

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



**Tuesday, September 3, 2024
5:30 p.m.**

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

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

MINUTES

(The Notice of Meeting was posted December 15, 2023 and the Agenda was posted August 29, 2024 at 5:30 p.m.)

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

City staff present were Mike Bailey, City Manager; Jess Kane, City Attorney; Jason Muninger, CFO/City Clerk; Laura Sanders, Assistant City Manager; Micah Siemers, Director of Engineering; Terry Lauritsen, Director of Water Utilities; Kelli Williams, Chief Communications Officer; Larry Curtis, Director of Community Development; Steve Roper, Engineer; Fire Chief H.C. Call; Deputy Fire Chief Brady Watson; Police Chief Kevin Ickleberry; Deputy Police Chief Andrew Ward, Police Captain Daniel Elkins; Police Corporal Brandon Meyer; Police Officer Zach Duncan; 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 Tosha Hollopeter, Oak Park Methodist Church.**
- 4. Citizens to be heard.**

Rev. Kelley Becker commented on the Pride Celebration and commended City administration for addressing safety concerns for everyone involved in the celebration. She commended the police department for their professionalism, and ultimately, she feels it is up to all citizens to make Bartlesville a safe community.

Shelle Griffith, Aaron Kirkpatrick, Wendell McWhorter, Roger Walker, John Hensley, Ryan Ridinger, Jim Henley, and Linda Uselman all presented comments with some providing personal testimony; all providing their disapproval of drag queens, and/or drag queen shows held in a public venue; comments on the expense of police presence, and some reading Bible scripture. Eddie Collins and Michael Stadelmaier signed up to speak but both said what they wanted to say had already been said.

- 5. City Council Announcements and Proclamations.**
 - Presentation to Mike Bailey for CMAO 2024 Gerald Wilkins Award for City Manager of the Year. Presented by Steve Whitlock, CMAO Executive Director.

- Recognition of the 100th Anniversary of Spirit Church by Councilman Roszel.
- National Payroll Week Proclamation September 2-6, 2024 presented by Mr. Roszel.
- Constitution Week Proclamation September 16-22, 2024 presented by Mayor Copeland.

6. Authorities, Boards, Commissions and Committee Openings

- One opening on the Ambulance Commission
- One opening on the Bartlesville Museum Trust Authority
- One opening on the Bartlesville Water Resources Committee (Ward 4 Representative)

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 August 5, 2024.
- ii. The Special Meeting Minutes of August 19, 2024.

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

- i. Appointment of Ms. Marianna Guerrero to a three-year term on the Community Center Trust Authority at the recommendation of Mayor Copeland.
- ii. Reappointment of Ms. Donna Copeland and Mr. John Fusselman to additional three-year terms on the White Rose Cemetery Board at the recommendation of Mayor Copeland.
- iii. Reappointment of Mr. Adam Hibdon to an additional three-year term on the City Planning Commission at the recommendation of Councilman Schipper.
- iv. Reappointment of Ms. Kinder Shamhart to an additional three-year term on the Board of Adjustment at the recommendation of Mayor Copeland.

c. Approval and/or Ratification of Agreements, Contracts, Engagement Letters, Proposals, and Memorandums of Understanding.

- i. Magazine and Subscription Service Proposal between Rivistas Subscription Service and the Bartlesville Public Library/City of Bartlesville for Fiscal Year 2024-2025.
- ii. Contract for License Plate Recognition (LPF) Camera Services between Flock Safety and the City of Bartlesville/Bartlesville Police Department.
- iii. Contract for survey services between Polco Confluence, Inc. (Polco) and the City of Bartlesville, a platform that works to gather critical information from community stakeholders, assess needs and monitor resident satisfaction and government performance.
- iv. Contract for digital tracking software services between Envisio Solutions, Inc. and the City of Bartlesville for tools to assist in improved data management and more effectively share information with the public, particularly as it relates to the Bartlesville NEXT Strategic Plan and voter-approved capital projects.
- v. Professional Service Contract with Brown Engineers for the high service pump variable frequency drive replacement at the water treatment plan.
- vi. Agreement between the City of Bartlesville and Family YMCA of Bartlesville, setting out the roles and responsibilities for implementing the 2021 CDBG-Coronavirus Relief Program grant modification for rehabilitation of facilities to improve indoor air quality.

- vii. Design contract with Kimley-Horn & Associates, Inc. for engineering design for rehabilitation of four different concrete streets included in the 2023 issuance of the 2020 General Obligation Bond.
- viii. Proposal to purchase and for installation of shade structures for Tower Center at Unity Square.
- ix. Encroachment Agreement and Release of Liability with Sterling Enterprises, Inc. for part of Dink's parking lot that encroaches upon a portion of Frank Phillips Boulevard Right-of-Way.
- x. Discuss and take possible action to approve an agreement with the State of Oklahoma to receive and utilize annual funding received by the State as part of the Opioid Lawsuit Settlement Fund for additional opioid remediation purposes within the City of Bartlesville.

d. Approval of Resolutions

- i. Amendment to Resolution 3714 amending the Budget for the City of Bartlesville, Oklahoma for Fiscal Year 2024-2025, appropriating unanticipated grant revenue in the Restricted Revenues Fund of the Police Department for the FY 2024 Opioid Abatement Grant Award Agreement.
- ii. Amending the Budget for the City of Bartlesville, Oklahoma for Fiscal Year 2024-2025 appropriating unanticipated revenue in the Opioid Settlement Fund of the Police Department for the use of opioid settlement funds.

e. Receipt of Bartlesville NEXT Progress Report

- i. Bartlesville NEXT Progress Report – August 2024.

f. Receipt of Financials

- i. Interim Financials for 12 months ending June 30, 2024.

g. Receipt of Bids

- i. Bid No. 2024-2025-004 for Adams Golf Club Greens Renovation Project.
- ii. Bid No. 2024-2025-005 for Bartlesville Police Evidence/Property Room Firearm Sale.
- iii. Bid No. 2024-2025-006 for Tuxedo Bridge over Caney River.
- iv. Bid No. 2024-2025-007 for LED Wall Package

Mayor Copeland read the consent docket in its entirety.

Mr. Roszel moved to approve the consent docket, seconded by Mr. Dorsey.

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

8. Discuss and take possible action to award Bid No. 2024-2025-004 for the Adams Golf Course Greens Renovation Project. Presented by Councilman Dorsey.

Mr. Dorsey moved to award Bid No. 2024-2025-004 Base Bid and Alternates A2, A3, A4, A5, and A6 to Jonesplan, LLC, Tulsa, OK, in the amount of \$2,041,297.50, seconded by Mr. Roszel.

Voting Aye: Mr. Roszel, Mr. Dorsey, Mr. Schipper, Mayor Copeland
 Voting Nay: None

Motion: Passed

9. Discuss and take possible action to award Bid No. 2024-2025-005 for Bartlesville Police Evidence Room Firearm Sale. Presented by Councilman Roszel.

Mr. Roszel moved to award Bid No. 2024-2025-005, to sell the lot of firearms to Black Rain Ordinance, in the amount of \$16,124.00, seconded by Mr. Schipper.

Voting Aye: Mr. Dorsey, Mr. Schipper, Mr. Roszel, Mayor Copeland

Voting Nay: None

Motion: Passed

10. Discuss and take possible action to award Bid No, 2024-2025-006 for Tuxedo Bridge over Caney River. Presented by Councilman Schipper.

Mr. Schipper reported that all bids came in significantly over budget, due to the delays involving ODEQ requirements. Mr. Bailey added that the deck on the west bound lane is the priority. Mr. Siemers provided background information. Mr. Schipper acknowledged the work that Mr. Siemers and Mr. Roper put into their work on the project.

Mr. Schipper moved to reject all bids and readvertise the project with a reduced scope, seconded by Mr. Roszel.

Voting Aye: Mr. Schipper, Mr. Roszel, Mr. Dorsey, Mayor Copeland

Voting Nay: None

Motion: Passed

11. Discuss and take possible action to award Bid No. 2024-2025-007 for LED Wall Package. Presented by Councilman Schipper.

Mr. Schipper reported that both bids received were over budget.

Mr. Schipper moved to reject all bids and readvertise the project with a reduced scope, seconded by Mr. Roszel.

Voting Aye: Mr. Roszel, Mr. Dorsey, Mr. Schipper, Mayor Copeland

Voting Nay: None

Motion: Passed

12. Public hearing and possible action on a request from Dan Keleher on behalf of Patriot Hyundai for a new Planned Unit Development (PUD) and Site Development Plan for 3.26 acres at the southeast corner of Southport Drive and Washington Boulevard/US HWY 75. Presented by Larry Curtis, Director of Community Development.

