

**KAY CO. GRAND JURY
SUBMISSION OF QUESTION**

I, Jessica Pepper, formally request the Kay Co. Grand Jury to consider the following question for review.

Is it a Conflict of Interest when the Blackwell City Commissioner and the Mayor are the beneficiaries and the trustees of the Blackwell Municipal Authority?

Did the City of Blackwell violate of the dual office holding provision of 51 O.S. § 6, by allowing the Blackwell City Commissioners and the Mayor to occupy the position of trustees of the Blackwell Municipal Authority?

The BMA Trust Indenture states that the City Council Members are the trustees of the BMA, whose benefactor is the City.

Oklahoma Statutes 51 O.S. § 6 (5) states, "A. Except as may be otherwise provided, no person holding an office under the laws of the state and no deputy of any officer so holding any office shall, during the person's term of office, hold any other office or be the deputy of any officer holding any office, under the laws of the state. The provisions of this section shall not apply to:...5. Any person holding a county or municipal office or position, or membership on any public trust authority, who is a member of a board or commission that relates to federal, state, county or municipal government and is created by the United States Government, the State of Oklahoma or a political subdivision of the state, *except where the duties of the offices or positions conflict;*" (Emphasis added)

The Blackwell City Charter states that the City can only purchase items of no more than \$25,000 once a year. Blackwell City Charter Article II Section 15 states: "(1) Exercise of such power by the City Council to purchase or sell real or personal property subject to the requirement and condition that the sale of any property, real or personal, or of any interest therein the value of which is more than twenty-five thousand dollars (\$25,000), shall be made only after the question of such purchase or sale, as the case may be, has been first submitted to the vote of qualified electors of said City at an election held for that purpose."

In a City Commissioner Meeting September 6, 2005 the Blackwell City Commissioner went into executive sessions to discuss the purchase of 216 W. Blackwell, Blackwell OK, from a Sharon Steelton. They authorized the City

Manager to enter into negotiations for the property. There was no discussion for the purchase in the Blackwell Municipal Authority meeting until October 3, 2005 and at that point, Blackwell Municipal Authority to purchase a building for them from a Sharon Steelton for \$35,000. The Blackwell Municipal Authority purchased the property without the City of Blackwell (beneficiary of the trust authority) voting on the purchase as provided by the 60 O.S. 176 (E) which states, "No trust in which a county of municipality is the beneficiary shall hereafter create an indebtedness or obligation until the indebtedness or obligation has been approved by a two-thirds (2/3) vote by the governing body of the beneficiary."

In the event that the City needs to purchase an item that cost more than \$25,000, the City can vote for the purchase under that banner of the BMA, which does not have a spending limit under the City Charter. If the BMA need to go into debt for an item or service, it is believe that the BMA would find now resistance to the debt considering that they could just as easily vote the debt in when they (the trustees of the BMA) vote it in when they server as City Council (the benefactor or the BMA). This is a conflict of interest when the City Council can use the BMA to better their position in the City and vise versa.

It has been concluded that due to the fact that the trustees of the BMA also serve as City Council (the benefactor), the situation continues to be a conflict of interest for both the City and the BMA

In the Oklahoma Attorney General Opinion of March 23, 1982 the AG argues that: *... "If an Urban Renewal Authority is constituted by law as an instrumentally of municipal government, why would the Legislator empower the governing body of the municipally to enter into contractual agreements with Urban Renewal Authority? An entity cannot contract with itself; there must be a least two parties to every contract"*

Submitted this day November 28, 2008.

Requesting Party

J. Lepper

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TAMMY REESE - Kay County Clerk
State of Oklahoma

THIS IS

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That SHARON F. STEELMON, Trustee of the Sharon F. Steelmon Revocable Living Trust, under Trust Agreement Dated February 16, 2005, of Kay County, State of Oklahoma, Party of the First Part, in consideration of the sum of Thirty-five Thousand Dollars (\$35,000.00), and other valuable consideration, in hand paid, the receipt of which is hereby acknowledged, does hereby Grant, ~~and~~ **ACKNOWLEDGE** MUNICIPAL AUTHORITY, an Oklahoma Public

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valid and correct and

Bargain, Sell and Convey unto **BLACKWELL MUNICIPAL AUTHORITY**, an Oklahoma Public Trust, 121 West Blackwell, P.O. Box 350, Blackwell, Kay County, State of Oklahoma, 74631, Party of the Second Part, the following described real property and premises, situate in Kay County, State of Oklahoma, to-wit:

WARRANT

Lots Sixteen (16), Seventeen (17) and Eighteen (18), Block Ninety (90), Original Town, now City of Blackwell, Kay County, State of Oklahoma, according to the recorded plat thereof.

