

## MINUTES OF WAGONER COUNTY COMMISSION MEETING

Monday, October 25<sup>th</sup>, 2010

The Board of Wagoner County Commissioners met with Chris Edwards, Chairman; Jim Hargrove, Vice-Chairman; Tom Vincent, 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 October 15<sup>th</sup>, 2010.

Location: Wagoner County Courthouse  
County Commissioner's Meeting Room

- I. The meeting was called to order by Chairman Edwards at 9:00am.
- II. Roll Call – All members present.
- III. The prayer was led by Carolyn Kusler, County Clerk. The pledge of allegiance was led by Judy Elliott, E-911 Coordinator.
- IV. Motion by Commissioner Edwards to approve minutes of Commission meeting held October 18<sup>th</sup>, 2010. Seconded by Commissioner Vincent. With all members present, all voted aye. Motion carried.
- V. Financial Matters
  - A. Motion by Commissioner Hargrove to approve deposits. Seconded by Commissioner Edwards. With all members present, all voted aye. Motion carried.
  - B. Motion by Commissioner Hargrove to approve calendar claims. Seconded by Commissioner Edwards. With all members present, all voted aye. Motion carried.
  - C. Motion by Commissioner Hargrove to cancel purchase order numbers 377, 1960, & 2141. Seconded by Commissioner Edwards. With all members present, all voted aye. Motion carried.
  - D. Motion by Commissioner Hargrove to approve blanket purchase order numbers 2368-69, 2373, 2410, 2422-2423, 2475, 2486-2500, 2502-2511, & 2523. Seconded by Commissioner Edwards. With all members present, all voted aye. Motion carried.
  - E. Motion by Commissioner Edwards to approve payroll. Seconded by Commissioner Hargrove. With all members present, all voted aye. Motion carried.

F. Motion by Commissioner Hargrove to approve highway appropriations. Seconded by Commissioner Edwards. With all members present, all voted aye. Motion carried.

VI. Motion by Commissioner Edwards to receive reports for the following:

A. Court Clerk

B. Planning and Zoning

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

VII. Motion by Commissioner Edwards to send the following legal items to the District Attorney's office:

A. Summons and Petition in LNV Corporation versus Norma Welch, Gary Welch, First Bank & Trust Co., Midland Credit Management, State of Oklahoma, Tim K. Baker & Associates, County Treasurer, Board of Commissioners in Case No.: CJ-2010-0610.

B. Cross Claim in Solomon, L. versus Wagoner County in Case No: CJ-07-173.

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

VIII. Action Items

A. The Board discussed the following Labor Waiver Agreements for work off County right-of-way:

1. Motion by Commissioner Edwards to approve agreement to clean out ditch and dump debris at 31725 E 750<sup>th</sup> Rd in Wagoner. Seconded by Commissioner Vincent. With all members present, all voted aye. Motion carried.

2. Motion by Commissioner Hargrove to approve agreement to clean out ditch, clean fence row, and dump dirt & rock at 20399 S 461<sup>st</sup> E in Porter. Seconded by Commissioner Edwards. With all members present, all voted aye. Motion carried.

3. Motion by Commissioner Hargrove to approve agreement to dump dirt at 18975 S 405<sup>th</sup> E Ave in Porter. Seconded by Commissioner Edwards. With all members present, all voted aye. Motion carried.

4. Motion by Commissioner Hargrove to approve agreement to clean out ditch, clean fence row, and dump dirt & rock at 46436 E 211<sup>th</sup> St S. in Porter. Seconded by Commissioner Edwards. With all members present, all voted aye. Motion carried.

B. Motion by Commissioner Hargrove to approve Resolution 2010-057 regarding prioritization of CIRB projects for CED2. Seconded by Commissioner Vincent. With all members present, all voted aye. Motion carried.

C. Carolyn Kusler spoke to the Board regarding disposal of out-dated computer equipment and surplus of items in storage. Motion by Commissioner Hargrove to place items in the storage building and allow government agencies to take what they need, then move leftover items to the fair grounds and auction what is left. Any item over \$500 will require a resolution to be surplus. Motion seconded by Commissioner Edwards. With all members present, all voted aye. Motion carried.

D. Bob Kelley presented documentation to the Board regarding the history of ownership of the Greenway Environmental Facility. Mr. Kelley would like to lease the 18+ acres for \$3,000/year as a central location to Ramco Sales to refurbish mobile homes and as a sand packaging location for Mountain Creek Materials. Mr. Kelley would provide 24/7 security and negotiate with DEQ regarding remediation.

Cindy Hailes of DEQ was present. DEQ currently has an easement on the property to access the monitoring wells and has specified land use restrictions. DEQ is agreeable to Wagoner County leasing the property as long as the land use restrictions are followed and the easement is honored.

Motion by Commissioner Hargrove to place an ad in the newspaper to lease the property. Pits will be filled with sand and capped with top soil. The motion continued to obtain legal opinion from the District Attorney from DEQ regarding liability. Motion seconded by Commissioner Edwards. With all members present, all voted aye. Motion carried.

Motion by Commissioner Edwards to pay any expenditures for work done on the property from the General Fund account. Motion seconded by Commissioner Hargrove. With all members present, all voted aye. Motion carried.

IX. Old Business.

A. Assistant John David Luton gave his legal opinion regarding the purchase order in the amount of \$19,500 to Wofford Electric from the Fair Board. ADA Luton stated if the invoice is paid, the auditor will make a finding that the Competitive Bidding Act was not followed. There is also an issue of

the relationship of the individual doing the work with a member of the Fair Board. Statements in the Competitive Bidding Act make provisions for conflicts of interest. Answers are needed to questions before a decision can be made.

Commissioner Hargrove stated that although Ray Holmes, President of the Fair Board, has resigned, he will still be held responsible. Also, the resignation of Mr. Holmes has not yet been approved. Mr. Holmes needs to submit a resignation letter to the Board of Commissioners, and the resignation needs to be added as an action item on next weeks agenda. ADA Luton stated an investigation is needed to discover the facts so that he can make a recommendation. Motion by Commissioner Hargrove to have the Sheriff conduct an investigation of the circumstances surrounding the issuance of the contract and purchase order. Seconded by Commissioner Edwards. With all members present, all voted aye. Motion carried.

- B. Motion by Commissioner Edwards to resign Utility Permit 2010–2014, which was previously approved by the Board on 09–13–2010. Seconded by Commissioner Hargrove. With all members present, all voted aye. Motion carried.
  - C. The Board discussed mowing State property around the detention pond near 232<sup>nd</sup> Street exit in Coweta. No agreement was found in the County Clerk’s office. ADA Luton stated the County should not mow the property without an agreement. Motion by Commissioner Hargrove to table any action to allow time to speak with ODOT. Seconded by Commissioner Edwards. With all members present, all voted aye. Motion carried.
  - D. Commissioner Edwards updated the Board on research regarding the interlocal agreement with the City of Broken Arrow and Coweta regarding AFRC road projects. There are no firm agreements regarding the cost of moving the utilities, or specifying which utilities must be relocated. Motion by Commissioner Edwards to table approval of the agreement until after the election and until more definite costs are made available. Motion seconded by Commissioner Hargrove. With all members present, all voted aye. Motion carried.
- Monty Proctor questioned whether he should remain on the project board. Commissioner Edwards stated not signing the agreement does not stop the project. Mr. Proctor still needs to participate, but with the

understanding that the County is uncomfortable with the open-ended agreement which does not specify exact costs to the County.

- E. Judy Elliott gave clarification of acceptance of Bid #5 for dispatch consoles. The least expensive bid was not the awarded bid. The awarded vendor offered solutions regarding space and optional items that made them the best bid. Total cost with options is \$35,548.00.
- F. No action was taken regarding the 800 radio system for Wagoner County. Judy Elliot is waiting on information.
- G. Commissioner Hargrove requested information regarding gate installation on County right of way on Henry Schnieder's property. The gate blocks access to a closed bridge. Nothing has been found in the BOCC minutes, but the search will continue.
- H. Other
- X. New Business in accordance with 25 O.S. §311 A.
  - A. Scott Brians informed the Board that Windstream has obtained all required permits for work on Elevator Road but does not have a start date.
- 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. – None.
- XII. Motion by Commissioner to adjourn at 10:50am. Seconded by Commissioner. With all members present, all voted aye. Motion carried.

Presented and approved by the Wagoner County Commission on this 1<sup>st</sup> day of November, 2010.

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CHRIS EDWARDS, CHAIRMAN

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JIM HARGROVE, VICE-CHAIRMAN

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TOM VINCENT, MEMBER

ATTEST CAROLYN KUSLER  
WAGONER COUNTY CLERK

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By: