

**MINUTES OF SPECIAL MEETING OF THE
CITY COUNCIL
BLACKWELL, OKLAHOMA
THURSDAY, February 4, 2010**

Pursuant to the legal notice as is required by the Oklahoma Open Meeting Act, including the posting of notice and agenda on February 3, 2010, as is required by the terms thereof, the Blackwell City Councilors of the City of Blackwell met in a special meeting at 7:00 p.m. in the council room of City Hall located at 221 West Blackwell, Blackwell, Oklahoma with Mayor Cordell presiding:

Present: Mark Cordell, Mayor
Nita Carroll, Councilor Ward 1
Max Wirtz, Councilor Ward 2
Piccola Hudsonpillar, Councilor Ward 3
Brad Bechtel, Councilor Ward 4
Mark Skiles, City Manager
Cynthia Neumayer, City Clerk
Robert Thompson, City Attorney

Absent: None.

Others present: Police Chief Fred LeValley; Bruce Jones, Blackwell Journal and 80 citizens in the audience.

1. Call Meeting to Order.

Mayor Cordell called the special meeting to order at 7:00 p.m.

2. Business:

- (A) Consideration and possible action to adopt a Resolution authorizing the City of Blackwell and the Blackwell Municipal Authority to enter into a Settlement Agreement and Release, to resolve and settle the suit pending in the District Court of Kay County, case No. CJ-2009-15B wherein the City of Blackwell & the Blackwell Municipal Authority are plaintiffs and Freeport McMoRan Copper & Gold Inc., et al, are defendants, and authorizing the execution of all documents and take all action necessary to carry out the terms of the Settlement Agreement and Release and the Fee Agreement. Executive session may be requested under the provisions of 25 O.S. Sec. 207 (B) (4).**
- a. Motion to go into executive session**
 - b. Return from executive session**
 - c. Action, if any**

Mayor Cordell read Item A aloud.

Motion made by Bechtel, seconded by Carroll to go into executive session at 7:04 p.m. Roll, yeas: Cordell, Carroll, Wirtz, Hudsonpillar and Bechtel. Nays: None. Motion carried.

Motion made by Bechtel, seconded by Hudsonpillar to return from executive session at 7:21 p.m. Roll, yeas: Cordell, Carroll, Wirtz, Hudsonpillar and Bechtel. Nays: None. Motion carried.

Mayor Cordell introduced Don Shandy of Ryan Whaley Coldiron Shandy PC, to give a presentation prior to any action taken. Cordell announced to the citizens there would be questions afterwards pertaining only to Resolution 02-04-10A/02-04-10MA.

Don Shandy stated the proposed settlement was only a *partial* Resolution to the lawsuit. First the settlement amount is 54 million with the City netting approximately 36 million. Second, the settlement will allow the City to address soil, smelter material, and to a limited extent groundwater on right of ways or easements. Finally, Freeport will be responsible for disposal of generated soil that exceeds DEQ contamination levels.

Shandy noted Freeport will continue to have the responsibility to conduct soil, groundwater and visible waste samples on private property as required. At this time there are seven extraction wells placed. Freeport is being given an opportunity to see if the GWDU works by July 2012, at which time this issue will be revisited.

Mayor Cordell asked for board comments following the presentation.

Councilor Bechtel – The settlement is a blessing if managed properly, a tragedy if not. He challenges all those involved to see that it is managed properly.

Councilor Hudsonpillar – There were a lot of long hard hours put into the settlement and she hopes it is appreciated.

Councilor Wirtz – The waiting was worth it, this is a fair settlement.

Councilor Carroll – This is a great thing for Blackwell. The future is protected by the Resolution.

Mayor Cordell – Thanked the attorneys for their expertise. He also agreed with Councilor Bechtel in the management of the money.

Mayor Cordell then opened the floor for questions.

Comments and questions varied. There was a concern of where the money would be deposited and tracking the spending. Attorney Bob Thompson stated all expenses must be publicly accounted for regardless.

Several citizens appreciated Councilor Bechtel's comments and requested that the City of Blackwell be good stewards of the money.

The groundwater was a side issue according to Attorney Don Shandy. He stated "all costs to the groundwater side are reimbursable."

Some discussion took place about levels of contamination. DEQ regulates these levels. It is our job to be the watchdog for the next 2 years, according to Shandy.

Citizens wanted to know who would be monitoring City drinking water from the Water Plant. Manager Skiles told citizens there is weekly testing being done on the water coming in to the Water Plant. Testing is done to insure safety of the drinking water supply.

Motion was made by Bechtel, seconded by Carroll to accept Resolution 02-04-10A/02-04-10MA. Roll, yeas: Cordell, Carroll, Wirtz, Hudsonpillar and Bechtel. Nays: None. Motion carried.

3. ADJOURNMENT.

There being no further business Mayor Cordell adjourned the meeting at 8:56 p.m.

Cynthia Neumayer, City Clerk