

MINUTES OF MEETING
WAGONER COUNTY BOARD OF COMMISSIONERS
Monday, April 2nd, 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 30th, 2012.

Location: Wagoner County Courthouse
Commissioner's Meeting Room

- I. The meeting was called to order by Commissioner Kelley at 9:01 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 Commissioner Edwards.

- IV. A motion was made by Commissioner Kelley and seconded by Commissioner Hanning to approve the minutes of Commission meeting held March 26th, 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 Edwards and seconded by Commissioner Kelley to approve signing ODOT Form 324A, for John Deere Backhoe Loader for District Two, in the amount of \$77,793.09. 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 table discussion and possible action regarding whether or not to include the Drug Testing Policy in the Wagoner County

Personnel Manual. 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 Detention Services Agreement with Sac and Fox Nation FY2012–2013, in the amount of \$21.11 per juvenile, per day. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

D. A motion was made by Commissioner Edwards and seconded by Commissioner Kelley to approve the following Receiving Officers for Account C35, Coweta F.D.:

1. Hal Bumgarner
2. Brody Morris

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 Edwards to approve the following Utility Permit(s):

1. #3010–12, Applicant: Oklahoma Natural Gas, for District Three.
2. #3012–12, Applicant: Oklahoma Natural Gas, for District Three.
3. #2009–12, Applicant: Oklahoma Natural Gas, for District Two.
4. #3011–12, Applicant: Windstream Telecommunications, for District Three.

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

F. A motion was made by Commissioner Edwards and seconded by Commissioner Hanning to approve Wagoner Metro Area Planning Commission request to change zoning as follows:

1. WCZ #2–12–Johnston’s Port 33, Inc., Owner and applicant – request to change zoning from AG to 1–4 on two tracts of land in Section 5, Township 19 North, Range 16 East (130 Acres), general location is South of 412 at the end of Admiral.

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

G. A motion was made by Commissioner Hanning to deny Court Clerk’s request to suspend janitorial services in her office. The motion died for

lack of second. A motion was made by Commissioner Edwards to table this item. Commissioner Edwards then withdrew his motion. A motion was made by Commissioner Kelley and seconded by Commissioner Hanning to table this item until the Court Clerk could attend. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye. Court Clerk Rhonda Vincent arrived and re-stated her request, stating that she did not want to deal with any issues considering what is going on. A motion was made by Commissioner Edwards and seconded by Commissioner Kelley to approve Court Clerk's request to suspend janitorial services in her office. The motion was approved with the following votes cast: Hanning, abstain; Edwards, aye; Kelley, aye.

- H. The Board discussed License Agreements between American Tower Asset Sub II, LLC and Wagoner County. County Clerk noted that the amount of \$1,200.00 per agreement should have been per month rather than per year. Assistant District Attorney Holly Chapman stated that she had reviewed the Agreements and stated that the minimum insurance requirement by the County is \$2,000,000.00 rather than \$5,000,000.00. A motion was made by Commissioner Hanning and seconded by Commissioner Edwards Approve License Agreement(s) between American Tower Asset Sub II, LLC and Wagoner County for Permitted Use of Tower Facility at the following locations:

1. Wagoner, Oklahoma tower facility at 905 North Pierce, Wagoner, Oklahoma, in the amount of \$1,200.00 per month.
2. Plantation Properties tower facility at 27652 East 101st Street, Broken Arrow, Oklahoma, in the amount of \$\$1,200.00 per month.

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

A motion was made by Commissioner Edwards and seconded by Commissioner Hanning that the above be paid by E-911. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

- I. A motion was made by Commissioner Edwards and seconded by Commissioner Hanning to approve request from the Women's Auxiliary of the American Legion to place poppy posters in the Courthouse from May 21st until after Memorial Day. 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 five minute break at 10:55a.m. Commissioner Kelley reconvened the meeting at 11:00a.m.

VI. Old Business

- A. The Board discussed item regarding Risk Management Committee. County Clerk Carolyn Kusler stated that Dale Freck from ACCO has agreed to serve on the Committee. A motion was made by Commissioner Kelley and seconded by Commissioner Hanning for Emergency Management Director Heath Underwood be involved with Jim Beavers with Arrow Group to serve on the Committee. 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 discussion and possible action regarding donation to Wagoner Sr. Citizens. 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, nay; Edwards, aye; Kelley, aye.
- B. A motion was made by Commissioner Hanning and seconded by Commissioner Kelley to table approval or disapproval of the following invoice:
 1. ODOT CBRI Project ID: BRF-173c (093) CO, in the amount of \$3,120.15.

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

VIII. New Business – There was none.

(VIII.A.)Public Comment – Citizen Tom Lorincz suggested the Board of County Commissioners un-exempt Broken Arrow, Coweta, Wagoner, Porter, and Okay Fire Departments from reporting runs to the Board of County Commissioners, thus requiring run reports be submitted to the Board of County Commissioners so they could better evaluate those runs.

IX. Announcements

E-911 Coordinator Judy Elliott thanked Emergency Management Director Heath Underwood for holding an excellent Emergency Preparedness Expo on Saturday. Commissioner Kelley noted that he had heard good reports on this Expo.

Commissioner Kelley announced a Special Meeting of the Board of County Commissioners for April 10th, at 10:00a.m., to meet jointly with the Economic Development Board.

X. A motion was made by Commissioner Kelley and seconded by Commissioner Hanning to receive all Reports as follows, except C. Engineer Report for the week of March 26th, 2012:

- A. Planning and Zoning for the week of March 26th, 2012.
- B. Emergency Management for the week of March 26th, 2012 .
- C. Engineer for the week of March 26th, 2012.
- D. 911 for the week of March 26th, 2012 .
- E. Fire Department Appropriation Ledgers for the month of March, 2012.
- F. Fire Department Monthly Report Submission Log (Broken Arrow, Coweta, Wagoner, Porter, and Okay Fire Departments are exempt).
- G. Toppers Fire Department Run Reports for January, February and March, 2012.
- H. Oak Grove Fire Department Run Report for the month of February, 2012.

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

XI. A motion was made by Commissioner Kelley and seconded by Commissioner Hanning to forward the following Legal item to the District Attorney:

A. Claim No. WC#060074, Desiree Roberts vs. Wagoner County.

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 break for lunch at 11:34a.m. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

Commissioner Kelley reconvened the meeting at 12:36p.m.

XII. 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 of the following Blanket Purchase Orders:

#5971 through #5983, #6035, #6037 through #6042, #6046 through #6048, #6075 through #6078, #6122, #6123, #6136, and #6137.

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.

XIII. Executive Session

XIII.B. A motion was made by Commissioner Kelley and seconded by Commissioner Edwards to go into Executive Session Pursuant to Title 25, O.S. §307(B)4 at 9:36a.m. for confidential communications with the attorney regarding Labor Claim of Denise Henry, Paul Brown, and the Estate of Jeff Stiles. The motion was approved with the following votes cast: Hanning, nay; Edwards, aye; Kelley, aye.

XIV. Consider reconvening into open session

XIV.B. A motion was made by Commissioner Kelley and seconded by Commissioner Edwards to reconvene into open session at 10:42a.m. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

XV. Discussion and possible action regarding the following:

XV.B. A motion was made by Commissioner Kelley and seconded by Commissioner Edwards to allow the Sheriff to seek outside counsel regarding Labor Claim of Denise Henry, Paul Brown, and the Estate of Jeff Stiles. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

XIII. Executive Session

XIII.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)1, to discuss employment, hiring, appointment, promotion, demotion, disciplining or resignation of County Engineer at 12:36p.m. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

XIV. Consider reconvening into open session

XIV.A. A motion was made by Commissioner Kelley and seconded by Commissioner Edwards to reconvene into open session at 1:22p.m . The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

XV. Discussion and possible action regarding the following:

XV.A. A motion was made by Commissioner Kelley and seconded by Commissioner Edwards to take no action regarding employment, hiring, appointment, promotion, demotion, disciplining or resignation of County Engineer. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

XVI. Recess.

A motion was made by Commissioner Kelley and seconded by Commissioner Edwards to Recess at 2:42p.m.

Presented and approved by the Wagoner County Commission on this 9th day of April, 2012.

TIM KELLEY, CHAIRMAN

JAMES HANNING, VICE-CHAIRMAN

CHRIS EDWARDS, MEMBER

ATTEST: CAROLYN KUSLER
WAGONER COUNTY CLERK
