

**MINUTES OF A
MEETING OF THE NEWCASTLE PUBLIC WORKS AUTHORITY**

DATE: February 9, 2009

TIME: 6:00 P.M.

PLACE: NEWCASTLE MULTI-PURPOSE CENTER
705 NW 10TH STREET

ITEM 1: CALL TO ORDER/ROLL CALL

The regular meeting of the Newcastle Public Works Authority was called to order at 6:03 p.m. by Chairman Karl Nail.

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

OTHERS PRESENT: Nick Nazar-City Manager, Ted Haxel-City Attorney, Sharon Ferguson-City Treasurer, Shirley Guffey-City Clerk

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

ITEM 3: CITIZEN'S COMMENTS

None

ITEM 4: CONSENT DOCKET

- a. Minutes
January 12, 2009
- b. Claims
- c. Transfer of Funds
- d. Appropriation of Funds

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

ITEM 5: DISCUSSION AND POSSIBLE ACTION ON BUDGET AMENDMENT FORM 09-03 IN THE AMOUNT OF \$320,000 FOR OKLAHOMA CITY WATER LINE PROJECT LOAN PROCEEDS

Linda Molsbee made the motion to approve Newcastle Public Works amendment 09-03 in the amount of \$320,000 for the Oklahoma City water line project and Richard Holland seconded the motion. Board polled: Frizzell-yes, Holland-yes, Molsbee-yes, Inskeep-yes, Nail-yes. Motion carried.

ITEM 6: DISCUSSION AND POSSIBLE ACTION ON AN AGREEMENT WITH JACK WALKER FOR AN EASEMENT ON THE EAST SIDE OF HIGHWAY 62 AT SW 16TH AND NORTH FOR ONE-HALF MILE

James Inskeep made the motion to approve the agreement with Jack Walker for an easement on the east side of Highway 62 at SW 16th and north for one-half-mile. Richard Holland seconded the motion. Board polled: Frizzell-yes, Holland-yes, Molsbee-yes, Inskeep-yes, Nail-yes. Motion carried.

ITEM 7: DISCUSSION AND POSSIBLE ACTION ON ACCEPTING A TEMPORARY EASEMENT FROM JACKIE HILL ON THE SE 40TH STREET BRIDGE PROJECT

Cindy Frizzell made the motion to accept a temporary easement from Jackie Hill on the SE 40th Street bridge project and Linda Molsbee seconded the motion. Board polled: Frizzell-yes, Holland-yes, Molsbee-yes, Inskeep-yes, Nail-yes. Motion carried.

ITEM 8: DISCUSSION AND POSSIBLE ACTION ON ACCEPTING AN EASEMENT FROM SHERRELL D. GRIFFITH AND SAUNDRA GRIFFITH HUSBAND AND WIFE, AND JUANITA GRIFFITH, TRUSTEE OF THE JUANITA GRIFFITH FAMILY TRUST DATED AUGUST 30, 1998, IN THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 10 NORTH, RANGE 4 WEST

Linda Molsbee made the motion to accept an easement from Sherrell D. Griffith and Sandra Griffith Husband and Wife, and Juanita Griffith, Trustee of the Juanita Griffith Family Trust dated August 30, 1998, in the southwest quarter of section 34, township 10 north, range 4 west. Cindy Frizzell seconded the motion. Board polled: Frizzell-yes, Holland-yes, Molsbee-yes, Inskeep-yes, Nail-abstained. Motion carried.

ITEM 9: DISCUSSION AND POSSIBLE ACTION ON ACKNOWLEDGEMENT OF PERMIT WL000038080998 FOR STATE HIGHWAY 62 AND FOX LANE WATER LINE EXTENSION

Richard Holland made the motion to acknowledge receipt of permit WL000038080998 for State Highway 62 and Fox Lane water line extension and Cindy Frizzell seconded the motion. Board polled: Frizzell-yes, Holland-yes, Molsbee-yes, Inskeep-yes, Nail-yes. Motion carried.

ITEM 10: CITY MANAGER'S COMMENTS

Mr. Nazar said the water department is wrapping up some projects and preparing for the major water line project.

Mr. Nazar reported that the water department is helping the street department with a couple of projects.

