

**MINUTES  
GLENPOOL CITY COUNCIL  
AND  
GLENPOOL UTILITY SERVICES AUTHORITY  
SPECIAL JOINT MEETING  
TOGETHER WITH THE BOARD OF DIRECTORS OF  
CREEK COUNTY RURAL WATER DISTRICT NO. 2  
October 13, 2014**

A Special Joint Session of the Glenpool City Council and Glenpool Utility Services Authority together with the Board of Directors of Creek County Rural Water District No. 2 was held on Monday, October 13, 2014, at 6:00 p.m., at the Administration Conference Room, Glenpool City Hall, 12205 S Yukon Ave, Glenpool, OK.

Councilors/Trustees present were: Momodou Ceesay, Mayor/Chairman; Alyce Korb, Vice-Mayor/Vice-Chair; Tim Fox, Councilor/Trustee; Patricia Agee, Councilor/Trustee; and Jennifer Ballew, Councilor/Trustee.

Staff present was: Roger Kolman, City Manager; Lowell Peterson, City/Trust Attorney and Susan White, City Clerk/Trust Secretary.

Also present for the City was Michael S. Linscott, Special Counsel.

Members of the Creek County Rural Water District # 2 Board present were: Bergan Young, President; Bill Martin; Vice President; Larry Bayouth, Secretary; Charles Volturo, Treasurer; Pat Scott, Member; Roy Kirby, Member; and Harvey Morris, Member.

Creek-2 Staff present was: Dorothy Greek, District Manager; Marty Lademann, Field Supervisor.

Also present for the District was Steve Harris, District Legal Counsel.

The following business was conducted:

- A. Mayor/Chairman Ceesay called the meeting to order at 6:02 p.m.**
- B. Susan White, City Clerk/Trust Secretary called the roll. Mayor/Chairman Ceesay declared a quorum.**
- C. Scheduled Business**
  - 1. Discussion and possible action to enter into Executive Session.**

Lowell Peterson, City/Trust Attorney briefly reviewed the purpose of the Executive Session and its permissibility under the Open Meeting Act.

**MOTION:** Councilor/Trustee Agee moved, second by Councilor/Trustee Ballew, to enter into Executive Session.

**FOR:** Councilor/Trustee Fox; Councilor/Trustee Agee; Councilor/Trustee Ballew; Vice Mayor/Vice Chair Korb; Mayor/Chairman Ceesay

**AGAINST:** None

**Motion carried.**
  - 2. Executive Session for the purpose of discussing confidential communications between and among (i) the Glenpool City Council/Glenpool Utility Services Authority Board of Trustees, represented by the City/Trust Attorney and Special Counsel; and (ii) the Creek County Rural Water District No. 2 Board of Directors, represented by its legal counsel, concerning a pending investigation, claim, or action as to which the City and the Authority, with the advice of their Attorney, have determined that disclosure will seriously impair the ability of the City and the Authority to process the claim or conduct a pending investigation, litigation or proceeding in the public interest, pursuant to Title**

25 Sec. 307(B)(4) of the Oklahoma Statutes (Open Meeting Act), *to wit*, discussion of terms and conditions of that certain “Agreement of Compromise, Settlement and Release” between Creek County Rural Water District No. 2 and the City of Glenpool and the Glenpool Utility Services Authority as negotiated in accordance with terms and conditions discussed in Executive Session and agreed upon in substance in open session on Wednesday, August 20, 2014, for the purpose of resolving and entering an agreed upon judgment with respect to all claims in pending federal litigation [USDC ND/OK Case No. 11-cv-441-JHP-FHM] and withdrawing or dismissing all state appellate proceedings [Oklahoma Supreme Court, Case No. 111,820].

Susan White, City Clerk/Trust Secretary took separate minutes of the Executive Session that will be kept under seal.

**3. Possible action to reconvene in Special Session.**

Mayor/Chairman Ceasay called for the motion.