OFFICIAL

No Stamps Required: Exempt pursuant to 68 O.S. §3202(11)

together with all the improvements thereon, and the appurtenances thereunto belonging, and warrants the title to the same.

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the title to the same

To Have and to Hold the described premises unto the said Party of the Second Part, its successors and assigns forever, free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature.

Signed and Delivered this 15th day of March, 2006.

THE SHARON F. STEELMON REVOCABLE LIVING TRUST UNDER TRUST AGREEMENT DATED FEBRUARY 16, 2005

Sharon F. Steelmon
Sharon F. Steelmon, Trustee

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**MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
BLACKWELL, OKLAHOMA
September 6, 2005**

Pursuant to the legal notice as is required by the Oklahoma Open Meeting Act, including the posting of notice and agenda on September 1, 2005, as is required by the terms thereof, the Blackwell Board of Commissioners of the City of Blackwell met in regular session at 7:00 p.m. in the Commissioners' Room of City Hall located at 221 West Blackwell, Blackwell, Oklahoma with Mayor Cordell presiding:

Present: John Mark Cordell, Mayor
 Ruth Buesing, Commissioner Ward 1
 Max Wirtz, Commissioner Ward 2
 Steve LeValley, Commissioner Ward 3
 Sara Norris, City Manager
 Mary Ann Karns, City Attorney
 Debra Paige, City Clerk.

Absent: Brad Bechtel, Commissioner Ward 4

Others Present: Jim Willis, City Engineer; Fred LeValley, Police Chief; Charles Abbott, Blackwell Journal and 14 citizens in the audience.

1. **MEETING CALLED TO ORDER:** Mayor Cordell called the meeting to order at 7:00 p.m.
2. **OPENING CEREMONIES:** The invocation was given by Manager Norris followed by the Pledge of Allegiance led by Commissioner LeValley.
3. **SPECIAL PRESENTATIONS AND/OR RECOGNITIONS:** None.
4. **CONSENT AGENDA:**
 - A. Minutes of 08/15/05 Meeting.
 - B. Payment of Outstanding Claims for August.

Items A & B as contained on the Consent Agenda were found to be non-controversial and routine in nature by the Board of Commissioners and a motion by LeValley, seconded by Buesing, was approved. Roll, yeas: Cordell, Buesing, Wirtz, and LeValley. Nays: none. Motion carried.
5. **PUBLIC COMMENTS.** Thomas Aytes, a resident at 1323 West Bridge came before the Commission concerning the substation at 13th & McKinley. There is a lot of slack in the electric lines and when the wind blows it causes the power to go out. Aytes said he has lived back in

Blackwell about 20 months and has tracked 14 power outages of two hours or longer. Aytes other concern was the sewer and special assessment charges on his utility bill being higher than his water charges. Aytes doesn't think the water used to water his yard should be included in the sewer charge. City Engineer Willis told Mr. Aytes that EPA rules say you will charge a sewer charge on every gallon of water that goes through the meter. Aytes asked why not have a flat rate charge for residential dwellings for sewer usage. City Attorney Karns told Mr. Aytes EPA will not let a City do a flat rate for residential dwellings for sewer usage? City Attorney Karns told Mr. Aytes EPA will not let a City do a flat rate for residential dwellings. This is true in every city. City Clerk will send Mr. Aytes a fact sheet regarding the special assessment charges which is due to a consent order.

Ralph Epperly, a resident at 626 West Padon came before the Commission asking why the City of Blackwell doesn't have to follow their own ordinances that they made the citizens follow? Epperly said at the city warehouse there are old batteries leaking and police cars with no tags. City Attorney Karns told Mr. Epperly the warehouse has the proper zoning for outdoor storage for non-operable vehicles. Epperly also said the City has places where grass is not mowed.

