

MINUTES OF WAGONER COUNTY COMMISSION MEETING

Monday, May 16th , 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. 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 May 13th , 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 Judy Elliott.
- IV. Minutes
 - A. A motion was made by Commissioner Edwards and seconded by Commissioner Hanning to approve the minutes of May 2nd, 2011. With all members present, all voted aye. Motion Carried.
 - B. A motion was made by Commissioner Hanning and seconded by Commissioner Kelly to table minutes of May 9th , 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 by Commissioner Hanning and seconded by Commissioner Edwards to table the following invoice:
 1. Tulsa County Juvenile Bureau for the month of March, 2011 in the amount of \$1,494.16.
With all members present, all voted aye. Motion Carried.

- C. A motion was made by Commissioner Hanning and seconded by Commissioner Edwards to approve Resolution Number 2011-032, OSU Extension request to reimburse from Economic Development Fund to the General Fund in the amount of \$288.00. With all members present, all voted aye. Motion Carried.

VI. Reports

A motion by Commissioner Edwards and seconded by Commissioner Kelley to approve the following reports:

- A. Planning and Zoning for the week of May 9th, 2011.
 - B. Engineer for the week of May 9th, 2011.
 - C. 911 for the week of May 9th, 2011.
 - D. Court Clerk for the month of April, 2011
 - E. Red Bird Fire Department Run Report from January 2nd, 2011 through April 25th, 2011.
 - F. Toppers Fire Department Run Report for the month of April, 2011.
- With all members present, all voted aye. Motion carried.

VII. Action Items

- A. A motion by Commissioner Edwards and seconded by Commissioner Kelley to approve Contract for Juvenile Detention Services with ROCMND Area Youth Services, Inc., operating the Craig County Juvenile Detention Center, in the amount of \$17.02 per juvenile, per day. 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 Labor Wavier:
 - 1. Clean Fence Row at 22271 South 429th East Ave. off County right-of-way, Rosie Hill property.With all members present, all voted aye. Motion Carried.
- C. A Motion was made by Commissioner Hanning and seconded by Commissioner Edwards to approve revised Title Sheet to Project CIRB-173D (101) RB, Spunky Creek Bridge, State Job No. 22156(04)
With all members present, all voted aye. Motion Carried.

D. A motion was made by Commissioner Kelley and seconded by Commissioner Hanning to send memo to courthouse employees regarding Handicap Parking spaces at the courthouse. With all members present, all voted aye. Motion Carried.

A motion was made by Commissioner Kelley and seconded by Commissioner Edwards to table researching other parking spots on the East end and in front of the courthouse for handicap parking. With all members present, all voted aye. Motion Carried.

E. The Board discussed a policy regarding placing items on the Board of County Commissioners Agenda. A motion was made by Commissioner Kelley and seconded by Commissioner Hanning to put Commissioner's name out to the side of each Agenda Item. With all members present, all voted aye. Motion Carried. *(On May 23rd , 2011, Board of County Commissioners Meeting, Commissioner Kelley clarified that when a Commissioner puts something on the agenda that the request be made in writing and the Commissioner's name be put at the side. He further stated that anyone can request an item be placed on the agenda, but the Chairman can take it off.)*

F. A motion was made by Commissioner Edwards and seconded by Commissioner Hanning to approve the purchase of six (6) acres from Jim Vich for the total amount of \$10,000.00 per acre, for a communications tower, to be purchased from the Courthouse Renovation Fund, "contingent upon the passing" of the Board of Adjustment. With all members present, all voted aye. Motion Carried.

G. A motion was made by Commissioner Hanning and seconded by Commissioner Kelley to table discussion and possible action regarding obtaining Geo-technical Soil Bore Testing Analysis for a proposed communications tower at Yonkers site. With all members present, all voted aye. Motion Carried.

H. The Board allowed Alan Parnell, WCEDA to present a possible proposal to build a 15,000 square ft. shell building in the Wagoner County Industrial Park, I. No action was taken.

- I. The Board discussed the Budget Process for 2011–2012. Commissioner Kelley requested comparison of sales receipts for March among Wagoner, Coweta and Wagoner County. No action was taken.
- J. A motion was made by Commissioner Hanning and seconded by Commissioner Kelley to table OPERS charge of \$6,576.83 to honor full retirement for Billy Laudett. With all members present, all voted aye. Motion Carried.

VIII. Old Business.

- A. A motion was made by Commissioner Hanning and seconded by Commissioner Kelley to re–sign minutes of April 7th , 2011. With all members present, all voted aye. Motion Carried.
- B. The Board discussed Stone Bluff Community Center project. John David Luton, Assistant District Attorney recommended that the Board retain the services of Ken Hicks or some other attorney to clear the Title to the property. A motion was made by Commissioner Kelley and seconded by Commissioner Edwards, to retain the services of Attorney Ken Hicks. Commission Hanning added to the motion to obtain clarity from Stone Bluff Fire Department regarding their intentions. With all members present, all voted aye. Motion Carried.
- C. The Board discussed the following Planning and Zoning applications:
 1. WCZ #1–11–Aaron Wood, applicant request to change zoning from RST to C–4 to operate a paint and body shop at 5524 East 81st Street North, Ft. Gibson, OK.
A motion was made by Commissioner Edwards and seconded by Commissioner Kelley to approve zoning change on requested by applicant Aaron Wood. Commissioner Hanning abstained. Motion carried.
 2. WCZ #2–11–Dennis White, applicant request for zoning change from C–2 to C–4 for a tavern at 29652 East 690 RD, Wagoner, OK.
A motion was made by Commissioner Hanning and seconded by Commissioner Edwards to approve zoning change on requested by

applicant Dennis White. With all members present, all voted aye.
Motion Carried.

D. The Board discussed the West Zoning Application, Clifford West was present. A motion was made by Commissioner Kelley and seconded by Commissioner Edwards not to approve the application. Commissioner Hanning abstained. Motion carried.

E. Commissioner Edwards stated that item regarding the legality of recent raises had been taken care of. No action was taken.

F. Judy Elliott, 911, stated that Bode Wilson with Green Country could not be it at the May 16th, 2011 meeting and asked that discussion and possible action regarding the expiration of warranty and technical support services provided by Green Country Communications on the Alcatel-Lucent phone system be tabled until May 23rd, 2011 meeting. A motion was made by Commissioner Hanning and seconded by Commissioner Kelley to table this item until May 23rd, 2011. With all members present, all voted aye. Motion Carried.

IX. Executive Session

A. A motion was made by Commissioner Hanning and seconded by Commissioner Kelley at 9:43 A.M. to go into Executive Session pursuant to Title 25, O.S. §307(B)4 for confidential communications with the attorney regarding the following sub items 1. and 2., with Assistant District Attorney John David Luton present:

1. Pending Planning & Zoning claim or action against the County, Case Number CV-2011-28.

2. CJ-2010-212 31st LLC vs. Board of County Commissioners.

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

X. A motion was made by Commissioner Hanning and seconded by Commissioner Kelley to reconvene into open session at 1:10 P.M. With all members present, all voted aye. Motion Carried.

XI. Commissioner Hanning stated discussion and possible action regarding the following:

(1), Pending Planning and Zoning claim or action against the County, Case Number CV-2011-28 ; (2), CJ-2010-212 31st LLC vs. Board of County Commissioners; and (3), Employment of Dale Green, Lisa Miller and Michael Miller.

Commissioner Hanning stated he would like to address the number (2) item, CJ-2010-212 31st LLC vs. Board of County Commissioners

A motion was made by Commissioner Kelley to do a mediation regarding CJ-2010-212 31st LLC vs. Board of County Commissioners, with District One Commissioner Hanning being a part of that mediation. Commissioner Hanning seconded the first part of the motion. Commissioner Edwards then seconded the motion. Commissioner Hanning voted aye. Motion carried. Commissioner Kelley made a motion to do a mediation, having Monty Proctor involved, and Commissioner Hanning made a motion to see if Commissioner Kelley would go; however, there was a motion already on the floor, so this motion died with no second. Commissioner Hanning then seconded the motion by Commissioner Kelley. With all members present, all voted aye. Motion Carried. Commissioner Hanning then addressed number (3), employment of Dale Green, Lisa Miller and Michael Miller.

A motion was made by Commissioner Hanning, to raise the salary of Lisa Miller, with Planning and Zoning Department, from \$1750.00 per month to \$2150.00 per month (an increase of \$400 per month), providing that Planning and Zoning Cash Fund will support such an increase. The motion died due to lack of second.

A motion was made by Commissioner Kelley and seconded by Commissioner Edwards to approve a raise for Lisa Miller in the amount of \$200.00 per month. With all members present, all voted aye. Motion Carried.

A motion was made by Commissioner Hanning and seconded by Commissioner Kelley to raise the salary of Michael Miller, with 911, from \$25,200.00 annually to \$30,000.00 annually. With all members present, all voted aye. Motion Carried.

A motion was made by Commissioner Hanning to give Dale Green, with Planning and Zoning, a raise in the amount of \$300.00 per

month, raising his salary from \$2,300.00 per month to \$2,600.00 per month. Motion failed due to lack of second.

There was no further discussion or action regarding pending Planning and Zoning claim or action against the County, Case Number CV-2011-28.

XII. New Business

Monty Proctor, County Engineer, stated the Bridge Inspection Contract with ODOT was ready for approval. Commissioner Hanning said it would be put on the next Agenda.

XIII. Announcements

Scott Brians, with Planning and Zoning, gave an update regarding Rural Water District #4.

Larry Wilkinson, with the Election Board, stated that Architectural Materials had done an excellent job on their windows.

XIV. Public Comment

Joe Kinzer thanked the Board for acting on the West Application and asked if there would be Code Enforcement and Commissioner Edwards told him there would be.

XV. Purchase Orders

A. A motion was made by Commissioner Edwards and seconded by Commissioner Hanning 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 Hanning to approve the following blanket purchase orders: #6545, #6581. With all members present, all voted aye. Motion Carried.

Commissioner Edwards left the meeting at 4:10P.M.

C. A motion was made by Commissioner Kelley and seconded by Commissioner Hanning to approve calendar claims. Motion Carried.

Commissioner Edwards left the meeting at 4:10P.M.

XVI. A motion was made by Commissioner Hanning and seconded by Commissioner Kelley to recess at 4:24 P.M. Motion carried.

Presented and approved by the Wagoner County Commission on this 31st day of May, 2011.

JAMES HANNING, CHAIRMAN

TIM KELLEY, VICE-CHAIRMAN

CHRIS EDWARDS, MEMBER

ATTEST: CAROLYN KUSLER
WAGONER COUNTY CLERK

By: