

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

**DATE:** August 24, 2009

**TIME:** 6:00 P.M.

**PLACE:** NEWCASTLE MULTI-PURPOSE CENTER  
705 NW 10<sup>TH</sup> STREET

**ITEM 1: CALL TO ORDER/ROLL CALL**

Chairman Karl Nail called the special meeting of the Newcastle Public Works Authority to order at 6:02 p.m.

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

**ABSENT:** None

**OTHERS PRESENT:** Nick Nazar, City Manager; Ted Haxel, City Attorney; Gordon Harness, Planning Commission Chairman; Camille Dowers, City Clerk; and Kenny Sullivan, P.E., of Glenn Sullivan & Associates, Inc.

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

Motion was made by James Inskeep and seconded by Linda Molsbee to approve the agenda. Board polled: Inskeep-yes; Frizzell-yes; Molsbee-yes; Turner-yes; Nail-yes. Motion carried.

**ITEM 3: CITIZENS' COMMENTS**

None

**ITEM 4: DISCUSSION AND POSSIBLE ACTION ON WATER RATE STUDY**

Kenny Sullivan, P.E., of Glenn Sullivan & Associates, Inc., reported on the water rate study. Copies were distributed to the Board as modified by Mr. Sullivan. The rate study proposes annual incremental increases, with the base fee to cover 2,000 gal. The initial rate proposed is \$3.25 per thousand gallons used, above what Oklahoma City charges the City of Newcastle for water. City attorney Ted Haxel will be working with Mr. Sullivan on a Resolution for consideration by the Board.

**ITEM 5: CITY MANAGER'S COMMENTS**

City Manager Nick Nazar reported documents for the water project are nearing completion for approval by DEQ. City Engineer Kenny Sullivan announced there is a new project manager at DEQ, Tiger Feng, who replaces Justin Hodge, and that authorization to advertise for bids should be received soon.

**ITEM 6: TRUSTEES' COMMENTS**

None

**ITEM 7: OLD BUSINESS**

None

**ITEM 8: NEW BUSINESS**

None

**ITEM 9: ADJOURNMENT**

Motion was made by James Inskeep and seconded by Linda Molsbee to adjourn. Board polled: Frizzell-yes; Molsbee-yes; Turner-yes; Inskeep-yes; Nail-yes. The motion carried and the meeting was adjourned at 6:15 p.m.

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

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Chairman

\_\_\_\_\_  
Vice Chairman

\_\_\_\_\_  
Trustee

\_\_\_\_\_  
Trustee

\_\_\_\_\_  
Trustee

**MINUTES OF A SPECIAL  
MEETING OF THE NEWCASTLE CITY COUNCIL  
(Opening Prayer and Flag Salute)**

**DATE:** August 24, 2009

**TIME:** 6:00 P.M.

**PLACE:** NEWCASTLE MULTI-PURPOSE CENTER  
705 NW 10<sup>TH</sup> STREET

**ITEM 1: CALL TO ORDER/ROLL CALL**

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

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

**ABSENT:** None

**OTHERS PRESENT:** Nick Nazar, City Manager; Ted Haxel, City Attorney; Gordon Harness, Planning Commission Chairman; Camille Dowers, City Clerk; and Kenny Sullivan, P.E., of Glenn Sullivan & Associates, Inc.

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

Motion was made by Linda Molsbee and seconded by James Inskeep to approve the agenda. Council polled: Inskeep-yes; Frizzell-yes; Molsbee-yes; Turner-yes; Nail-yes. Motion carried.

**ITEM 3: CITIZENS' COMMENTS**

None

**ITEM 4: DISCUSSION AND POSSIBLE ACTION ON PLANNING AND ZONING COMMISSION RECOMMENDATIONS**

**PLANNING COMMISSION ITEM 8 (5-18-09 Meeting)  
A PUBLIC HEARING TO CONSIDER AN APPLICATION FOR USE PERMITTED ON REVIEW FOR THERESA MONNARD/ROCKY SPOT RESCUE, INC. FOR THE USE OF A NON-PROFIT ANIMAL RESCUE LOCATED IN A PART OF THE NE/4 NW/4 NW/4 OF SECTION 1, TOWNSHIP 8 NORTH, RANGE 4 WEST, I.M., MCCLAIN COUNTY, OKLAHOMA, PROPERTY ADDRESS: 1838 SE 32<sup>ND</sup> STREET, NEWCASTLE, OKLAHOMA (Case No. UPOR2009-002)**

**a. The Planning and Zoning Commission recommends conditional approval of the Use Permitted on Review for Rocky Spot Rescue, Inc.**

City Attorney Ted Haxel requested Item 4 be tabled to follow Item 23 (Executive Session). Motion was made by Linda Molsbee and seconded by Jim Inskeep to table Item 4 to follow Item 23. Council polled: Frizzell-yes; Molsbee-yes; Turner-yes; Inskeep-yes; Nail-yes. Motion carried.

**ITEM 5: DISCUSSION AND POSSIBLE ACTION ON MUTUAL AID AGREEMENT BETWEEN THE CITY OF NEWCASTLE AND McCLAIN-GRADY COUNTY EMS**

Motion was made by Jim Inskeep and seconded by Chris Turner to approve Mutual Aid Agreement between the City of Newcastle and McClain-Grady County EMS. Council polled: Molsbee-yes; Turner-yes; Inskeep-yes; Frizzell-yes; Nail-yes. Motion carried.

**ITEM 6: DISCUSSION AND POSSIBLE ACTION ON MUTUAL ASSISTANCE AGREEMENT BETWEEN THE CITY OF NEWCASTLE AND THE CITY OF TUTTLE**

Motion was made by Jim Inskeep and seconded by Chris Turner to approve Mutual Aid Agreement between the City of Newcastle and the City of Tuttle. Council polled: Turner-yes; Inskeep-yes; Frizzell-yes; Molsbee-yes; Nail-yes. Motion carried.

**ITEM 7: DISCUSSION AND POSSIBLE ACTION ON MUTUAL AID AGREEMENT BETWEEN THE CITY OF NEWCASTLE AND THE CITY OF BLANCHARD**

Motion was made by Jim Inskeep and seconded by Linda Molsbee to approve Mutual Aid Agreement between the City of Newcastle and the City of Blanchard. Council polled: Inskeep-yes; Frizzell-yes; Molsbee-yes; Turner-yes; Nail-yes. Motion carried.

**ITEM 8: DISCUSSION AND POSSIBLE ACTION ON INTERLOCAL AGREEMENT BETWEEN THE CITY OF NEWCASTLE AND THE TOWN OF GOLDSBY**

No action was taken on Item 8.

**ITEM 9: DISCUSSION AND POSSIBLE ACTION ON MUTUAL AID AGREEMENT BETWEEN THE CITY OF NEWCASTLE AND THE TOWN OF COLE**

Motion was made by Jim Inskeep and seconded by Linda Molsbee to approve Mutual Aid Agreement between the City of Newcastle and the Town of Cole. Council polled: Frizzell-yes; Molsbee-yes; Turner-yes; Inskeep-yes; Nail-yes. Motion carried.

**ITEM 10: DISCUSSION AND POSSIBLE ACTION ON INTERLOCAL AGREEMENT FOR JAIL SERVICES BETWEEN THE CITY OF NEWCASTLE AND McCLAIN COUNTY SHERIFF'S OFFICE**

Motion was made by Jim Inskeep and seconded by Cindy Frizzell to approve Interlocal Agreement for Jail Services between the City of Newcastle and McClain County Sheriff's Office, subject to modification correcting the term covered by the agreement to read July 1, 2009, through June 30, 2010. Council polled: Molsbee-yes; Turner-yes; Inskeep-yes; Frizzell-yes; Nail-yes. Motion carried.

**ITEM 11: DISCUSSION AND POSSIBLE ACTION ON MUTUAL AID AGREEMENT BETWEEN THE CITY OF NEWCASTLE AND McCLAIN COUNTY BOARD OF COUNTY COMMISSIONERS**

Motion was made by Jim Inskip and seconded by Cindy Frizzell to approve Mutual Aid Agreement between the City of Newcastle and the McClain County Board of County Commissioners. Council polled: Turner-yes; Inskip-yes; Frizzell-yes; Molsbee-yes; Nail-yes. Motion carried.

**ITEM 12: DISCUSSION AND POSSIBLE ACTION ON INTERLOCAL AGREEMENT BETWEEN THE CITY OF NEWCASTLE AND CHICKASAW ENTERPRISES**

City attorney Ted Haxel reported that Items 12 and 14 are the same and that a previous agreement with Chickasaw Enterprises has been entered into and is in effect. No action was taken.

**ITEM 13: DISCUSSION AND POSSIBLE ACTION ON MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF NEWCASTLE AND CHICKASAW ENTERPRISES REGARDING EXECUTION OF ROAD EASEMENT AND ROAD CONSTRUCTION PROJECT**

No action was taken.

**ITEM 14: DISCUSSION AND POSSIBLE ACTION ON AGREEMENT BETWEEN THE CITY OF NEWCASTLE AND CHICKASAW ENTERPRISES FOR MUTUAL ASSISTANCE FOR FIRE, DISASTER AND OTHER CASUALTY PROTECTION FOR RIVERWIND CASINO**

No action was taken.

**ITEM 15: DISCUSSION AND POSSIBLE ACTION ON MUTUAL AID AGREEMENT BETWEEN THE CITY OF NEWCASTLE AND HEART OF OKLAHOMA CHAPTER OF THE AMERICAN RED CROSS**

Motion was made by Linda Molsbee and seconded by Jim Inskip to approve Mutual Aid Agreement between the City of Newcastle and the Heart of Oklahoma Chapter of the American Red Cross. Council polled: Inskip-yes; Frizzell-yes; Molsbee-yes; Turner-yes; Nail-yes. Motion carried.

