

**MINUTES OF MEETING OF THE SPECIAL MEETING OF THE CITY OF BLACKWELL AND
BLACKWELL FACILITIES AUTHORITY HELD IN JOINT SESSION
OCTOBER 20, 2016**

Pursuant to the legal notice as is required by the Oklahoma Open Meeting Act, including the posting of the notice and agenda on October 18, 2016 and amended on October 19, 2016, as is required by the terms thereof, the City Council of the City of Blackwell met in joint session at 6:00 p.m. in the Council Room of City Hall located at 221 West Blackwell Blackwell, Oklahoma.

Present: **T J Greenfield, Mayor**
 Richard Braden, Ward 1
 Jon Webb, Vice-Mayor Ward 2
 Tom Beliel, Ward 3
 Steve Marquardt, Ward 4
 Chip Outhier, City Manager
 Bryce Kennedy, City Attorney
 Merrilee Rockett, Deputy City Clerk

Absent: **Cynthia Neumayer, City Clerk**

Others present: Merry Crough, Administrative Assistant; Meredith Meachem-Wilson, Treasurer; Ryan Piersol, OMPA; Jenny Creech, TSET; Joe Taylor, ATT; Chuck Anderson, Street Dept; Greg Sixkiller and the Leadership Class' and 8 citizens.

1. Call To Order

Mayor Greenfield called the City Council meeting to order at 6:00 p.m.

2. Opening Ceremonies

Invocation was given by Councilor Webb, and Pledge of Allegiance was led by Richard Braden.

3. Special Presentations And/Or Recognitions

A. Leadership Blackwell

Mayor Greenfield recognized the Leadership Class as they toured the City facilities. He thanked them for their participation.

4. Consent Agenda: All Items Listed Under The Consent Agenda Are Deemed To Be Non-Controversial And Routine In Nature By The Governing Body.

A. Minutes Of 10/6/16

B. Payment Of Outstanding Requisitions

Motion was made by Beliel, seconded by Marquardt to approve the Consent Agenda. Roll yeas: Marquardt, Beliel, Webb, Braden, and Greenfield. Nays: None. Absent: None.

5. REPORTS:

A. Treasurer Report

Meredith gave a monthly accounting of the finances. Expenses trending lower, Sales tax up 13\$ for the 1st Quarter. Year over year they were up 2%.

B. Authority And/Or Department Reports

Ryan Piersol gave an update, speaking on Wind and Solar power. He encouraged cities to prepare for the financial needs in relation to these programs.

6. Council Comments

7. Business:

A. Consider And Take Action On Thomas “Chip” Outhier Contract

Council commented they were “getting their money’s worth”

Motion was made by Beliel, seconded by Braden to approve the contract for Thomas “Chip” Outhier. Roll yeas: Marquardt, Beliel, Webb, Braden, and Greenfield. Nays: None. Absent: None.

B. Consider Approval Of Emergency Resolution No. 2016-10-20A Of The City Council Of The City Of Blackwell, Oklahoma, Providing For The Reimbursement Of One Million Dollars (\$1,000,000.00) To The City Of Blackwell, Oklahoma, Previously Paid By The City Of Blackwell, Oklahoma, To And For The Benefit Of The Blackwell Hospital Trust Authority And The Medical Health Of The Residents Of The City Of Blackwell, Oklahoma, From The Sales Tax Collections Derived From Ordinance No. 2825; Declaring An Emergency.

Motion was made by Braden, seconded by Webb to approve Resolution 2016-10-20A. Roll yeas: Marquardt, Beliel, Webb, Braden, and Greenfield. Nays: None. Absent: None.

C. Declare Emergency And Approve Emergency Clause On Resolution No. 2016-10-20A

Motion was made by Braden, seconded by Webb to approve the Emergency Clause for Resolution 2016-10-20A. Roll yeas: Marquardt, Beliel, Webb, Braden, and Greenfield. Nays: None. Absent: None.

