

MINUTES OF REGULAR SCHEDULED MEETING OF THE BOARD OF
COUNTY COMMISSIONERS, ROGERS COUNTY COURTHOUSE, 219
SOUTH MISSOURI, COMMISSIONER'S MEETING ROOM 1-109,
CLAREMORE, OKLAHOMA, MONDAY, JULY 14, 2008, AT 9:00 O'CLOCK A.M.

Notice of said meeting was filed in the Office of the County Clerk on Thursday, July 10, 2008, at 3:30 P.M. and posted on the Courthouse Bulletin Board; Outside the Commissioner's Meeting Room; on the Exterior Window at the Southeast Entrance and Front Entrance to the Courthouse and on the Wheelchair Ramp Door.

- ITEM 1: CALL TO ORDER:
Chairman Dan DeLozier called the meeting to order at 9:01 A.M.
- ITEM 2: ROLL CALL:
Chairman Dan DeLozier, Commissioner Mike Helm and Commissioner Kirt Thacker were all present.
- ITEM 3: FLAG SALUTE:
Commissioner Helm led the salute and Pledge of Allegiance to the American Flag.
- ITEM 4: PRAYER:
Commissioner Thacker said a prayer.
- ITEM 5: APPROVAL OF MINUTES: July 7, 2008
Commissioner Helm made a motion to approve the minutes from July 7, 2008, as presented. Chairman DeLozier seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.
- ITEM 6: UNFINISHED BUSINESS: None presented.
- ITEM 7: ZONING:
1. Public hearing with discussion and possible action regarding adoption of revised Subdivision Regulations, Development Guidelines, Design Criteria and Construction Standards of the Rogers County Planning Commission -
Magan Green, Planning Commission Director, stated to the Board that the Planning Commission Board met on June 19, 2008, and there was four (4) changes that the Planning Commission made to the draft: (1) being a typographical error; (2) the Planning Commission Board was unclear about, in the draft it read "All driveway culverts shall have ODOT standard slope concrete and sections" they were unclear if that meant driveway culverts or roadway culverts. The Planning Commission Board struck that sentence from the draft, because they felt that should be designated for roadway culverts instead of driveway culverts. That was approved by the Planning Commission Board to strike that sentence from the draft. (3) The next sentence that the Board felt was confusing was on Page 21 Lot Split Procedures & Standards 402 Intent & Purpose (b) does not contain more than three (3) total lots, parcels or tracts including the lots to be split and any remaining tract, the sum of which is not less than ten (10) acres. The P.C. Board decided to delete the sentence "the sum of which is not less than ten (10) acres". In the ordinance book it also says that lot splits typically begin with a parcel of land that is no more ten (10) acres. (4) The Planning Commission Board also changed on page 33 502.05 right-of-way widths dedication from 100 feet to 80 feet.
Commissioner Helm inquired on page 33 on right-of-way width dedication, where the P.C. Board approved changing it from 100 feet to 80 feet of secondary/minor arterial width, the county already has enough problems with everybody wanting to put everything in our ditches and to make this go back to 80 feet, right now with ONG to PSO, water districts, fiber optics, we've got everything in our ditch. Helm continued that he understands that they're trying to squeeze out another plot. I'm very curious on the approval by the P.C. Board, you have a builder second the motion and a banker/builder/developer making the motion. With our problem for the county and everything in the ditch, I need all the space I can get. I know it's only 20 feet, but it's just another hassle for us, for my graders to go down the ditch, we had an accident a couple of weeks ago at 161st and Pine, ONG told us they dropped the gas line down so we could put in a culvert. So we believed them. Then we went out there and dug and hit the gas line. They didn't move it at all. This could have cost me a piece of equipment or even an employee had that blown up. I just can't be supportive of cutting the right-of-way from 100 feet to 80 feet.
Next Commissioner Helm inquired about page 21 on Lot Split Procedures and Standards 402 Intent & Purpose (b) does not contain more than three (3) total lots, parcels or tracts including the lots to be split and any remaining tract, the sum of which is not less than ten

(10) acres. Commissioner Helm asked Green if would not make more sense to bring each lot split before the Planning Commission Board and have them vote on it? Green replied that is what we are going to be doing. All lot splits will come before the Planning Commission and Green stated she was very comfortable with that plan.

Chairman DeLozier inquired about the 100 foot right-of-way, does that need to go back before the Planning Commission or do we decide that today? Green replied the Board can decide today, whether to keep it the way it is or amend it.

Commissioner Helm inquired from Brian Kellogg with Kellogg Engineering, Inc., does this fit in with the recommendations that we talked about before? Kellogg replied, as far as the right-of-way, 80 feet is going to be so much better than what we've had in the past. It will be a 40 feet from center to center. They've been giving up 30, so it would be a 10-foot adjustment on the front. And on 100 foot they would be giving up 50 feet. The 50 foot requirement, in some places, will seem wasteful depending on the location. And as far as the 10-acre lot split, the 10-acre rule has been in affect in the Planning Commission forever. The sum of the lot splits has to equal 10 acres. And without the 10 acres, there is no limit or no cap. And Kellogg stated that he feels not less than 10 acres is an absolute essential piece to platting and lot split process. This is nothing new, it's just re-instating the subdivision regulations from the past.

Commissioner Helm inquired from Green on the lot splits, the renegade subdivisions that we have going on where a man buys 10 acres and splits it 3 times, then wants a perpetual easement for all 3 houses, is that addressed in these regulations? Green replied yes and she was comfortable with it.

Commissioner Helm made a motion to strike the 80 feet and go back to the 100 feet and since Green is comfortable with all the lot splits going before the Planning Commission, that we approve the subdivision regulation requirements. Commissioner Thacker seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

NOTEsee also Planning Commission Board's minutes***

ITEM 8: PLATS: None presented.

ITEM 9: ROADS AND BRIDGES:

1. Discussion with possible action and update on Spunky Creek Bridge Project in District #2 by Kellogg Engineering, Inc. –

Commissioner Helm updated the Board about the project and stated that the project began in 2002 and we have come to a place where we are waiting on the District Attorney's office to do a condemnation on a piece of property and we have now been in the process for the last 4 years. Now we are at a place where Mr. Kellogg has already done the design and the project is at a standstill and yet Mr. Kellogg has expensed his money out for these projects that should have been done by now.

Mr. Kellogg presented the Board with an expense sheet on the Spunky Creek Bridge Project, stating the percentage of fees expensed. (**see expense sheet made a matter of public record**) Kellogg continued that the BOCC approved this resolution on October 14, 2002, and the engineering contract for Kellogg Engineering was \$28,295.00 and as of today we have billed and collected \$22,636.00. The 2 items left on the project are final plans and coordination for a total of \$6100.00. We would like to bill for a percentage of the final plans. The only thing to change was once the right-of-way was acquired then ODOT would have blessed them for final acquisition.

Kellogg continued that later on in 2005 when we started acquiring right-of-way total of \$4500.00, we have billed and been paid \$3500.00. There is a very good chance once it is condemned, the abstract and appraisal work will be void at this point and will have to be re-done. Too much time has lapsed. So I may place on the agenda to request a percentage of the final plans and right-of-way. Once we come to a conclusion on that, I would like to terminate that contract since it is 6 years old. Most of my subs won't begin to pick up a job for what they bid it for in 2002. We then need to bill ODOT and collect back our right-of-way money, geo-tech money which comes from the CBRI funds. We did collect on the right-of-way. But there is a lot of little fees out there that we need to summarize and bring before the Board and get turned in for our money. I know you can't decide this today, but Commissioner Helm wanted me to give you a brief update. Kellogg continued that we are still lacking Mr. Jennings right-of-way on the north side and east side of Spunky Creek and our last offer to the county was \$53,000.00 for about 25 feet of right-of-way by 400 feet long.

Kellogg continued that we have gone through our steps and appraised it and made the 3 offers and the 3rd offer was what it was appraised for in late 2005. Discussion only, no action taken.

2. Discussion with possible action on Resolution #2008-43 whereas, the Board of County Commissioners solicited Guy Engineering to provide qualification information for the design of BR#054 Little Dog Creek and BR#079 Little Dog Creek in District #1 –

Chairman DeLozier stated that he went through the solicitation process that

we are doing now for bridge engineers and Guy Engineering met all the requirements. Chairman DeLozier made a motion to accept Guy Engineering. Commissioner Thacker seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 10: CASH FUND ESTIMATE OF NEEDS AND REQUEST FOR APPROPRIATIONS: None presented.

ITEM 11: TRANSFER OF FUNDS: None presented.

