



## THE PONCA CITY NEWS

PONCA CITY, OKLAHOMA

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### Blackwell Citizens Face Several City Problems



By SHARON ROWEN

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BLACKWELL — Nearly 100 Blackwell residents exercised their right of freedom of expression Monday night at the American Legion.

Members of the Concerned Citizens of Blackwell called the meeting, which lasted three hours, to discuss issues such as city code enforcement, city projects, and alleged open records act violations.

The Blackwell Concerned Citizens are not affiliated with the Kay County Concerned Citizens that are against the proposed landfill near Blackwell.

Blackwell resident Shirley Scott Fuller begin the meeting by saying the group was not intending to attack anyone but wanted to respect city officials despite the fact Fuller feels city officials have not always shown respect to citizens.

"They have addressed some of us with very little respect," said Fuller. "One member has even referred to a citizen as "Dudley."

Fuller also commented that she and another citizen were referred to as a couple of crackpots in the local paper.

"I guess we are entire gang of crackpots now," said Fuller.

The group discussed the International Property Maintenance Code that has been adopted by the City of Blackwell.

Fuller complained that because of copyright laws,

citizens can't copy the code but instead have to purchase the book for \$75.

"You can't get a copy of it," said Fuller. "We don't own this, there is no ownership to this code. This code is exactly what it means. It is not written by Blackwell residents and I believe that most of the commissioners have not read it. I don't think there is any reason to be a member of the IPMC. If everything in this book was enforced in Blackwell, most of our houses would not meet code. I don't think it is being enforced equally or fairly and the code is very discriminatory. You need to read the code, of course they can't copy it and give it to you."

Blackwell resident Bill Massey, a licensed manufacturer housing dealer, told the crowd that over the years he has never had a problem obtaining building permits like he has had in Blackwell.

"My office has dealt with cities across the nation such as Dallas, St. Louis and Kansas City," said Massey. "And we have never in our office had problems like we have in Blackwell, Okla."

Massey complained about Blackwell City Engineer Jim Willis. "Does he work for himself or the city?" asked Fuller.

A copy of the contract between the City of Blackwell and Blackwell City Engineer Jim Willis was passed out.

The contract shows that Willis is to be paid \$33 per hour for 86 hours per month and that all additional hours are to be approved by the City Manager. The contract also shows that Willis's relationship with the city shall be that of an independent contractor.

Fuller said she has reviewed the contract and pay records. She shared her opinions with the crowd saying she believes the contract is poorly written.

"First thing there is 8,760 hours in a year," said Fuller. The City of Blackwell paid him for 2,157 hours while Phelps Dodge paid him for 226 hours. That is 2,363.25 hours last year. If you divide that by 365 days he has worked 6.47 hours every day at \$33 per hour."

Willis had no comment Tuesday on the statements made by Fuller.

Massey focused the attention of the meeting back to the code enforcement issue saying that he believed Sara-Beth Gregson was not qualified to be a code enforcement officer.

Gregson later told the crowd that her official title is Assistant Code Enforcement Officer and not the code officer.

Fuller said she has reviewed the city's budget numbers and found that the code enforcement budget rose 250 percent.

"Our police budget didn't go up that much," said Fuller. "We're paying someone to send us intimidating letters."

The meeting also touched on city projects both past and upcoming.

Fuller said that she believes citizens need to form a committee and investigate the swimming pool project. Audience member David Hall asked if anyone knew what happened to three cannons that have disappeared from the pool area since the project was completed.

Having referred to the city offices as enemy camps, Fuller said she didn't realize the enemy may now have three cannons.

Fuller said the missing cannons may be put on the group's agenda for their next meeting.

Jerry Reid, former Blackwell water treatment plant operator, told the group of violations the city received from the Oklahoma Department of Environmental Quality for dumping sludge into the fairgrounds creek. Reid also said that there are several items at the city's waste water treatment plant that needs to be dealt with.

