

**MINUTES OF A MEETING OF THE
NEWCASTLE PUBLIC WORKS AUTHORITY
(Opening Prayer & Flag Salute)**

DATE: February 13, 2017
TIME: 6:00 P.M.
PLACE: NEWCASTLE MULTI-PURPOSE CENTER
705 NW 10TH STREET

ITEM 1: CALL TO ORDER/ROLL CALL

Karl Nail called the meeting to order at 6:02 p.m.

PRESENT: Chair Karl Nail
Trustee Tommy Clay
Trustee Tiffany Elczyn
Trustee Mike Fullerton

ABSENT: Vice Chair Gene Reid

OTHERS PRESENT: Nick Nazar, General Manager; Kevin Self, Assistant General Manager; Rebecca Brewster, Community Development Director; Gordon Harness, Planning Commission Chair; Scott Hannan, IT Director/Acting NPWA Secretary; Kenny Sullivan, Glenn Sullivan & Associates, City Engineer; Ted Haxel, City Attorney

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

Motion was made by Mike Fullerton and seconded by Tiffany Elczyn to approve the agenda. Board polled: Tommy Clay, yes; Tiffany Elczyn, yes; Mike Fullerton, yes; Karl Nail, yes. Motion carried.

ITEM 3: CITIZENS' COMMENTS

None

ITEM 4: CONSENT AGENDA

- A. Minutes: January 9, 2017**
- B. Claims**
- C. Transfer of Funds**
- D. Appropriation of Funds**
- E. Budget Amendments**
- F. Approval of Claims in excess of \$25,000.00**
- G. Dedication and acceptance of Easements for 2016 Water System Upgrade in Sec. 5-9N-4W:**
 - i. Frazer-Bond Revocable Living Trust**
 - ii. William and Kelley Speck, husband and wife**

Motion was made by Tiffany Elczyn and seconded by Mike Fullerton to approve the consent agenda. Board polled: Tiffany Elczyn, yes; Mike Fullerton, yes; Tommy Clay, yes; Karl Nail, yes. Motion carried.

ITEM 5: TREASURER'S MONTHLY FINANCIAL REPORT

Kim Coffman was at training and unable to attend the meeting. The board members were provided with a copy of the Treasurer's report.

ITEM 6: DISCUSSION AND POSSIBLE ACTION ON AUTHORIZATION TO NEGOTIATE JOINT VENTURE WATERLINE EXTENSION AGREEMENT BETWEEN DEVELOPER TOM GILLIAM, THE CITY OF BLANCHARD AND BLANCHARD MUNICIPAL IMPROVEMENT AUTHORITY, AND THE CITY OF NEWCASTLE AND NEWCASTLE PUBLIC WORKS AUTHORITY FOR EXTENSION OF WATERLINE SOUTH ALONG LAKEVIEW DRIVE AND WEST ALONG SW 24TH STREET TO MACARTHUR AVENUE

Nick Nazar stated that Blanchard wants to be able to purchase water at the intersection of SW 24th and MacArthur Avenue. Tom Gilliam has offered to purchase materials and supplies for a 12 in. line for approximately 1 mile, with labor and equipment to be provided by the NPWA/City of Newcastle. Two fire hydrants will be purchased and installed by the NPWA/City of Newcastle. Motion was made by Tommy Clay and seconded by Tiffany Elczyn to approve Item 6. Board polled: Mike Fullerton, yes; Tommy Clay, yes; Tiffany Elczyn, yes; Karl Nail, yes. Motion carried.

ITEM 7: DISCUSSION AND POSSIBLE ACTION ON SUBMITTING PLANS AND APPLICATION FOR PERMIT TO CONSTRUCT TO ODEQ FOR THE FLEENOR ESTATES WATER LINE EXTENSION (FLEENOR ESTATES 2)

Kenny Sullivan appeared and stated he prepared plans on behalf of the developer. Motion was made by Tommy Clay and seconded by Tiffany Elczyn to approve Item 7. Board polled: Tommy Clay, yes; Tiffany Elczyn, yes; Mike Fullerton, yes; Karl Nail, yes. Motion carried.

ITEM 8: DISCUSSION AND POSSIBLE ACTION AUTHORIZING THE CITY ATTORNEY TO DRAFT AN ORDINANCE RELATED TO VEHICLE IMPOUNDMENT RELEASES AND THE ESTABLISHMENT OF A FEE NOT TO EXCEED \$100.00

No action was taken.

ITEM 9: DISCUSSION AND POSSIBLE ACTION AUTHORIZING THE CITY ATTORNEY TO DRAFT A RESOLUTION RELATED TO ADJUSTMENT OF THE CREDIT CARD CONVENIENCE FEE

Nick Nazar stated the modification of convenience fees would remove the convenience fee for payment of utility accounts. The convenience fee for court payments and other city payments would increase from \$1.00 to \$1.25 for online payments. In person fees for court and other city payments would remain at \$1.00. Motion was made by Mike Fullerton and seconded by Tiffany Elczyn to approve Item 9. Board polled: Tiffany Elczyn, yes; Mike Fullerton, yes; Tommy Clay, yes; Karl Nail, yes. Motion carried.

ITEM 10: GENERAL MANAGER'S COMMENTS

Nick Nazar deferred his comments to the City Council meeting immediately following the NPWA meeting. He also requested no action on Item 12.

ITEM 11: TRUSTEES' COMMENTS

None

ITEM 12: A. DISCUSSION AND POSSIBLE ACTION ON ENTERING INTO AN EXECUTIVE SESSION AS PERMITTED UNDER 25 O.S. 307(B)(3) DISCUSSING THE PURCHASE OR APPRAISAL OF REAL PROPERTY (GARRETT PROPERTY)

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

No action was taken on Items 12(A) and 12(B).

ITEM 11: ADJOURNMENT

Motion was made by Tommy Clay and seconded by Mike Fullerton to adjourn. The motion unanimously passed and the meeting was adjourned at 6:15 p.m.

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

Chair

Vice Chair

Board Member

Board Member

Board Member

**MINUTES OF A MEETING OF
THE NEWCASTLE CITY COUNCIL**

DATE: February 13, 2017
TIME: 6:00 P.M.
PLACE: NEWCASTLE MULTI-PURPOSE CENTER
705 NW 10TH STREET

ITEM 1: CALL TO ORDER/ROLL CALL

Karl Nail called the meeting to order at 6:16 p.m.

PRESENT: Mayor Karl Nail
Council Member Tommy Clay
Council Member Tiffany Elczyn
Council Member Mike Fullerton

ABSENT: Vice Mayor Gene Reid

OTHERS PRESENT: Nick Nazar, City Manager; Kevin Self, Assistant City Manager; Rebecca Brewster, Community Development Director; Gordon Harness, Planning Commission Chair; Scott Hannan, IT Director/Acting City Clerk; Kenny Sullivan, Glenn Sullivan & Associates, City Engineer; Ted Haxel, City Attorney

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

Motion was made by Tiffany Elczyn and seconded by Mike Fullerton to approve the agenda. Council polled: Tommy Clay, yes; Tiffany Elczyn, yes; Mike Fullerton, yes; Karl Nail, yes. Motion carried.

ITEM 3: CITIZENS' COMMENTS

None

ITEM 4: CONSENT AGENDA

- A. Minutes: January 9, 2017**
- B. Claims**
- C. Transfer of Funds**
- D. Appropriation of Funds**
- E. Budget Amendments**
- F. Approval of Claims in excess of \$25,000.00**
- G. Approval of Contracts**
- H. Surplus Property: iPhone 5, Serial Number 013982000643118**

Motion was made by Tiffany Elczyn and seconded by Mike Fullerton to approve the consent agenda. Council polled: Tiffany Elczyn, yes; Mike Fullerton, yes; Tommy Clay, yes; Karl Nail, yes. Motion carried.

ITEM 5: PUBLIC HEARING, DISCUSSION AND POSSIBLE ACTION ON PLANNING COMMISSION RECOMMENDATION FOR APPROVAL OF USE PERMITTED ON REVIEW FOR MARKWELL PAVING, OWNER/METRO READY MIX

CONCRETE, LESSEE FOR THE USE OF PLACING A CONCRETE PLANT LOCATED IN THE NW/4 OF SECTION 13, TOWNSHIP 9 NORTH, RANGE 4 WEST, I.M., McCLAIN COUNTY, OKLAHOMA. PROPERTY LOCATION: 1428 N. PORTLAND AVENUE (UPOR 2017-001)

Gordon Harness appeared and stated the existing heavy use of the subject property was noted by the Planning Commission. Nick Nazar said there is a temporary plant at the north end of the property which has been set up in preparation to be moved to Lawton. Planning Commission recommended approval of the UPOR with a 300 ft. setback as agreed upon by the applicant. There was no public comment. Motion was made by Tommy Clay and seconded by Tiffany Elczyn to approve Item 5. Council polled: Mike Fullerton, yes; Tommy Clay, yes; Tiffany Elczyn, yes; Karl Nail, yes. Motion carried.

ITEM 6: A PUBLIC HEARING, DISCUSSION AND POSSIBLE ACTION ON PLANNING COMMISSION RECOMMENDATION FOR APPROVAL OF REZONING APPLICATION OF JAMES & TERRI FOX AND ADOPTION OF ORDINANCE NO. 780 TO REZONE TRACTS FROM A (AGRICULTURE) TO E-3 (RESIDENTIAL ESTATES DISTRICT) AND C-C-2 (COMMUNITY COMMERCIAL DISTRICT) LOCATED IN THE W/2 OF THE NW/4 OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 4 WEST, I.M., MCCLAIN COUNTY, OKLAHOMA. PROPERTY LOCATION: SOUTH OF EAST FOX LANE IN THE NW/4 OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 4 WEST (R2016-016)

Gordon Harness appeared and stated there was discussion at Planning Commission regarding drainage. He stated the recommendation of the Planning Commission was to approve the rezoning requested, noting that drainage would need to be addressed. Karl Nail said this would be addressed during the platting process. There was no public comment. Motion was made by Tiffany Elczyn and seconded by Tommy Clay to approve the recommendation of the Planning Commission and adopt Ordinance No. 780 under Item 6. Council polled: Tommy Clay, yes; Tiffany Elczyn, yes; Mike Fullerton, yes; Karl Nail, yes. Motion carried.

ITEM 7: DISCUSSION AND POSSIBLE ACTION ON ADOPTION OF EMERGENCY CLAUSE OF ORDINANCE NO. 780

Motion was made by Tommy Clay and seconded by Tiffany Elczyn to approve Item 7. Council polled: Tiffany Elczyn, yes; Mike Fullerton, yes; Tommy Clay, yes; Karl Nail, yes. Motion carried.

ITEM 8: DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF PLANNING COMMISSION RECOMMENDATION FOR DEVIATION FROM FAÇADE REQUIREMENTS AS DESCRIBED IN THE NEWCASTLE CODE OF ORDINANCES SECTION 154.081—EXTERIOR COMMERCIAL AND INDUSTRIAL BUILDING REQUIREMENTS IN COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS, PARAGRAPH (A) COMMERCIAL BUILDINGS, FOR RON HAMETT LOCATED AT 200 NAOMI LANE

Gordon Harness appeared and stated the proposed building is not anticipated to be covered by the Overlay District when passed. Applicant Ron Hammett was present and agreed a sight-proof fence will be erected concurrently with construction to further block the view. The recommendation of the Planning Commission was to approve the façade deviation with the conditions stated. Motion was made by Tiffany Elczyn and seconded by Mike Fullerton to approve the recommendation of the Planning

Commission under Item 8, with conditions stated by the Planning Commission. Council polled: Mike Fullerton, yes; Tommy Clay, yes; Tiffany Elczyn, yes; Karl Nail, yes. Motion carried.

ITEM 9: DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF FINAL PLAT OF FLEENOR ESTATES, SECTION 2

Gordon Harness presented the recommendation of the Planning Commission to approve the Final Plat of Fleenor Estates, Section 2. The Final Plat was presented to the Council. Motion was made by Tommy Clay and seconded by Mike Fullerton to approve Item 9. Council polled: Tommy Clay, yes; Tiffany Elczyn, yes; Mike Fullerton, yes; Karl Nail, yes. Motion carried.

ITEM 10: DISCUSSION AND POSSIBLE ACTION ON SUBMITTING PLANS AND APPLICATION FOR PERMIT TO CONSTRUCT TO ODEQ FOR THE FLEENOR ESTATES WATER LINE EXTENSION (FLEENOR ESTATES 2)

Motion was made by Tommy Clay and seconded by Tiffany Elczyn to approve Item 10. Council polled: Tiffany Elczyn, yes; Mike Fullerton, yes; Tommy Clay, yes; Karl Nail, yes. Motion carried.

ITEM 11: DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF FINAL PLAT OF RIVERVIEW ESTATES, SECTION 2

Gordon Harness presented the recommendation of the Planning Commission to approve the Final Plat of Riverview Estates, Section 2, subject to providing access to the common area with a 10-ft. easement. Developer Rocky Clark appeared and commented that there were recreation seekers and teenagers going out to the river. He requested no easement between the lots giving access to the river be required by the City. Discussion was held about the common area being a ravine with trees, therefore limiting needed maintenance of the area. Kenny Sullivan recommended a means of access be provided for City purposes, if and when needed. A commitment from Rocky Clark was given to provide access from the north from Phase 3. Motion was made by Tommy Clay and seconded by Tiffany Elczyn to approve Item 11, without the easement to the common area and with a commitment from Rocky Clark to provide access from the north from Section 3. Council polled: Mike Fullerton, yes; Tommy Clay, yes; Tiffany Elczyn, yes; Karl Nail, yes. Motion carried.

ITEM 12: DISCUSSION AND POSSIBLE ACTION ON AUTHORIZATION TO NEGOTIATE JOINT VENTURE WATERLINE EXTENSION AGREEMENT BETWEEN DEVELOPER TOM GILLIAM, THE CITY OF BLANCHARD AND BLANCHARD MUNICIPAL IMPROVEMENT AUTHORITY, AND THE CITY OF NEWCASTLE AND NEWCASTLE PUBLIC WORKS AUTHORITY FOR EXTENSION OF WATERLINE SOUTH ALONG LAKEVIEW DRIVE AND WEST ALONG SW 24TH STREET TO MACARTHUR AVENUE

Motion was made by Tiffany Elczyn and seconded by Tommy Clay to approve Item 12. Council polled: Tommy Clay, yes; Tiffany Elczyn, yes; Mike Fullerton, yes; Karl Nail, yes. Motion carried.

ITEM 13: DISCUSSION AND POSSIBLE ACTION AUTHORIZING THE CITY ATTORNEY TO DRAFT AN ORDINANCE RELATED TO VEHICLE IMPOUNDMENT RELEASES AND THE ESTABLISHMENT OF A FEE NOT TO EXCEED \$100.00

Motion was made by Tiffany Elczyn and seconded by Tommy Clay to approve Item 13. Council polled: Tiffany Elczyn, yes; Mike Fullerton, yes; Tommy Clay, yes; Karl Nail, yes. Motion carried.

ITEM 14: DISCUSSION AND POSSIBLE ACTION AUTHORIZING THE CITY ATTORNEY TO DRAFT A RESOLUTION RELATED TO ADJUSTMENT OF THE CREDIT CARD CONVENIENCE FEE

Motion was made by Tommy Clay and seconded by Tiffany Elczyn to approve Item 14. Council polled: Mike Fullerton, yes; Tommy Clay, yes; Tiffany Elczyn, yes; Karl Nail, yes. Motion carried.

ITEM 15: DISCUSSION AND POSSIBLE ACTION ON RE-APPOINTMENT OF MEMBERS TO CEMETERY BOARD:

A. Debbie Chappell

Motion was made by Mike Fullerton and seconded by Tiffany Elczyn to approve Item 15(A). Council polled: Tommy Clay, yes; Tiffany Elczyn, yes; Mike Fullerton, yes; Karl Nail, yes. Motion carried.

B. Randy Corbin

Motion was made by Mike Fullerton and seconded by Tiffany Elczyn to approve Item 15(B). Council polled: Tiffany Elczyn, yes; Mike Fullerton, yes; Tommy Clay, yes; Karl Nail, yes. Motion carried.

ITEM 16: DISCUSSION AND POSSIBLE ACTION ON AUTHORIZATION TO PROCEED WITH REQUEST TO OKLAHOMA TAX COMMISSION FOR AUDIT OF TAX RECEIPTS DUE FROM DESIGNATED 73072 ZIP CODE AREAS WITHIN THE CITY OF NEWCASTLE

Motion was made by Tommy Clay and seconded by Mike Fullerton to approve Item 16. Council polled: Mike Fullerton, yes; Tommy Clay, yes; Tiffany Elczyn, yes; Karl Nail, yes. Motion carried.

ITEM 17: DISCUSSION AND POSSIBLE ACTION ON ADOPTION OF RESOLUTION 2017-03 REGARDING ADJUSTMENTS TO ALCOHOL LICENSE AND PERMIT FEES

Motion was made by Tiffany Elczyn and seconded by Tommy Clay to approve Item 17. Council polled: Tommy Clay, yes; Tiffany Elczyn, yes; Mike Fullerton, yes; Karl Nail, yes. Motion carried.

ITEM 18: DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF CREDIT CARD TRANSACTION FEE SCHEDULE

Motion was made by Tiffany Elczyn and seconded by Mike Fullerton to approve Item 18. Council polled: Tiffany Elczyn, yes; Mike Fullerton, yes; Tommy Clay, yes; Karl Nail, yes. Motion carried.

ITEM 19: DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF MUTUAL AID AGREEMENT BETWEEN THE CITY OF NEWCASTLE AND THE NEWCASTLE COMMUNITY FOUNDATION

Motion was made by Tommy Clay and seconded by Mike Fullerton to approve Item 19. Council polled: Mike Fullerton, yes; Tommy Clay, yes; Tiffany Elczyn, yes; Karl Nail, yes. Motion carried.

ITEM 20: ASSISTANT CITY MANAGER'S COMMENTS

None

ITEM 21: CITY MANAGER'S COMMENTS

Nick Nazar reported on new street and water projects. Flu cases have been rampant among City employees. He also reported on progress transferring accounting systems to InCode.

ITEM 22: COUNCIL MEMBERS' COMMENTS

Mike Fullerton reported a meeting between the City and ODOT has been scheduled. Tommy Clay commented that the last report of 3% off on sales tax receipts was much improved over last month.

ITEM 23: A. DISCUSSION AND POSSIBLE ACTION ON ENTERING INTO AN EXECUTIVE SESSION AS PERMITTED UNDER 25 O.S. 307(B)(3) DISCUSSING THE PURCHASE OR APPRAISAL OF REAL PROPERTY (GARRETT PROPERTY)

Motion was made by Karl Nail and seconded by Tiffany Elczyn to convene the meeting of the Newcastle City Council into executive session to include the City Attorney, City Manager and the Assistant City Manager. Council polled: Tommy Clay, yes; Tiffany Elczyn, yes; Mike Fullerton, yes; Karl Nail, yes. The motion carried and the Council convened into executive session at 8:10 p.m. after a short recess.

Motion was made by Karl Nail and seconded by Tommy Clay to reconvene the open meeting of the Newcastle City Council. Council polled: Tiffany Elczyn, yes; Mike Fullerton, yes; Tommy Clay, yes; Karl Nail, yes. Motion carried and the open session of the meeting of the Newcastle City Council was reconvened at 8:18 p.m.

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

No action was taken.

ITEM 24: ADJOURNMENT

Motion was made by Tommy Clay and seconded by Tiffany Elczyn to adjourn. The motion unanimously passed and the meeting was adjourned at 8:19 p.m.

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

Mayor

Vice Mayor

Council Member

Council Member

Council Member