D. Consider Approval Of Emergency Resolution No 2016-10-20B Of The City Council Of The City Of Blackwell Oklahoma, Providing For The Creation Of A Special Reserve Fund Entitled The Public Health Projects Fund To Receive, Beginning On September 1, 2016, And Continuing Each Successive Month Thereafter One Sixth (1/6th) Of One Percent Allocation Of The Gross Value Of The Blackwell Public Trust For The Prior Month Or \$66,666.66, Whichever Is Greater; Providing For The Monthly Transfer Of The Monies Received Into The Public Health Projects Fund To The Blackwell Facilities Authority And Thereafter Transferred To Bank Of Oklahoma For Payment To The Debt Service Fund And Reserve Account On The Blackwell Facilities Authority Revenue Note, Taxable Series 2016 (“Note”); Providing That When An Amount Of Money Equal To One Years Payment For Such Note Has Accrued In The Reserve Account, To Receive And Pay Only The Monthly Amount Due On Such Note, Subject To Annual Appropriation; Declaring An Emergency.

Motion was made by Webb, seconded by Beliel to approve Resolution 2016-10-20B. Roll yeas: Marquardt, Beliel, Webb, Braden, and Greenfield. Nays: None. Absent: None.

E. Declare Emergency And Approve Emergency Clause On Resolution No 2016-10-20B

Motion was made by Webb, seconded by Beliel to approve declaring an Emergency for Resolution 2016-10-20B. Roll yeas: Marquardt, Beliel, Webb, Braden, and Greenfield. Nays: None. Absent: None.

F. Consider Approval Of The First Amendment To The October 23, 2014 Settlement Agreement And Release With Blackwell Zinc Company, Inc., Cyprus Amax Minerals Company, Freeport Minerals Corporation, Freeport-Mcmoran, Inc., And The Blackwell Municipal Authority.

Motion was made by Webb, seconded by Beliel to approve the First Amendment to the October 23, 2014 Settlement Agreement. Roll yeas: Marquardt, Beliel, Webb, Braden, and Greenfield. Nays: None. Absent: None.

G. Consider Authorizing Thomas “Chip” Outhier To Execute The Consent Order With The Oklahoma Department Of Environmental Quality, Water Quality Division, On Case No 16-163 And Make Payment Of Penalty As Provided Therein.

No Action was Taken

H. Consider And Take Action On Repairs To Intersection On Fringe And Country Road.

Consideration centered around a split of expense with Ed Urban for repairs on the Intersection. Discussion was held on the repairs. According to the City Attorney. Project requires bidding out. Contract bids are to be in the city’s name. Motion was made by Beliel, seconded by Braden to approve seeking bids. Roll yeas: Marquardt, Beliel, Webb, Braden, and Greenfield. Nays: None. Absent: None.

I. Consider Approval Of Emergency Ordinance No. 2838 Of The City Council Of The City Of Blackwell, Oklahoma, Amending Part Ii, Chapter 20 Of The Blackwell Municipal Code 2008 With The Addition Of A New Article 6 To Be Entitled “Prevention Of Youth Access To Tobacco And Vapor Products And Other Tobacco Rules”; Providing For Section 20-601 Entitled “Definitions”; Providing For Section 20-602 Entitled “Furnishing Or Sale Of Tobacco Products And Vapor Products To Minors”; Providing For Section 20-603 Entitled “Receipt Of Tobacco Products And Vapor Products By Minors”; Providing For Section 20-604 Entitled “Distribution Of Tobacco Product And Vapor Product Samples”; Providing For Section 20-605 Entitled “Public Access To Displayed Tobacco Products And Vapor Products”; Providing For Section 20-606 Entitled “Report Of Violations And Compliance Checks”; Providing For Repealer; Savings; Codification; Severability; And Declaring An Emergency.

Jenny Creech, TSET spoke on becoming a certified healthy community. This in turn would increase Blackwell’s chances of getting grants. Motion was made by Beliel, seconded by Marquardt to approve Ordinance 2838. Roll yeas: Marquardt, Beliel, Webb, Braden, and Greenfield. Nays: None. Absent: None.

J. Separate Declaration Of Emergency For Ordinance No. 2838

Motion was made to declare emergency for Ordinance #2838. Roll yeas: Marquardt, Beliel, Webb, Braden, and Greenfield. Nays: None. Absent: None.

K. Consider Approval Of Emergency Ordinance No. 2839 Ordinance Of The City Council Of The City Of Blackwell, Oklahoma, Amending Part Ii, Chapter 20 Of The Blackwell Municipal Code 2008, By The Addition Of A New Section 20-607 To Be Entitled “Tobacco-Free In City-Owned And Operated Buildings And Real Properties Located Within The Corporate Limits Of The City Of Blackwell”; By The Addition Of Section 20-608 Entitled “Definitions”; By The Addition Of Section 20-609entitled “Prohibition Of Tobacco Products And Vapor Products On City-Owned And Operated Properties Within The Corporate Limits”; By The Provision Of Section 20-610 Entitled “Posting”; By The Provision Of Section 20-611 Entitled “Enforcement”;

Providing For Repealer; Savings Clause; Codification; Severability; Effective Date; Penalty; And Declaring An Emergency

Motion was made to approve Ordinance 2839. Roll yeas: Marquardt, Beliel, Webb, Braden, and Greenfield. Nays: None. Absent: None.

L. Separate Declaration Of Emergency For Ordinance No. 2839

Motion was made to approve an Emergency for Ordinance 2839. Roll yeas: Marquardt, Beliel, Webb, Braden, and Greenfield. Nays: None. Absent: None.

M. Consider Approval Of An Agreement With The Blackwell Hospital Trust Authority Concerning The Operation Of The Blackwell Regional Hospital, In Consideration Of The Monthly Transfer Of A Portion Of The 1% Sales Tax Dedicated For Medical Health, And The Reimbursement To The City Of Hospital Related Payments Previously Made By The City From The Note Proceeds.

Alan Loveless is good with the conditions and will place on their Agenda to be approved.

Motion was made to approve an Agreement with the Blackwell Hospital Trust Authority Concerning the Operation of the Blackwell Regional Hospital regarding the Monthly transfer of a portion of the 1% sales tax. Dedicated to Medical Health. Roll yeas: Marquardt, Beliel, Webb, Braden, and Greenfield. Nays: None. Absent: None.

N. BFA – Consider Approval Of An Agreement With The Blackwell Hospital Trust Authority Concerning The Operation Of The Blackwell Regional Hospital, In Consideration Of The Transfer Of \$7___ Million From The Blackwell Facilities Authority 2016 Taxable Revenue Note, With Immediate Reimbursement To The City Of Blackwell By The Blackwell Hospital Trust Authority In The Amount Of \$292,933.48, Which Monies Were Previously Paid By The City Of Blackwell On Behalf Of The Blackwell Hospital Trust Authority.

Blackwell Facilities Authority Trust

Motion was made to approve an Agreement with the Blackwell Hospital Trust Authority Concerning the Operation of the Blackwell Regional Hospital regarding the Monthly transfer of a portion of the 1% sales tax. Dedicated to Medical Health. Roll yeas: Marquardt, Beliel, Webb, Braden, and Greenfield. Nays: None. Absent: None.

O. Consider And Take Action On The Renewal Of Stancil Voice Recorder Maintenance Agreement.

Motion was made by Webb, seconded by Braden to approve the PD Voice Recorder 911 Maintenance Agreement. Roll yeas: Marquardt, Beliel, Webb, Braden, and Greenfield. Nays: None. Absent: None.

P. Consider And Take Action On Increasing Transfer Station Service (Trash) To Include Commercial Users.

Jim Davis refused. No Action was Taken.

Q. Consider And Take Action On Fairgrounds Projects.

Continues worked on by the Engineers. No Action Taken.

R. Consider And Take Action On Appointing A Committee To Review The City Charter.

Discussion was held on appointing a Committee to review the City Charter. Greenfield would like to update the City Charter and be put on the Ballot in the spring. Attorney will make a list of recommendations. All changes must be voted on.

No Action was Taken.

S. Consider And Take Action On The Distributed Generation Ordinance. (Solar, Wind And Generator)

No Action was Taken

T. Consider And Take Action On Permission To Seek Bids On Website Design.

Motion was made by Webb, seconded by Braden to approve seeking Bids on Website Design. Roll yeas: Marquardt, Beliel, Webb, Braden, and Greenfield. Nays: None. Absent: None.

U. Consider And Take Action On Contract With ATT For An Upgrade Of Services.

Joe Taylor, ATT sales rep gave a presentation on a Fiber Upgrade.

No action was Taken.

V. Manager Comments

W. New Business

X. Adjournment

There being no further business, Mayor Greenfield adjourned the meeting at 7:48 p.m.

Merrilee Rockett, Deputy City Clerk