

MINUTES OF MEETING
WAGONER COUNTY BOARD OF COMMISSIONERS
Tuesday, February 21st, 2012

The Board of Wagoner County Commissioners met with Tim Kelley, Chairman; James Hanning, Vice-Chairman; Chris Edwards, Member; Lori Hendricks, First Deputy 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 17th, 2012.

Location: Wagoner County Courthouse
Commissioner's Meeting Room

- I. The meeting was called to order by Commissioner Kelley at 9:02 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 Chris Edwards.
- IV. A motion was made by Commissioner Hanning and seconded by Commissioner Kelley to approve the minutes of Commission meeting held February 13th, 2012. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.
- V. A motion was made by Commissioner Kelley and seconded by Commissioner Hanning to Convene Public Hearing to protest or support the creation and establishment of Donald Ray Crawford, Sr. Family Cemetery. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.
 - A. Commissioner Kelley opened the floor to discussion regarding the creation and establishment of Donald Ray Crawford, Sr. Family Cemetery. Lori Hendricks, First Deputy County Clerk presented appropriate Proof of Publication stating that according to the State Statute all requirements have been met. Lori also presented for the Board to approve or disapprove, a Certificate of Authority for Establishment of Donald Ray Crawford, Sr. Family Cemetery. There was no comment from the public. A motion was made by Commissioner Kelley and seconded by

Commissioner Hanning to approve the request for creation and establishment of Donald Ray Crawford, Sr. Family Cemetery. 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 close the Public Hearing and reconvene into Open Session. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

VI. Action Items

- A. A motion was made by Commissioner Kelley and seconded by Commissioner Edwards to approve the following Utility Permits(s):

1. #3006-12; Applicant, Windstream, for District Three.
2. #2006-12; Applicant, Rural Water District #6, for District Two.

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

- B. The Board discussed the Flood Plain Administrator's request to prepare and issue a Press Release. Flood Plain Administrator Monty Proctor presented a copy of proposed Press Release and requested that in addition to free advertising, the Press Release be also published in the Neighbor News (which would include Coweta, Broken Arrow, Wagoner, Catoosa, and Bixby) and also published in the Muskogee Phoenix and Tulsa World. A motion was made by Commissioner Kelley and seconded by Commissioner Edward to approve the Press Release as written and to approve the publications in Neighbor News, which includes Coweta, Broken Arrow, Wagoner newspapers, and also in the Muskogee Phoenix. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

- C. A motion was made by Commissioner Hanning and seconded by Commissioner Edwards to approve the following Receiving Officers: Laura Miller and Jessica Hughes for Accounts T-2(1), C43(1) and CBRI(1) for District One.

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 Edwards to approve the following Requisitioning Officers: David French and Carolyn Henderson for Accounts T-2(1), C43(1) and CBRI(1) for District One.

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

- E. The Board opened bids submitted for Bid #15, Backhoe Loader for District Two, as follows:

1. Kirby-Smith - Declined to bid.
2. Warren Cat in the amount of \$80,185.00 with warranty options.
3. Yellowhouse Machinery in the amount of \$77,793.09, with warranty options.

A motion was made by Commissioner Edwards and seconded by Commissioner Hanning to table this item until District Two can review and recommend. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

- F. The Board discussed Fortinet Firewall renewal for the Courthouse, and the recommendation of Matt Roberg with Castlecom. A motion was made by Commissioner Hanning and seconded by Commissioner Edwards to approve the Full Bundle offered by Fortinet in the total amount of \$523.57. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

- G. A motion was made by Commissioner Kelley and seconded by Commissioner Hanning to approve the request for a copy of Payment Bond and name of Surety Company for Stone Bluff Community Center by Stuart C. Irby Company. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

- H. Engineer Monty Proctor presented document regarding the model flood damage prevention Ordinance provided by the Oklahoma Water Resources Board and recommendation to review Wagoner County rules and regulations for possible revisions, to include the flood damage prevention ordinance, Subdivision Regulation, the Zoning Code of the Coweta Metropolitan Area, the Wagoner Metropolitan Planning Area Zoning Ordinance and the Code Enforcement Policy Manual. A motion

was made by Commissioner Edwards and seconded by Commissioner Kelley to allow a committee, headed by Monty Proctor, to include Scott Brians, Brenda Robertson, and James Hanning to review and recommend revisions to the Ordinance and report back to the Board. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

VII. Old Business

- A. Upon recommendation from the Broken Arrow Fire Department, a motion was made by Commissioner Hanning and seconded by Commissioner Edwards to award Bid #14 for Rescue Equipment for Broken Arrow Fire Department to Blaze Enterprises, LLC, which was the low bid and the only bid, in the amount of \$11,544.00. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.
- B. The Board discussed item regarding request from the office of the Chief Medical Examiner in Tulsa. Assistant District Attorney John David Luton recommended the County work with the Medical Examiner's office regarding this matter. A motion was made by Commissioner Hanning and seconded by Commissioner Edwards to table this item so John David Luton can research further regarding costs. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.
- C. The Board discussed Aerial Photographs of County. Commissioner Kelley reported that photographs would be taken in the next three to four weeks and then would be available within about sixty days later. Commissioner Edwards stated he is still waiting to hear back from Cherokee Nation regarding possible participation in this project. A motion was made by Commissioner Edwards and seconded by Commissioner Kelley to table this item. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.
- D. The Board discussed item regarding leaking windows in Courthouse. Commissioner Hanning reported that the lift should be available for this project in two weeks. No action was taken.
- E. The Board discussed item regarding 31st LLC,

Case No. CJ-2010-212. Engineer Monty Proctor stated that 31st LLC completed the project without contacting the County as agreed, and that now there will be a need to rewrite the proposal for Engineer Services, possibly causing the cost to double. Commissioner Hanning asked the Assistant District Attorney if the County had any recourse to recover the additional cost. John David Luton will research and make a recommendation.

A motion was made by Commissioner Kelley and seconded by Commissioner Hanning to allow Monty Proctor to rewrite the proposal for engineering services and to get quotes. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

- F. A motion was made by Commissioner Kelley and seconded by Commissioner Edwards to table discussion and possible action regarding Lone Star Fire Department. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

VIII. 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 Hanning to approve the following invoice:

1. Eastern Oklahoma Youth Services, Inc. for the month of January, 2012, in the amount of \$302.25.

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

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

Dana Patten reported that an item regarding documentation for moving \$2.5 million would be on the Agenda next week.

X. Public Comment – There was none.

XI. Announcements – Commissioner Kelley congratulated Scott Brians upon his upcoming marriage plans.

XII. A motion was made by Commissioner Kelley and seconded by Commissioner Hanning to receive the following Reports:

- A. Planning and Zoning for the week of February 13th, 2012.
- B. Emergency Management for the week of February 13th, 2012 .
- C. Engineer for the week of February 13th, 2012.
- D. 911 for the week of February 13th, 2012 .
- E. Tallahassee Fire Department for month of January, 2012.
- F. Election Board for the month of January, 2012.

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

XIII. A motion was made by Commissioner Edwards and seconded by Commissioner Hanning to forward the following Legal documents to the District Attorney:

- A. Case No. CJ-2011-0284, Arvest Bank vs. Leateich and David Williams and Wagoner County, et al.
- B. Case No. CJ-2012-0061, The First National Bank and Trust Company of Broken Arrow vs. Lannette Scjmeebert and Wagoner County, et al.
- C. Case No. CJ-2012-0064, State of Oklahoma/Dept. of Transportation vs. Leonard and Judy Spencer and Wagoner County, et al.
- D. Case No. CJ-07-173, Solomon, L vs. Wagoner County.

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

XIV. Purchase Orders

A. A motion was made by Commissioner Edwards and seconded by Commissioner Kelley to approve cancellation of Purchase Orders, to include Warrant No. 41. 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 Hanning to approve of the following Blanket Purchase Orders:

#5131, #5165, #5178 through #5180, and #5189.

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 calendar claims, except #5141. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

XV. A motion was made by Commissioner Kelley and seconded by Commissioner Edwards to Recess at 11:39a.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 27th day of February, 2012.

TIM KELLEY, CHAIRMAN

JAMES HANNING, VICE-CHAIRMAN

ATTEST: CAROLYN KUSLER
WAGONER COUNTY CLERK

CHRIS EDWARDS, MEMBER