

MINUTES OF MEETING
WAGONER COUNTY BOARD OF COMMISSIONERS
Monday, March 12th, 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 Holly Chapman was also present. Advance notice of the meeting was posted on bulletin boards and public entrances of the Wagoner County Courthouse on March 9th, 2012.

Location: Wagoner County Courthouse
Commissioner's Meeting Room

- I. The meeting was called to order by Commissioner Kelley at 9:00 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 Chris Edwards and the Pledge of Allegiance was led by James Hanning.
- IV. A motion was made by Commissioner Kelley and seconded by Commissioner Edwards to approve the minutes of Commission meeting held March 5th, 2012. The motion was approved with the following votes cast: Hanning, abstain; Edwards, aye; Kelley, aye.
- V. Action Items
 - A. A motion was made by Commissioner Edwards and seconded by Commissioner Kellely to approve the following Labor Waivers:
 1. Clean out ditch, clean fence row and slope bank off County Right-Of-Way at 8450 North 35th Street East, Wagoner, Oklahoma, Roger A. Gibbs property for District Two.
 2. Clean out ditch, clean fence row and slope bank off County Right-of-Way at 8552 North 35th Street East, Wagoner, Oklahoma, Robert L. Duke property for District Two.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 table approval or disapproval of Lease/Purchase

Agreement between Wagoner County and Brewer Construction for construction of metal building for the benefit of Whitehorn Cove Fire Department. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

The Board re-visited this item later in the meeting. A motion was made by Commissioner Kelley and seconded by Commissioner Hanning to approve Lease/Purchase Agreement between Wagoner County and Brewer Construction for construction of metal building for the benefit of Whitehorn Cove Fire Department. 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 the following Utility Permit:

1. #3008-12, Applicant: Oklahoma Natural Gas, for District Three

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 Resolution #2012-014, Sheriff's Office request to Surplus the following:

1. 1998 Crown Victoria (VIN#2FAFP71W9WX135298) to be donated to Okay Police Department.

2. 2006 Chevrolet Tahoe (VIN#1GNEC13276R145609) to be donated to Oak Grove Fire Department.

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 table approval or disapproval of Treasurer's revised Permission to Invest. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

F. Larry Wilkerson presented a Fox 23 News video and recapped the Election. No action was taken.

G. The Board discussed item regarding "Stop Work" paperwork from Planning and Zoning. A motion was made by Commissioner Hanning and seconded by Commissioner Kelley to take discretion away from Planning and Zoning, and issue only formal "Stop Work" orders which are

to be filed in the County Clerk's Office. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

- H. Commissioner Hanning stated his concern that all County employees be given detailed information regarding awareness for insurance coverage. County Clerk Carolyn Kusler stated that the Wellness Committee had been meeting monthly, with representatives from all departments, and that BlueCross/Blue Shield do a detailed presentation on April 20th. No action was taken regarding this item.

A motion was made by Commissioner Kelley and seconded by Commissioner Hanning to take a break at 10:18a.m. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye. Commissioner Kelley reconvened the meeting at 10:33a.m.

VI. Old Business

- A. A motion was made by Commissioner Hanning and seconded by Commissioner Kelley to award Bid #16, Bridge Arch for District One to Big R Bridge in the amount of \$12,672.00. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye. (This was the low bid.)
- B. A motion was made by Commissioner Hanning and seconded by Commissioner Kelley to award Bid #17, Lay Down of Aggregate Base for District One to A & A Asphalt in the amount of \$0.40 per sq. yd., depth of 3". The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye. (This was the low bid.)
- C. The Board discussed item regarding updating Personnel Manual. After discussion regarding changes with elected officials present, along with Assistant District Attorney Holly Chapman, a motion was made by Commissioner Kelley and seconded by Commissioner Hanning to table further discussion and possible action regarding this matter. 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 table further discussion and possible action

regarding Earth Quake Assessment Report as prepared by Madsen, Kneppers and Associates, Inc. (MKA). The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

- E. A motion was made by Commissioner Kelley and seconded by Commissioner Hanning to table discussion and possible action regarding a County-wide Hotel Tax to allow Assistant District Attorney Holly Chapman more time to discuss this item with former Assistant District Attorney John David Luton. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.
- F. The Board discussed item regarding donation to Wagoner Sr. Citizens, and discussed whether annual contracts were needed when donations were given to Senior Citizen Centers. It was requested that Assistant District Attorney Holly Chapman research donation to Wagoner Area Neighbors. A motion was made by Commissioner Kelley and seconded by Commissioner Hanning to table this item. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.
- G. A motion was made by Commissioner Hanning and seconded by Commissioner Edwards to table update on Harris Radio by Mark Ketchum, since Mr. Ketchum was unable to attend. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

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. Transfers:
 - A motion was made by Commissioner Kelley and seconded by Commissioner Edwards to approve the following transfer:
 - 1. Assessor Part-time Salary Account No. (17-1B) to Assessor Visual Inspection Salary Account (17-1A), in the amount of \$12,066.66.
- The 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 Hanning to approve the following transfer:

2. OSU Extension Personal Services Account (09-1A) to OSU Extension Capital Outlay Account (09-3) in the amount of \$2,400.00; and OSU Extension Personal Services Account (09-1A) to OSU Extension M&O Account (09-2) in the amount of \$3,000.00.

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 Hanning to approve the following Invoice:

1. Muskogee County Regional Juvenile Detention Center for the month of February, 2012, in the amount of \$1,000.61.

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

Assessor Sandy Hodges stated that since her office is still experiencing dropped calls, she will be looking forward to Matt Roberg/Castlecom's analysis report. Matt Roberg will be here to present on the 19th.

Scott Brians, with Planning and Zoning, reported that Bowman Heating and Air Conditioning Company had completed the repairs on the DAV Building in Coweta.

XI. A motion was made by Commissioner Kelley and seconded by Commissioner Hanning to receive the following Reports, except for Item B. Emergency Management report for the week of March 5th, 2012:

- A. Planning and Zoning for the week of March 5th, 2012.
- B. Emergency Management for the week of March 5th, 2012 .

- C. Engineer for the week of March 5th, 2012.
 - D. 911 for the week of March 5th, 2012 .
 - E. Treasurer Allocation of alcoholic Beverage Tax for the month of Feb. 2012.
 - F. Fire Department Appropriation Ledgers for February, 2012.
- The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

- XII. A motion was made by Commissioner Kelley and seconded by Commissioner Edwards to forward the following Legal items to the District Attorney:
- 1. Case No. CV-2012-1, Tip Properties, LLC, vs. Heirs of Mary Bruner and Wagoner County, et al.
 - 2. File No. WC059583, Earl "Heath" Boutwell vs. Wagoner County.
 - 3. Case No. CJ-2012-0098, Bank of Oklahoma vs. Suncraft Homes, Inc., and Wagoner County, et al.

The 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 take a lunch break at 11:37a.m. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye. Commissioner Kelley reconvened the meeting at 12:48p.m.

XIII. Purchase Orders

- A. A motion was made by Commissioner Edwards and seconded by Commissioner Kelley to approve cancellation of Purchase Orders to include Warrant #1347 (Account T-2 (3)). 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:

#5628, #5679, #5699, and #5700.

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. Executive Session

- A. A motion was made by Commissioner Hanning and seconded by Commissioner Edwards to go into Executive Session Pursuant to Title 25, O.S. §307(B)4 for confidential communications with the attorney regarding the following item (at 9:30a.m.):

LARRY SOLOMON, individually and as parent and next friend of BRIAN SOLOMON, a minor v. BOARD OF COUNTY COMMISSIONERS OF WAGONER COUNTY, OKLAHOMA, et al., Case No. CJ-07-173.

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

- XV. A motion was made by Commissioner Hanning and seconded by Commissioner Edwards to reconvene into open session at 9:43a.m. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye..

XVI. The Board discussed the following:

LARRY SOLOMON, individually and as parent and next friend of BRIAN SOLOMON, a minor v. BOARD OF COUNTY COMMISSIONERS OF WAGONER COUNTY, OKLAHOMA, et al., Case No. CJ-07-173.

A motion was made by Commissioner Kelley and seconded by Commissioner Hanning to dismiss action against Living Church of God (International), Inc. and Deep Fork Community Action Foundation, Inc., and sign releases. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

XVII. A motion was made by Commissioner Kelley and seconded by Commissioner Edwards to Recess at 2:22p.m.

Presented and approved by the Wagoner County Commission on this 19th day of March, 2012.

TIM KELLEY, CHAIRMAN

JAMES HANNING, VICE-CHAIRMAN

CHRIS EDWARDS, MEMBER

ATTEST: CAROLYN KUSLER
WAGONER COUNTY CLERK
