

## MINUTES OF WAGONER COUNTY COMMISSION MEETING

Monday, May 9<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 Char Dubree, Secretary. Advance notice of the meeting was posted on bulletin boards and public entrances of the Wagoner County Courthouse on May 6<sup>th</sup> , 2011.

Location: Wagoner County Courthouse  
County Commissioner's Meeting Room

- I. The meeting was called to order by Chairman Hanning at 9:02am.
- II. Roll Call – All members present.
- III. The pledge of allegiance was led by Commissioner Edwards. The prayer was led by Pam Wood.
- IV. A. and C. A motion was made by Commissioner Edwards and seconded by Commissioner Kelley to approve minutes of Commission meeting held April 25<sup>th</sup> , 2011 and May 4<sup>th</sup> , 2011. With all members present, all voted aye. Motion carried.  
B. A motion was made by Commissioner Hanning and Seconded by Commissioner Kelley to table minutes of May 2<sup>nd</sup> , 2011. With all members present, all voted aye. Motion Carried.
- V. Financial Matters
  - A. 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. A motion was made by Commissioner Kelley and seconded by Commissioner Edwards to approve appropriations. With all members present, all voted aye. Motion carried.
  - C. A motion was made by Commissioner Kelley and seconded by Commissioner Edwards to approve invoice from Craig County Regional Detention Center for the month of April, 2011, in the amount of \$714.84. With all members present, all voted aye. Motion carried.

D. Commissioner Hanning noted that as a matter of record he signed Warrant #2426 during Commission meeting on May 2<sup>nd</sup>, 2011, which was reissued under Purchase Order #5887. Warrant #2262 was cancelled due to error in payee.

E. A motion was made by Commissioner Edwards and seconded by Commissioner Kelley to approve the following request for reimbursement:

1. Detention Transportation Claim for Wagoner County for the month of April, 2011, in the amount of \$938.07.

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

VI. A motion was made by Commissioner Edwards and seconded by Commissioner Hanning to receive the following reports:

A. Planning and Zoning for the week of May 2<sup>nd</sup> , 2011.

B. Planning and Zoning for the month of April, 2011.

C. Engineer for the week of May 2<sup>nd</sup> , 2011.

D. 911 for the week of May 2<sup>nd</sup> , 2011.

E. Sheriff for the month of April, 2011.

F. County Clerk for the month of April, 2011.

G. Health Department for the month of April, 2011.

H. Assessor for the month of April, 2011.

I. Election Board for the month of April, 2011.

J. Treasurer for the month of April, 2011.

K. Stone Bluff Volunteer Fire Department Run report 2/18/11 through 4/18/11.

L. Fire Department Appropriation Ledger Reports for the month of April, 2011.

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

VII. Action Items:

A. A motion was made by Commissioner Hanning and seconded by Commissioner Edwards to approve the Contract with Canadian County Detention Center, in the amount of \$19.31 per juvenile, per day. With all members present, all voted aye. Motion carried.

B. A motion was made by Commissioner Hanning and seconded by Commissioner Edwards to approve Resolution Number 2011-030, to surplus the following from Sheriff's Office:

1. 1996 Ford , VIN#2FALP71W6TX119879.

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

C. A motion was made by Commissioner Kelley and seconded by Commissioner Edwards to approve the following Labor Wavier:

1. Clean Fence Row at 22271 South 429<sup>th</sup> East Ave. off County right-of-way, Andy Andersen property.

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

D. Commissioner Hanning introduced a letter dated April 27, 2011, from Steven Whitlock, Coweta City Manager, sent to Wagoner County Commissioners, Larry Miller and Chris Leffingwell in reference to Revised Fire Service Area Resolution which extended the deadlines for ninety days. Larry Miller had questions as to who would get the calls after May 15<sup>th</sup>, since the deadline is now extended to August 15<sup>th</sup>, 2011, and what the citizens should do in regard to the citizens' efforts to establish a Volunteer Rural Fire District. Commissioner Hanning stated that the citizen movement could take whatever action they wanted, and according to the letter Coweta now is the primary responder, with Rolling Hills being a mutual aid responder. No action was taken regarding the letter.

E. Commissioner Hanning read Resolution 2011-031, regarding the Fire Sales Tax Monies. Commissioner Edwards raised the question about how much the reduction to Coweta would be. Commissioner Hanning said it would be up to the Wagoner County Board of Commissioners, after conferring with legal counsel. Commissioner Hanning stated that the letter from Mr. Whitlock indicates that the decision made by Coweta is not economically based in contradiction to other statements. He believes that if they continue course on the August 16<sup>th</sup>, they will be in breach of contract, because the letter makes the claim of economic emergency null and void.

A motion was made by Commissioner Hanning and seconded by Commissioner Kelley to approve Resolution 2011-031. With all members present, all voted aye. Motion Carried.

