

MINUTES OF WAGONER COUNTY COMMISSION MEETING

Monday, March 21st, 2011

The Board of Wagoner County Commissioners met with James Hanning, Chairman; Tim Kelley, Vice-Chairman; Chris Edwards, member; Carolyn Kusler, County Clerk; and Lori Hendricks, Secretary. Advance notice of the meeting was posted on bulletin boards and public entrances of the Wagoner County Courthouse on March 18th, 2011.

Location: Wagoner County Courthouse
County Commissioner's Meeting Room

- I. The meeting was called to order by Chairman Hanning at 9:03am.
- II. Roll Call – All members present.
- III. The prayer was led by Sandy Hodges. The pledge of allegiance was led by Commissioner Hanning.
- IV. Motion was made by Commissioner Hanning and seconded by Commissioner Kelley to approve the minutes of Board of Commissioners meeting held March 14th, 2011. With all members present, Commissioners Hanning and Kelley voted aye and Commissioner Edwards abstained as he was not in attendance at said meeting. Motion carried.
- V. Financial Matters
 - A. Motion was made by Commissioner Edwards and seconded by Commissioner Hanning to approve deposits. With all members present, all voted aye. Motion carried.
 - B. Motion was made by Commissioner Kelley and seconded by Commissioner Edwards to approve payment of the following invoices for juvenile services in February 2011:
 1. Craig County Regional Detention Center in the amount of \$612.72.
 2. Muskogee County Regional Juvenile Detention Center in the amount of \$511.94.
 3. Sac and Fox Nation in the amount of \$337.76.
 4. Sequoyah Enterprises, Inc, Talihina (located in LeFlore County) in the amount of \$116.30.

With all members present, all voted aye. Motion carried.

- C. A motion was made by Commissioner Hanning and seconded by Commissioner Kelley to table action on a lease purchase agreement assumption for District two from Atoka County through Warren CAT for Caterpillar Grader until more investigation is made through the District Attorney regarding whether the contract can be assumed. With all members present, all voted aye. Motion Carried.
- D. A motion was made by Commissioner Hanning and seconded by Commissioner Edwards to approve a transfer of \$8,284.76 from General Government Capital Outlay (20-3) to County Clerk Personnel (10-1A) due to an increase in personnel. With all members present, all voted aye. Motion Carried.
- VI. Motion was made by Commissioner Edwards and seconded by Commissioner Hanning to approve February 2011 reports for the following:
 - A. Planning and Zoning Weekly Report and Monthly Report
 - B. Tullahassee Volunteer Fire Department
 - C. Wagoner County Engineer also submitted his weekly report.With all members present, all voted aye. Motion carried.
- VII. A motion was made by Commissioner Hanning and seconded by Commissioner Edwards to forward a Petition for Foreclosure for First National Bank of Coweta vs. Bill and Jayme Simpson, Internal Revenue Service and Wagoner County CJ-2011-142 to the district attorney's office for review. With all members present, all voted aye. Motion carried.
- VIII. Action Items
 - A. Motion was made by Commissioner Edwards and seconded by Commissioner Hanning to approve labor waiver agreements as follows: Clean the fence row off county right-of-way one mile north of the grain elevator; Clean the fence row off county right-of-way at 8414 N. 49th St. E. in Wagoner; Clean the fence row off county right-of-way south of Okay School. With all members present, all voted aye. Motion carried.
 - B. Motion was made by Commissioner Kelley and seconded by Commissioner Edwards to receive Eastern Oklahoma Development District (EODD) 2011 REAP Program Notices: District Two, Project 4 - Installation of Guard Rail and Drainage Improvement; District Three, Project 10 - Leverage for Stone Bluff Community Center; County-Wide,

Project 5 – Install Radio Tower and Repeater. With all members present, all voted aye. Motion carried.

- C. The board discussed a county wide burn ban and Commissioner Hanning related the regulations required by the US Forestry Service to enact a burn ban including extended drought conditions, greater than normal fire occurrences and evidence such fires are caused by burning activities. Commissioner Edwards noted that all conditions, not just some, must be met before a ban can be initiated. No further action was taken to enact a burn ban.
- D. The board discussed the current need for additional fire coverage in the county relative to the pull-back of coverage by the City of Coweta. Per the board meeting on March 14th, 2011, Commissioner Kelley has now inspected the building at 257th and 131st and has indicated it would work for a temporary facility and asked for verification the county would only be responsible for the lease, not utilities. The Fire Trust Authority has already been approached by Rolling Hills for assistance with the utilities, and the Authority will discuss at their next scheduled meeting..

Jackie Carner, Rural Fire Director for the Eastern Oklahoma Development District (EODD) addressed the board regarding creation of new fire districts and urged the board to be prudent moving forward in the process, determining equipment and staff needed, location, coverage area and response times. He asked that all pertinent information be reduced to writing and so those affected are aware of what is required and the time frame involved. He further advised that the board needs to verify any legal ramification of using equipment purchased with ad valorem funding outside of the ad valorem area.

Commissioner Hanning presented a map to show the proposed coverage areas to include an expanded Rolling Hills District, a new district east of Coweta and the expansion of the Oak Grove Fire District. Additionally he indicated the equipment to be used was purchased with county sales tax revenues. Additionally, Commissioner Hanning indicated that he has been waiting since January 3rd for the City of Coweta to provide verification of how they derived their cost of service figures for the area in question.

Larry Miller addressed the board and indicated he knows a gentleman who has a utility company at 101st and Lone Star Rd. (Utility Link) with equipment who would be willing to use it on a temporary basis for fire coverage East of Coweta. He has also talked to the Coweta City Council who indicated that they will move back the fire line on May 15th unless the county commissioners come to some agreement. Commissioner Kelley then indicated that he was having lunch with the City of Coweta officials to discuss the matter further.

The residents affected are to hold a meeting on Thursday, March 24th, 2011 at the First Methodist Church in Coweta to discuss pending changes. Petitions to expand Rolling Hills Fire District, the Oak Grove Fire District and a brand new Title 19 Fire District with new ad valorem base for east of Coweta are ready for distribution at this meeting.

The board then discussed volunteer staff for the new stations, how many staff may be needed and how those individuals would be recruited and trained.

A motion was made by Commissioner Hanning and seconded by Commissioner Kelley to move forward with the lease for a temporary facility at 257th and 131st to be equipped and staffed by Rolling Hills Fire District provided the utilities and other costs are paid and the district attorney advises it is lawful. With all members present, all voted aye. Motion Carried.

- E. A motion was made by Commissioner Edwards and seconded by Commissioner Hanning to approve the Green Country Communications proposal for installation of I.T. wiring and equipment mounts for new 911 dispatch location next to the commissioners' office in the amount of \$4351.90 to be funded through the courthouse renovations fund. With all members present, all voted aye. Motion Carried.
- F. A motion was made by Commissioner Kelley and seconded by Commissioner Edwards to advertise EMERGENCY MANAGEMENT Director position in the newspaper including Wagoner, Coweta and the Tulsa World with the requirement that applicants both meet the qualifications of the position and must be a resident of Wagoner County. Deadline to apply will be the close of business April 1st. With all members present, all voted aye. Motion carried.

G. The board received notification of the contract award through ODOT for Project Number BRO-173D(122)CI, Railroad Creek Bridge. No further action required.

H. A motion was made by Commissioner Hanning and seconded by Commissioner Edwards to table action on Bid #23 for a Crew Cab 4WD Pickup for District One for further review. Bids were received as follows:

Chris Nickel Chrysler Jeep Dodge - ¾ Ton	\$37,527.00
Bob Hurley Ford - ¾ Ton	\$38,668.00
Speedway Chevrolet - ¾ Ton	\$39,010.00
Danny Beck Chevrolet - ¾ Ton	\$41,104.00
James Hodge Ford - ¾ Ton	\$41,426.00
Bob Hurley GMC - ¾ Ton	\$41,736.76
Kevin Grover GMC - ¾ Ton	\$44,800.00
Kevin Grover GMC - 1 Ton	\$45,460.00

With all members present, all voted aye. Motion Carried.

I. The board discussed the Rolling Hills Community Center, which is currently operating in a county owned facility and is contracting with a nutrition center to provide meals to seniors. The group has a checking account but cannot afford their own liability insurance. The building should be insured by ACCO. A motion was made by Commissioner Edwards and seconded by Commissioner Hanning to allow temporary access to the center for their continued operation until the District Attorney has time to approve the temporary lease agreement. With all members present, all voted aye. Motion Carried.

J. A motion was made by Commissioner Hanning and seconded by Commissioner Kelley to table the appointment of Teina Scrogg to the Fire Trust Authority as a replacement for Chad Eiden until a formal letter of resignation is received. With all members present, all voted aye. Motion carried.

K. The board discussed the new PDO policy and the potential for excessive absenteeism. The policy was revised with additional verbiage to address advance notification to the elected official and/or department head as required per department. A motion was made by Commissioner Hanning and seconded by Commissioner Edwards to amend the county PDO policy as presented. With all members present, all voted aye. Motion Carried.

IX. Old Business.

A. A motion was made by Commissioner Kelley and seconded by Commissioner Hanning to table action on proposed replacement of the front door to the County Election Board until the District Attorney can advise regarding the funding mechanism. Low bid was from Robinson Glass in the amount of \$3,890. With all members present, all voted aye. Motion carried.

B. A motion was made by Commissioner Hanning and seconded by Commissioner Kelley to table any action on healthcare benefits continuation while on disability until the District Attorney can advise. With all members present, all voted aye. Motion carried.

C. The board discussed the proposal from BKL for design and overview of the courthouse renovation project, specifically the addition of space on the West end of the current facility. Balance to the courthouse renovation budget is \$5M and would be reduced to \$2.6M if BKL proposal is accepted.

Bill Knowles with BKL was present to answer questions and indicated that the expansion would include elevator shafts, including the pit, drain and sump pump but not the elevator itself. Additional cost to add the elevator would be \$55,000 to \$65,000.

Commissioner Hanning discussed current and future needs for space and the difference between a temporary fix now and a permanent fix later. He noted that construction costs were not going to drop and that the cost of steel is currently on the increase and made a motion to move forward with the building project with consideration to build all three floors now without commitment to any purchase of materials. The motion died with no second.

Commissioner Kelley discussed the Sheriff's need for additional space as he is frequently at capacity in the current jail. The current jail facility will not support an additional floor and the remaining funds to the renovation budget are insufficient to cover the addition of pods as they are typically twice the cost of traditional office space. Courthouse renovation funds could not be used for a new facility to be located off site and other funding mechanisms would have to be explored. A motion was made by

Commissioner Kelley and seconded by Commissioner Hanning to table until next week. With all members present, all voted aye. Motion carried.

- D. A motion was made by Commissioner Hanning and seconded by Commissioner Edwards to table action on the Green Country Communications maintenance contract and telecommunications authorization letter pending resolution of issues with the new system. With all members present, all voted aye. Motion carried.

- E. Brenda Robertson from Planning and Zoning addressed the board indicating that they have documentation relative to the establishment of Planning and Zoning which has not been requested.

Commissioner Hanning indicated that he requested documentation two weeks ago and has not yet received it. He further indicated that although Planning and Zoning was set up correctly at its inception, it has now grown beyond its original authority. The end goal is to ensure that it is set up correctly in a way that will best serve Wagoner County and that the Board moves forward prudently. The Attorney General has indicated that the District Attorney has the final determination. The DA has asked that we move forward with discretion taking in all input and be patient due to his current commitments for the next two weeks. Commissioner Hanning stated that a letter of voluntary participation may be incorporated with each permit until a resolution is reached.

Mr. Eddie Herndon addressed the board indicating that his group has now engaged an attorney and are looking at having a judge make a further determination.

A motion was made by Commissioner Hanning and seconded by Commissioner Kelley to table any action regarding Planning and Zoning pending further communication from the District Attorney. With all members present, all voted aye. Motion carried.

- F. A motion was made by Commissioner Edwards and seconded by Commissioner Hanning to accept award of Bid #22 for Extrication Equipment (re-bid) for Stone Bluff Fire Department to Chief Fire and Safety in the amount of \$15,510 with financing terms of 36 months at 3.99% interest and payments of \$458.32. With all members present, all voted aye. Motion carried.

- G. Commissioner Hanning and Monty Proctor, County Engineer had a meeting with the City of Tulsa regarding the Spunky Creek Bridge Project. Several items were originally mis-represented, however all issues are resolved and there is now a good working relationship. Mr. Proctor had a CED meeting on Thursday, March 17th and they agreed that the county could move forward. No further action was taken.
- H. Discussion of the temporary fire facility took place with Item VIII-D. No action needed.
- I. A motion was made by Commissioner Kelley and seconded by Commissioner Hanning to approve Form 100 for the purchase of a 2012 Mack CXU613 "Pinnacle Axle" Back Truck per Bid #19. With all members present, all voted aye. Motion Carried.
- J. A motion was made by Commissioner Hanning and seconded by Commissioner Edwards to accept the revised interlocal agreement between the Cities of Broken Arrow and Coweta for the Armed Forces Reserve Center road project. The agreement has been revised to limit the financial obligation of the county to no more than \$300,000. With all members present, all voted aye. Motion Carried.
- X. New Business in accordance with 25 O.S. §311 A.
 - A. Regarding the Stone Bluff Community Center pre-bid meeting, Monty Proctor, County Engineer stated that he advised the potential contractors that the energy efficiency rating for the project has been set at 15 with solid core doors. Additionally plumbing is to be set for sinks but the cabinets are not included in the bid.
 - B. Monty Proctor, County Engineer addressed the board regarding installation of new courthouse windows. The original agreement did not specify a pay out schedule for the project. He has authorized 50% of the monies to be paid, however the vendor is requesting additional payment now. Approximately 50% of the windows are installed, however they are not trimmed out or caulked and no screens are installed. He is not going to approve further payments and has requested a meeting with the compliance officer to discuss project to date.
- XI. Announcements.
 - A. Carolyn Kusler, County Clerk introduced the new County Clerk secretary Lori Hendricks. Bobbie Fears is leaving to become a full time mom.

- B. Commissioner Hanning met last week with the City of Broken Arrow regarding the bridge project on 91st over Covington Creek. They have agreed to participate in the project.
- XII. Public Comment – None.
A motion was made by Commissioner Hanning at 12:48pm and seconded by Commissioner Kelley to recess for 1 hour.
Meeting was called back into session at 2:03pm by Commissioner Hanning.
- XIII. Purchase orders
 - A. A motion was made by Commissioner Edwards and seconded by Commissioner Hanning to approve canceled purchase order numbers #3035, #3930, #3966, #4314, #4652, #4946, and #5208. With all members present, all voted aye. Motion carried.
 - B. A motion was made by Commissioner Kelley and seconded by Commissioner Edwards to approve blanket purchase order numbers #5292, #5387 and #5395. With all members present, all voted aye. Motion carried.
 - C. A motion was made by Commissioner Kelley and seconded by Commissioner Edwards to approve calendar claims. With all members present, all voted aye. Motion Carried.
- XIV. A motion was made by Commissioner Hanning and seconded by Commissioner Kelley to recess at 3:24pm. With all members present, all voted aye. Motion carried.

Presented and approved by the Wagoner County Commission on this 28th day of March, 2010.

JAMES HANNING, CHAIRMAN

CHRIS EDWARDS, MEMBER

TIM KELLEY, VICE-CHAIRMAN
ATTEST CAROLYN KUSLER
WAGONER COUNTY CLERK

By: