

MINUTES OF MEETING
WAGONER COUNTY BOARD OF COMMISSIONERS
Monday, February 6th, 2012

The Board of Wagoner County Commissioners met with Tim Kelley, Chairman; James Hanning, Vice-Chairman; Chris Edwards, Member; Carolyn Kusler, County Clerk; and Char Dubree, Secretary. Assistant District Attorney John David Luton was also present. Advance notice of the meeting was posted on bulletin boards and public entrances of the Wagoner County Courthouse on February 3rd, 2012.

Location: Wagoner County Courthouse
Commissioner's Meeting Room

- I. The meeting was called to order by Commissioner Kelley at 9:04 a.m.
- II. Roll Call – Roll was called with the following responses: Hanning, present; Kelley, present; and Edwards, present.
- III. The Prayer was led by Sandy Hodges and the Pledge of Allegiance was led by Monty Proctor.
- IV. A motion was made by Commissioner Kelley and seconded by Commissioner Edwards to approve the minutes of Commission meeting held January 30th, 2012. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.
- V. Action Items
 - A. A motion was made by Commissioner Kelley and seconded by Commissioner Edwards to approve Resolution #2012-011, District Two Request to surplus the following equipment:
 1. ID#D348-0211, Lo-Boy Trailer, Serial No. 1DA72C787KMOO9621The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.
 - B. A motion was made by Commissioner Edwards and seconded by Commissioner Kelley to approve Resolution #2012-012, District Two Request to surplus the following equipment to be sold at May, 2012 CED auction:
 1. 1993 DT 360 International engine, complete.The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

- C. A motion was made by Commissioner Edwards and seconded by Commissioner Kelley to approve of the following Labor Waiver(s):
1. Clean out ditch, dump dirt, and dump rock off County Right-of-Way at North 35th Street East and 90th Street, Sam Nail property for District Two.
 2. Dig Shale and Dump Trees off county right-of-way at 151st Street, Kathy Cox property for District Three.
- The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.
- D. The Board discussed item regarding tin horns. Assistant District Attorney John David Luton stated that it is his opinion, if installing the tin horns was considered a legitimate County purpose to maintain County Right-of-ways, then no sales tax should be charged. A motion was made by Commissioner Edwards and seconded by Commissioner Hanning to table further discussion and possible action regarding tin horns and to continue as is until the matter is decided. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.
- E. The Board discussed Planning and Zoning procedure for zoning changes. Commissioner Edwards wanted to clarify that in every instance for zoning changes, Planning and Zoning follows the same set of procedures, with equal treatment regarding each applicant, and that zoning changes are not sole responsibilities of the Board of County Commissioners. Commissioner Hanning stated that Planning and Zoning is an advisory Board only and that the Board of Commissioners is the final authority in unincorporated areas. No action was taken.
- F. A motion was made by Commissioner Kelley and seconded by Commissioner Edwards to approve the County Road Action Report for Turtle Creek Phase III to be included in the County road inventory, .507 miles are to be added. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.
- G. The Board discussed action regarding Aerial Photographs of the County. Commissioner Kelley presented information from INCOG, stating to participate in aerial photographs for 33 sections in Wagoner County, City of Tulsa, the Wagoner County cost would be \$553.75. Commissioner

Kelley stated that to do aerial photographs of the rest of Wagoner County would be \$37,696.00 A motion was made by Commissioner Kelley and seconded by Commissioner Edwards to participate with INCOG in the 33 sections in the amount of \$553.75 to be paid out of the General Fund. (A motion was made by Commissioner Hanning to take from Use Tax. Commissioner Hanning then withdrew his motion.) The first motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

A motion was made by Commissioner Kelley and seconded by Commissioner Edwards to table further discussion and possible action regarding participation to do aerial photographs of the rest of Wagoner County, until possible participation by Creek and Cherokee Nations could be determined. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

VI. Old Business

A. A motion was made by Commissioner Hanning and seconded by Commissioner Edwards to table discussion and possible action regarding Sale of Easement to Crown Castle to determine who owns the tower. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

B. Quotes submitted for replacement of Sally Port Overhead Door in Jail were as follows:

1. Tulsa Overhead Door in the amount of \$5,400.
2. Muskogee Overhead Door in the amount of \$2,899.00 plus \$400.00 for a safety option, for a total of \$3,299.00, with the County furnishing a fork lift to use during installation.

