

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

**DATE:** June 29, 2009

**TIME:** 4:20 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 to order at 4:21 p.m.

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

**OTHERS PRESENT:** Nick Nazar-City Manager, Ted Haxel-City Attorney, Rhonda O'Connor-Deputy 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: Inskeep-yes, Frizzell-yes, Molsbee-yes, Turner-yes, Nail-yes. Motion carried.

**ITEM 3:** CITIZEN'S COMMENTS

None

**ITEM 4:** CONSENT DOCKET

- a. Minutes
  - June 8, 2009
  - June 11, 2009
- b. Budget Amendment
- c. Claims
- d. Transfer of Funds
- e. Appropriation of Funds

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

**ITEM 5:** DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF RESOLUTION NO. 2009-014 APPROVING THE POLICY FOR LAPSING OF APPROPRIATIONS AT THE END OF THE CITY'S FISCAL YEAR, ESTABLISHING THE TREATMENT OF ENCUMBERANCES OUTSTANDING

**AT FISCAL YEAR END, AND ESTABLISHING AUTHORITY TO PROVIDE SUPPLEMENTAL APPROPRIATIONS IN THE FOLLOWING FISCAL YEAR FOR SUCH ENCUMBERANCES RE-APPROVED**

**James Inskeep made the motion to approve Resolution 2009-014 and Cindy Frizzell seconded the motion. Board polled: Inskeep-yes, Frizzell-yes, Molsbee-yes, Turner-yes, Nail-yes. Motion carried.**

**ITEM 6: DISCUSSION AND POSSIBLE ACTION ON ACKNOWLEDGEMENT OF PERMIT WL000044090455**

**James Inskeep made the motion to approve Permit WL000044090455 and Chris Turner seconded the motion. Board polled: Inskeep-yes, Frizzell-yes, Molsbee-yes, Turner-yes, Nail-yes. Motion carried.**

**ITEM 7: CITY MANAGER'S COMMENTS**

**Mr. Nazar said the guys are ready to go as soon as we get the word from the Water Resources Board on the loan. The only hold up right now is the Water Resources Board wants a draft agreement from Oklahoma City and we put the last things in place to get that draft agreement. It should be early next week when we get the draft agreement and that should be the final requirement for our Water Resources Board loan to be approved.**

**ITEM 8: TRUSTEE'S COMMENTS**

**Cindy Frizzell said she noticed in the paper Tuttle got a big loan from the Water Resources Board. Mr. Nazar said they had gotten approved some time back and finally put in a plant.**

**ITEM 9: OLD BUSINESS**

**None**

**ITEM 10: NEW BUSINESS**

**None**

**ITEM 11: ADJOURNMENT**

**James Inskeep made the motion to adjourn at 4:39 p.m. and Linda Molsbee seconded the motion. Board polled: Inskeep-yes, Frizzell-yes, Molsbee-yes, Turner-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.

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Chairman

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Trustee

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Vice Chairman

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Trustee

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Trustee

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

**DATE:** June 29, 2009  
**TIME:** 4:20 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 4:39 p.m.

**PRESENT:** Mayor Karl Nail  
Vice Mayor James Inskeep  
Council Member Cindy Frizzell  
Council Member Linda Molsbee  
Council Member Chris Turner

**OTHERS PRESENT:** Nick Nazar-City Manager, Ted Haxel-City Attorney, Rhonda O'Connor-Deputy City Clerk

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

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

**ITEM 3:** CITIZEN'S COMMENTS

None

**ITEM 4:** CONSENT DOCKET

- a. Minutes  
June 8, 2009  
June 11, 2009
- b. Budget Amendment
- c. Claims
- d. Transfer of Funds
- e. Appropriation of Funds

James Inskeep made the motion to approve the consent docket including the budget amendments and Linda Molsbee seconded the motion. Council polled: Inskeep-yes, Frizzell-yes, Molsbee-yes, Turner-yes, Nail-yes. Motion carried.

**ITEM 5:** DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF RESOLUTION NO. 2009-013 APPROVING THE POLICY FOR LAPSING OF APPROPRIATIONS AT THE END OF THE CITY'S FISCAL YEAR,

**ESTABLISHING THE TREATMENT OF ENCUMBERANCES OUTSTANDING AT FISCAL YEAR END, AND ESTABLISHING AUTHORITY TO PROVIDE SUPPLEMENTAL APPROPRIATIONS IN THE FOLLOWING FISCAL YEAR FOR SUCH ENCUMBERANCES RE-APPROVED FOR 2009-2010**

James Inskeep made the motion to approve Resolution 2009-013 and Cindy Frizzell seconded the motion. Council polled: Inskeep-yes, Frizzell-yes, Molsbee-yes, Turner-yes, Nail-yes. Motion carried.

**ITEM 6: DISCUSSION AND POSSIBLE ACTION ON ACKNOWLEDGEMENT OF PERMIT WL000044090455**

James Inskeep made the motion to approve Permit WL000044090455 and Chris Turner seconded the motion. Council polled: Inskeep-yes, Frizzell-yes, Molsbee-yes, Turner-yes, Nail-yes. Motion carried.

**ITEM 7: CITY MANAGER'S COMMENTS**

Mr. Nazar said Glen's crews have been oiling and chipping last week. They got about six miles of oiling and chipping done.

Mr. Nazar said work had been done on the sports complex.

Mr. Nazar said the state has given us a huge amount of old guardrail.

Mr. Nazar said we got the easement and the agreement from the school. The school has taken down the fence and we have gotten the utilities moved for that project. We are anticipating finishing up at the sports complex and once we get that done they will be starting on the road project for the school.

Mr. Nazar said Dinah has been working real hard on trying to get things ready for July 3<sup>rd</sup>.

**ITEM 8: COUNCIL MEMBER'S COMMENTS**

James Inskeep said the wrestlers asked if it was too late to get a fireworks permit. Mr. Nazar said yes. James Inskeep asked if 75 days was too early to get a fireworks permit. Mr. Nazar said it is the way it has always been done but said we could modify and adjust it.

Cindy Frizzell asked where we were on the bridge (16<sup>th</sup> street). Mr. Nazar said right now he and Ted are getting ready to start working on easements.

**ITEM 9: OLD BUSINESS**

None

**ITEM 10: NEW BUSINESS**

None

**ITEM 11: 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 (NICK NAZAR)**

James Inskeep made the motion to enter into executive session at 4:46 p.m. with the City Attorney and the City Manager swapping Items A and B and Mr. Nazar will leave when discussing Item A. Linda Molsbee seconded the motion. Council polled: Inskeep-yes, Frizzell-yes, Molsbee-yes, Turner-yes, Nail-yes. Motion carried.

James Inskeep made the motion to come out of executive session at 5:30 p.m and Linda Molsbee seconded the motion. Council polled: Inskeep-yes, Frizzell-yes, Molsbee-yes, Turner-yes, Nail-yes. Motion carried.

**B. 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 (RIVERVIEW LLC, MCMAHAN, NEWCASTLE WATER WELLS)**

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

**B. James Inskeep made the motion to join as partner plaintiffs in a lawsuit to be filed in McClain County concerning Section 20, Township 10 North, Range 4 West and Chris Turner seconded the motion. Council polled: Inskeep-yes, Frizzell-yes, Molsbee-yes, Turner-yes, Nail-yes. Motion carried.**

**A. James Inskeep made the motion to direct the City Attorney to hire Michael Bates and assist him in an independent investigation of the City Manager and other issues. Cindy Frizzell seconded the motion. Council polled: Inskeep-yes, Frizzell-yes, Molsbee-yes, Turner-yes, Nail-yes. Motion carried.**

**ITEM 12: ADJOURNMENT**

James Inskeep made the motion to adjourn at 5:33 p.m. and Chris Turner seconded the motion. Council polled: Inskeep-yes, Frizzell-yes, Molsbee-yes, Turner-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.

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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