

**MINUTES OF MEETING**  
**WAGONER COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, SEPTEMBER 19TH, 2016**

Board of Wagoner County Commissioners met in the Wagoner County Courthouse Commissioners Meeting Room. Chairman Chris Edwards; Vice-Chairman James Hanning; Member Tim Kelley; and, County Clerk Lori Hendricks were present. First Assistant District Attorney Jack Thorp and Assistant District Attorney Eric Jordan were also present. Advance notice of the meeting was posted on bulletin boards and public entrances of the Wagoner County Courthouse on September 16<sup>th</sup>, 2016.

- I. The Meeting was called to order by Commissioner Edwards at 9:05 a.m.
- II. Roll was called with the following responses: Hanning, present; Edwards, present; Kelley, present
- III. Prayer was led by Commissioner Edwards and Pledge of Allegiance was led by Wagoner Fire Chief Kelley Grooms
- IV. A motion was made by Commissioner Kelley and seconded by Commissioner Edwards to approve minutes of commission meeting held September 12<sup>th</sup>, 2016. 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 Hanning to table action regarding Flood Damage Prevention Ordinance. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.  
This item was re-visited and a motion was made by Commissioner Hanning and seconded by Commissioner Kelley to approve Ordinance. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.
  - B. A motion was made by Commissioner Hanning and seconded by Commissioner Edwards to table action regarding Resolution #2016-046 Amendment Floodplain Management Regulations, Establishment of Areas of Special Flood Hazard. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.  
This item was re-visited and a motion was made by Commissioner Hanning and seconded by Commissioner Kelley to approve Resolution. 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 Standard Operating Guidelines for Emergency Management as presented. 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 the following labor waiver(s):
    1. Dump debris off County Right-of-Way at 32320 E. 660 Road, Chouteau, Oklahoma; property owner James Crist for District Two
    2. Clean fence row, install tin horn and slope bank off County Right-of-Way on the NE corner of Hwy 51 and 250 Rd., across the Hwy from Old Town Bar, Wagoner, Oklahoma; property owner Roman Garcia for District Two
    3. Park County Equipment off County Right-of-Way, at 14620 S. 417<sup>th</sup> E. Ave, Coweta, Oklahoma; property owner Lamar Jackson for District Three
    4. Dump dirt and rock, stock pile road materials off County Right-of-Way at approximately ½ mile on 161<sup>st</sup> East of 417<sup>th</sup> Dead End, Porter, Oklahoma; property owner Brent Page for District Three

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 award Bid #2017-06 to Casco Industries, Inc. (the only bidder) for Bunker Gear for Tullahassee Fire Department. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.
- B. Regarding Project-ICTC, a motion was made by Commissioner Edwards and seconded by Commissioner Kelley to approve Real Estate Donation Agreement between Wagoner County Economic Development and Indian Capital Technology Center donating 20 acre site for a technology center to be built. 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 table action regarding award of Bid #2017-04 Okay Waterline Replacement for Commissioners and Town of Okay. 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 Hanning to approve deposit(s). 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 the following invoice(s):
  - 1. Eastern Oklahoma Youth Services, Inc. (Pittsburg Co.) for the month of August, 2016; in the amount of \$372.00
  - 2. Sac & Fox Nation for juvenile detention for the month of August, 2016; in the amount of \$42.22The 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 thanked Emergency Management for work on the Fall Festival.

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

- A. Cash Voucher
- B. Emergency Management
- C. Engineer
- D. Planning & Zoning
- E. E-911
- F. Juvenile Drug Court for the month of August, 2016

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 Hanning to forward the following legal items to the District Attorney:

- A. Case No. CV-2016-63 City of Tulsa vs. Harold and Nancy Lockart and Wagoner Co., et al
  - B. Case No. CJ-2016-236 The American Bank of Wagoner vs. Larry D. Coates and Wagoner Co., 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 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 order(s): #1936, #1985, #2002, #2037, #2049, and #2051. 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 calendar claims. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

XIV. Executive Session – A motion was made by Commissioner Kelley and seconded by Commissioner Hanning to go into Executive Session (at 9:15a.m.) Pursuant to Title 25, O.S. §307§(B)4 for discussion and possible action regarding:

- A. Confidential communications between a public body and its attorney concerning a pending Wagoner County Sheriff Investigation involving a forensic audit into a cellular phone previously possessed by Sheriff Bob Colbert and the contents of the audit as it relates to the conduct of Wagoner County government business, if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation or proceeding in the public interest.
- B. Confidential communications between a public body and its attorney concerning a pending investigation, claim, or action involving CV-2016-33, involving a subpoena for the cellular phone records of Major Dustin Dorr and Investigator Danny Elliott, if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation or proceeding in the public interest.

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 Hanning to reconvene into Open Session at 10:57a.m. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

XVI. Discussion and possible action regarding;

- A. Confidential communications between a public body and its attorney concerning a pending Wagoner County Sheriff Investigation involving a forensic audit into a cellular phone previously possessed by Sheriff Bob Colbert and the contents of the audit as it relates to the conduct of Wagoner County government business, if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation or proceeding in the public interest. No Action was taken.
- B. Confidential communications between a public body and its attorney concerning a pending investigation, claim, or action involving CV-2016-33, involving a subpoena for the cellular phone records of Major Dustin Dorr and Investigator Danny Elliott, if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation or proceeding in the public interest.  
A motion was made by Commissioner Kelley and seconded by Commissioner Edwards to allow the Sheriff to hire outside attorney for Major Dustin Dorr and Investigator Danny Elliott. The motion was approved with the following votes cast: Hanning, aye; Edwards, aye; Kelley, aye.

XVII. Recess – A motion was made by Commissioner Kelley and seconded by Commissioner Edwards to recess at 11:27a.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 26th day of September, 2016.

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CHRIS EDWARDS, CHAIRMAN

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JAMES HANNING, VICE-CHAIRMAN

ATTEST: LORI HENDRICKS  
WAGONER COUNTY CLERK

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TIM KELLEY, MEMBER

BOCC:LH/cs