Mr. Curtis reported that the request involves a new Planned Unit Development and Site Development Plan of 3.26 acres at the southeast corner of Southport Drive and Washington Boulevard/US Hwy 75. The applicant, Dane Keleher on behalf of Patriot Hyundai, seeks to develop an automobile dealership with a service area and outdoor display on the site, which currently includes a mix of vacant commercial buildings and residential structures. The structures will be removed and be re-platted. The facility will be located on the south side of the property with the dealership parking to the north. He reviewed the existing conditions, zoning and land use compatibility, site design, landscaping and residential protection. The

required neighborhood meeting was held with no attendance outside of City staff. The City Planning Commission and staff recommend approval subject to the following conditions: 1) maintain or replace existing trees as part of the residential protection screening behind the elevated car display, and if the existing trees cannot be maintained or replaced, an alternative residential protection screening method for the Zoning Regulations is required; 2) obtain a floodplain development permit before issuance of any building permits; 3) Plat the property before issuance of a Certificate of Occupancy; and 4) if the property is platted, no additional Site Development Plan will be required if all PUD design Statement requirements are met.

A brief discussion covered a buffer regarding trees that are currently in place and topography.

Mayor Copeland opened the public hearing at 6:49. Appearing to speak were John Hensley seeking clarification on the location of the main building and dealership parking. There being no one further come forward to speak, Mayor Copeland closed the public hearing at 6:50 p.m.

Mr. Schipper moved to approve to approve and adopt the Ordinance with conditions as presented, seconded by Mr. Dorsey.

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

- 13. Discuss and take possible action to authorize the City Manager and/or the City Attorney to send formal notice to Price Tower Arts Center (PTAC) to terminate the Memorandum of Understanding regarding the management, maintenance and operation of the Tower Green, also known as Unity Square, a city-owned facility located at 6th and Dewey; and to approve a Lease and Operating Agreement between the City of Bartlesville and the Bartlesville Community Center Trust Authority to provide the management, maintenance and operation of Tower Green, also known as Unity Square. Presented by Jess Kane, City Attorney.**

Mr. Kane reported that a Memorandum of Understanding between Price Tower Arts Center, Bartlesville Community Center Trust Authority and the City of Bartlesville was approved by the City Council on May 22, 2018 as a collaborative relationship setting out the management, maintenance and operation of Tower Green, now know as Unity Square. There has been significant changes to management at Price Tower in recent months. Due to those changes, he was contacted by Val Callaghan, Director of the Community Center, with concerns that PTAC would not be able to carry out their obligations set out in the MOU. Therefore, it is necessary to send formal notice of termination of the MOU to PTAC. The of Bartlesville and Bartlesville Community Center Trust Authority will continue to provide management, maintenance and operation of the park per the proposed Lease and Operating Agreement. This document is unchanged with the exception of the removal of PTAC from the agreement.

A brief discussion covered the management committee that was included in the Agreement with Mr. Kane confirming that the PTAC representation has been removed from the committee. Mr. Roszel addressed how food service will be provided due to PTAC being removed from the agreement. Mr. Kane and Mr. Bailey confirmed that Ms. Callaghan has already taken steps to provide food service/food trucks for events. Mayor Copeland

confirmed that management of Unity Square will continue to be conducted by the Community Center Trust Authority.

Mr. Dorsey moved to authorize the City Manager and/or the City Attorney to send formal notice to PTA to terminate the MOU, and to approve the Lease and Operating Agreement between Bartlesville Community Center Trust Authority and the City of Bartlesville as presented, seconded by Mr. Roszel.

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

14. Discuss and take possible action to approve a resolution pertaining to public safety, lewd acts in public, protests, and constitutional rights of the public in public spaces. Presented by Mike Bailey, City Manager.

Mr. Bailey reported that at the request of the City Council, he prepared the proposed resolution for consideration by the Council. This resolution embodies the direction he received from individual councilmembers and provides instructions to City Administration relating to the protection of the public and the preservation of the rights of all individuals within its jurisdiction during the planned Pride Celebration scheduled for September 14 at Unity Square. When the City and Council received notification that there will be a drag show held during this celebration, and given the public concern and protest that occurred during and after the last public drag show in September of 2022, the Council requested a resolution to ensure that the City is best prepared to address the concerns of citizens, protestors, performers, and attendees alike. Following the public discussions that occurred after the drag show in 2022, the Council entered into a one-year agreement with OKEQ – Bartlesville which required drag shows during the term of the agreement to be held indoors. Ultimately, OKEQ – Bartlesville decided not to hold a drag show at all during the period of this agreement. A great deal of legal precedent has been created across the country, since this agreement, and it played out exactly as City Attorney Kane advised prior to the passage of the agreement with OKEQ – Bartlesville.

Upon notification of a drag show on September 14, 2024, Mr. Bailey reported that the City Council provided input and information to him requesting that he prepare the proposed resolution that summarizes the legal environment and current jurisprudence related to the regulation of both drag and public protests. He explained that a resolution is not an ordinance and does carry the weight of law, but expresses the wishes of the City Council. He reviewed the resolution stating that as fully outlined in the resolution, the great weight of this jurisprudence grants constitutional protections to both drag and public protests. As such, the City Council desires to uphold these sacred rights for everyone involved while maintaining public safety and adherence with applicable laws. Both drag and public protests are regarded as Constitutionally protected freedoms of expression, both are still subject to certain laws and restrictions. These laws prohibit disturbances of the peace, indecent exposure, lewd acts, and reasonable time, place, and manner restrictions. The Council also desires to ensure that the Bartlesville police department continues to receive the highest level of training on these laws and the rights of all parties prior to the event and anticipated public protest of the event.

Mr. Bailey continued stating the resolution contains specific direction to the City Manager to provide sufficient police presence to address all of these issues in three assignments. These assignments and duties are based on the location of the anticipated protest, the grounds of

the event, and the performances. All assigned officers are to receive training specific to their assignment prior to the event. While the officers have received training specific to these areas in the past through a partnership with the District Attorney's office, the Council wishes to ensure that all new officers are fully trained and existing officers are up to date. These officers are also to be provided with body worn cameras which shall be utilized at all times when the officer is on duty. The Council also encourages open communication with all parties involved to ensure the safe and efficient execution of these duties.

Mr. Bailey concluded that he believes that the proposed resolution captures the intent of the Council as it has been communicated to him by the entire body of the Council in individual discussions. This resolution has also been reviewed by the City Attorney who believes all statements and actions contained in the resolution to be factual and to be permissible within the authority granted to the City. He stated that he also believes that all requested actions are within the authority and capability of the City. He added that it would be irresponsible if police presence were not provided for public events, that providing police presence is simply doing the job of protecting public peace and public safety.

Mayor Copeland stated that the resolution is a very thorough treatment of a subject that brings out great feelings and emotions but must be dealt with logic and reason. Each Council member takes an oath to uphold the Constitution, whether disagreeing with the subject matter or not.

Mr. Dorsey stated that there are many special events and City permits are required that include City services. He added that many cities have researched costs associated with providing those services, and he asked that City staff research other cities how these expenses are managed. Mr. Bailey stated that the City does have a special event permitting process in place and would be happy to research costs and how other cities address those expenses.

Mr. Roszel added his appreciation to the police department and City staff for bringing this forward. He thanked everyone who uses City parks and facilities for taking care of the area, following the contractual use. He feels this resolution is a good representation of the work that has been conducted by staff over the past two years.

Mr. Roszel moved to approve the Resolution as presented, seconded by Mr. Schipper.

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

Mr. Bailey added that Vice Mayor Curd wished to have his approval and support of the resolution be provided to the Council following the vote. Mayor Copeland added his appreciation to those he visited with regarding this subject for their reasonable and rational discussion to come together as a community to live in peace.

15. New Business.

There was no new business.

16. City Manager and Staff Reports.

There were no reports provided.

17. City Council Comments and Inquiries.

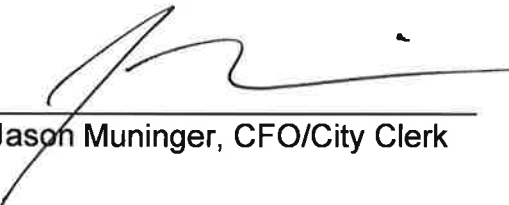
Mayor Copeland congratulated Mr. Bailey on being recognized and awarded as City Manager of the Year. He also acknowledged Mr. Bailey's qualified staff. Mr. Bailey thanked him, stated his appreciation of the award, and of the kind words he has received from citizens. He acknowledged his staff, stating he is grateful to be surrounded by such a great team who made this recognition possible.

Mr. Roszel also congratulated Mr. Bailey and on City staff.

Mayor Copeland reminded citizens that due to the Labor Day holiday, those with Monday trash routes will have their trash picked up tomorrow, Wednesday.

18. There being no further business to address, Mayor Copeland adjourned the meeting at 7:29 p.m.


Dale W. Copeland, Mayor


Jason Muninger, CFO/City Clerk

