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

DATE: September 11, 2017

TIME: 6:00 P.M.

PLACE: NEWCASTLE MULTI-PURPOSE CENTER

705 NW 10TH STREET

ITEM 1: CALL TO ORDER/ROLL CALL

Gene Reid called the meeting to order at 6:01 p.m.

PRESENT: Chair Gene Reid

Vice Chair Joe Covey Trustee Mike Fullerton Trustee Jimmy Gurley Trustee Karl Nail

ABSENT: None

OTHERS PRESENT: Kevin Self, Assistant General Manager; Camille Dowers, NPWA Secretary; Kimberly Coffman, City Treasurer; Dinah Alizadeh, Executive Administrative Assistant; Gordon Harness; Planning Commission Chair; Kenny Sullivan, P.E., 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 Karl Nail to approve the agenda. Board polled: Joe Covey, yes; Mike Fullerton, yes; Jimmy Gurley, yes; Karl Nail, yes; Gene Reid, yes. Motion carried.

ITEM 3: CITIZENS' COMMENTS

None

ITEM 4: CONSENT AGENDA

- A. Minutes: August 14, 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: Addendum to contract dated 9/1/09 with Allied Waste Systems, Inc., d/b/a Republic Services for Solid Waste Services
- H. Acknowledgment of ODEQ Permit to Construct WL000044170177 (305 l.f. of 2 in. PVC, Fleenor Lane)

Motion was made by Mike Fullerton and seconded by Karl Nail to approve the consent agenda. Board polled: Mike Fullerton, yes; Jimmy Gurley, yes; Karl Nail, yes; Joe Covey, yes; Gene Reid, yes. Motion carried.

Trustee

Trustee

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ITEM 5:	TREASURER'S MONTHLY FINANCIAL REPORT	
The treasurer's	report was emailed to the Council members. Kim Coffman presented her oral report.	
ITEM 6:	DISCUSSION AND POSSIBLE ACTION ON REQUEST FOR PARTIAL VACATION OF WATERLINE EASEMENT IN LOT 3 OF BLOCK 10, RIVERVIEW ESTATES, SECTION III	
No action was t	taken. The request will be considered by the Board of Adjustments.	
ITEM 7:	DISCUSSION AND POSSIBLE ACTION ON AWARD OF BID AND APPROVAL OF CONTRACT WITH MEYER PUMP SERVICE FOR NEW MUNICIPAL WATER WELL SUBJECT TO ODEQ APPROVAL	
	de by Jimmy Gurley and seconded by Mike Fullerton to approve Item 7. Board polled: yes; Karl Nail, yes; Joe Covey, yes; Mike Fullerton, yes; Gene Reid, yes. Motion carried.	
ITEM 8:	ASSISTANT GENERAL MANAGER'S COMMENTS	
None		
ITEM 9:	GENERAL MANAGER'S COMMENTS	
None		
ITEM 10:	TRUSTEES' COMMENTS	
None		
ITEM 11:	ADJOURNMENT	
	de by Mike Fullerton and seconded by Karl Nail to adjourn. The motion passed and the meeting was adjourned at 6:25 p.m.	
Except for motio advice by the Cit	ns, the minutes only constitute an outline of discussion made by the Council/NPWA and legal by Attorney.	
Chair	Vice Chair	

Trustee

MINUTES OF A MEETING OF THE NEWCASTLE CITY COUNCIL

DATE: September 11, 2017

TIME: 6:00 P.M.

PLACE: NEWCASTLE MULTI-PURPOSE CENTER

705 NW 10TH STREET

ITEM 1: CALL TO ORDER/ROLL CALL

Gene Reid called the meeting to order at 6:26 p.m.

