

**MINUTES OF A MEETING OF THE
NEWCASTLE PUBLIC WORKS AUTHORITY
(OPENING PRAYER & FLAG SALUTE)**

DATE: November 10, 2008

TIME: 6:00 P.M.

PLACE: Newcastle Multi-Purpose Center
705 NW 10th

ITEM 1: CALL TO ORDER/ROLL CALL

Chairman Karl Nail called the regular meeting of the Newcastle Public Works Authority to order at 6:05 p.m.

PRESENT: Karl Nail-Chairman
James Inskeep-Vice Chairman
Cindy Frizzell-Trustee
Linda Molsbee-Trustee

ABSENT: Richard Holland-Trustee – arrived at 6:10 p.m.

OTHERS PRESENT: Nick Nazar-City Manager, Ted Haxel-City Attorney, Chace Cottrell, City Planner, Kathy James, Planning Secretary

ITEM 2: DISCUSSION AND POSSIBLE ACTION ON APPROVAL
OF THE
AGENDA

James Inskeep made the motion to approve the agenda and Linda Molsbee seconded the motion. Board polled: Molsbee-yes, Frizzell-yes, Holland-absent, Inskeep-yes, Nail-yes. Motion carried.

ITEM 3: CITIZEN'S COMMENTS

None

ITEM 4: CONSENT DOCKET

- a. Minutes
 - October 13, 2008
 - October 27, 2008
- b. Claims
- c. Transfer of Funds
- d. Appropriation of Funds

James Inskeep made the motion to approve the consent docket and Cindy Frizzell seconded the motion. Board polled: Molsbee=yes, Frizzell=yes, Holland-absent, Inskeep=yes, Nail=yes. Motion carried.

**ITEM 5: DISCUSSION AND POSSIBLE ACTION ON
ENGAGEMENT LETTER WITH ANGEL,
JOHNSTON AND BLASINGAME FOR THE AUDIT
ENDING JUNE 30, 2008**

Linda Molsbee made the motion to approve the Engagement Letter with Angel, Johnston and Blasingame for the audit ending June 30, 2008. Cindy Frizzell seconded the motion. Board polled: Molsbee –yes, Frizzell=yes, Holland-absent, Inskeep=yes, Nail=yes. Motion carried.

**ITEM 6: DISCUSSION AND POSSIBLE ACTION ON SUBMITTING
APPLICATION OF PERMIT #OK 2004704 TO
CONSTRUCT 65 FEET OF 2 INCH PVC WATER
LINE; 285 FEET OF 8 INCH PVC WATER
LINE; AND 10,046 FEET OF 12 INCH PVC WATER LINE
AND 795 FEET OF 14 INCH HDPE WATER LINE TO SERVE
STATE HIGHWAY 62 AND FOX LANE AND PAYMENT FOR
APPLICATION FEE TO OKLAHOMA DEPARTMENT OF
ENVIRONMENTAL QUALITY IN THE AMOUNT OF
\$1,680.00**

Cindy Frizzell made the motion to approve Application to ODEQ for Permit #OK2004704 for waterline to serve Highway 62 and Fox Lane and payment to ODEQ in the amount of \$1,680.00. James Inskeep seconded the motion. Board polled: Molsbee –yes, Frizzell=yes, Holland-absent, Inskeep=yes, Nail=yes. Motion carried.

**ITEM 7: DISCUSSION AND POSSIBLE ACTION ON
CONTRACTING FOR WATER RATE STUDY**

Richard Holland arrived at 6:10 p.m.

Kenny Sullivan, City Engineer, stated that he can do the water rate study.

James Inskeep made the motion to approve the water rate study to be done by City Engineer, Kenny Sullivan and Linda Molsbee seconded the motion. Board polled: Molsbee –yes, Frizzell=yes, Holland-abstain, Inskeep=yes, Nail=yes. Motion carried.

ITEM 8: CITY MANAGER’S COMMENTS

No serious damages to city facilities from the storm last Thursday. The 16th Street water line is coming along.

ITEM 9: TRUSTEE'S COMMENTS

Karl Nail commented that return envelopes are sent in bills to even those who are signed up on automatic draft. Check to see if cost effective to eliminate envelope for those on automatic draft.

Karl Nail also commented that he has visited with Oklahoma City employees regarding water rate studies and he is glad that Sullivan Engineering will be handling for the City of Newcastle.

ITEM 10: OLD BUSINESS

None

ITEM 9: NEW BUSINESS

None

ITEM 10: ADJOURNMENT

James Inskeep made the motion to adjourn at 6:15 p.m. and Richard Holland seconded the motion. Board polled: Molsbee-yes, Frizzell-yes, Holland-yes, Inskeep-yes, Nail-yes. Motion carried.

Except for motions, the minutes only constitute an outline of discussion made by the Council/NPWA and legal advice by the City Attorney

Chairman Trustee

Vice Chairman Trustee

Trustee

**MINUTES OF A MEETING OF THE
NEWCASTLE CITY COUNCIL
(OPENING PRAYER & FLAG SALUTE)**

DATE: November 10, 2008

TIME: 6:00 P.M.

PLACE: Newcastle Multi Purpose Center
705 NW 10th

ITEM 1: CALL TO ORDER/ROLL CALL

Mayor Karl Nail called the regular meeting of the Newcastle City Council to order at 6:16 p.m.

PRESENT:

**Karl Nail-Mayor
James Inskeep-Vice-Mayor
Richard Holland-Council Member
Cindy Frizzell- Council Member
Linda Molsbee-Council Member**

OTHERS PRESENT: Nick Nazar-City Manager, Ted Haxel-City Attorney, Chase Cottrell, City Planner, Kathy James, Planning Secretary

ITEM 2: DISCUSSION AND POSSIBLE ACTION ON APPROVAL
OF THE
AGENDA

James Inskeep made the motion to approve the agenda and Linda Molsbee seconded the motion. Council polled: Molsbee-yes, Frizzell-yes, Holland-yes, Inskeep-yes, Nail-yes. Motion carried.

ITEM 3: CITIZEN'S COMMENTS

None

ITEM 4: CONSENT DOCKET

- a. MINUTES
 - October 13, 2008
 - October 27, 2008
- b. Claims
- c. Transfer of Funds

- d. Appropriation of Funds
- e. Lot Split/Deed Approvals

James Inskeep made the motion to approve the consent docket and was seconded by Linda Molsbee. Council polled: Molsbee-yes, Frizzell-yes, Holland-yes, Inskeep-yes, Nail-yes. Motion carried.

ITEM 5: DISCUSSION AND POSSIBLE ACTION ON ENGAGEMENT LETTER WITH ANGEL, JOHNSTON AND BLASINGAME FOR THE AUDIT ENDING JUNE 30, 2008

Linda Molsbee made the motion to approve the engagement letter with Angel, Johnston and Blasingame for the audit ending June 30, 2008 and James Inskeep seconded the motion. Council polled: Molsbee-yes, Frizzell-yes, Holland-yes, Inskeep-yes, Nail-yes. Motion carried.

ITEM 6: DISCUSSION AND POSSIBLE ACTION ON A PROCLAMATION OF THE CITY OF NEWCASTLE DECLARING NOVEMBER 13, 2008 AS WINTER WEATHER PREPAREDNESS DAY

James Inskeep made the motion to declare November 13, 2008, as Winter Weather Preparedness Day and Richard Holland seconded the motion. Council polled: Molsbee-yes, Frizzell-yes, Holland-yes, Inskeep-yes, Nail-yes. Motion carried.

ITEM 7: DISCUSSION AND POSSIBLE ACTION ON PLANNING COMMISSION RECOMMENDATIONS

**PLANNING COMMISSION ITEM 8 (10-27-08 MEETING)
A PUBLIC HEARING TO CONSIDER AN APPLICATION FOR REZONING FROM A (AGRICULTURE) TO E-2 (URBAN ESTATE RESIDENTIAL DISTRICT) FOR DUBCO, INC. LOCATED IN A PART OF THE NE/4 NE/4 NE/4 OF SECTION 17, TOWNSHIP 9 NORTH, RANGE 4 WEST, I.M., MCCLAIN COUNTY, OKLAHOMA. PROPERTY LOCATION: 1500 N. ROCKWELL, NEWCASTLE, OKLAHOMA (Case No. 2008-016)**

A. No public comment. Richard Holland made the motion to recommend approval of Ordinance 633 rezoning from Agriculture to Urban Estate Residential for Dubco, Inc. and James Inskeep seconded the motion. Council polled: Molsbee-yes, Frizzell-yes, Holland-yes, Inskeep-yes, Nail-yes. Motion carried.

B. Richard Holland made the motion to approve the emergency provision for Ordinance 633 and Cindy Frizzell seconded the motion.

Council polled: Molsbee-yes, Frizzell-yes, Holland-yes, Inskeep-yes, Nail-yes. Motion carried.

PLANNING COMMISSION ITEM 9 (10-27-08 MEETING)
A PUBLIC HEARING TO CONSIDER AN APPLICATION FOR
USE PERMITTED ON REVIEW FOR GILBERT GIBSON FOR
BILLBOARD ADVERTISING LOCATED IN THE SW/4 SE/4
OF SECTION 31, TOWNSHIP 9 NORTH, RANGE 4
WEST, I.M., MCCLAIN COUNTY, OKLAHOMA.
PROPERTY LOCATION: ROSE LANE/HIGHWAY 37 (Case
No. UPOR 2008-002)

A. No public comment. Linda Molsbee made the motion to approve application for billboard advertising for Gilbert Gibson for a 20' x 30' (two 10' x 30' stacked billboards with one ft. in between the two) having a maximum height of no more than 36 ft. James Inskeep seconded the motion. Council polled: Molsbee-yes, Frizzell-yes, Holland-yes, Inskeep-yes, Nail-yes. Motion carried.