A motion was made by Commissioner Edwards and seconded by Commissioner Kelley to accept the lowest quote of Muskogee Overhead Door in the total amount of \$3,299.00 with District Two furnishing the fork lift for use during installation of the Sally Port Overhead Door in the Jail, to be paid out of the Courthouse Renovation Fund. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

- C. The Board Discussed Judge Darrell Shepherd's request for a recommendation for appointment to fill vacancy on the Board of Directors of Choska Conservancy District 5. Since this is in District Three, Commissioner Kelley requested he be allowed to compile a list of names from those who pay the fees to submit to Judge Shepherd to fill this vacancy. A motion was made by Commissioner Edwards and seconded by Commissioner Kelley to allow Commissioner Kelley to compile a list of names to be submitted to Judge Shepherd as recommendations for appointment to fill vacancy on the Board of Directors of Choska Conservancy District 5. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.
- D. A motion was made by Commissioner Hanning and seconded by Commissioner Kelley to table discussion and possible action regarding request from Treasurer for remodel of her office to increase security. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.
- E. The Board considered designation of Charles "Charlie" Burns as Wagoner County Juvenile Officer. Commissioner Kelley read a portion of a letter from Judge Shepherd wherein Judge Shepherd stated the following:
1. I am not requesting any additional funding for this purpose.
 2. I understand that Wagoner County has no obligation to step in and fund this position in the event that state/federal funds are cut in the future.
 3. Charlie's activities will be limited to providing services to the youth of Wagoner County.
- A motion was made by Commissioner Kelley and seconded by Commissioner Hanning to approve the designation of Charles "Charlie" Burns as Wagoner County Juvenile Officer. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye. Commissioner Kelley then requested that Mr. Burns furnish the Board with written reports every two months. Mr. Burns agreed to do so.

VII. Financial Matters

- A. A motion was made by Commissioner Edwards and seconded by Commissioner Kelley to approve Deposits. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.
- B. A motion was made by Commissioner Edwards and seconded by Commissioner Kelley to approve Appropriations. The motion was approved with the following votes cast: Hanning, abstained; Edwards, aye; Kelley, aye.
- C. A motion was made by Commissioner Edwards and seconded by Commissioner Hanning to approve request for Election Board reimbursement for the month of January, 2012, in the amount of \$3,963.35. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.
- D. A motion was made by Commissioner Kelley and seconded by Commissioner Edwards to approve Juvenile Detention Transportation Claim for FY2012, for the month of January, 2012, in the amount of \$1,274.12. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.
- E. A motion was made by Commissioner Hanning and seconded by Commissioner Edwards to approve the following invoice:
 - 1. Craig County Regional Detention Center in the amount of \$289.34, for the month of January, 2012.The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

VIII. New Business – There was none.

IX. Public Comment – There was none.

X. Announcements

Commissioner Hanning noted that he had received an email stating appreciation for the County regarding public safety on County roads.

Scott Brians noted that there had been a tour of the Courthouse inspecting windows for leaks. Commissioner Hanning stated that David French had indicated that a window in his office had leaked. Mr. Brians stated that Mr.

French had accompanied them on the Courthouse tour, but had not indicated there were leaks at that time, therefore he was not on his list.

A motion was made by Commissioner Edwards and seconded by Commissioner Kelley to take a five minute break at 10:35a.m. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye. The Meeting was reconvened at 10:40a.m. Commissioner Kelley requested the subject matter of the windows be placed on next weeks Agenda.

- XI. A motion was made by Commissioner Edwards and seconded by Commissioner Kelley to receive the following Reports:
- A. Planning and Zoning for the week of January 30th, 2012.
 - B. Emergency Management for the week of January 30th, 2012 .
 - C. Engineer for the week of January 30th, 2012.
 - D. 911 for the week of January 30th, 2012 .
 - E. County Clerk for the month of January, 2012.
 - F. Assessor for the month of January, 2012.
 - G. Sheriff for the month of January, 2012.
 - H. Health Department for the month of January, 2012.
 - I. Fire Department(s) Appropriation Ledger Reports for the month of January, 2012.
 - J. Treasurer's Allocation of Alcoholic Beverage Tax.
- The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

- XII. A motion was made by Commissioner Hanning and seconded by Commissioner Edwards to forward the following Legal items to the District Attorney:
- 1. Case No. CJ-2011-0284, Arvest Bank vs. Leateich and David Williams and Wagoner County, et al.
 - 2. Case No. CV-2012-1, TIP Properties, LLC vs. Wagoner County, et al.
- The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

XIII. Purchase Orders

A. A motion was made by Commissioner Edwards and seconded by Commissioner Hanning to approve cancellation of Purchase Orders. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

B. A motion was made by Commissioner Kelley and seconded by Commissioner Edwards to approve the following Blanket Purchase Orders:

#4852, #4854 through #4857, #4859 through #4861, #4894, #4896, #4897, #4922, #4932 and #4935.

The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

C. A motion was made by Commissioner Kelley and seconded by Commissioner Edwards to approve calendar claims. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

XIV. A motion was made by Commissioner Kelley and seconded by Commissioner Hanning to recess at 12:39p.m. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

Presented and approved by the Wagoner County Commission on this 13th day of February, 2012.

TIM KELLEY, CHAIRMAN

JAMES HANNING, VICE-CHAIRMAN

ATTEST: CAROLYN KUSLER
WAGONER COUNTY CLERK

CHRIS EDWARDS, MEMBER