ODEQ spokesperson Monty Elder said today that DEQ has been working multiple enforcement cases involving the City of Blackwell for many years because of unpermitted discharges from the city's wastewater collection system.

"Previous Consent Orders have focused on certain sections of the collection system, especially a number of collapsed lines under the numerous railroad crossings in town," said Elder.

"The current compliance order with Blackwell requires the city to complete a citywide study of the system and develop a holistic solution to the problems with the sewer system. The underlying problem is that heavy rains can not-too-infrequently cause the Chikaskia River to flood a fairly substantial portion of the east side of the town. There has been a recent

situation in which the city has constructed a temporary pumping system and above-ground sewer main to reroute wastewater around a section of collapsed pipe that runs through the old smelter site. This is a short term solution until a Federal Consent Decree between EPA, DEQ, Blackwell, and Phelps Dodge can be finalized. Once that agreement is in place, the collapsed line will be replaced and the temporary pumping system will be removed."

Elder added that none of the bypass reports or complaints from the past specifically mention the fairgrounds creek.

"However, at one time the Blackwell drinking water treatment plant discharged filter waste and wastewater from the water treatment process into that creek," said Elder. "The city obtained proper discharge permits and corrected that situation years ago."

Attention was then focused on the Blackwell City Charter.

Fuller said the group has discussed the recall process and that according to the charter a certain number of signatures have to be obtained in order to recall a city official.

"In order to sign the petition in a recall, the voters have to go into city hall and sign the petition there," said Fuller. "If you're in a war, that is like asking people to go over to enemy camp and sign up. I would be intimidated."

Fuller introduced attorney Carolyn Miller and said she had been hired to review the city charter.

Miller pointed out that signatures can not be solicited once the petition has been filed. "You can't ask anybody to go sign it once you have signed it or your signature becomes invalid," said Miller.

Miller said a grass root system would have to be set up ahead of time so that everyone would know what was going to be done.

"Everything needs to be totally coordinated and then as a mass community everyone just decides that day to go in and sign a petition," said Miller.

"To me that is not a proper way for voters to express their views because you have to sign it in the presence of the clerk. I think that should be challenged. Another thing your city is doing, I have been to the election

board and you have a system where you rotate the placement on the ballot for people who are coming up to vote. That is the most expensive way to run your balloting. And that is just wasting money. I can understand why they do it, but when you're having financial difficulties, that is not the way to spend your money."

Miller later commented on the code being enforced in Blackwell.

"If you can't mortgage your house when you get a code violation then how would you fix anything if it is a substantial violation like \$15,000. So basically they have enacted an ordinance that prohibits you from complying with their complaint. It puts you in a situation where you can't comply even if you wanted to."

At the end of the meeting several residents shared complaints and stories with the crowd.

Blackwell resident Le Ann Courtney told the crowd she believes the city violated the Open Records Act when she asked for public documents and was told that some of the information had to be blacked out.

Resident Myra Moen said that he believed the Blackwell-Tonkawa Airport violated the Open Records Act when they refused to give him documents.

Moen said he contacted the county attorney.

Kay County District Attorney Mark Gibson issued the following statement regarding the Open Records Act.

"I take very seriously Oklahoma's laws concerning Open Records and Open Meetings for public bodies. Unfortunately, these laws are often misunderstood and occasionally just ignored. While it is true that compliance with these laws can sometimes be difficult or inconvenient for a public body, they must be obeyed nonetheless. These laws are necessary and worthwhile in providing all members of the general public maximum access to the workings of their governmental entities, in as convenient manner as possible. I urge any public official or employee who has questions about any part of these laws to contact me for further information."

The citizen's group plans on meeting every two weeks. There next meeting is scheduled for Aug. 28 and the group hopes to discuss the Paul and Shirley Hobbs residence. The couple has been living with a sewer like odor that comes and goes from their home for nearly

four years.

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