- F. A motion was made by Commissioner Hanning and seconded by Commissioner Kelley to approve the request of David French to transfer a portable storage building from behind the Election Board building to the Wagoner County Recreational Complex. With all members present, all voted aye. Motion Carried.
- G. Regarding the County employee raises, Commissioner Edwards stated that since the Board recently rescinded Resolution Number 2010-045, regarding County Officials pay raise, which he opposed, he felt the employee pay raises should be addressed. Commissioner Hanning stated that we have done four pay raise increases/approvals in the past two weeks. Commissioner Edwards asked who authorized the raises. Commissioner Hanning stated I did. Commissioner Kelley asked who received the raises. Commissioner Hanning named three of the four; Michael Miller, Lisa Miller, and a District 1 employee. Commissioner Edwards questioned how one Commissioner could approve pay raises without the other Commissioners' approval. Commissioner Kelley stated that those raises should have been approved by the Board of County Commissioners on those departments where they are employees of the Board. Commissioner Edwards further stated that the Board agreed last year to watch expenditures and give no raises. There was general conversation about how raises impact General Fund vs. Cash Fund for employees' raises, and further statements about the inability of General Fund Departments not having the flexibility to give raises to employees. A motion was made by Commissioner Edwards to table this issue until all the numbers are presented to evaluate revenues available for raises. Motion died for lack of second.

VIII. Old Business

- A. A motion was made by Commissioner Edwards and seconded by Commissioner Kelley to approve Resolution Number 2011-025, Adoption of Revised Personnel Handbook for Wagoner County. With all members present, all voted aye. Motion carried.
- B. A motion was made by Commissioner Kelley and seconded by Commissioner Edwards to sign Contract and Notice of Contract Award with Builder's Unlimited for the Stone Bluff Senior Citizen Center project. With all members present, all voted aye. Motion Carried.

- C. Larry Miller questioned whether the primary fire department had to be on scene before mutual aid fire departments are notified. Judy Elliott, with 911, stated that under automatic mutual aid, everyone would be notified at the same time. No action was taken.
- D. Scott Brians, with Wagoner County Educational Facilities Authority, stated that at their meeting last Thursday, Bixby Public Schools presented a check in the amount of \$22,643.32 for administrative fees. Laura Miller presented the check to the Board, along with the minutes of that meeting. She indicated that K. Patten will submit an invoice to Bixby who will pay for the audit.

A motion was made by Commissioner Hanning and seconded by Commissioner Kelley to create a Cash Account for this check and send the check through the next meeting for deposit on May 16<sup>th</sup>, 2011. With all members present, all voted aye. Motion Carried.

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

Commissioner Edwards addressed items that were taken off the May 9<sup>th</sup> 2011 Draft Agenda he received on May 5<sup>th</sup>. The two items were requests from Planning and Zoning and were in Commissioner Edwards District. Commissioner Edwards expressed concern as to why the items pertaining to his District were not discussed with him before they were removed. Commissioner Hanning said he did not need to discuss the items because it was at his leisure to allow or disallow what goes on the Agenda. He further stated that he felt he did not have enough information for these items to be on the Agenda and legal counsel could not be present at this meeting. Commissioner Edwards stated that Planning and Zoning was taking care of business as they are supposed to do according to the legal opinion issued regarding the authority and legal establishment of Planning and Zoning. Brenda Robertson, Planning and Zoning, expressed concern for pending applications and the fact that fees paid were not reimbursable. Commissioner Hanning said the opinion from the District Attorney's Office gave the Commissioners discretion, and he needs further clarity to show limitations of Planning and Zoning and their coverage area. The primary reason for removal was that legal counsel could not be present.

X. Announcements.

There were no announcements.

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.

A. Attorney Duane Riffe, representing Jim Helms, et al regarding the West Zoning Application, stated that he had sent a letter to the County Clerk requesting this item to be placed on the Agenda. The item was placed on the May 9<sup>th</sup> Agenda then subsequently removed by Commissioner Hanning. He stated that at a March, 2011, Board of County Commissioners meeting, Commissioner Hanning indicated the Board would follow the advice of legal counsel. Duane Riffe said after the District Attorney issued a letter regarding the legal establishment of Planning and Zoning, the West Zoning Application should have been on the Agenda and a citation issued. Commissioner Hanning stated his reason for taking this item off of the Agenda was because Assistant District Attorney John David Luton could not be here and also that Judge Shepherd has not issued a ruling yet. Duane Riffe then formally requested that the West Zoning Application be placed on May 16<sup>th</sup>, 2011 Agenda.

B. Sandy Hodges thanked Commissioner Kelley for his quick response in repairing a tin horn that had collapsed. Commissioner Kelley noted that he always tries to respond quickly to all citizens in his District.

C. Eddie Herndon then commended Commissioner Hanning for cleaning his ditches. Commissioner Hanning acknowledged his remarks and noted that he also tries to respond quickly to the needs of the citizens.

A motion was made by Commissioner Hanning and seconded by Commissioner Kelley to take a ten minute break at 11:30 am. With all members present, all voted aye. Motion Carried.

The Board reconvened at 11:40am.

XII. Purchase Orders

A. A motion was made by Commissioner Edwards and seconded by Commissioner Kelley to approve Cancellation of Purchase Orders. With all members present, all voted aye. Motion Carried.

B. A motion was made by Commissioner Kelley and seconded by Commissioner Edwards to approve the following Blanket Purchase Orders: #6383, #6384, #6385, #6453, #6454, #6455, #6456.

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.

XIII. A motion was made by Commissioner Hanning and seconded by Commissioner Edwards to recess at 12:33pm. With all members present, all voted aye. Motion Carried.

Presented and approved by the Wagoner County Commission on this 31<sup>st</sup> day of May, 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: