

MINUTES OF MEETING
WAGONER COUNTY BOARD OF COMMISSIONERS
Tuesday, September 4th, 2012

The Board of Wagoner County Commissioners met with Tim Kelley, Chairman; James Hanning, Vice-Chairman; Chris Edwards, Member; Lori Hendricks, County Clerk; and Char Stevens, 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 August 31st, 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, not present; Kelley, present; and Edwards, present.
- III. The Prayer was led by Lori Hendricks and the Pledge of Allegiance was led by Commissioner Edwards.
- IV. A motion was made by Commissioner Edwards and seconded by Commissioner Kelley to approve minutes of Special Commission Meeting held August 24th, 2012. The motion was approved with the following votes cast: Hanning, not present; Edwards, aye; Kelley, aye. A motion was made by Commissioner Kelley and seconded by Commissioner Edwards to approve minutes of August 27th, 2012. The motion was approved with the following votes cast: Hanning, not present; Edwards, aye; Kelley, aye.
- V. Action Items
 - A. A motion was made by Commissioner Kelley and seconded by Commissioner Edwards to approve Resolution #2012-041, Burn Ban for Wagoner County for a period of seven (7) days. The motion was approved with the following votes cast: Hanning, not present; Edwards, aye; Kelley, aye.
 - B. A motion was made by Commissioner Edwards and seconded by Commissioner Kelley to approve Resolution #2012-042, County Clerk to Surplus Computer Equipment to Maintenance Department. The motion was approved with the following votes cast: Hanning, not present; Edwards, aye; Kelley, aye.

- C. A motion was made by Commissioner Edwards and seconded by Commissioner Kelley to approve signing contract with Window World for replacement of OSU Extension Building window replacement. The motion was approved with the following votes cast: Hanning, not present; Edwards, aye; Kelley, aye.
- D. A motion was made by Commissioner Edwards and seconded by Commissioner Kelley to approve Wildlife Services Cooperative Agreement #13-7340-3952-RA, in the amount of \$19,000.00; Annual Work Plan Period of October 1, 2012 to September 30, 2013. The motion was approved with the following votes cast: Hanning, not present; Edwards, aye; Kelley, aye.
- E. A motion was made by Commissioner Kelley and seconded by Commissioner Edwards to approve renewal of maintenance contract on Fortinet 80c Firewall, in the amount of \$524.00 to be paid out of Courthouse Maintenance Account. The motion was approved with the following votes cast: Hanning, not present; Edwards, aye; Kelley, aye.
- F. A motion was made by Commissioner Kelley and seconded by Commissioner Edwards to table approval or disapproval of the following Utility Permit:
1. #2013-12, Applicant: RWD#5, for District Two.
The motion was approved with the following votes cast: Hanning, not present; Edwards, aye; Kelley, aye.
(Commissioner Hanning joined the meeting at 9:29a.m.)
Item F. was re-visited after Scott Brians, who joined the meeting at 9:31a.m, stated that everything was in order regarding this permit. A motion was made by Commissioner Edwards and seconded by Commissioner Kelley to approve Utility Permit #2012-12, Applicant: RWD#5, for District Two. 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 Edwards to approve Change Order #1 United Resources Building Co. Inc., Wagoner County Health Department (2011 Renovation Project), Increasing the amount by \$21,271.00 for a total amount of

\$790,271.00. The motion was approved with the following votes cast: Hanning, abstain; Edwards, aye; Kelley, aye.

- H. The Board Discussed item regarding maintenance of county-owned properties. A motion was made by Commissioner Kelley and seconded by Commissioner Edwards to approve reimbursement of costs of maintenance on County-owned properties to the District maintaining the property, with proper documentation, and to be paid from Treasurer's Resale or Commissioner's Use fund. 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 Kelley and seconded by Commissioner Hanning to table discussion and possible action regarding quotes for Bid #1, UPS for E-911. 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 fund previously approved amount of \$17,000.00 for Juvenile Drug Court and Juvenile Offenders Program from Commissioner's Use Tax. 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 utility permit, contingent upon floodplain review and approval by Floodplain Administrator Monty Proctor:
1. 1014-12, 2012-12, and 3022-12, Applicant: AEP Oklahoma Transmission Company, for Districts One, Two and Three.
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 Hanning to table discussion and possible action regarding Interlocal agreement with City of Broken Arrow regarding Midway Road from SH-51 North to 101st Street, then East on 101st Street to Armed Forces Reserve Center, to include Items 1,2, and 3 as follows:

1. Approve or Disapprove Interlocal Agreement with City of Broken Arrow.
2. Approve or Disapprove ODOT Right-of-Way, Public Utility, and Encroachment Agreement.
3. Discussion and possible action regarding solicitation for professional services – right-of-way acquisition.

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, abstain; Edwards, aye; Kelley, aye.
- B. A motion was made by Commissioner Kelley and seconded by Commissioner Hanning to approve cancellation of Warrant #000193 in the amount of \$125.00. 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 Kelley announced that the Board of County Commissioners' REAP Grant Change of Scope requests were approved at an EODD meeting last week.

The Birthday of Assessor Sandy Hodges was acknowledged.

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

- A. Planning and Zoning for the week of August 27th, 2012.
- B. Emergency Management for the week of August 27th, 2012.
- C. Engineer for the week August 27th, 2012
- D. 911 for the week of August 27th, 2012.
- E. Toppers Fire Department for July and August, 2012.

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

XII. Legal

A motion was made by Commissioner Kelley and seconded by Commissioner Edwards to forward the following Legal items to the District Attorney:

1. Claim of Bobby Hastings vs. Wagoner County et al.
2. CJ-2012-0388, Green Tree Servicing LLC. Vs Lyndell V. and Linda G. Handley and 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 Kelley and seconded by Commissioner Edwards to approve cancellation of Purchase Orders, to include Warrant #000040 in the amount of \$204.98. 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 the following Blanket Purchase Order(s):

#1355, #1377 through 1379, #1382, #1391, #1392, #1399, #1430 through #1437, #1444 through #1452, #1454, #1456 through #1459.

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, except for #1409.

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

After receiving necessary documentation, a motion was made by Commissioner Hanning and seconded by Commissioner Kelley to approve calendar claim #1409. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

IX. 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:

1. CJ-2010-212 31st LLC vs. Board of County Commissioners.

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

X. A motion was made by Commissioner Hanning and seconded by Commissioner Edwards to reconvene into open session. 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 Edwards to accept seals as installed, satisfying the contingency for acceptance into the County Road System in regard to the following:

1. CJ-2010-212 3^{1st} LLC vs. Board of County Commissioners

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 11:42a.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 4th day of September, 2012.

TIM KELLEY, CHAIRMAN

JAMES HANNING, VICE-CHAIRMAN

CHRIS EDWARDS, MEMBER

ATTEST: LORI HENDRICKS
WAGONER COUNTY CLERK