Manager Norris told Mr. Epperly the City needs to follow our ordinances.

Shane Frye, Director of the Chamber of Commerce told the Commissioners the Pride Committee was working on the City entrance signs planting more flowers. Kay County Free Fair is next week, September 13-17, 2005. In July Blackwell-Tonkawa Airport had exhibit at Air Venture 2005 in Wisconsin. A new company is locating to Blackwell which will mean 50 new jobs.

6. BOARD COMMENTS.

Commissioner LeValley thanked the Chamber of Commerce because there has been a lot of interest in this town which he contributed to Frye. LeValley also thanked the Journal Tribune regarding the coverage of the county sales tax and asked for support of the tax.

Commissioner Wirtz: None.

Commissioner Buesing: None.

Mayor Cordell: None.

7. MANAGEMENT COMMENTS:

Manager Norris told the Commissioners any electric poles the City needs to order will now take 16 weeks to receive due to the hurricane. *If gas prices continue to climb the City may have to make some adjustments.

8. BUSINESS: (Discussion and Action on):

(A) Reappointment of Janet Reser to the Blackwell Board of Adjustment.

Motion made by LeValley, seconded by Buesing to approve the reappointment of Janet Reser to the Blackwell Board of Adjustment as recommended. Roll, yeas: Cordell, Buesing, Wirtz, and LeValley. Nays: None. Motion carried.

(B) Reappointment of Jimmy Roberts to the Blackwell Planning Commission.

Motion made by LeValley, seconded by Buesing to approve the reappointment of Jimmy Roberts to the Blackwell Planning Commission as recommended. Roll, yeas: Cordell, Buesing, Wirtz, and LeValley. Nays: None. Motion carried.

(C) Resolution 09-06-05A Setting Climatic and Geographic Data for Residential Construction.

Motion made by LeValley, seconded by Wirtz to approve Resolution 09-06-05A setting climatic and geographic data for residential construction. Roll, yeas: Cordell, Buesing, Wirtz, and LeValley. Nays: None. Motion carried.

Motion made by LeValley, seconded by Buesing to attach the emergency clause to Resolution 09-06-05A. Roll, yeas: Cordell, Buesing, Wirtz, and LeValley. Nays: None. Motion carried.

(D) Resolution 09-06-05B Adopting the National Incident Management System (NIMS) as Part of the City of Blackwell 's Standard Management System for Emergency Response.

Motion made by LeValley, seconded by Wirtz to approve Resolution 09-06-05B adopting the National Incident Management System (NIMS) as part of the City of Blackwell's Standard Management System for emergency response. Roll, yeas: Cordell, Buesing, Wirtz, and LeValley. Nays: None. Motion carried.

Motion made by LeValley, seconded by Wirtz to attach the emergency clause to Resolution 09-06-05B. Roll, yeas: Cordell, Buesing, Wirtz, and LeValley. Nays: None. Motion carried.

(E) Approval of Blackwell Water Treatment Plant Risk Management Plan for Compliance with Clean Air Action Section 112(r).

Manager Norris introduced Ken Fulton, who is the new Project Manager for Veolia Water, in charge of our Water and Sewer Plants, Dennis Merrill, who is the area manager and Matt Maly, who is with the Yukon facility. Matt Maly told the Commissioners Veolia Water assisted the City of Blackwell to come in compliance with the Risk Management Plan.

Motion made by LeValley, seconded by Wirtz for approval of the Blackwell Water Treatment Plant Risk Management Plan for compliance with the Clean Air Action Section 112(r). Roll, yeas: Cordell, Buesing, Wirtz, and LeValley. Nays: None. Motion carried.

(F) Approval of Blackwell Process Safety Management Program for Compliance with the Occupational Safety and Health Administration CFR 1910.119, Process Safety Management of Highly Hazardous Chemicals.

Maly told the Commissioners this plan deals with the safety of employees.

Motion made by Buesing, seconded by LeValley for approval of the Blackwell Process Safety Management Program for compliance with the Occupational Safety and Health Administration CFR 1910.119, Process Safety Management of Highly Hazardous Chemical. Roll, yeas: Cordell, Buesing, Wirtz, and LeValley. Nays: None. Motion carried.

