

## MINUTES OF WAGONER COUNTY COMMISSION MEETING

Monday, January 31<sup>st</sup>, 2011

The Board of Wagoner County Commissioners met with James Hanning, Chairman; Tim Kelley, Vice-Chairman; Chris Edwards, member; Carolyn Kusler, County Clerk; and Bobbi Fears, Secretary. Also in attendance was Assistant District Attorney John David Luton. Advance notice of the meeting was posted on bulletin boards and public entrances of the Wagoner County Courthouse on January 28<sup>th</sup>, 2011.

Location: Wagoner County Courthouse  
County Commissioner's Meeting Room

- I. The meeting was called to order by Chairman Hanning at 9:00am.
- II. Roll Call – All members present.
- III. The pledge of allegiance was led by Commissioner Hanning. The prayer was led by Laura Miller.
- IV. Motion by Commissioner Hanning to table approval of minutes of Special Meeting held January 27<sup>th</sup>, 2011. Seconded by Commissioner Kelley. With all members present, all voted aye. Motion carried.
- V. Financial Matters
  - A. Motion by Commissioner Edwards to approve deposits. Seconded by Commissioner Hanning. With all members present, all voted aye. Motion carried.
  - B. Motion by Commissioner Hanning to approve transfer of funds from C37-02-1A, C37-02-1C, & C37-03-2 to C37. Seconded by Commissioner Kelley. With all members present, all voted aye. Motion carried.
  - C. Motion by Commissioner Hanning to approve payment of \$4,455.50 to INCOG for 3<sup>rd</sup> quarter membership dues for FY 2010-11. Seconded by Commissioner Edwards. With all members present, all voted aye. Motion carried.
- VI. Motion by Commissioner Hanning to receive reports for the following:
  - A. Emergency Management & Safety for 2010
  - B. Oak Grove Fire Department for December 2010

Motion seconded by Commissioner Kelley. With all members present, all voted aye. Motion carried.

Commissioner Kelley requested that each department uses a format similar to Oak Grove report.

VII. Motion by Commissioner Hanning to send the following legal items to the District Attorney's office:

A. Summons and petition in Mill Creek Lumber & Supply versus Aspen Builders LLC in case no: CJ-2011-0039 and CJ-2011-0040.

B. Scheduling order and timeline in Solomon, L. versus Wagoner County in case no: CJ-07-173.

C. Summons and petition in Raylene Rish aka Ray Rich versus County Line Investment Company, et al, in case no: CV-2011-6.

Motion seconded by Commissioner Edwards. With all members present, all voted aye. Motion carried.

VIII. Action Items

A. The Board discussed a request to globally change number of rings from three to six before activating voicemail. Rhea Hanover presented a signature page of department heads requesting the change. Motion by Commissioner Edwards to approve changing the number of rings, and to request a waiver of fees from Green County Communications. Motion seconded by Commissioner Hanning. With all members present, all voted aye. Motion carried.

B. Motion by Commissioner Kelley to appoint Commissioner Hanning to the REAP Grant committee for INCOG. Seconded by Commissioner Edwards. With all members present, all voted aye. Motion carried.

C. Motion by Commissioner Hanning to approve the following Resolutions regarding items from the Storage Give-away:

1. Resolution 2011-007 to surplus three (3) computer workstations from the Election Board to Wagoner Public Schools.

2. Resolution 2011-008 to surplus phone systems and time clock from the Election Board.

3. Resolution 2011-009 to surplus three (3) computer monitors from the Election Board.

4. Resolution 2011-010 to surplus a copier from the Election Board to Toppers Fire Department.

5. Resolution 2011-011 to surplus a projector from the Election Board to the County Clerk.
6. Resolution 2011-012 to surplus a computer system from Planning & Zoning.
7. Resolution 2011-013 to surplus a storage rack from the Election Board to the Sheriff Department.
8. Resolution 2011-014 to surplus a camera, typewriter, and five (5) computer systems from the Health Department.
9. Resolution 2011-015 to surplus miscellaneous items from the County Clerk office to the Wagoner city office.
10. Resolution 2011-016 to surplus miscellaneous items from the County Clerk office.

Motion seconded by Commissioner Edwards. With all members present, all voted aye. Motion carried.

Commissioner Kelley inquired about 'miscellaneous' items listed on Resolution 2011-015 and 2011-016. Bobbi Fears stated these items were cables, cords, etc that were under \$500 in value, and therefore not required by law to be listed.

- D. Motion by Commissioner Hanning to disapprove Special Meeting agenda for Wednesday, February 2<sup>nd</sup>, 2011 at 1:00pm to open and award Bid #20 for sale of surplus of furniture and equipment from the storage give-away. Due to the inclement weather, Courthouse closure is expected. Motion seconded by Commissioner Edwards. With all members present, all voted aye. Motion carried.
- E. Motion by Commissioner Hanning to approve labor waiver to dump dirt and debris off county right-of-way at 26335 E. 211<sup>th</sup> St S at Haskell. Seconded by Commissioner Kelley. With all members present, all voted aye. Motion carried.
- F. Motion by Commissioner Edwards to approve Resolution 2011-006 regarding transfer of 2005 Chevy from Planning & Zoning to District 3.
- G. Motion by Commissioner Kelley to approve request by District 3 to change equipment from a front end loader to a tractor for the Road Machinery and Equipment Revolving Fund. Seconded by Commissioner Edwards. With all members present, all voted aye. Motion carried.

H. Larry Wilkenson, Election Board Secretary, addressed the Board regarding energy efficient doors and glass for the Election Board, which will match the new windows. Mr. Wilkenson presented ideas and quotes for the changes. Monty Proctor, County Engineer, stated there is a shortfall in the window replacement grant funds. Mr. Wilkenson suggested the use of the Courthouse Renovation fund, and/or funds from the Election Board budget. ADA Luton stated the Courthouse Renovation account could be utilized for this project.

Commissioner Edwards requested acquiring three quotes.

Motion by Commissioner Hanning to table any action to allow time to acquire two additional quotes, then revisit this item for funding options. Motion seconded by Commissioner Kelley. With all members present, all voted aye. Motion carried.

I. Commissioner Hanning stated concern regarding use of the Rolling Hills Community Center. The facility is currently being occupied with no insurance or contract, and is currently under legal dispute. Motion by Commissioner Hanning to limit access to the property and building until insurance for the building is provided, as well as a contract for access with the Rolling Hills Development Association. Motion seconded by Commissioner Kelley. With all members present, all voted aye. Motion carried.

J. Brenda Robertson addressed the Board regarding appeal of Planning Commission vote on January 25<sup>th</sup>, 2011 hearing of re-zoning case #5010-Clifford West. Mr. West applied in 2008 and was denied, and was recently denied a second time. Mr. West was noncompliant, and allowed business to continue without the required zoning and permits. Site plan drawings and photos by Mr. West were presented, as well as list of customers in favor of his scrap metal business. The following public comments were presented:

1. Jimmy Helms presented a list of property owners and residents of the area in opposition of the business. Mr. West has been denied by the Planning & Zoning Commission twice, yet continues to operate. Concerns include: property values, environmental concerns, adding industrial zoning to farm zoning, health concerns from metals.

2. Eddie Herndon presented concerns about having the business in the community, including affects on the water. Community is residential agriculture.
3. Joe Kinzer expressed concerns regarding refrigerant being released into the air, radioactive pipe in the yard without being charged, road traffic, noise increase, & legal precedence that would be set. Mr. Kinzer contacted DEQ, and was told there was no standards or guidelines for this type of operation.
4. Jackie Cruse presented the following concerns: noise level, growth of facility, allowance of any size & amounts of any metals, hours of operation, environmental hazards, discharge in storm water affecting cattle and in children's play area, decrease in property values, emissions, and toxicity issues.
5. Barbara Brooks expressed concerns regarding semi's unloading in traffic lanes, employment concerns on those working at Mr. West's facility, maintenance and upkeep of facility, air pollution, increased traffic, and disturbing noise.
6. Mr. & Mrs. Sweet and Mr. & Mrs. Parks presented comments to Commissioner Hanning.

Mr. West addressed the Board regarding his request and presented supporting documents, including signatures and maps. Mr. West stated expansion would not exceed the established one acre, and would not acquire more buildings pursuant to the concerns of the community. Mr. West also addressed the voiced concerns previously expressed.

Sandy Hodges, County Assessor, stated Mr. West has never returned documents sent by the Assessor's office regarding equipment for business use. Commissioner Hanning clarified that these forms could not be produced by Mr. West without an approval from Planning & Zoning.

Commissioner Hanning stated public safety is the concern, and recommended having soil & water testing completed on the property, as well as on the perimeter of property owners involved. Monty Proctor informed the Board of the costs involved, and stated bids could be acquired for the work. Mr. West cannot afford to have the testing completed himself.

Commissioner Edwards is concerned that the County has been cheated on taxes because of incorrect zoning on the property.

The Commissioners would like time to contact the judge regarding continuing operation of the facility without proper zoning, and would also like the opportunity to view the property. This item will be discussed in executive session in two weeks for legal review.

Motion by Commissioner Kelley to table any action for the following:

- a. View property
- b. Contact inspectors for testing
- c. Discuss with the judge regarding continuation of work, as well as the ability to enforce no work to be done until further conclusion

Motion seconded by Commissioner Hanning. With all members present, all voted aye. Motion carried.

The Board recessed at 12:15 for a ten minute break.

- K. The Board discussed exploration of the storm sewer issues in Renaissance Park II subdivision at lot 28 Block 2 which is the subject of a lawsuit. Motion by Commissioner Edwards to do an 'exploratory surgery' by shovel to uncover the pipe and run water through to determine if the pipe is leaking. Motion seconded by Commissioner Hanning. With all members present, all voted aye. Motion carried.

ADA John David Luton will contact Mr. Thurston to let him know what is being done.

- L. The Board opened and received the following bids for Bid #17 for pit ash for the Commissioners:
1. Mineral Resource Technologies      \$2.00/ton, picked up at plant
  2. Yates Trucking                              misc hauling rates
  3. Yocham Trucking                            misc hauling rates

Motion by Commissioner Edwards to accept all submitted bids based on availability. Seconded by Commissioner Kelley. With all members present, all voted aye. Motion carried.

- M. The Board opened and received the following bid for Bid #18 for light weight aggregate for the Commissioners:
1. Chandler Materials                              \$40.00/ton

Motion by Commissioner Kelley to accept the single bid. Seconded by Commissioner Edwards. With all members present, all voted aye. Motion carried.

- N. Gary Jones, state auditor, and his representative Attorney Riffe reviewed the draft report of the Wagoner County Educational Facilities Authority special audit. The audit is not official as of yet. The auditor recommended a second year audit by March 2011, to be paid by the Trust Authority. The Authority is due \$15,000 for administration fees. Mr. Riffe recommended collecting the fees, then dissolving the Trust. The money would then go to the beneficiary, Wagoner County. Commissioner Hanning stated the possible need to re-establish the Authority to handle the funds. The Commissioners can appoint members to the authority. The Board has ten days to respond before the audit is published.

Motion by Commissioner Hanning to recess at 1:40pm for a 30 minute lunch break. Seconded by Commissioner Edwards. With all members present, all voted aye. Motion carried. The Board went back in session at 2:22pm.

IX. Old Business.

- A. Motion by Commissioner Hanning to approve letters to be sent to all Wagoner County high schools regarding the Wagoner County seal. Seconded by Commissioner Kelley. With all members present, all voted aye. Motion carried.
- B. The Board discussed options regarding modifications and/or possible re-location of the County Commissioners meeting room. A floor plan previously constructed by BKL, Inc was utilized. Motion by Commissioner Hanning to allow Carolyn Kusler to contact BKL, Inc. for cost information on one, two, and three floors. Motion seconded by Commissioner Kelley. With all members present, all voted aye. Motion carried.
- C. Motion by Commissioner Hanning to table any action regarding chain of command for the Board of Commissioners offices and policy & procedures for offices. Seconded by Commissioner Kelley. With all members present, all voted aye. Motion carried.
- D. Motion by Commissioner Kelley to cancel Bid #16 for extrication equipment for StoneBluff Fire Department. This will be rebid to use more

specific specifications. Motion seconded by Commissioner Hanning. With all members present, all voted aye. Motion carried.

E. Motion by Commissioner Kelley to table any action regarding Crown Castle contract for easement. A new contract is being re-worked. Motion seconded by Commissioner Hanning. With all members present, all voted aye. Motion carried.

F. Rick Lang, operations manager, addressed the Board regarding RWD #4 waterline installation between Midway Road and 273<sup>rd</sup>, on 81<sup>st</sup>. Motion by Commissioner Hanning to honor the previously approved arrangement, including approving change in locations on an individual basis. Motion seconded by Commissioner Kelley. With all members present, all voted aye. Motion carried.

G. The Board discussed possible changes to the personnel manual, to include:

1. Sick leave policy.

Carolyn Kusler suggested no longer distinguishing between sick leave and vacation leave, but to combine for Personal Days Off (PDO). This would eliminate problems with OPERS.

Motion by Commissioner Kelley to allow a maximum of 159 accumulated sick hours, effective February 1<sup>st</sup>, 2011. Seconded by Commissioner Hanning. With all members present, all voted aye. Motion carried.

Current employees will not lose any accumulated time.

2. Twice monthly payroll.

Motion by Commissioner Edwards to continue with once a month payroll. Seconded by Commissioner Hanning. With all members present, all voted aye. Motion carried.

3. Adjustment to payroll pay period.

Motion by Commissioner Edwards to table any action regarding an adjustment to allow time for review. Seconded by Commissioner Hanning. With all members present, all voted aye. Motion carried.

X. New Business in accordance with 25 O.S. §311 A.

A. Monty Proctor inquired about the administrator over the energy efficiency window replacement program. Commissioner Kelley stated Jason Scott will remain filling the administrator position.

- XI. Announcements.
  - A. Commissioner Hanning stated the Courthouse will be closed tomorrow due to the impending weather. The Governor has already declared a state of emergency.
- XII. Public Comment: Limited to specific items listed on the Agenda or items related to County business or services. Each speaker is limited to three (3) minutes. – None.
- XIII. Motion by Commissioner Hanning to table all purchase orders and recess until Wednesday, weather permitting.
- XIV. Motion by Commissioner Hanning to adjourn at 4:15pm. Seconded by Commissioner Edwards. With all members present, all voted aye. Motion carried.

Presented and approved by the Wagoner County Commission on this 14<sup>th</sup> day of February, 2011.

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JAMES HANNING, CHAIRMAN

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TIM KELLEY, VICE-CHAIRMAN

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CHRIS EDWARDS, MEMBER

ATTEST CAROLYN KUSLER  
WAGONER COUNTY CLERK

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By: