

**MINUTES OF MEETING OF THE BOARD OF TRUSTEES
BLACKWELL MUNICIPAL AUTHORITY
August 3, 2009**

Pursuant to the legal notice as is required by the Oklahoma Open Meeting Act, including the posting of notice and agenda on July 31, 2009, as is required by the terms thereof, the Blackwell Municipal Authority of the City of Blackwell met in regular session at 7:27 p.m. in the Council Room of City Hall located at 221 West Blackwell, Blackwell, Oklahoma with Chairman Cordell presiding:

Present: John Mark Cordell, Chairman
Nita Carroll, Trustee
Max Wirtz, Trustee
Piccola Hudsonpillar, Trustee
Brad Bechtel, Trustee
Mark Skiles, City Manager
Cynthia Neumayer, Trust Secretary
Mary Ann Karns, City Attorney

Absent: None.

Others present: Fred LeValley, Police Chief; Greg Sixkiller, Asst. Electric Superintendent; Ken Fulton; Veolia Water; Bruce Jones, Blackwell Journal; and 6 citizens in the audience.

1. MEETING CALLED TO ORDER:

Chairman Cordell called the meeting to order at 7:42 p.m.

2. CONSENT AGENDA:

(A) Minutes of 07/20/09 Meeting.

(B) Payment of Outstanding Claims for July.

Items A & B as contained on the Consent Agenda were found to be non-controversial and routine in nature by the Trustees and on a motion made by Carroll, seconded by Bechtel to approve consent agenda as presented. Roll, yeas: Cordell, Carroll, Wirtz, Hudsonpillar and Bechtel. Nays: none. Motion carried.

3. Business: Discussion and Action on:

(A) **Resolution 08/03/09MA, Resolution Amending the Operating Budget for Fiscal Year 2008-2009.**

Motion made by Carroll, seconded by Bechtel to approve Resolution 08/03/09MA to accept the amended budget for FY 2008-2009. Roll, yeas: Cordell, Carroll, Wirtz, Hudsonpillar and Bechtel. Nays: none. Motion carried.

(B) **Fair Electric Rates.**

Discussion centered around travel trailers utilizing the fairgrounds electric service. Of particular interest for Greg Sixkiller was to bring the charges in line with the current rates and usage the rest of the year.

Motion made by Bechtel, seconded by Carroll to charge \$10.00 per day for the trailers that accompany vendors to the fair. Roll, yeas: Cordell, Carroll, Wirtz, Hudsonpillar and Bechtel. Nays: none. Motion carried.

(C) **Discussion, consideration and possible action on entering into a fee agreement with Ryan, Whaley, Coldiron, Shandy, P.C. for representation of the BMA's interests and rights against third parties concerning any contamination resulting from the historic operations of the Blackwell Zinc Smelter.**

The General Counsel has recommended that this item be discussed in executive session pursuant to 25 O.S. 307 § (B)(4), as disclosure of items of discussion will seriously impair the BMA's ability to carry out any future litigation in the public interest.

***(This executive session may be held simultaneously with an executive session of the City Council.)**

1. Vote to go into executive session.

Motion made by Carroll, seconded by Bechtel to go into executive session for both items C & D at 7:50 p.m.. Roll, yeas: Cordell, Carroll, Wirtz, Hudsonpillar and Bechtel. Nays: none. Motion carried.

Mayor Cordell recessed the Blackwell Municipal Authority side at 7:50 p.m. Mayor Cordell reconvened the Blackwell Municipal Authority meeting at 10:12 p.m.

2. Vote to return to open session.

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

3. Public discussion and action, if any.

Motion made by Bechtel, seconded by Carroll to enter into a fee agreement with Ryan, Whaley, Coldiron, Shandy, P.C. Roll, yeas: Cordell, Carroll, Wirtz, Hudsonpillar and Bechtel. Nays: None. Motion carried.

(D) Discussion, consideration and possible action on entering into a Tolling and Conflict Waiver Agreement between the BMA, the City and the BIA, related to contamination resulting from historic operations of the Blackwell Zinc Smelter.

The General Counsel has recommended that this item be discussed in executive session pursuant to 25 O.S. 307 § (B)(4), as disclosure of items of discussion will seriously impair the BMA's ability to carry out any future litigation in the public interest.

***(This executive session may be held simultaneously with an executive session of the City Council.)**

3. Public discussion and action, if any.

Motion made by Bechtel, seconded by Hudsonpillar to enter into Tolling and Conflict Waiver Agreement. Roll, yeas: Cordell, Carroll, Wirtz, Hudsonpillar and Bechtel. Nays: none. Motion carried.

4. Management Comments. None.

5. New Business. None.

6. Adjournment. There being no further business Chairman Cordell adjourned the meeting at 10:15 p.m.

Cynthia Neumayer, Trust Secretary