(G) Purchase of Animal Control Pickup.

Police Chief LeValley told the Commissioners 5 bids were received for 2006 Animal Control vehicle as follows:

Jack Bowker Ford	\$14,709.50	Sonny Cannon	\$17,675.00
Thomas Ford	\$14,999.00	Pemberton Chev.	\$18,120.00
Hudiburg Auto	\$15,471.00		

LeValley recommended the bid be awarded to Jack Bowker.

Motion made by LeValley, seconded by Buesing to purchase the 2006 Ford Pickup from Jack Bowker Ford in the amount of \$14,709.50. Roll, yeas: Cordell, Buesing, Wirtz, and LeValley. Nays: None. Motion carried.

(H) Purchase of Emergency Preparedness.

Terry Bonewell, Emergency Preparedness told the Commissioners 5 bids were received for 2006 Emergency Preparedness vehicle as follows:

Jack Bowker Ford	\$14,989.50	Sonny Cannon	\$18,611.00
Thomas Ford	\$14,999.00	Pemberton Chev.	\$19,240.00
Hudiburg Auto	\$16,491.00		

Bonewell recommended the bid be awarded to Jack Bowker.

Motion made by Buesing, seconded by LeValley to purchase the Emergency Preparedness 2006 pickup from Jack Bowker Ford in the amount of \$14,989.50. Roll, yeas: Cordell, Buesing, Wirtz, and LeValley. Nays: None. Motion carried.

(I) Potential Purchase of Property at 216 West Blackwell Including Executive Session Pursuant to Oklahoma Statutes Title 25, Section 207(B)(3).

Motion to Enter into Executive Session.

Motion to Reconvene Open Meeting.

Action, if any, from Executive Session.

Motion made by LeValley, seconded by Buesing to enter into executive session at 8:05 p.m. as provided by law and to include in the session City Engineer Willis and City Attorney Karns. Roll, yeas: Cordell, Buesing, Wirtz, and LeValley. Nays: None. Motion carried.

Motion made by Buesing, seconded by LeValley to reconvene to open meeting at 8:47 p.m. Roll, yeas: Cordell, Buesing, Wirtz, and LeValley. Nays: None. Motion carried.

Motion made by LeValley, seconded by Buesing to authorize City Manager to enter into negotiations for the purchase of the property at 216 West Blackwell at a price discussed in executive session and not to exceed that price. Roll, yeas: Cordell, Buesing, Wirtz, and LeValley. Nays: None. Motion carried.

9. ADJOURNMENT.

Motion made by Wirtz, seconded by LeValley to adjourn the meeting at 8:48 p.m. Roll, yeas: Cordell, Buesing, Wirtz, and LeValley. Nays: None. Motion carried.

Debra Paige, City Clerk

**MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES
BLACKWELL MUNICIPAL AUTHORITY
SEPTEMBER 6, 2005**

Pursuant to the legal notice as is required by the Oklahoma Open Meeting Act, including the posting of notice and agenda on September 1, 2005, as is required by the terms thereof, the Blackwell Municipal Authority of the City of Blackwell met in regular session at 8:48 p.m. in the Commissioners' Room of City Hall located at 221 West Blackwell, Blackwell, Oklahoma with Chairman Cordell presiding:

Present: John Mark Cordell, Chairman
 Ruth Buesing, Trustee
 Max Wirtz, Trustee
 Steve LeValley, Trustee
 Sara Norris, Authority Manager
 Debra Paige, Trust Secretary
 Mary Ann Karns, City Attorney

Absent: Brad Bechtel, Trustee

Others Present: Jim Willis, City Engineer; Charles Abbott, Blackwell Journal and
 5 citizens in the audience.

1. MEETING CALLED TO ORDER:

Chairman Cordell called the meeting to order at 8:48 p.m.

2. CONSENT AGENDA:

A. Minutes of 08/01/05 Meeting.

B. Payment of Outstanding Claims for August

Items A & B as contained on the Consent Agenda were found to be non-controversial and routine in nature by the Board of Trustees and on motion by LeValley, seconded by Buesing, was approved. Roll, yeas: Cordell, Buesing, Wirtz, and LeValley. Nays: none. Motion carried.

3. BUSINESS:

(A) Acceptance of Permit # SL000036050813 to Construct from Oklahoma Department Environmental Quality for the Renovation of the Legion park Lift Station.

Motion made by LeValley, seconded by Buesing to accept Permit #SL000036050813 to construct from Oklahoma Department Environmental Quality for the renovation of the Legion Park Lift Station. Roll, yeas: Cordell, Buesing, Wirtz, and LeValley. Nays: none. Motion carried.

(B) Design Contract with Professional Engineering Consultants for Upgrade of Wastewater Treatment Plant in Accordance with Consent Order 05-005.

Motion made by LeValley, seconded by Buesing to approve design contract with Professional Engineering Consultants for upgrade of Wastewater Treatment Plant in accordance with Consent Order 05-005. Roll, yeas: Cordell, Buesing, Wirtz, and LeValley. Nays: none. Motion carried.

(C) Adoption of Nationally Accepted APPA/NRECA Mutual Aid Agreement.

Motion made by LeValley, seconded by Wirtz to adopt the nationally accepted APPA/NRECA Mutual Aid Agreement. Roll, yeas: Cordell, Buesing, Wirtz, and LeValley. Nays: none. Motion carried.

(D) Approval of Blackwell Water Treatment Plant Risk Management Plan for Compliance with Clean Air Action Section 112(r).

Motion made by LeValley, seconded by Wirtz for approval of the Blackwell Water Treatment Plant Risk Management Plan for compliance with Clean Air Action Section 112(r). Roll, yeas: Cordell, Buesing, Wirtz, and LeValley. Nays: none. Motion carried.

(E) Approval of Blackwell Process Safety Management Program for Compliance with the Occupational Safety and Health Administration CFR 1910.119, Process Safety Management of Highly Hazardous Chemicals.

Motion made by LeValley, seconded by Buesing for approval of the Blackwell Process Safety Management Program for compliance with the Occupational Safety Management of Highly Hazardous Chemicals. Roll, yeas: Cordell, Buesing, Wirtz, and LeValley. Nays: none. Motion carried.

4. ADJOURNMENT.

Motion made by LeValley, seconded by Buesing to adjourn the meeting at 8:53 p.m. Roll, yeas: Cordell, Buesing, Wirtz, and LeValley. Nays: none. Motion carried.

Debra Paige, Trust Secretary

**MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
BLACKWELL, OKLAHOMA
October 3, 2005**

Pursuant to the legal notice as is required by the Oklahoma Open Meeting Act, including the posting of notice and agenda on September 29, 2005, and amended on September 30, 2005 as is required by the terms thereof, the Blackwell Board of Commissioners of the City of Blackwell met in regular session at 7:00 p.m. in the Commissioners' Room of City Hall located at 221 West Blackwell, Blackwell, Oklahoma with Mayor Cordell presiding:

Present: John Mark Cordell, Mayor
Ruth Buesing, Commissioner Ward 1
Steve LeValley, Commissioner Ward 3
Brad Bechtel, Commissioner Ward 4
Sara Norris, City Manager
Mary Ann Karns, City Attorney
Debra Paige, City Clerk.

Absent: Max Wirtz, Commissioner Ward 2

Others Present: Jim Willis, City Engineer; Fred LeValley, Police Chief; Sarah Beth Gregson, Asst. Code Enforcement Officer; John Gerian, Animal Control; Linda Boyer, Deputy City Clerk; Ken Fulton, Veolia Water; Charles Abbott, Blackwell Journal and 9 citizens in the audience.

1. **MEETING CALLED TO ORDER:** Mayor Cordell called the meeting to order at 7:00 p.m.
2. **OPENING CEREMONIES:** The invocation was given by Manager Norris followed by the Pledge of Allegiance led by Commissioner LeValley.
3. **SPECIAL PRESENTATIONS AND/OR RECOGNITIONS:**
Mayor Cordell read the proclamation proclaiming October 2-8, 2005 as "Public Power Week."
Mayor Cordell read the proclamation proclaiming October 2-8, 2005 as "Fire Prevention Week."
Mayor Cordell read the proclamation proclaiming October 31, 2005 as "Trick or Treat Night."
4. **CONSENT AGENDA:**
 - A. Minutes of 09/19/05 Meeting.
 - B. Minutes of 9/23/05 Special Session.
 - C. Payment of Outstanding Claims for September.
 - D. Addition to Minutes of 09-06-05 in the Public Comments.

Items A, B, C & D as contained on the Consent Agenda were found to be non-controversial and routine in nature by the Board of Commissioners and a motion by LeValley, seconded by Bechtel, was approved. Roll, yeas: Cordell, Buesing, LeValley and Bechtel. Nays: none. Motion carried.

5. **PUBLIC COMMENTS.** None.

6. **BOARD COMMENTS.**

Commissioner Bechtel: None.

Commissioner LeValley said he was happy about the proclamations for Electric and Fire Department because we have outstanding departments in this town. These Departments do a very good job and deserve our continued support. LeValley was also happy to see the Chamber of Commerce has made great efforts to clean up the town for Homecoming.

Commissioner Buesing: None.

Mayor Cordell said he appreciates the Chamber of Commerce and those who are cleaning up the town.

7. **MANAGEMENT COMMENTS:**

Manager Norris invited everyone to come by the warehouse on Wednesday October 5, 2005 from 11:00 a.m. to 3:00 p.m. for chilli dogs, a ride in the bucket truck and see what goes on at the electric department. *City has been busy getting ready for Homecoming by making sure the mowing is done and places look nice around Blackwell as we welcome people back for Homecoming.

8. **BUSINESS: (Discussion and Action on):**

(A) **Presentation by Local and State Officials Concerning Rural Economic Development Initiative (REDI) Including Recognition of Blackwell for Being the First Community to Hold a Forum for the Rural Economic Development Task Force.**

Shane Frye, Director of Chamber of Commerce and Blackwell Industrial Authority introduced Mr. Tom Daxon and Diane Thomas from the Oklahoma House of Representatives.

Diane Thomas thanked the Commissioners for letting them be here. Thomas hopes all will be present on Tuesday, October 4, 2005 at the forum for the Rural Economic Development Initiative.

Tom Daxon said he was thrilled to be here. Daxon is looking forward to finding ways to revitalize Rural Oklahoma and create jobs and opportunities.

(B) **Employment of Margaret M. Love for Defense of the City of Blackwell in the Case of National American Insurance Company (NAICO) Versus Oklahoma Municipal Employee Benefit Trust (OMEBT) Case Number CJ-2001-1624-64.**

Attorney Karns said the City of Blackwell received a garnishment from National American Insurance Company. Karns said there are 13 cities who will receive garnishments. Several cities are going to hire Margaret Love as their attorney.

Motion made by Bechtel, seconded by LeValley to employ Margaret M. Love for defense of the City of Blackwell for Case Number CJ-2001-1624-64. Roll, yeas: Cordell, Buesing, LeValley and Bechtel. Nays: none. Motion carried.

(C) Declaring Attached List of Computer Equipment Including Monitors, Towers and Keyboards as Surplus.

Motion made by LeValley, seconded by Bechtel to declare computer equipment as surplus. Roll, yeas: Cordell, Buesing, LeValley and Bechtel. Nays: none. Motion carried.

(D) Acceptance of Resignation from Delores A. Landrum, Secretary of Lake Blackwell Trust Authority.

Motion made by Bechtel, seconded by LeValley to accept the resignation from Delores Landrum as Secretary of Lake Blackwell Trust Authority. Roll, yeas: Cordell, Buesing, LeValley and Bechtel. Nays: none. Motion carried.

(E) Resolution 10-03-05A Returning the Fire Marshal to Fulltime Duty in that Office, Authorizing the City Manager to Name an Acting and Permanent Code Enforcement Official and Declaring an Emergency.

Motion made by LeValley, seconded by Buesing to approve Resolution 10-03-05A returning the Fire Marshall to fulltime duty in that office and authorizing the City Manager to name an acting and permanent Code Enforcement Officer. Roll, yeas: Cordell, Buesing, LeValley and Bechtel. Nays: none. Motion carried.

Motion made by LeValley, seconded by Buesing to attach the emergency clause to Resolution 10-03-05A. Roll, yeas: Cordell, Buesing, LeValley and Bechtel. Nays: none. Motion carried.

9. ADJOURNMENT.

There being no further business Mayor Cordell adjourned the meeting at 7:23 p.m.

Debra Paige, City Clerk

**MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES
BLACKWELL MUNICIPAL AUTHORITY
OCTOBER 3, 2005**

Pursuant to the legal notice as is required by the Oklahoma Open Meeting Act, including the posting of notice and agenda on September 29, 2005, as is required by the terms thereof, the Blackwell Municipal Authority of the City of Blackwell met in regular session at 7:23 p.m. in the Commissioners' Room of City Hall located at 221 West Blackwell, Blackwell, Oklahoma with Chairman Cordell presiding:

Present: John Mark Cordell, Chairman
Ruth Buesing, Trustee
Steve LeValley, Trustee
Brad Bechtel, Trustee
Sara Norris, Authority Manager
Debra Paige, Trust Secretary
Mary Ann Karns, City Attorney

Absent: Max Wirtz, Trustee

Others Present: Jim Willis, City Engineer; Fred LeValley, Police Chief; Sarah Beth Gregson, Asst. Code Enforcement Officer; John Gerian, Animal Control; Linda Boyer, Deputy City Clerk; Ken Fulton, Veolia Water; Charles Abbott, Blackwell Journal and 5 citizens in the audience.

1. MEETING CALLED TO ORDER:

Chairman Cordell called the meeting to order at 7:23 p.m.

2. CONSENT AGENDA:

- A. Minutes of 09/19/05 Meeting.
- B. Minutes of 09-22-05 Work Session.
- C. Minutes of 09-23-05 Work Session.
- D. Payment of Outstanding Claims for September.

Items A, B, C & D as contained on the Consent Agenda were found to be non-controversial and routine in nature by the Board of Trustees and on motion by Bechtel, seconded by LeValley, was approved. Roll, yeas: Cordell, Buesing, LeValley and Bechtel. Nays: none. Motion carried.

3. BUSINESS:

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(A) Consideration of Purchase of Lots 16, 17, and ~~19~~, Block 20, Original Town of Blackwell Known as 216 West Blackwell Including Real Estate Sales and Purchase Contract.

Correction was made to agenda Item A to read Lots 16, 17 and 18, (not 19), of Block 20 as listed. The total purchase price is \$35,000.00. The sum of \$500.00 will be paid as earnest money and upon acceptance in writing and delivery of this contract the earnest money will be assigned to and deposited into an escrow account and held to be applied on the purchase. The balance will not be paid until Mrs. Steelmon moves out.

Motion made by LeValley, seconded by Buesing to approve the contract to purchase lots 16, 17 and 18 of block 20, original town of Blackwell, known as 216 West Blackwell. Roll, yeas: Cordell, Buesing, LeValley and Bechtel. Nays: none. Motion carried.

(B) Consideration of Purchase of Property, Approximately 10.4 Acres of Land Located in the Southeast Area of the City of Blackwell (Adjacent to Disposal Plant) Including Real Estate Sales and Purchase Contract.

Manager Norris said we needed land by the disposal plant because of a consent order to put in an equalization basin. The land became available and the cost is \$10,000.00 for 10.4 acres.

Motion made by Bechtel, seconded by LeValley to purchase property approximately 10.4 acres of land located in the southeast area of the City of Blackwell including real estate sales and purchase contract. Roll, yeas: Cordell, Buesing, LeValley and Bechtel. Nays: none. Motion carried.

(C) Rejection of Single Bid Received for Legion Park Sewer Lift Station and Permission to Rebid Said Project.

City Engineer Willis told the Commissioners six firms checked out plan documents for the replacement of Legion Park Wastewater Lift Station. Bids were opened on September 29, 2005. Only one bid was received from Nowak Construction in the amount of \$270,059.00. Engineer's estimate is \$110,130.00. Willis asked to reject the bid from Nowak and rebid the project.

Motion made by Bechtel, seconded by LeValley to reject the single bid received for Legion Park Sewer Lift Station and give permission to rebid project. Roll, yeas: Cordell, Buesing, LeValley and Bechtel. Nays: none. Motion carried.

4. ADJOURNMENT.

There being no further business Chairman Cordell adjourned the meeting at 7:31 p.m.

Debra Paige, Trust Secretary