**ITEM 16: DISCUSSION AND POSSIBLE ACTION ON INTERLOCAL AGREEMENT BETWEEN THE CITY OF NEWCASTLE AND NEWCASTLE CHAMBER OF COMMERCE**

Motion was made by Chris Turner and seconded by Cindy Frizzell to approve Interlocal Agreement between the City of Newcastle and the Newcastle Chamber of Commerce as amended for \$1,850.00. Council polled: Frizzell-yes; Molsbee-yes; Turner-yes; Inskip-yes; Nail-yes. Motion carried.

**ITEM 17: DISCUSSION AND POSSIBLE ACTION ON INTERLOCAL AGREEMENT BETWEEN THE CITY OF NEWCASTLE AND NEWCASTLE YOUTH COUNCIL**

Motion was made by Cindy Frizzell and seconded by Chris Turner to approve Interlocal Agreement between the City of Newcastle and the Newcastle Youth Council. Council polled: Molsbee-yes; Turner-yes; Inskip-yes; Frizzell-yes; Nail-yes. Motion carried.

**ITEM 18: DISCUSSION AND POSSIBLE ACTION ON SENDING A DELEGATION TO THE ICSC TEXAS AND OKLAHOMA CONFERENCE**

Newcastle Chamber of Commerce Executive Director Kim Brown appeared and requested a delegation be sent to the ICSC Oklahoma/Arkansas Exchange 2009, in Tulsa. Motion was made by Jim Inskeep and seconded by Cindy Frizzell to sponsor Kim Brown's attendance at the ICSC Oklahoma/Arkansas Exchange in Tulsa on Tuesday, September 1, 2009, for one day. Council polled: Turner-yes; Inskeep-yes; Frizzell-yes; Molsbee-yes; Nail-yes. Motion carried.

Newcastle Chamber of Commerce Executive Director Kim Brown appeared and requested a delegation be sent to the ICSC Texas Conference and Deal Making 2009 in San Antonio, Texas. Motion was made by Jim Inskeep and seconded by Cindy Frizzell to send a delegation of four (4) people to the ICSC Texas Conference and Deal Making 2009 on Tuesday, November 3, 2009, and to return on Wednesday, November 4, 2009. Council polled: Inskeep-yes; Frizzell-yes; Molsbee-yes; Turner-yes; Nail-yes. Motion carried.

**ITEM 19: CITY MANAGER'S COMMENTS**

City Manager Nick Nazar Glenn reported that Street Superintendent Glen Haynes has been working to get the school project completed. He also reported on possible street projects including 14<sup>th</sup> St., Carr Dr., Doris, Belinda, Veterans Parkway and NW 10<sup>th</sup>, excepting Eunice which needs drainage repairs before proceeding with street improvements. Estimated total cost of oil and chip for the street projects is \$20,690, of which \$2,200 represents asphalt repair costs. The city will proceed with asphalt repairs but will plan to oil and chip in the spring during warmer weather.

**ITEM 20: COUNCIL MEMBERS' COMMENTS**

Chris Turner complimented the new bus route at the school. Jim Inskeep reported that boats and cars are still on the easement. Nick Nazar will take this matter to Code Enforcement. Cindy Frizzell requested additional enforcement on additions to buildings which are being built without permits and code enforcement regarding signage in the city.

**ITEM 21: OLD BUSINESS**

None

**ITEM 22: NEW BUSINESS**

None

**ITEM 23: A. 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)**

**B. DISCUSSION AND POSSIBLE ACTION ON ENTERING INTO AN EXECUTIVE SESSION AS PERMITTED UNDER 25 O.S. SECTION 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 (ROCKY SPOT RESCUE)**

Motion was made by Jim Inskeep and seconded by Cindy Frizzell for the council to enter into executive session with the City Attorney, City Manager and Planning Commission Chair. Council polled: Frizzell-yes; Molsbee-yes; Turner-yes; Inskeep-yes; Nail-yes. Motion carried. Mayor Karl Nail declared a five minute recess preceding the executive session.

Motion was made by Jim Inskeep and seconded by Linda Molsbee to come out of executive session. Council polled: Molsbee-yes; Turner-yes; Inskeep-yes; Frizzell-yes; Nail-yes. Motion carried.

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

No action was taken.

Mayor Karl Nail called Item 4, previously tabled to follow executive session. Public comment was requested. Attorney Greg Dixon appeared on behalf of Carol and Gary Thompson. Motion was made by Jim Inskeep and seconded by Cindy Frizzell to accept the recommendation of the Planning and Zoning Commission in Case No. UPOR2009-002 for Use Permitted on Review for Theresa Monnard/Rocky Spot Rescue, Inc. as to the one-acre of agricultural zoned land, excluding all recommendations as to the E-2 zoned property, and striking the recommendation for six month review with future review to be treated like every other kennel in Newcastle. Council polled: Turner-yes; Inskeep-yes; Frizzell-yes; Molsbee-yes; Nail-yes. Motion carried.

**ITEM 24: ADJOURNMENT**

Motion was made by Jim Inskeep and seconded by Linda Molsbee to adjourn. Council polled: Inskeep-yes; Frizzell-yes; Molsbee-yes; Turner-yes; Nail-yes. Motion carried and the meeting was adjourned at 8:50 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.

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Mayor

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Vice Mayor

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Council Member

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Council Member

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Council Member