ITEM 11: TRUSTEE'S COMMENTS

None

ITEM 12: OLD BUSINESS

None

ITEM 13: NEW BUSINESS

None

ITEM 14: A. DISCUSSION AND POSSIBLE ACTION ON ENTERING INTO AN EXECUTIVE SESSION AS PERMITTED ON O.S. 307 B. 1 FOR DISCUSSING THE EMPLOYMENT, HIRING, APPOINTMENT, PROMOTION, DEMOTION, DISCIPLINING OR RESIGNATION OF ANY INDIVIDUAL SALARIED PUBLIC OFFICER OR EMPLOYEE (ANNUAL REVIEW FOR CITY MANAGER-NICK NAZAR)

Karl Nail made the motion to move this item to be heard under item 21 under the City Council agenda and James Inskeep seconded the motion. Board polled: Frizzell-yes, Holland-yes, Molsbee-yes, Inskeep-yes, Nail-yes. Motion carried.

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

ITEM 15: ADJOURNMENT

James Inskeep made the motion to adjourn at 8:36 p.m. and Richard Holland seconded the motion. Board polled: Frizzell-yes, Holland-yes, Molsbee-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**

DATE: February 9, 2009

TIME: 6:00 P.M.

PLACE: NEWCASTLE MULTI-PURPOSE CENTER
705 NW 10TH STREET

ITEM 1: CALL TO ORDER/ROLL CALL

Mayor Karl Nail called the regular meeting of the Newcastle City Council to order at 6:44 p.m.

PRESENT: Mayor Karl Nail
Vice Mayor James Inskeep
Council Member Richard Holland
Council Member Cindy Frizzell
Council Member Linda Molsbee

OTHERS PRESENT: Nick Nazar-City Manager, Ted Haxel-City Attorney, Sharon Ferguson-City Treasurer, Shirley Guffey-City Clerk

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

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

ITEM 3: CITIZEN'S COMMENTS

None

ITEM 4: CONSENT DOCKET

- a. Minutes
January 12, 2009
- 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 with \$706.06 for USA Mobility added to claims making the total \$91,013.62 and Linda Molsbee seconded the motion. Council polled: Frizzell-yes, Holland-yes, Molsbee-yes, Inskeep-yes, Nail-yes. Motion carried.

ITEM 5: DISCUSSION AND POSSIBLE ACTION ON PLANNING COMMISSION RECOMMENDATIONS

Planning Commission Item 9, (1-26-09 meeting)

A PUBLIC HEARING TO CONSIDER AN APPLICATION FOR USE PERMITTED ON REVIEW FOR A SPECIAL PERMIT FOR THE USE OF PLACING A PUBLIC CEMETERY LOCATED IN THE SE/4 SE/4 SE/4 OF SECTION 27, TOWNSHIP 9 NORTH, RANGE 4 WEST, I.M., MCCLAIN COUNTY, OKLAHOMA. PROPERTY OWNER: NEWCASTLE PUBLIC WORKS AUTHORITY PROPERTY LOCATION: 301 SW 24TH STREET, NEWCASTLE, OK (Case No. UPOR2008-003)

- a. **The Planning Commission recommends approval of the Use Permitted on Review application for a public cemetery.**

James Inskeep made the motion to approve the Use Permitted on Review for a Special Permit for the placing of a public cemetery located in the SE/4 SE/4 SE/4 Section 27, Township 9 North, Range 4 West and Linda Molsbee seconded the motion. Council polled: Frizzell-yes, Holland-yes, Molsbee-yes, Inskeep-yes, Nail-yes. Motion carried.

Planning Commission Item 10, (1-26-09 meeting)

A PUBLIC HEARING TO CONSIDER AN APPLICATION FOR USE PERMITTED ON REVIEW FOR A SPEICAL PERMIT TO DRILL FOR CARL E. GUNGOLL EXPLORATION, INC. LOCATED IN THE SW/4 NE/4 OF SECTION 8, TOWNSHIP 8 NORTH, RANGE 3 WEST, I.M., MCCLAIN COUNTY, OKLAHOMA. PROPERTY OWNER: JIMMY R. B. JONES. PROPERTY LOCATION: 3645 SE 44TH STREET, NEWCASTLE, OKLAHOMA (Case No. UPOR2009-001)

- a. **The Planning Commission recommends approval of the Use Permitted on review for Jimmy Jones subject to amended site plan showing location of nearest residence and a copy of the Surface Damage Agreement of Affidavit from Mr. Gasso regarding roadway**

James Inskeep made the motion to approve the Use Permitted on Review with terms agreed upon by the Planning and Zoning Commission for a special permit to drill for Carl E. Gungoll Exploration, Inc. in the SW/4 NE/4 of Section 8, Township 8 North, Range 3 West and Linda Molsbee seconded the motion. Council polled: Frizzell-yes, Holland-yes, Molsbee-yes, Inskeep-yes, Nail-yes. Motion carried.

Planning Commission Item 11, (1-26-09 meeting)

A PUBLIC HEARING TO CONSIDER AN APPLICATION FOR REZONING FOR A (AGRICULTURE) TO I-H-2 (HEAVY INDUSTRY DISTRICT) FOR KURT WULLICH LOCATED IN SECTION 3, TOWNSHIP 8 NORTH, RANGE 3 WEST, I.M., MCCLAIN COUNTY, OKLAHOMA. PROPERTY LOCATION: SE 40TH STREET, NEWCASTLE, OKLAHOMA. (Case No. R2009-001)

- a. **The Planning Commission recommends adoption or Ordinance #637 Rezoning from Agriculture to Heavy Industry District.**

James Inskeep made the motion to approve Ordinance 637 rezoning from Agriculture to Heavy Industry District for Kurt Wulich located in Section 3, Township 8 North, Range 3

West. Richard Holland seconded the motion. Council polled: Frizzell-yes, Holland-yes, Molsbee-yes, Inskeep-yes, Nail-yes. Motion carried.

b. Adoption of the emergency provision for Ordinance #637.

James Inskeep made the motion to adopt the emergency provision for Ordinance 637 and Richard Holland seconded the motion. **Council polled: Frizzell-yes, Holland-yes, Molsbee-yes, Inskeep-yes, Nail-yes. Motion carried.**

**Planning Commission Item 12, (1-26-09 meeting)
DISCUSSION AND POSSIBLE ACTION ON AMENDED FINAL PLAT
OF BRADFORD PLACE, SECTION IV**

a. The Planning Commission recommends amended final plat of Bradford Place, Section IV

James Inskeep made the motion to approve the amended final plat of Bradford Place, Section IV, Phase one, subject to the following conditions.

- 1. Solid concrete retaining wall on east property line excavation/cut subject to the following requirements:**
 - A. Engineering design submitted to and approved by City Engineer prior to commencement of any lot construction.**
 - B. Retaining wall may be constructed in segments with the south end of each segment extending across the south, adjacent lot not then having a house built thereon (the wall must extend across the adjustment empty lot.**
- 2. No construction past the construction of the slab (or foundation if not slab construction) shall be inspected or permitted until the retaining wall has been inspected and approved on the subject lot and the adjacent empty lot.**
- 3. Sod shall be installed and maintained through established growth as a continuing part of retaining wall construction.**
- 4. An emergency vehicle gravel turn-around (sufficient to provide a stable base for Newcastle fire trucks) shall be constructed at the south end of the Phase 1 development (turn-around may extend into phase 2) and a temporary easement shall be granted to the City for said turn-around (to be approved by the City Attorney before initial lot construction.**
- 5. The east property line cut on phase 2 property shall be stabilized as to slope and sodding (strip sodding is acceptable) to the approval and acceptance of the City Engineer (on or before May 1, 2009).**
- 6. Bradford Place IV, phase 1 and 2, drainage and retention shall be developed and functional to acceptance of City Engineer prior to commencement of construction.**

Mr. Inskeep's motion was seconded by Richard Holland. Council polled: Molsbee-yes, Frizzell-yes, Holland-yes, Inskeep-yes, Nail-yes. Motion carried.

ITEM 6: DISCUSSION AND POSSIBLE ACTION ON COMMITMENT OF FUNDS FOR STORM SIREN PROJECTS FOR \$28,951.85

James Inskeep made the motion to approve the commitment of funds for storm sirens in the amount of \$15,628.85 at three chosen locations and direct the City to prepare a master plan for additional sirens. Richard Holland seconded the motion. Council polled: Frizzell-yes, Holland-yes, Molsbee-yes, Inskeep-yes, Nail-yes. Motion carried.

ITEM 7: DISCUSSION AND POSSIBLE ACTION TO USE FIRE DEPARTMENT COUNTY TAX FUNDS TO PAY OFF LOAN ON 2008Ford F-550 BRUSH PUMPER IN THE AMOUNT OF \$89,959.85

James Inskeep made the motion to direct the fire chief to direct the County to use County Tax funds to pay off the loan on the 2008 Ford F-550 Brush Pumper and Richard Holland seconded the motion. Council polled: Frizzell-yes, Holland-yes, Molsbee-yes, Inskeep-yes, Nail-yes. Motion carried.

ITEM 8: DISCUSSION AND POSSIBLE ACTION ON GENERAL FUND BUDGET AMENDMENT FORM 09-03 IN THE AMOUNT OF \$130,300.00 FOR SAFE ROUTE TO SCHOOL GRANT AND MATCH

Richard Holland made the motion to approve General Fund budget amendment for 09-03 in the amount of \$130,300.00 for the Safe Route to School Grant and Match. Linda Molsbee seconded the motion. Council polled: Frizzell-yes, Holland-yes, Molsbee-yes, Inskeep-yes, Nail-yes. Motion carried.

ITEM 9: DISCUSSION AND POSSIBLE ACTION ON AN AGREEMENT WITH JACK WALKER FOR AN EASEMENT ON THE EAST SIDE OF HIGHWAY 62 AT SW 16TH AND NORTH FOR ONE-HALF MILE

James Inskeep made the motion to accept the agreement with Jack Walker for an easement on the east side of Highway 62 at SW 16th and North for one-half mile. Cindy Frizzell seconded the motion. Council polled: Frizzell-yes, Holland-yes, Molsbee-yes, Inskeep-yes, Nail-yes. Motion carried.

ITEM 10: DISCUSSION AND POSSIBLE ACTION ON ACCEPTING A TEMPORARY EASEMENT FROM JACKIE HILL ON THE SE 40TH STREET BRIDGE PROJECT

James Inskeep made the motion to accept a temporary easement from Jackie Hill on the SE 40th Street bridge project and Linda Molsbee seconded the motion. Council polled: Frizzell-yes, Holland-yes, Molsbee-yes, Inskeep-yes, Nail-yes. Motion carried.

ITEM 11: DISCUSSION AND POSSIBLE ACTION ON ACCEPTING AN EASEMENT FROM SHERRELL D. GRIFFITH AND SAUNDRA GRIFFITH HUSBAND AND WIFE, AND JUANITA GRIFFITH, TRUSTEE OF THE JUANITA GRIFFITH FAMILY TRUST DATED

**AUGUST 30, 1998, IN THE SOUTHWEST QUARTER OF SECTION 34,
TOWNSHIP 10 NORTH, RANGE 4 WEST**

James Inskeep made the motion to accept and easement from Sherrell D. Griffith and Saundra Griffith Husband and Wife, and Juanita Griffith, Trustee of the Juanita Griffith Family Trused dated August 30, 1998, in the Southwest Quarter of Section 34, Township 10 North, Range 4 West and Cindy Frizzell seconded the motion. Council polled: Frizzell-yes, Holland-yes, Molsbee-yes, Inskeep-yes, Nail-abstained. Motion carried.

**ITEM 12: DISCUSSION AND POSSIBLE ACTION ON CEMETERY BOARD
RECOMMENDATION TO NAME THE CEMETERY "NEWCASTLE
MEMORIAL GARDENS"**

Cindy Frizzell made the motion to approve the recommendation of the Cemetery Board to name the Cemetery "Newcastle Memorial Gardens". Richard Holland seconded the motion. Council polled: Frizzell-yes, Holland-yes, Molsbee-yes, Inskeep-yes, Nail-yes. Motion carried.

**ITEM 13: DISCUSSION AND POSSIBLE ACTION ON 2009 TENNIS IN THE
PARKS REGISTRATION PARTICIPATION AND APPLY FOR THE
2009 USTA RECREATIONAL TENNIS GRANT**

Richard Holland made the motion to apply for the 2009 USTA Recreational Tennis Grant and Linda Molsbee seconded the motion. Council polled: Frizzell-yes, Holland-yes, Molsbee-yes, Inskeep-yes, Nail-yes. Motion carried.

**ITEM 14: DISCUSSION AND POSSIBLE ACTION ON A MUTUAL AID
AGREEMENT BY AND BETWEEN THE CITY OF TUTTLE POLICE
DEPARTMENT AND THE CITY OF NEWCASTLE POLICE
DEPARTMENT**

Cindy Frizzell made the motion to approve the Mutual Aid Agreement by and between the City of Tuttle Police Department and the City of Newcastle Police Department and Richard Holland seconded the motion. Council polled: Frizzell-yes, Holland-yes, Molsbee-yes, Inskeep-yes, Nail-yes. Motion carried.

**ITEM 15: DISCUSSION AND POSSIBLE ACTION ON ACKNOWLEDGEMENT
OF PERMIT WL000038080998 FOR STATE HIGHWAY 62 AND FOX
LANE WATER LINE EXTENSION**

James Inskeep made the motion to acknowledge receipt of permit WL000038080998 for State Highway 62 and Fox Lane water line extension and Linda Molsbee seconded the motion. Council polled: Frizzell-yes, Holland-yes, Molsbee-yes, Inskeep-yes, Nail-yes. Motion carried.

**ITEM 16: DISCUSSION AND POSSIBLE ACTION ON DECLARING OBSOLETE
OFFICE EQUIPMENT AND AUTHORIZING THE CITY MANAGER TO
DISPOSE OF SAME**

James Inskeep made the motion to declare certain office equipment obsolete and authorize the City Manager to dispose of same. Linda Molsbee seconded the motion. Council polled: Frizzell-yes, Holland-yes, Molsbee-yes, Inskeep-yes, Nail-yes. Motion carried.

ITEM 17: CITY MANAGER'S COMMENTS

Mr. Nazar reported that the Street Department is finishing up on FEMA projects, the shop has been cleaned and the fence extended and City Hall is looking at new utility billing software

ITEM 18: COUNCIL MEMBER'S COMMENTS

James Inskeep asked about the water rates survey and Mr. Nazar advised the Sullivan Engineering was working on this and Kenny was putting together several scenarios.

Richard Holland asked that the future budget include plans for sirens.

James Inskeep said he had received complaints of semi-trucks running the red light at Highway 37 and Highway 76. The Council suggested a flashing light or possibly a longer yellow light.

James Inskeep mentioned that the light on the motel sign on the service road west of I-44 shines out and Mr. Nazar said he would see if it had a shield.

Richard Holland said there is a wash out on Larry Street.

ITEM 19: OLD BUSINESS

None

ITEM 20: NEW BUSINESS

None

ITEM 21: A. DISCUSSION AND POSSIBLE ACTION ON ENTERING INTO AN EXECUTIVE SESSION AS PERMITTED ON O.S. 307 B. 1 FOR DISCUSSING THE EMPLOYMENT, HIRING, APPOINTMENT, PROMOTION, DEMOTION, DISCIPLINING OR RESIGNATION OF ANY INDIVIDUAL SALARIED PUBLIC OFFICER OR EMPLOYEE (ANNUAL REVIEW FOR CITY MANAGER-NICK NAZAR)

James Inskeep made the motion to enter into executive session with the City Attorney and the City Manager at 7:40 p.m. and Cindy Frizzell seconded the motion. Council polled: Frizzell-yes, Holland-yes, Molsbee-yes, Inskeep-yes, Nail-yes. Motion carried.

James Inskeep made the motion to come out of executive session at 8:35 p.m. and Linda Molsbee seconded the motion. Council polled: Frizzell-yes, Holland-yes, Molsbee-yes, Inskeep-yes, Nail-yes. Motion carried.

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

There was no action on any items discussed in executive session.

ITEM 22: ADJOURNMENT

James Inskip made the motion to adjourn at 8:36 p.m. and Richard Holland seconded the motion. Council polled: Frizzell-yes, Holland-yes, Molsbee-yes, Inskip-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

Mayor

Vice-Mayor

Council Member

Council Member

Council Member