PRESENT: Mayor Gene Reid

Vice Mayor Joe Covey

Council Member Mike Fullerton Council Member Jimmy Gurley Council Member Karl Nail

ABSENT: None

OTHERS PRESENT: Kevin Self, Assistant City Manager; Camille Dowers, City Clerk; Kimberly Coffman, City Treasurer; Dinah Alizadeh, Executive Administrative Assistant; Gordon Harness; Planning Commission Chair; Kenny Sullivan, P.E., 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 Joe Covey to approve the agenda. Council polled: Joe Covey, yes; Mike Fullerton, yes; Jimmy Gurley, yes; Karl Nail, yes; Gene Reid, yes. Motion carried.

ITEM 3: CITIZENS' COMMENTS

None

ITEM 4: CONSENT AGENDA

- A. Minutes: August 14, 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: Amendment No. 1 to Agreement with Crafton, Tull & Associates, dated 8/28/17, Reduction in Services eliminating Bidding Phase Services for NW 10th and Garrett Drive project and modification of payment amount
- H. Denial of Tort Claims:
 - i. Tyler Drivere and Sarah Flatt, \$18,000; DOL 7/14/2017
 - ii. Marvin Akers, \$821.24; DOL 8/12/2017
- I. Non-waiver of Sales/Use Tax Penalties and Interest:

Approximately \$31.00 from MWI Veterinary Supply Co.

Motion was made by Mike Fullerton and seconded by Karl Nail to approve the consent agenda. Council polled: Mike Fullerton, yes; Jimmy Gurley, yes; Karl Nail, yes; Joe Covey, yes; Gene Reid, yes. Motion carried.

ITEM 5: DISCUSSION AND POSSIBLE ACTION ON REQUEST FOR PARTIAL VACATION OF WATERLINE EASEMENT IN LOT 3 OF BLOCK 10, RIVERVIEW ESTATES, SECTION III

No action was taken.

ITEM 6: DISCUSSION AND POSSIBLE ACTION ON SUBMITTAL OF PLANS AND SPECIFICATIONS TO ODEQ FOR PERMIT TO CONSTRUCT WATER LINE AND SEWER LINE EXTENSIONS FOR BRADFORD PLACE SECTION VI

Kenny Sullivan reviewed and recommended approval of Item 6. Motion was made by Karl Nail and seconded by Mike Fullerton to approve Item 6. Council polled: Jimmy Gurley, yes; Karl Nail, yes; Joe Covey, yes; Mike Fullerton, yes; Gene Reid, yes. Motion carried.

- TEM 7: PUBLIC HEARING ON REZONING APPLICATION OF THE TERRI L. FOX REVOCABLE TRUST, TERRI L. FOX, TRUSTEE; JANET K. FOX TUCKER; AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION:
 - A. DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF REZONING FROM "E-3" (RESIDENTIAL ESTATE) / "A" (AGRICULTURE) TO "R-F-1" (SINGLE FAMILY RESIDENTIAL) FOR PROPERTY LOCATED IN THE NE/4 AND THE NW/4 OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 4 WEST, I.M., McCLAIN COUNTY, OKLAHOMA. PROPERTY LOCATION: SE CORNER OF EAST FOX LANE AND HIGHWAY 62 (MAIN STREET), NEWCASTLE, OKLAHOMA (R2017-010)
 - B. DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF REZONING FROM "E-3" (RESIDENTIAL ESTATE) / "A" (AGRICULTURE) TO "PUD" (PLANNED UNIT DEVELOPMENT) FOR PROPERTY LOCATED IN THE NE/4 AND THE NW/4 OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 4 WEST, I.M., McCLAIN COUNTY, OKLAHOMA. PROPERTY LOCATION: SE CORNER OF EAST FOX LANE AND HIGHWAY 62 (MAIN STREET), NEWCASTLE, OKLAHOMA; (R2017-010) AND ADOPTION OF ORDINANCE NO. 791

Gene Reid called for Public Hearing on Items 7(A) and 7(B). He stated that an additional staff meeting had occurred after the last regular Planning Commission meeting and a PUD was discussed. A special meeting was called to consider a proposed PUD but due to a scheduling error the applicant's engineer was not present. Gordon Harness, Planning Commission Chair, reported that the Planning Commission nevertheless discussed and suggested revisions to the proposed PUD (see Planning Commission Minutes dated 9/5/2017) but did not vote on a recommendation to City Council. It was voted upon to continue the rezoning application to the next regularly scheduled meeting of the Planning Commission.

Phil Hagan, PE, of Crafton, Tull & Associates appeared on behalf of the applicant. He stated he has submitted the PUD for approval with consideration of the items discussed by the Planning Commission, and requested no action on the request for R-F-1 zoning.

Joe Covey stated he approached Phil Hagan about presenting a PUD. His concern was the façades of the homes and the minimum home size. Mr. Covey said it needs to be stated in the PUD that the proposed right-of-way should show as 75 ft. from the section line and not an additional 75 ft. He also has concerns about the city sewer system being able to handle the additional wastewater from the development. He suggested that ordinance changes should be made to address façade requirements.

Gene Reid stated he doesn't know that 85% brick is necessarily required for an attractive façade. Other alternative and attractive materials are available.

Karl Nail stated that additional façade requirements were in reaction to Bradford IV homes proposed with walls of vinyl siding, and the requirements are to protect the smaller homes and their values.

Mike Fullerton said he agrees with Karl Nail that the façade requirements were in reaction to Bradford IV, to keep home values up with 85% brick. He agrees with a total right-of-way of 75 ft. and suggested a left-hand turn lane to match up with Fox Lane on the west side of SH-62 and in consideration of utility lines on the north side of the road.

No action was taken on Item 7(A).

Motion was made by Karl Nail and seconded by Mike Fullerton to approve the PUD under Item 7(B) and to adopt Ordinance No. 791, with corrections to Section 9.15 of the PUD to show the minimum required house "living area" as 1250 s.f., and to Section 9.16 to show the dedicated right-of-way as 75 ft. total from the Section Line. The motion was amended to add the requirement of a minimum 2-car garage. Phil Hagan agreed to the requirements in the motion, as amended. Council polled: Karl Nail, yes; Joe Covey, yes; Mike Fullerton, yes; Jimmy Gurley, yes; Gene Reid, yes. Motion carried.

C. DISCUSSION AND POSSIBLE ACTION ON EMERGENCY CLAUSE OF ORDINANCE NO. 791

Motion was made by Karl Nail and seconded by Mike Fullerton to approve Item 7(C) and adopt the emergency clause of Ordinance No. 791. Council polled: Joe Covey, no; Mike Fullerton, yes; Jimmy Gurley, yes; Karl Nail, yes; Gene Reid, yes. Motion carried.

ITEM 8: DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF PRELIMINARY PLAT OF THE RIDGE, SECTION II

Gordon Harness stated the Planning Commission reviewed the preliminary plat and recommended approval subject to changes to the drainage system. Steve Landes of LandRun Engineering, Shawnee, Oklahoma, appeared on behalf of the developer and reported on the changes made. Kenny Sullivan stated the drainage plan can be made to work. Motion was made by Gene Reid and seconded by Karl Nail to approve the Preliminary Plat for The Ridge, Section II under Item 8. Council polled: Mike Fullerton, yes; Jimmy Gurley, no; Karl Nail, yes; Joe Covey, yes; Gene Reid, yes. Motion carried.

PUBLIC HEARING, DISCUSSION AND POSSIBLE ACTION ON RECOMMENDATION OF THE PLANNING COMMISSION REGARDING REZONING APPLICATION OF NATHAN & SHARLA TATE FROM "A" (AGRICULTURE) TO "E-1" (SUBURBAN ESTATE RESIDENTIAL) LOCATED IN THE E/2 NE/4 SW/4SW/4 OF SECTION 5, TOWNSHIP 9 NORTH, RANGE 4 WEST, I.M., McCLAIN COUNTY, OKLAHOMA. PROPERTY LOCATION: 3000 NW 26TH STREEET, NEWCASTLE, OKLAHOMA (R2017-012)

Gordon Harness appeared and stated the Planning Commission recommended to denial of the rezoning application under Item 9. He stated that the rezoning application was for an infill in an agriculturally zoned area.

Nathan Tate appeared and stated he had sent email letters to the council members. The intent is to split the lot into one 3-acre lot and one 2-acre lot, and to build a smaller house with a private easement for access. He stated that additional engineering would be done if the rezoning is approved.

Linna Cagle, 3037 NW 26th, appeared and said she lives west of the subject property. She said she objected to the proposal because the roadway easement would be along their property line. She stated the covenants require a ³/₄ approval of the property owners to make the proposed change. She wants to maintain the agricultural development and would never split her 5 acres.

Phil Lundy, 3021 NW 24th, appeared and said he lives adjacent to the south end of the property. The proposed structure would be built next to his north fence and it would ruin the atmosphere of the neighborhood.

Applicant Sharla Tate appeared and stated that one of the neighbors had considered the same proposal of building in the back of their property.

Bobby Cagle appeared and stated he objected to the proposed dirt road along his fence line.

Terry Garvin appeared. He owns 10 acres and doesn't want the area developed. He wants it to remain zoned as Agriculture.

Lloyd Eischen, 2917 NW 24th, appeared and stated when he had a family member needing a place to live he didn't break up his land but found a place in Newcastle for him to live.

Mark Sandusky appeared and stated he owns 3001 NW 26th which is for lease, but he eventually wants to move into the property. He wants to keep the property for German Shepherds and horses.

A Petition in Protest of the rezoning was filed with the City Clerk three days prior to the public hearing.

Motion was made by Joe Covey and seconded by Jim Gurley to approve the Planning Commission recommendation to deny the rezoning application. Council polled: Jimmy Gurley, yes; Karl Nail, no; Joe Covey, yes; Mike Fullerton, no; Gene Reid, yes. Motion carried.

ITEM 10: DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH GLENN SULLIVAN & ASSOCIATES FOR REVIEW OF DRAINAGE IN THE AREA OF SE 40TH AND SANTA FE AVENUE, PROVIDING FOR SUBCONTRACT OF FIELD SURVEY OF DRAINAGE CHANNEL FROM I-35 UPSTREAM, AND FOR PREPARATION OF A SUMMARY OF FINDINGS

Kevin Self gave an historical background description of the drainage problems. Motion was made by Joe Covey and seconded by Mike Fullerton to authorize Kenny Sullivan to modify the scope of the proposed agreement, not to exceed \$5,000 in fees, with Glenn Sullivan & Associates. Council polled: Karl Nail, yes; Joe Covey, yes; Mike Fullerton, yes; Jimmy Gurley, yes; Gene Reid, yes. Motion carried.

ITEM 11: DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH GLENN SULLIVAN & ASSOCIATES FOR

FIELD WORK AND CALCULATIONS TO DETERMINE THE CAPACITY OF GRAVITY SEWER LINE FROM EXISTING MANHOLE WEST OF EUNICE AVENUE AND 10TH STREET, DOWNSTREAM TO THE WASTEWATER TREATMENT PLANT TO INCLUDE PROPOSED FLOWS FROM THE WYNDEMERE DEVELOPMENT

Kenny Sullivan and Kevin Self reported on pending discussions. Motion was made by Joe Covey and seconded by Mike Fullerton to table Item 11 to the next regular meeting. Council polled: Joe Covey, yes; Mike Fullerton, yes; Jimmy Gurley, yes; Karl Nail, yes; Gene Reid, yes. Motion carried.

ITEM 12: DISCUSSION AND POSSIBLE ACTION ON BRADFORD PLACE SECTIONS I, II AND III FOR REVIEW OF FRONT GATE, BACK GATE PROPOSAL AND PUBLIC ACCESS

Gordon Harness presented the recommendation of the Planning Commission to recommend that the City Council consider this issue in a favorable light as to the continuance of the gates and address this as a community safety issue, and to refer this item to the City Council with the Planning Commission's favorable encouragement, but noting that any continuation of the situation should be with specific identification of the circumstances that make this community unique from the overall community; and with the intent to prevent the precedent that any community can be gated in the City of Newcastle. He clarified the recommendation that it should be considered whether the gated community has public streets, which should not be gated unless unique circumstances were presented.

Josh Mosburg, former President of Bradford Place I, II and II HOA, appeared and commented on the gate agreement with the City, including the provision to review crime statistics for reduction in crime after a 2-year period, which did not occur. He said he was unable to obtain a specific requested crime report from the Police Department, but he distributed a report compiled by neighborhood homeowners. He stated that after the gate closed from 2014 to mid-2015 there were virtually no crime reports. Calls went from 5-6 per week to 5-6 within a six-month timeframe. He requested the gate become a permanent fixture.

Stephanie Lake, Vice President of Bradford Place I, II and III HOA, appeared and requested the front and back gates be allowed to remain intact. Public access to the front gate is allowed by pushing a button between the hours of 6:00 a.m. and 6:00 p.m. She that during a conversation with City Manager Nick Nazar, he stated the gate was only temporary and the back gate will be removed. She expressed concerns of increased traffic from 146 more homes in Bradford V and IV, and a general overall increase in traffic caused by removal of the back gate.

Lynell Fisbeck, Bradford Place I, II and III HOA President, expressed concerns about patrons of the casino entering the neighborhood, and described specific instances of people wandering into the neighborhood when fences were down following a heavy storm. She believes that people will walk to the back-gate entrance to enter the neighborhood and the problem will worsen.

Brad Willis, former Bradford Place HOA President appeared. He said the next step was for another keypad gate to be installed at the back gate.

Council members expressed they do not want to create an established precedent of allowing gated city streets.

Motion was made by Mike Fullerton and seconded by Jimmy Gurley to leave the front gate closed to the public from 6:00 p.m. to 6:00 a.m., and to allow the back gate to remain locked, to sunset at 24 months

with the option to review at any time before the expiration of 24 months. Council polled: Mike Fullerton, yes; Jimmy Gurley, yes; Karl Nail, yes; Joe Covey, yes; Gene Reid, yes. Motion carried.

ITEM 13: DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF RESOLUTION NO. 2017-09 FOR PARTICIPATION AGREEMENT WITH THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR TRAFFIC CONTROL AND SAFETY PROJECT AND INSTALLATION OF PEDESTRIAN HYBRID BEACON (HAWK BEACON) BICYCLE AND PEDESTRIAN TRAIL AT US-62 AND STAN PATTY BOULEVARD

Kevin Self reported on the agreement with ODOT. Motion was made by Joe Covey and seconded by Mike Fullerton to approve Resolution No. 2017-09. Council polled: Jimmy Gurley, yes; Karl Nail, yes; Joe Covey, yes; Mike Fullerton, yes; Gene Reid, yes. Motion carried.

ITEM 14: DISCUSSION AND POSSIBLE ACTION ON ODOT PROPOSAL FOR HWY. 130

Motion was made by Joe Covey and seconded by Mike Fullerton to table Item 14 to the next regular meeting. Council polled: Jimmy Gurley, yes; Karl Nail, yes; Joe Covey, yes; Mike Fullerton, yes; Gene Reid, yes. Motion carried.

ITEM 15: ASSISTANT CITY MANAGER'S COMMENTS

Kevin Self reported the west access road between NW 24th St. and SH-37 will be addressed. NW 24th Street is scheduled to be paved on September 27th including installation of the new tinhorn and the new header walls. The crosswalks at US-62 and SH-130 will be striped this Thursday. Discussions with the Chickasaw Nation have been held for a wastewater connection possibility. New wastewater plant locations are being explored.

ITEM 16: CITY MANAGER'S COMMENTS

None

ITEM 17: COUNCIL MEMBERS' COMMENTS

Karl Nail commented that the Local Planning and Advisory Committee needs to become active again to propose a 5-year capital improvement plan.

Joe Covey commented that plat application review needs to be made by staff before going to Planning Commission.

Mike Fullerton commented that drainage problems and maintenance need to be addressed.

ITEM 18: EXECUTIVE SESSION:

A. DISCUSSION AND POSSIBLE ACTION ON ENTERING INTO AN EXECUTIVE SESSION AS PERMITTED UNDER 25 O.S. 307 (B)(1) DISCUSSING THE EMPLOYMENT, HIRING, APPOINTMENT, PROMOTION, DEMOTION, DISCIPLINING OR RESIGNATION OF ANY INDIVIDUAL SALARIED PUBLIC OFFICER OR EMPLOYEE (CITY TREASURER'S EVALUATION)

- B. DISCUSSION AND POSSIBLE ACTION ON ENTERING INTO AN EXECUTIVE SESSION AS PERMITTED UNDER 25 O.S. 307 (B)(1) DISCUSSING THE EMPLOYMENT, HIRING, APPOINTMENT, PROMOTION, DEMOTION, DISCIPLINING OR RESIGNATION OF ANY INDIVIDUAL SALARIED PUBLIC OFFICER OR EMPLOYEE (CITY MANAGER'S EVALUATION)
- C. DISCUSSION AND POSSIBLE ACTION ON ENTERING INTO AN EXECUTIVE SESSION AS PERMITTED UNDER 25 O.S. SECTION 307(B)(2) DISCUSSING NEGOTIATIONS CONCERNING EMPLOYEES AND REPRESENTATIVES OF EMPLOYEE GROUPS (TWIN CITIES LODGE #135 AND IAFF LOCAL #3910)

Motion was made by Joe Covey and seconded by Mike Fullerton to convene the meeting of the Newcastle City Council into executive session to include the Assistant City Manager, City Attorney and City Council members. Council polled: Karl Nail, yes; Joe Covey, yes; Mike Fullerton, yes; Jimmy Gurley, yes; Gene Reid, yes. Motion carried. After a short recess the council convened into executive session at 10:43 p.m.

Motion was made by Joe Covey and seconded by Mike Fullerton to reconvene the open meeting of the Newcastle City Council. Council polled: Joe Covey, yes; Mike Fullerton, yes; Jimmy Gurley, yes; Karl Nail, yes; Gene Reid, yes. Motion carried and open session of the meeting of the Newcastle City Council was reconvened at 11:12 p.m.

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

No action was taken on Item 17(A).

No action was taken on Item 17(B).

Motion was made by Joe Covey and seconded by Karl Nail to approve the contract between the City of Newcastle and IAFF Local #3910 under Item 17(C). Council polled: Mike Fullerton, yes; Jimmy Gurley, yes; Karl Nail, yes; Joe Covey, yes; Gene Reid, yes. Motion carried.

Motion was made by Mike Fullerton and seconded by Karl Nail_to approve the contract between the City of Newcastle and Twin Cities Lodge #135 under Item 17(C). Council polled: Jimmy Gurley, yes; Karl Nail, yes; Joe Covey, yes; Mike Fullerton, yes; Gene Reid, yes. Motion carried.

ITEM 19: ADJOURNMENT

Motion was made by Mike Fullerton and seconded by Jimmy Gurley to adjourn. The motion passed unanimously and the meeting was adjourned at 11:15 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.

Mayor	Vice Mayor
Council Member	Council Member

Council Member

2017-09-11 npwa-cc