

## MINUTES OF WAGONER COUNTY COMMISSION MEETING

Monday, February 28<sup>th</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 February 25<sup>th</sup>, 2011.

Location: Wagoner County Courthouse  
County Commissioner's Meeting Room

- I. The meeting was called to order by Chairman Hanning at 9:06am.
- II. Roll Call – All members present.
- III. The pledge of allegiance was led by Commissioner Hanning. The prayer was led by Laura Miller.
- IV. Approval of minutes of the previous Commission meeting was tabled due to an inaccurate date on agenda.
- V. Financial Matters
  - A. Motion by Commissioner Kelley to approve deposits. Seconded by Commissioner Edwards. With all members present, all voted aye. Motion carried.
  - B. Motion by Commissioner Edwards to approve special payroll for emergency workers, with exception to Melinda Cole, due to the relationship status. Seconded by Commissioner Kelley. With all members present, all voted aye. Motion carried.
  - C. Motion by Commissioner Edwards to approve Election Board Salary Reimbursement for January 2011 in the amount of \$3,907.50. Seconded by Commissioner Kelley. With all members present, all voted aye. Motion carried.
- VI. Motion by Commissioner Edwards to receive January 2011 reports for the following:
  - A. E-911
  - B. Election Board

C. Rolling Hills Fire Protection District regarding winter storm activities  
Seconded by Commissioner Hanning. With all members present, all voted  
aye. Motion carried.

VII. Action Items

A. Alan Parnell from OSU Extension presented the new Family & Consumer  
Educator, Dawn Andrew. Ms. Andrew was welcomed by the Board.

B. Motion by Commissioner Hanning to receive Wagoner County Educational  
Facilities Authority audit for FY2008–09. Seconded by Commissioner  
Edwards. With all members present, all voted aye. Motion carried.

C. Motion by Commissioner Hanning to table discussion regarding  
appointment of board member to the Wagoner County Educational  
Facilities Authority. No resignation letter has been received by the  
current board member. Motion seconded by Commissioner Edwards.  
With all members present, all voted aye. Motion carried.

D. Commissioner Kelley discussed problems regarding inaccurate  
notification of insurance cancellation for retirees. Carolyn Kusler, County  
Clerk, informed the Board that the issue is mostly resolved. Blue Cross  
Blue Shield applied payments received from retirees in a lump sum, which  
throws everyone into a deficit if someone doesn't pay. Kim Fulps with  
ArrowGroup is working on a resolution.

E. Carolyn Kusler explained the emergency request for personnel from the  
County Clerk. Because of insurance requirements and the growth of the  
County, an additional employee is needed in payroll/human resources.  
An employee from purchasing has already been transferred to fill this  
need. The purchasing position now needs to be replaced. The County  
Clerk office has not replaced two vacant positions due to budget  
constraints.

Motion by Commissioner Kelley to fill the position at \$11/hour, the costs  
to be transferred from the Commissioners Capital Outlay account to the  
Clerk's personnel to cover the remaining months in the fiscal year.

F. The Board discussed Green Country Communications maintenance  
contract, including telecommunications authorization letter. Sandy  
Hodges, County Assessor, and Gloria Marshall, County Treasurer,  
informed the Board of issues regarding non-compatibility of their system  
with the new phone system installed by Green Country. Both offices have

experienced many computer viruses and have been forced to replace computers. Bode Wilson from Green Country Communications explained that viruses come not from the phone system, but from various websites and emails that are accessed. Though it is not covered with the current contract, problems incurred from viruses have been repaired by Green Country at no cost to the County. Ms. Hodges has requested redundancy in the firewall for added protection.

Jeff Dewhirst, Green Country Communications technician, addressed concerns regarding system operation for E-911. Special applications have been designed to incorporate the use of the current phone system with Windstream due to the fact that all dispatch calls are handled by Windstream Communications.

Commissioner Hanning explained that some of the current problems are due to the fact that after the bid was awarded, adjustments had to be made. Therefore, some things are lacking to enable the system to operate flawlessly. Mr. Wilson explained moving forward to Phase II, which incorporates the County barns and the Election Board, will correct these issues. Until that time, Green Country Communications will receive and correct any issues that arise. Programs are already available and ready to be activated to block sites that place viruses on computers.

Motion by Commissioner Hanning to table approval of the maintenance contract until Green Country Communications can meet with Judy Elliot to disconnect unused lines, and all issues have been resolved. Motion seconded by Commissioner Kelley. With all members present, all voted aye.

Commissioner Hanning stated that Jaison Scott and Michael Miller can move forward with IT training for in house tech support, decreasing the cost for maintenance for the County.

- G. Alan Parnell addressed the Board regarding moving forward with a grant application for Wagoner County Economic Development Authority in partnership with the Arkansas Verdigris Valley Health Center (Porter Health Clinic). This is a USDA grant that will be used to purchase equipment for the Health Center. Motion by Commissioner Kelley to approve participation of Wagoner County Economic Development.

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

H. Motion by Commissioner Kelley to approve Resolution 2011-019 to surplus the following equipment from District 2:

1. 1998 Dodge Ram 2500
2. 1997 Ford tractor
3. Ferguson roller
4. Concrete trowel
5. Ditcher
6. Blitz power screed concrete trowel
7. Material spreader – drag box

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

I. Motion by Commissioner Edwards to approve Labor Waiver of agreement to purchase and dig shale for \$10 per load at 101<sup>st</sup> – 111<sup>th</sup> and 305<sup>th</sup> E Ave, with contingency to not violate the six month bid specifications. Motion seconded by Commissioner Kelley. With all members present, all voted aye. Motion carried.

J. Motion by Commissioner Hanning to table approval of Utility Permit 2011-3011 to plow and bore crossing of E 91<sup>st</sup> St & S 225<sup>th</sup> E Ave. Scott Brians, County Inspector, needs to review and check for compliance. Motion seconded by Commissioner Kelley. With all members present, all voted aye. Motion carried.

K. The Board discussed Rolling Hills Fire District current coverage area and possible expansion of the ad valorem base. Rolling Hills feels they are not receiving the full amount of ad valorem base that they are entitled to. Monies should be increasing due to expansion, but are decreasing instead. Rolling Hills would like to expand to include sections 20, 21, 16, 9, and 4. Carolyn Kusler will contact Jackie Carner from EODD to determine how new houses are added to the ad valorem base, and also clarify rules concerning annexations by cities within volunteer fire district boundaries. Motion by Commissioner Kelley to table any action. Seconded by Commissioner Edwards. With all members present, all voted aye. Motion carried.

- L. Motion by Commissioner Hanning to approve Utility Permits 2011-1000:1004 for bore crossings for RWD#4 road project, including location of waterline on County right-of-way. Seconded by Commissioner Kelley. With all members present, all voted aye. Motion carried.
- M. The Board discussed options regarding Terracom Consultants quote for soil testing on the property of Clifford West, as well as two additional quotes received. Commissioner Hanning inquired as to the responsibility or obligation and liability of the County regarding soil testing and the concerns of the neighboring citizens. ADA John David Luton stated this is not County property, so the County has no liability and no authority to conduct testing. Commissioner Edwards inquired about recourse regarding the fact that Mr. West has been denied twice from Planning & Zoning, yet continues to operate without required permits and proper zoning. ADA Luton stated the ruling from Planning & Zoning could be appealed to District Court, where, if upheld, could result in a cease and desist order. There is a civil remedy for the residents who live in the area. Commissioner Kelley informed the Board that when Mr. West was brought before the judge, he pleaded 'no contest' and paid the fines and court costs. The judge did not discuss the issue of Mr. West continuing operation. Commissioner Hanning stated the County does not have to pay the \$3,000-7,000 soil testing fee, but the County cannot force Mr. West to pay it either. DEQ and EPA are the agencies responsible for the question of contaminants because of the runoff. This is not an issue for Stormwater because it is not an urbanized area, but strictly AG. Motion by Commissioner Hanning to not consider any of the quotes at this time. Seconded by Commissioner Kelley. With all members present, all voted aye. Motion carried.
- N. Motion by Commissioner Hanning to table discussion regarding off system safety bridge inspection reports for Districts 1, 2, & 3, per request of Monty Proctor. Motion seconded by Commissioner Kelley. With all members present, all voted aye.
- O. Motion by Commissioner Hanning to table execution of Report of Conference between County & Bridge inspector, and approve invoice for

2008–2010 bridge inspections per request of Monty Proctor. Motion seconded by Commissioner Kelley. With all members present, all voted aye. Motion carried.

P. Motion by Commissioner Kelley to approve the following items from the StoneBluff Senior Citizen Trust Authority:

1. Invoice of charges for expenses incurred by District 3 for hours and road material expended during January 2011.
2. Proposal from architect for professional services in the amount of \$4,500.00.
3. Expenditure of \$6,350.95 for fence materials.
4. Final plans and specifications for bid documents.

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

Monty Proctor, County Engineer, addressed bid packet costs. Motion by Commissioner Hanning to allow a hard copy for \$25 per set, non-refundable. Those who receive the bid electronically will not be charged. Seconded by Commissioner Edwards. With all members present, all voted aye. Motion carried.

#### VIII. Old Business.

A. Motion by Commissioner Hanning to award Bid #21 for a heart monitor/defibrillator for the Broken Arrow Fire Department to PhysioCorporation, Inc. in the amount of \$40,540.00. Motion seconded by Commissioner Kelley. With all members present, all voted aye. Motion carried.

B. The Board discussed the Fair Board Election for 2011, including appointment of members to the Fair Board. Only one candidate filed during the filing period, so there is no need for an election. Motion by Commissioner Hanning to accept Brian Marlow as board member for District 1, to continue the three year term. Motion seconded by Commissioner Kelley. With all members present, all voted aye. Motion carried.

Carolyn Kusler will gather information regarding the remaining vacancies for each district for the Commissioners.

C. Monty Proctor presented the revised Interlocal Agreement for the Armed Forces Reserve Center road project. The Agreement is limited to sharing

the cost of the engineer, but without a cost estimate. Motion by Commissioner Hanning to table approval of the agreement until there is a dollar amount for engineer costs. Motion seconded by Commissioner Kelley. With all members present, all voted aye. Motion carried.

- D. The Board discussed the Fire Sales tax, City of Coweta's proposal to reduce their fire response area, and the possibility of an additional fire station. Coweta citizens were present to share their concerns and ideas. Larry Miller stated there is property available for fire stations on the east and west side of Coweta. The property could be donated as a tax write-off, which is approved by the IRS as long as the land is used for public use.

Commissioner Hanning informed those present of the results of the meeting with Coweta. Commissioner Hanning informed Coweta of the intent of the County to accept the void and disperse sales tax revenues to the districts with added response area. Coweta is considering assisting the County with needs to start one or two new fire departments. The Coweta citizens would like to continue gathering information regarding land, volunteers, etc. to move forward in establishing new fire departments.

The next meeting of the affected citizens is scheduled for March 10<sup>th</sup>, 2011 at the Methodist Church in Coweta.

- IX. New Business in accordance with 25 O.S. §311 A. – None.

- X. Announcements.

A. The Special Meeting to discuss the personnel policy manual has been rescheduled for Thursday, March 3<sup>rd</sup>, 2011 at 9:00am.

- XI. 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.

Motion by Commissioner Hanning to recess at 12:00pm for one hour. Motion seconded by Commissioner Kelley. With all members present, all voted aye. Motion carried.

The meeting was called back into session by Commissioner Hanning at 1:10pm.

- XII. Purchase orders
  - A. Motion by Commissioner Edwards to cancel purchase order numbers 4647, 4729, 4750, & 4760. Seconded by Commissioner Hanning. With all members present, all voted aye. Motion carried.
  - B. Motion by Commissioner Kelley to approve blanket purchase order numbers 4762, 4799-4806, 4869-4871, 4900, 4917, 4919, 4921-4926, 4928, 4930-4936, 4946, 4948, 4951-4955. Seconded by Commissioner Hanning. With all members present, all voted aye. Motion carried.
  - C. Motion by Commissioner Kelley to approve calendar claims. Seconded by Commissioner Edwards. With all members present, all voted aye. Motion carried.
- XIII. Motion by Commissioner Hanning to recess at 2:40pm. Seconded by Commissioner Edwards. With all members present, all voted aye. Motion carried.

Presented and approved by the Wagoner County Commission on this 7<sup>th</sup> day of March, 2011.

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JAMES HANNING, CHAIRMAN

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TIM KELLEY, VICE-CHAIRMAN

ATTEST CAROLYN KUSLER  
WAGONER COUNTY CLERK

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CHRIS EDWARDS, MEMBER

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By: