

MINUTES OF WAGONER COUNTY COMMISSION MEETING

Monday, March 28th, 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. Also in attendance was John David Luton, Assistant District Attorney. Advance notice of the meeting was posted on bulletin boards and public entrances of the Wagoner County Courthouse on March 25th, 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 Pam Wood.
- IV. A motion was made by Commissioner Kelley and seconded by Commissioner Edwards to approve minutes of the meeting held March 28th, 2011 with noted spelling corrections and change of “EMS” to “EM”. With all members present, all voted aye. Motion carried.
- V. Financial Matters
 - A. A motion was made by Commissioner Hanning and seconded by Commissioner Edwards to approve deposits. With all members present, all voted aye. Motion carried.
 - B. A motion was made by Commissioner Edwards and seconded by Commissioner Hanning to approve payroll. With all members present, all voted aye. Motion carried.
 - C. A motion was made by Commissioner Hanning and seconded by Commissioner Edwards to approve highway appropriations. With all members present, all voted aye. Motion carried.
- VI. Error in enumeration – No action taken
- VII. A motion was made by Commissioner Hanning and seconded by Commissioner Edwards to send the following legal items to the District Attorney's office: Case No. CV-2011-28 Juel J. and Doileen Asher, Jimmy

and Steffany Helms, Eddie Hernden, Joe Kinzer and other residents vs. Board of County Commissioners. With all members present, all voted aye. Motion carried.

- A. A motion was made by Commissioner Kelley and seconded by Commissioner Edwards to accept the monthly report from the Court Clerk. With all members present, all voted aye. Motion carried.

IX. Action Items

- A. A motion was made by Commissioner Kelley and seconded by Commissioner Edwards to approve transfer of \$125,000 from Commissioners Use Tax (C-42) to Sheriff's Service Fee (C-06) for increase in personnel. With all members present, all voted aye. Motion Carried.
- B. Denus Benton, Catoosa Fire Chief and EM Director addressed the board regarding the grant of an easement to the City of Catoosa to enable them to install a new tornado siren. He indicated that several years ago, the City of Catoosa annexed some land in Wagoner County and that the residents in that area currently have insufficient tornado siren coverage. The proposed location for the new siren is adjacent to one of the Rolling Hills fire stations. Work to install would include only boring a hole for the pole and the mounting of the siren. The City of Catoosa will coordinate with Rolling Hills Fire Department for installation. A motion was made by Commissioner Hanning and seconded by Commissioner Kelley to grant the easement. With all members present, all voted aye. Motion Carried.
- C. The board discussed Green Country Communications Invoice #12058 in the amount of \$12,715.00. Carolyn Kusler indicated the bill was for emergency repairs to the phone system due to water damage in the building. A motion was made by Commissioner Edwards and seconded by Commissioner Hanning to refer the invoice to ACCO as an insurance claim for payment. With all members present, all voted aye. Motion Carried.
- D. A motion was made by Commissioner Kelley and seconded by Commissioner Hanning to approve Labor Waiver Agreements as follows:
 - 1. Dump dirt off county right-of-way at 44084 E. 241st St. So., Porter.
 - 2. Clean fence row off county right-of-way at 22690 S. 397th E. Ave., Porter.
 - 3. Clean ditch and fence row off county right-of-way at 40453 E. 171st St. No., Porter.

4. Off county right-of-way repair of local bridge #140 on Spring Hill Road at 25466 S. 265th E. Ave.

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

- E. The board discussed the old court house in Coweta which is now the DAV building regarding leaks in the roof. The DAV presented estimates for repair and replacement. Commissioner Hanning expressed concern with only doing a repair as the process used does not reveal other issues that may exist and could void a warranty. Commissioner Edwards agreed that replacement is a better solution long term. A motion was made by Commissioner Edwards and seconded by Commissioner Kelley to go to bid for a new roof, requesting bids for both a metal roof and for asphalt shingles to include guttering, with Monty Proctor, County Engineer developing documents for the bid process. With all members present, all voted aye. Motion carried.
- F. Barbara Wade addressed the commission regarding her plan to be buried on her family land located close to Snug Harbor. She is requesting a “green” burial. A motion was made by Commissioner Hanning and seconded by Commissioner Kelley to table any action until the required documentation is in order. With all members present, all voted aye. Motion Carried.
- G. A motion was made by Commissioner Hanning and seconded by Commissioner Kelley to approve minor changes to the Personnel Handbook to maintain consistency relative to PDO’s. With all members present, all voted aye. Motion carried.
- H. A motion was made by Commissioner Hanning and seconded by Commissioner Edwards to approve resolution #2011-023 to surplus the following equipment from District 3 to be sold at the McAlester Auction in May:
1. D301-0302 1997 Ford F150 pickup SN# 1FTDX1724VKD47078
 2. D302-0338 1997 Volvo WCA Dump Truck SN#4V4VDBDF3VN729855
 3. D407-0301 Simon Aerial Manlift SN#DDA00226
 4. D441-0304 John Deere CX15 10ft. Flex Wing Rotary Cutter SN#W0CX15E004520
 5. D020-0314 Multiquip AR-13G Double Drum Roller SN# 231203
 6. D348-0319 5’ x 10’ Sign Trailer No SN#

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

- I. Commissioner Edwards addressed his concern with the security of the courthouse in the event of an evacuation and the need for a fence to contain the inmates. Additional information regarding door locks was provided by the Sheriff's department for review. Bill Knowles from BKL was present and stated their previous estimate was for \$105,000 to secure the entire area on the North side of the courthouse in compliance with ACA requirements including additional cameras, etc.. Commissioner Kelley expressed concern about the locks in the jail facility. Mr. Knowles clarified the differences between pneumatic locks vs. electronic locks for jails and offered to assist with additional specs as part of the proposed building project. A motion was made by Commissioner Kelley and seconded by Commissioner Hanning to obtain estimates for installation of a fence on the north end of the courthouse property. With all members present, all voted aye. Motion carried.

II. Old Business.

- A. Larry Miller addressed the board asking for financial assistance from the county to send out a mailer to residents affected by the pull back of the City of Coweta fire line. The Assistant District Attorney, John David Luton indicated that the County could not legally participate. Mr. Miller further indicated that the next public meeting will be April 7th at the Coweta High School. Mr. Miller and the board discussed possible use of fire trucks from Wagoner and Porter Fire Departments within the new area. Commissioner Kelley commended Mr. Miller for his work to get everyone informed. Commissioner Hanning indicated that a revamped list of citizens is needed for the grant from INCOG to determine eligibility requirements for the CDBG application. Approximately 800 calls need to be made. The grant could help fund a new facility on the east side of Coweta. The deadline for application is this week. Further, Commissioner Hanning indicated that the petitions for creation of a fire district must be in and a resolution calling for an election must be presented to the election board by April 15th to make the ballot for the next election cycle. Eric Svensson with the Golf Club of Oklahoma addressed the board and expressed his desire for a resolution with the City of Coweta so that full-time fire service could be provided.

Commissioner Hanning explained the process to create fire districts and since negotiations with the City of Coweta are somewhat stalled, the public is pursuing the option of creating fire districts. Commissioner Hanning stressed to him that volunteer fire companies are very accountable, fully trained and meet the same requirements that staffed fire companies meet and in some cases have better ISO ratings than municipal companies. Larry Miller indicated that he had met with Coweta and his conclusion is that the City of Coweta would like to contract for a fee, to provide staff for a station that the county would fund and equip but that Coweta would control. Commissioner Hanning urged Mr. Svensson's participation in the upcoming public meetings and that he address the Coweta City Council as well. Mr. Svensson again urged the county to continue to try to work with Coweta to maintain municipal coverage rather than quarreling with them. Commissioner Hanning stated that he has a meeting with Mr. Whitlock on March 29th which Mr. Miller will also attend. This is his third personal meeting. Commissioner Kelley added that we have had this item on the Board of Commissioners agenda since January and the only person to have ever attended a meeting was the Coweta city attorney. Commissioner Edwards invited Mr. Svensson to listen to the recording of the meeting the county had with Coweta in December. No further action was taken by the board.

- B. Bill Knowles with BKL addressed the board regarding the renovation of the courthouse and the need to address how construction of a fence may be impacted by the construction of the new addition to the West. His suggestion is to install the fence after construction due to needed staging areas, cranes, etc. and to prevent unnecessary expenditure of funds to remove and then replace the fence during construction. BKL would include the fencing and jail locks within the scope of their oversight on the 3 story addition. A motion was made by Commissioner Kelley and seconded by Commissioner Edwards to table any action on the addition to the west side of the courthouse for a period of six months. With all members present, all voted aye. Motion Carried.
- C. A motion was made by Commissioner Hanning and seconded by Commissioner Kelley to award Bid #23 for a 1 ton 4WD Crew Cab Pick Up

Truck to Kevin Grover GMC as the only bidder to offer a 1 ton vehicle. With all members present, all voted aye. Motion Carried.

- D. A motion was made at 11:13am by Commissioner Hanning and seconded by Commissioner Kelley to recess for 10 minutes. With all members present, all voted aye. Motion carried.

Meeting was called back to order by Commissioner Hanning at 11:34am.

- XI. A motion was made by Commissioner Hanning and seconded by Commissioner Kelley at 11:38am to convene in Executive Session – Consider Executive Session to address the following:

- A. Pursuant to Title 25, O.S. §307(B)4 regarding a pending Planning & Zoning claim or action against the County.
- B. Pursuant to Title 25, O.S. §307(B)1 regarding the promotion, demotion, or discipline of the Planning and Zoning Director.

- XII. A motion was made at 2:10pm by Commissioner Kelley and seconded by Commissioner Edwards to reconvene into Open Session.

- A. A motion was made by Commissioner Kelley and seconded by Commissioner Hanning that no action be taken regarding a pending Planning and Zoning claim against the County. With all members present, all voted aye. Motion Carried.
- B. A motion was made by Commissioner Hanning and seconded by Commissioner Kelley that a letter of reprimand be placed in Planning and Zoning Director, Brenda Robertson's personnel file and that the letter be on the agenda next week for review. With all members present, all voted aye. Motion Carried.

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

- XIV. Announcements. – None.

- XV. Public Comment:

- A. James Jennings, Mayor of Wagoner addressed the board in support of the Metro Planning Commission. He stated that it works well for the City and the County; that the City participates in the funding through payment of utilities, the use of a city building, and contributions to the salary. He stated that the City wanted to be in the loop and that Brenda has done an excellent job for the City and the County in his opinion. John Davis also reiterated that Brenda represents the County well.

- B. Duane Riffe inquired which case was discussed during Executive Session. Assistant District Attorney Luton stated that Mr. Riffe's case was not discussed.
- C. Nora Gordon stated her concerns about Wagoner County and its growth and wanted to know if the Board was considering doing away with Planning and Zoning. Commissioner Hanning responded absolutely not, that Planning and Zoning was necessary for the growth of the County. Commissioner Hanning stated the Board's concern with Planning and Zoning stemmed from the Board being asked to make a decision regarding a zoning issue that they had little information on. The Board is doing necessary research to make appropriate, lawful decisions. Planning and Zoning is to continue operating as usual with no interruptions but the investigation will continue.
Commissioner Hanning further stated that all three Commissioners want to be a part of a team and that they are making decisions with the best of intentions. The Board wants everyone to be able to express their opinions and have their say so that all can move forward.

XVI. Purchase orders

- A. A motion was made by Commissioner Edwards and seconded by Commissioner Hanning to approve cancellation of purchase order numbers: #2215, #4134, #4571, #4900, #4948, and #5246. Seconded by Commissioner. With all members present, all voted aye. Motion carried.
- B. A motion was made by Commissioner Kelley and seconded by Commissioner Hanning to approve blanket purchase order numbers: #5469, # 5471, #5472, # 5474, # 5475, #5476, #5477, #5478, #5480, #5481, #5482, #5483, #5484, #5485, #5486, #5487, #5488, #5489, #5490, #5491, #5492, #5493, #5494, #5496, #5497, #5498, #5499, #5522, #5523, #5524, #5525, #5520, #5543, #5572, #5573, # 5574, #5575, #5576, #5577, #5578, #5579, #5587, #5588, #5589, #5590, #5591, and #5593. With all members present, all voted aye. Motion carried.
- C. A motion was made by Commissioner Kelley and seconded by Commissioner Hanning to approve calendar claims. With all members present, all voted aye. Motion carried

XVII. A motion was made by Commissioner Hanning and seconded by Commissioner Edwards to adjourn the meeting at 3:40pm. With all members present, all voted aye. Motion carried.

Presented and approved by the Wagoner County Commission on this 4th day of April, 2010.

JAMES HANNING, CHAIRMAN

TIM KELLEY, VICE-CHAIRMAN

ATTEST CAROLYN KUSLER
WAGONER COUNTY CLERK

CHRIS EDWARDS, MEMBER

By: