

MINUTES OF WAGONER COUNTY COMMISSION MEETING

Monday, March 7th, 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 March 3rd, 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 Bobbi Fears, Secretary. The prayer was led by Bill Hamilton, Chief at DAV.
- IV. The Board reviewed the following minutes of Commission meetings:
 - A. Motion by Commissioner Kelley to table approval of minutes dated February 22nd, 2011 due to item V–J referencing the wrong bridge. Motion seconded by Commissioner Hanning. With all members present, all voted aye. Motion carried.
 - B. Motion by Commissioner Hanning to approve minutes dated February 28th, 2011, with amendment to item V–B changing Linda to Melinda. Seconded by Commissioner Edwards. With all members present, all voted aye. Motion carried.
 - C. Motion by Commissioner Edwards to approve minutes dated March 3rd, 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 Kelley. With all members present, all voted aye. Motion carried.
 - B. Motion by Commissioner Edwards to approve appropriations. Seconded by Commissioner Hanning. With all members present, all voted aye. Motion carried.

- C. The Board discussed special payroll for Melinda Cole. Commissioner Hanning stated there is nothing in the personnel policy preventing the hiring of a relative. Nepotism relates only to an elected official. Motion by Commissioner Edwards to approve special payroll. Seconded by Commissioner Hanning. With all members present, all voted aye. Motion carried.
- D. Motion by Commissioner Kelley to approve Detention Transportation Claim in the amount of \$417.99 for February 2011. Seconded by Commissioner Kelley. With all members present, all voted aye. Motion carried.
- VI. Motion by Commissioner Kelley to approve February 2011 reports for the following:
 - A. Assessor
 - B. County Clerk
 - C. Health Department
 - D. Sheriff
 - E. Treasurer
 - F. Flat Rock Fire Department
 - G. Rolling Hills Fire Protection District
 - H. Toppers Fire Department January & February
 - I. Wagoner Fire Department
 - J. Fire department expenditure reportSeconded by Commissioner Edwards. With all members present, all voted aye. Motion carried.
- VII. Motion by Commissioner Hanning to send the following legal items to the District Attorney's office:
 - A. Notification of third party petition in Solomon, L. versus Wagoner County in case no: CJ-07-173.
 - B. Summons and application in James & Marsha West versus Wagoner County in case no: CV-2011-17.
 - C. Summons and petition in Mill Creek Lumber versus Aspen Builders in case no: CJ-2011-0107.Motion seconded by Commissioner Kelley. With all members present, all voted aye. Motion carried.

VIII. Action Items

- A. Carolyn Kusler, County Clerk, presented revisions to the sick and vacation leave policy. Motion by Commissioner Edwards to approve change of sick and vacation leave to personal days off (PDO). Seconded by Commissioner Kelley. With all members present, all voted aye. Motion carried.
- B. Jaison Scott, safety coordinator, explained modifications to the Safety Plan and Award policy. Motion by Commissioner Hanning to accept the modifications, removing reference to sick day conversion. Motion seconded by Commissioner Edwards. With all members present, all voted aye. Motion carried.
- C. Motion by Commissioner Hanning to approve modifications to nepotism policy, which prevents department heads from having direct supervision over relatives. Motion seconded by Commissioner Edwards. With all members present, all voted aye. Motion carried.
- D. Mike Stickelmeyer, Undersheriff, addressed the Board regarding funding request for additional personnel and equipment for the Sheriff's department. Motion by Commissioner Edwards to table any action and to gather information regarding usage of funds previously transferred to the Sheriff Department for employees and equipment. Motion seconded by Commissioner Hanning. With all members present, all voted aye. Motion carried.
- E. Motion by Commissioner Hanning to give access to a portion of the District 1 facility for the Sheriff's department use as a satellite office. Motion seconded by Commissioner Edwards. With all members present, all voted aye. Motion carried.
- F. Motion by Commissioner Edwards to receive 2010 Mineral Interest Report. Seconded by Commissioner Kelley. With all members present, all voted aye. Motion carried.
- G. Motion by Commissioner Kelley to table any action regarding appointment of Tim Kelley as member of the Wagoner County Board of Health, including signing of oath by Tim Kelley. Motion seconded by Commissioner Edwards. With all members present, all voted aye. Motion carried.

- H. Motion by Commissioner Hanning to approve Resolution 2011-020 to surplus dump truck, plow, and spreader from District 1, and sell to District 3 for \$45,000.00. Motion seconded by Commissioner Kelley. With all members present, all voted aye. Motion carried.
- I. Motion by Commissioner Kelley to approve Labor Waiver to dump debris and dirt off county right-of-way at 27986 E 146th St S in Coweta. Seconded by Commissioner Edwards. With all members present, all voted aye. Motion carried.
- J. Commissioner Hanning spoke regarding potential projects for 2011 Community Development Block Grant application and necessary actions for application. This grant money could be used for a fire station to help the void created by the Coweta pull back. No action was taken at this time; items will be discussed at the next meeting.
- K. Commissioner Hanning stated concerns regarding fees collected by the Rolling Hills Community Center and key ownership to the facility. Motion by Commissioner Hanning to allow himself to appoint someone from the Rolling Hills Fire Department to change the locks and only provide keys to those with proof of liability and insurance and to receive any monies for rent. Motion seconded by Commissioner Kelley. With all members present, all voted aye. Motion carried.
- L. The Board discussed the Recycling Center and zoning change request. Commissioner Hanning presented an overview of the Lake Area Planning Commission and the Wagoner County Metropolitan Area Planning Commission and zoning in unincorporated areas versus municipalities. The creation of Planning and Zoning entities are established by a vote of the people and neither of the above entities were submitted to a vote. Therefore, the Board is restricted by law from voting on zoning in unincorporated areas.
Attorney Dwayne Riffe inquired about a written legal opinion regarding this matter and sought clarification. Mr. Riffe stated administrative remedies have now been exhausted and this will now become a civil case. Motion by Commissioner Hanning to take no action regarding the zoning request change for the recycling center until Planning & Zoning issues have been addressed. Motion seconded by Commissioner Edwards. With all members present, all voted aye. Motion carried.

IX. Old Business.

- A. James Hanning spoke regarding the following for the Wagoner County Educational Facilities Authority:
1. Resignation – Motion by Commissioner Hanning to remove Jerry Hefner due to his being incapacitated. Seconded by Commissioner Edwards. With all members present, all voted aye. Motion carried.
 2. Appointment – Motion by Commissioner Hanning to appoint Scott Brians to fill the void until business can be completed by the Authority. Motion seconded by Commissioner Edwards. With all members present, all voted aye. Motion carried.
- B. Motion by Commissioner Hanning to approve application for EODD REAP FY2011 county wide grant to install a radio tower and repeater in District 2. Motion seconded by Commissioner Edwards. With all members present, all voted aye. Motion carried.
- C. Motion by Commissioner Edwards to table any action regarding Green Country Communications maintenance contract, including telecommunications authorization letter. Motion seconded by Commissioner Edwards. With all members present, all voted aye. Motion carried.
- D. Motion by Commissioner Hanning to approve Utility Permit 2011–3011 to plow and bore crossing of E 91st St & S 225th E Ave, based on Scott Brian’s recommendation. Motion seconded by Commissioner Kelley. With all members present, all voted aye. Motion carried.
- E. Motion by Commissioner Edwards to receive off system safety bridge inspection reports for Districts 1, 2, & 3. Seconded by Commissioner Kelley. With all members present, all voted aye. Motion carried.
- F. Monty Proctor presented Report of Conference between County & Bridge inspector, and approve invoice for 2008–2010 bridge inspections. Motion by Commissioner Edwards to approve invoice. Seconded by Commissioner Hanning. With all members present, all voted aye. Motion carried.
- G. Judy Elliot, E-911 Coordinator, presented a contract for the Harris radio system, which has been approved by ADA John David Luton. A 90-day opt out clause has been added in case of problems in securing a tower site. Motion by Commissioner Hanning to accept the contract with the

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

- H. Commissioner Hanning updated the Board with details from a previous meeting with BKL regarding the proposal for the Courthouse project. Three options were presented, all with complete oversight from Wagoner County regarding costs and construction. Commissioner Hanning recommended the use of a construction manager for the best interest of the County. Estimated project costs should be at or below \$2 million. Motion by Commissioner Kelley to table any action for review. Seconded by Commissioner Edwards. With all members present, all voted aye. Motion carried.
- I. Motion by Commissioner Hanning to table any action regarding the Rolling Hills Fire District current coverage area and possible expansion of the ad valorem base. Motion seconded by Commissioner Edwards. Motion carried.
- J. Motion by Commissioner Hanning to table discussion regarding Coweta fire line and possible new coverage area. At the next meeting, Commissioner Hanning will report details from the Coweta meeting to be held this Thursday. Motion seconded by Commissioner Kelley. With all members present, all voted aye. Motion carried.

X. Executive Session

A. Motion by Commissioner Hanning to enter into Executive Session at 9:51am for the following:

- 1. Pursuant to Title 25, O.S. §307(B)1 regarding the Emergency Management Director.
- 2. Pursuant to Title 25, O.S. §307(B)4 regarding a pending claim or action against the County.

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

B. Motion by Commissioner Kelley to reconvene into Open Session at 11:25am. Seconded by Commissioner Hanning. With all members present, all voted aye. Motion carried.

Motion by Commissioner Kelley to take no action at this time for the following:

C. Emergency Management Director.

D. Pending claim or action against the County.

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

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

XII. Announcements.

A. Larry Wilkenson informed the Board that he met with the Engineer regarding door replacement at the Election Board. The Board will discuss this as an agenda item at the next meeting.

B. Monty Proctor addressed the Board regarding the Interlocal Agreement for the Armory Road project. The City of Broken Arrow has estimated the engineer cost to be between \$250K–\$300K, though an accurate amount cannot be determined until the Agreement has been negotiated. Commissioner Hanning requested adding “Not to exceed \$100K cost for Wagoner County”, or to allow only \$300K for total cost.

XIII. 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 1:32pm for thirty minutes. Seconded by Commissioner Edwards. With all members present, all voted aye. Motion carried.

The meeting came back into session at 2:10pm.

XIV. Purchase orders

A. Motion by Commissioner Edwards to cancel purchase order numbers 223, 3676, 3980, & 4577. Seconded by Commissioner Hanning. With all members present, all voted aye. Motion carried.

B. Motion by Commissioner Kelley to approve blanket purchase order numbers 550, 4982, 4983, 5030–5032, 5036, 5061, & 5071. Seconded by Commissioner Edwards. With all members present, all voted aye. Motion carried.

C. Motion by Commissioner Kelly to approve calendar claims. Seconded by Commissioner Edwards. With all members present, all voted aye. Motion carried.

XV. Motion by Commissioner Hanning to recess at 3:10pm. Seconded by Commissioner Kelley. With all members present, all voted aye. Motion carried.

Presented and approved by the Wagoner County Commission on this 14th day of March, 2011.

JAMES HANNING, CHAIRMAN

TIM KELLEY, VICE-CHAIRMAN

CHRIS EDWARDS, MEMBER

ATTEST CAROLYN KUSLER
WAGONER COUNTY CLERK

By: