of Understanding

- i. Amended 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 inquired as to the difference between this agreement and a previously approved agreement. Mr. Curtis stated that this action is to align the Agreement and the Ordinance that will be presented in Item 10 on this agenda.

Vice Mayor Curd moved to approve Item 6.a.i. with amendment to his comments in Item 15. regarding Article 4 of the City Charter in the November 20, 2023 Minutes, and Item 6.c.iii. as presented, seconded by Ms. Roane.

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

*Item 8 and 9 was presented prior to Item 7 due to the late arrival of Mr. Winkler.

7. Presentation and discussion of FY 2022 City of Bartlesville Financial Audit Report. Presented by Jake Winkler, Arledge and Associates, P.C.

Mr. Winkler apologized for being late and thanked the Council for their relationship with Arledge and Associates, P.C. He reported that the audit opinion is clean; there is a change in accounting principal relating to the implementation of GASB #87 Leases; that on the third page of the opinion there are bullet points outlining Arledge commitments; there is one finding in relation to the late filing with the State, which is a recurring finding; and there are no other finding which mean there are no internal control issues. He continued to report on the single audit report; the yellow book report; on uniform guidance which is the audit performed over federal money that was spent over the audit period; all with no findings. He added that a major program audited was ARPA funding. Compliance requirements around reporting are complex and the fact that there are no findings in this area is very good. He commended Mr. Muninger and his accounting staff on the successful report on the ARPA funding audit. He also pointed out the post audit communication letter, with no issues; an accounting pronouncement coming up regarding GASB #96; and how Crawford will help with the

implementation of GASB #96. He referred Council to Note 1, Note 9, Note 10 and Note 11 of the financial statements as areas that are beneficial in which to become familiar. He concluded that Arledge is aware of the accounting firm of Crawford that the City uses for assistance as well.

A brief discussion was held on GASB issues.

8. Discuss and take possible action to adopt an Ordinance amending Chapter 8 of the Bartlesville Municipal Code pertaining to Garbage and Trash. Presented by Keith Henry, Director of Public Works.

Mr. Henry reported that when automated residential collection was implemented in 2013, the ordinance was not amended regarding can service. Additionally, other amendments have been made to clarify and address additional operational issues, i.e. cart maintenance, cart placements, ownership of the cart. The amendments are to clarify and assist staff to enforce within the City.

The Mayor commented that the polycart system is working very well. Ms. Roane stated her appreciation of the work Mr. Henry did to clean up the ordinance.

Vice Mayor Curd moved to adopt the Ordinance amending Chapter 8 pertaining to Garbage and Trash as presented, seconded by Ms. Roane.

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

9. Discuss and take possible action to adopt an ordinance for the establishment of Keep Bartlesville Beautiful (KBB) as a city government committee and allocation of the necessary budget and resources for the effective functioning of KBB. Presented by Larry R. Curtis, Director of Community Development.

Mr. Curtis reported that this initiative was included as part of the Council approved Strategic Plan. The KBB committee objective is to lead and coordinate beautification efforts in Bartlesville, focusing on main corridors, parks, and neighborhood revitalization. The committee will consist of seven members appointed by City Council representing various City departments, community organizations, local businesses, and residents from within the City limits. The key focus areas are Community Engagement, Partnerships, Project Identification and Implementation, Funding and Resources, Affiliation, and Continuous Evaluation. It is basically helping coordinate all the efforts of the various committees throughout the community. The committee will be seeking a \$20,000 in the 2024-2025 budget from the City Council and additional funds through grants and donations.

Discussion covered coordination of the various community entities; other potential efforts, such as clean up on roads, Pathfinder, etc.; the affiliation with the Keep Oklahoma Beautiful organization which requires one clean-up to be held each year; how grant opportunities from the National and State organization will be provided, how efforts like this is beneficial for a variety of reasons; how this organization creates comradery in community volunteers; how all

community efforts will be brought together to be more effective; and how this initiative is a good step forward.

Ms. Roane moved to adopt the Ordinance establishing Keep Bartlesville Beautiful Committee as presented, seconded by Vice Mayor Curd.

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

10. Discuss and take possible action to adopt a Corrective Zoning Ordinance to replace Ordinance 3567 for the Arcadian Housing Development Project. Presented by Larry R. Curtis, Director of Community Development.

Mr. Curtis reported that this action is a correction to Ordinance 3567. The application omitted one lot owned by the developer, Lot 1, Block 2, and included two lots not owned by the developer, Lots 9 and 10, Block 2. The Site Development Plan application did include Lot 1, Block 2, therefore it is part of the overall project as approved on March 6, 2023. Ordinance 3567 also had a typographical error in the zoning district that reads C-5 instead of RS-7. The proposed Corrective Zoning Ordinance will correct the errors.

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

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

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.

City Attorney Kane provided the laws covering Executive Sessions, and the Mayor reported that the Executive Session will be conducted in the 1st floor conference room, followed by a return to Council Chambers and the open meeting.

Vice Mayor Curd moved to enter into Executive Session at 6:15 p.m., seconded by Ms. Roane.

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

12. City Council returned to open meeting at 6:48 p.m.

13. Discuss and take possible action to authorize the law firm of McAfee & Taft and Fulmer Sill to execute pertinent documents necessary in the litigation set out in Item 11 of this agenda. Presented by Jess Kane, City Attorney.

Mr. Kane reported that due to the lack of information regarding the litigation, he recommends Council to engage McAfee & Taft law firm to file the pertinent documents for the City of Bartlesville to opt out of the settlement that has been reached in the South Carolina cases. This is also McAfee's recommendation that the City of Bartlesville opts out of the lawsuit. The law firm would also work with the City's Water Department to conduct further testing and report back to the Council with their recommendations for any further action.

Ms. Roane moved to engage McAfee & Taft Law Firm to file the appropriate paperwork to opt out of the settlements reached in litigation referenced on this agenda and for McAfee & Taft law firm to work with the Director of Water Utilities to conduct appropriate testing and report back to the Bartlesville City Council on options for further legal action, seconded by Vice Mayor Curd.

Vice Mayor Curd appreciated Mr. Kane's guidance on how to proceed with this type of litigation. Mayor Copeland agreed and felt that McAfee & Taft is a good law firm.

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

14. New Business.

There was no new business.

15. City Manager and Staff Reports.

Mr. Bailey reported that the Fire Fighter of the Year Banquet was held recently with Bo Formby receiving firefighter of the year, and Ace Ullrich receiving Rookie Fire Fighter of the Year. Congratulations to them was extended, as well as appreciation for what they do for our community.

The free yard debris pickup is happening this week. Citizens may place as many bags and bundles of yard debris on the curb on the day of their regular trash pickup. Another sanitation truck will return to remove the bags and bundles. He reminded citizens to keep bundled limbs to four feet in length or less, no heavier than 50 lbs. each.

Holidays are approaching and City Services will be closed on December 25 and January 1 with no trash collection on those days. Those Monday trash routes will be serviced on Wednesday of those weeks, December 27 and January 3.


16. City Council Comments and Inquiries.

Ms. Roane reminded citizens that story time with Santa at the Bartlesville Area History Museum on December 21 from noon to 2 p.m. She also encouraged families to attend the fun events happening locally during the school holiday break.

Vice Mayor Curd commended the Oklahoma Department of Transportation (ODOT) projects noting that the addition of sidewalks along highway 75 is a wonderful project. He added that the ODOT project of rehabilitation and lifting of the overpass at Hwy. 75 and Adams Blvd. is also progressing well.

Mayor Copeland encouraged everyone to be safe over the holidays.

17. There being no further business to address, Mayor Copeland adjourned the meeting at 6:57 p.m.


Jason Muninger, CFO/City Clerk


Dale W. Copeland, Mayor