PLANNING COMMISSION ITEM 10: (10-27-08 MEETING)
A PUBLIC HEARING TO CONSIDER AN APPLICATION FOR
REZONING FROM A (AGRICULTURE) TO R-F-1 (SINGLE
FAMILY RESIDENTIAL) FOR RONALD AND DEBRA
HAMETT LOCATED IN THE SE/4 OF SECTION 10, TOWNSHIP 9
NORTH, RANGE 4 WEST, I.M., MCCLAIN COUNTY,
OKLAHOMA. PROPERTY LOCATION: 1733 N. MAIN (Case
No. R2008-015)

A. Gordon Harness discussed that citizens attending the Planning Commission meeting expressed concerns on the drainage.

Public Comment: Neighbor, Roy Wilson, has no opposition to the rezoning, but wants City Council to be aware of drainage problems with Ag property being rezoned to Residential. Terraces were taken out of this property and Mr. Wilson has concerns with run-off and the run-off that will not fill his pond. Dean Dies stated that Storm Water Quality had inspected and said tin horn was adequate.

James Inskeep made the motion to approve Ordinance #634 rezoning from Agriculture to Single Family Residential for Ronald and Debra Hamett and Richard Holland seconded the motion. Council polled: Molsbee-yes, Frizzell-yes, Holland-yes, Inskeep-yes, Nail-yes. Motion carried.

B. James Inskeep made the motion to approve the emergency provision for Ordinance 634. Richard Holland seconded the motion.

Council polled: Molsbee-yes, Frizzell-yes, Holland-yes, Inskeep-yes, Nail-yes. Motion carried.

ITEM 8: DISCUSSION AND POSSIBLE ACTION ON SUBMITTING APPLICATION OF PERMIT #OK 2004704 TO CONSTRUCT 65 FEET OF 2 INCH PVC WATER LINE; 285 FEET OF 8 INCH PVC WATER LINE; AND 10,046 FEET OF 12 INCH PVC WATER LINE AND 795 FEET OF 14 INCH HDPE WATER LINE TO SERVE STATE HIGHWAY 62 AND FOX LANE AND PAYMENT FOR APPLICATION FEE TO OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY IN THE AMOUNT OF \$1,680.00

Cindy Frizzell made the motion to approve Application to ODEQ for Permit #OK2004704 for waterline to serve Highway 62 and Fox Lane and payment to ODEQ in the amount of \$1,680.00. Linda Molsbee seconded the motion. Board polled: Molsbee –yes, Frizzell-yes, Holland-yes, Inskeep-yes, Nail-yes. Motion carried.

ITEM 9: DISCUSSION AND POSSIBLE ACTION ON APPOINTMENTS TO THE OVERSIGHT COMMITTEE

Richard Holland made the motion to approve reappointment of Rob Walker to the committee and to also move Renee Smith from alternate to member to fill post vacated by Lorella Wilson. James Inskeep seconded the motion. Board polled: Molsbee –yes, Frizzell-yes, Holland-yes, Inskeep-yes, Nail-yes. Motion carried.

ITEM 10: DISCUSSION AND POSSIBLE ACTION ON APPOINTMENT TO THE NEWCASTLE ECONOMIC DEVELOPMENT AUTHORITY

No Action.

ITEM 11: DISCUSSION AND POSSIBLE ACTION ON RECOMMENDATIONS FROM THE PARK, RECREATION AND BEAUTIFICATION BOARD

James Inskeep made the motion to approve an Artisan Craft Fair “Mistletoe Madness” on November 22, 2008 from, 10-4 p.m. at the Newcastle Multi-Purpose Center. This is sponsored by the Arts Council in cooperation with the Parks, Recreation and Beautification Board. Linda Molsbee seconded the motion. Board polled: Molsbee –yes, Frizzell-yes, Holland-yes, Inskeep-yes, Nail-yes. Motion carried.

Citizen Roy Wilson commented that “Welcome to Newcastle” sign at North end of town is too dim.

ITEM 12: DISCUSSION AND POSSIBLE ACTION ON ACCEPTING BID FOR FINANCING OF THE TWO 2009 CROWN VICTORIA POLICE UNITS

James Inskeep made the motion to approve financing with First National Bank for 48 months at 3.95% for the two 2009 Crown Victoria police units. Linda Molsbee seconded the motion. Board polled: Molsbee –yes, Frizzell-yes, Holland-yes, Inskeep-yes, Nail-yes. Motion carried.

ITEM 13: DISCUSSION AND POSSIBLE ACTION ON GENERAL RELEASE AND SETTLEMENT AGREEMENT BY AND AMONG JOHN WESLEY MCHONE AND THE CITY OF NEWCASTLE

This item arose from an incident with a police officer. The DA preferred not to pursue. The DA agreed to dismiss if the City entered into the Agreement. No cost to the City.

James Inskeep made the motion to approve the General Release and Settlement Agreement with John Wesley McHone and the City of Newcastle. Linda Molsbee seconded the motion.

Board polled: Molsbee –yes, Frizzell-yes, Holland-yes, Inskeep-yes, Nail-yes. Motion carried.

ITEM 14: CITY MANAGER’S COMMENTS

City Manager commented that additional trees have been planted at Veteran’s Park. They are still working on more.

The paperwork is wrapping up on the settlement with the landfill.

The Water Service Agreement with the Chickasaws is moving along.

Street Department is working on street patching and repairs along with tree trimming. Paving is done for the year, but patching is being done before winter sets in. The bump on 24th Street is being worked on to smooth out.

Gordon Harness asked if Rockwell paving was complete. An area South of the new paving needs to be finished. Nick will check on.

ITEM 15: COUNCIL MEMBER’S COMMENTS

Mayor, Karl Nail, commented on the Shopping Center Convention that he, James Inskeep, Nick Nazar, and Kim Brown attended in San Antonio. At least 7 contacts were interested in visiting Newcastle for possible business locations.

Richard Holland asked about the flashing lights on the Car Collision business on Highway 37. This business is located behind the fireworks stands. Richard asked if these flashing lights were allowed.

Larry Street has some wash out. Nick will check on.

The eatery signs located on I-44 coming into Newcastle were made possible by State Senator Anthony Sykes. The City needs to send “thank you” to him.

ITEM 16: OLD BUSINESS

None

ITEM 17: NEW BUSINESS

None

ITEM 18: A. DISCUSSION AND POSSIBLE ACTION ON ENTERING INTO AN EXECUTIVE SESSION AS PERMITTED UNDER O.S. 307 B. 4 FOR CONFIDENTIAL COMMUNICATIONS BETWEEN A PUBLIC BODY AND ITS ATTORNEY CONCERNING A PENDING INVESTIGATION, CLAIM, OR ACTION IF THE PUBLIC BODY, WITH THE ADVICE OF ITS ATTORNEY, DETERMINES THAT DISCLOSURE WILL SERIOUSLY IMPAIR THE ABILITY OF THE PUBLIC BODY TO PROCESS THE CLAIM OR CONDUCT A PENDING INVESTIGATION, LITIGATION, OR PROCEEDING IN THE PUBLIC INTEREST; SETTLEMENT REGARDING PAYMENT OF INTEREST IN THE TRUMAN CRAWFORD v. CITY OF NEWCASTLE MATTER PENDING IN THE MCCLAIN COUNTYDISTRICT COURT; CLAIMS OF DEYO AND DONNA PADDYAKER CONCERNIN THE SE/4 OF SECTION 20, T10N, R4W (NEWCASTLE WATER WELLS); SETTLEMENT OF TAMMY BROWN vs. CITY OF NEWCASTLE LAWSUIT

James Inskeep made the motion to enter into executive session with the City Manager and City Attorney. Linda Molsbee seconded the motion. Council polled: Molsbee-yes, Frizzell-yes, Holland-yes, Inskeep-yes, Nail-yes. Motion carried.

James Inskeep made the motion to come out of executive session at 7:30 p.m. and Linda Molsbee seconded the motion. Council polled: Molsbee-yes, Frizzell-yes, Holland-yes, Inskeep-yes, Nail-yes. Motion carried.

**B. DISCUSSION AND POSSIBLE ACTION ON ANY ITEMS
DISCUSSED IN EXECUTIVE SESSION.**

James Inskeep made the motion to give the City Attorney the authority to settle with Truman Crawford within the parameters discussed. Cindy Frizzell seconded the motion. Board polled: Molsbee –yes, Frizzell-yes, Holland-yes, Inskeep-yes, Nail-yes. Motion carried.

ITEM 19: ADJOURNMENT

Linda Molsbee made the motion to adjourn at 7:31 p.m. and James Inskeep seconded the motion. Council polled: Molsbee-yes, Frizzell-yes, Holland-yes, Inskeep-yes, Nail-yes. Motion carried.

Except for motions, the minutes only constitute an outline of discussion made by the Council/NPWA and legal advice by the City Attorney

Council Member

Council Member

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Council Member

Council Member