**MOTION:** Councilor/Trustee Agee moved, second by Councilor/Trustee Fox, to reconvene in Special Session at 6:59 p.m.

**FOR:** Councilor/Trustee Agee; Councilor/Trustee Ballew; Councilor/Trustee Fox; Vice Mayor/Vice Chair Korb; Mayor/Chairman Ceasay

**AGAINST:** None

**Motion carried.**

**4. Discussion and possible joint action by the Glenpool City Council and the Glenpool Utility Services Authority Board of Trustees to adopt Resolution No. 14-10-02, “Joint Resolution Of The City Council Of Glenpool And The Board Of Trustees Of The Glenpool Utility Services Authority Approving In Its Entirety, And Authorizing Execution Of, An ‘Agreement Of Compromise, Settlement And Release’ Between Creek County Rural Water District No. 2 And The City Of Glenpool And The Glenpool Utility Services Authority,” as such Agreement of Compromise, Settlement and Release has been negotiated in accordance with terms and conditions discussed in Executive Session and agreed upon in substance in open session on Wednesday, August 20, 2014, for the purpose of resolving and entering an agreed upon judgment with respect to all claims in pending federal litigation [USDC ND/OK Case No. 11-cv-441-JHP-FHM] and withdrawing or dismissing state appellate proceedings [Oklahoma Supreme Court, Case No. 111,820], authorizing the Mayor of the City of Glenpool and the Chairman of the Glenpool Utility Services Authority to sign said Agreement on behalf of the City and the Authority, and authorizing legal counsel to take all such other actions as may be necessary, appropriate and in the best interests of the parties in connection with implementing such Agreement.**

Lowell Peterson, City/Trust Attorney reviewed the minor changes to the 'Agreement' which were discussed with CCRW District Board and legal counsel Steve Harris. Mr. Peterson recommended a motion to table until the minor changes were fully integrated into the 'Agreement'.

**MOTION:** Councilor/Trustee Ballew moved, second by Councilor/Trustee Agee, to table action on Resolution No. 14-10-02.

**FOR:** Councilor/Trustee Ballew; Councilor/Trustee Fox; Councilor/Trustee Agee; Vice Mayor/Vice Chair Korb; Mayor/Chairman Ceasay

**AGAINST:** None

**Motion carried.**

5. **Such formalities of execution of the approved “Agreement of Compromise, Settlement and Release” between Creek County Rural Water District No. 2 and the City of Glenpool and the Glenpool Utility Services Authority as legal counsel deem necessary.**

**MOTION:** Councilor/Trustee Agee moved, second by Councilor/Trustee Ballew, to table execution of the 'Agreement of Compromise, Settlement and Release'.

**FOR:** Councilor/Trustee Fox; Councilor/Trustee Agee; Councilor/Trustee Ballew; Vice Mayor/Vice Chair Korb; Mayor/Chairman Ceesay

**AGAINST:** None

**Motion carried.**

6. **Discussion and possible action by the City Council to approve and adopt Resolution No. 14-10-03, “Resolution Of The City Council Of Glenpool Approving An Increase In The Rates Charged For Water Delivery Services Within Areas Of The Glenpool Fenceline Not Incorporated As Of March 2, 2012, And Served By The Glenpool Utility Services Authority Pursuant To The ‘Agreement Of Compromise, Settlement And Release’ Between Creek County Rural Water District No. 2 And The City Of Glenpool And The Glenpool Utility Services Authority Approved And Executed October 13, 2010 (Such Unincorporated Areas Being Defined As The ‘Permissive Area’ In Said Agreement).”**

**MOTION:** Councilor/Trustee Agee moved, second by Councilor/Trustee Ballew, to table action on Resolution No. 14-10-03.

**FOR:** Councilor/Trustee Agee; Councilor/Trustee Ballew; Councilor/Trustee Fox; Vice Mayor/Vice Chair Korb; Mayor/Chairman Ceesay

**AGAINST:** None

**Motion carried.**

Meeting was adjourned at 7:16 p.m.

\_\_\_\_\_  
Date

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Mayor/Chairman

ATTEST:

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Susan White, City Clerk/Trust Secretary