ITEM 12: UTILITY PERMITS:

1. Rural Water District #3, Rogers County – boring 108th Street North located between 177th East Avenue and 106th Street North in Section 12, Township 21 North, Range 14 East of the I.B.&M., Rogers County, for Lot 6 Block 4 of Rolling Meadows in District #2 -

Commissioner Helm stated that since it conforms to the requirement of boring only, made a motion to approve. Commissioner Thacker seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 13: CLAIMS:

1. Salaries – None presented.
2. Attendant Care – None presented.

ITEM 14: BLANKET PURCHASE ORDERS:

1. Materials, Supplies, Parts, Groceries & Prescriptions – District #1: Everett Terry, \$200.00; County Clerk: Office Everything, \$250.00; Sheriff's jail account vehicle maintenance: Froman Oil Company, \$450.00; and Sheriff's general fund account vehicle maintenance: Froman Oil Company, \$4000.00 – Commissioner Helm made a motion to approve the blanket purchase orders as presented. Chairman DeLozier seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

2. Orders Exceeding Amount of Issuance – None presented.

ITEM 15: AGENDA ITEMS:

1. Discussion with possible action on Public Hearing for CDBG Economic Development Performance on projects at the Port of Catoosa in Rogers County which three projects involve rail spur extension to serve Alcan Packaging (11053 CDBG ED 87) and IPSCO Tubulars (12383 CDBG ED 06) and channel improvements to the Port of Catoosa (10656 CDBG ED 02) – Andy Armstrong with INCOG stated to the Board that this is the county offering one last chance for the public to comment at the public hearing to close out the projects and their impact upon the county. At this time I do not have a final solution for a job tracking issued related to the Pechiney (Alcan) Rail Spur Project, hopefully will be ready in a couple of weeks. The companies benefiting from the referenced improvements have provided documentation of individuals hired into jobs made available at eh companies' site location at the Tulsa Port of Catoosa. Commissioner Helm asked Mr. Armstrong out of the 3 projects listed, do you know a percentage of Rogers County citizens that are employed at the Port? Armstrong replied that zip code information is not captured, which would probably be how you would track that down. Most people live within 20 miles of where they work and the Port is roughly 4 to 5 miles inside the county. And these grants are creating jobs for the citizens of Rogers County. Discussion only, no action taken.

2. Discussion with possible action authorizing the Chairman to sign and submit Close-Out Documents for 11053 CDBG ED 87 Alcan Packaging; 12383 CDBG ED 06 IPSCO Tubulars and 10656 CDBG ED 02 Channel Improvements to the Port of Catoosa –

Commissioner Thacker made a motion to approve the Chairman to sign and submit Close-Out Documents for 11053 CDBG Ed 87 Alcan Packacing; 12383 CDBG ED 06 IPSCO Tubulars and 10656 CDBG ED 02 Channel Improvements to the Port of Catoosa as submitted. Commissioner Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried. ***NOTE***close-out documents were only submitted for 10656 CDBG ED 02 Channel Improvements and 12383 CDBG ED 06 IPSCO Tubulars at this time. Close-out documents for 11053 CDBG ED 87Alcan Packaging were not ready***

3. Approve/disapprove Resolutions for Disposing of Equipment for District #2 as follows: Gateway Computer sn#10236749 and Printer sn#409A1020976 with monitor to be junked and 18 foot landscaping trailer vin#13YFS18246C098486 traded to Starlite Trailer, 15251 South Highway 66, Unit A, Claremore, Ok 74017 –

Commissioner Helm made a motion to approve. Commissioner Thacker seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

NOTE see attached copy of Assistant District Attorney's opinion for public record***

4. Approve/disapprove Detention Services Agreement by and between Oklahoma Juvenile Justice Services, Inc. and the Board of County Commissioners of Rogers County, Oklahoma, to be effective July 1, 2008 through June 30, 2009 –

Peggy Armstrong, Rogers County Clerk, stated to the Board that the contract had been submitted to the District Attorney's office and Assistant District Attorney, Barry Farbrow, signed off on. Commissioner Helm made a motion to approve. Chairman DeLozier seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

5. Approve/disapprove Resolution #2008-44 and Reimbursement form directing Rogers County Treasurer to deposit funds from Mike Graham Auctioneers for equipment sale for District #3 in the amount of \$17,480.00 into the one-cent sales tax fund for distribution –

Chairman Thacker stated that this check was for reimbursement on 2 dump trucks he sold earlier at Mike Graham's auction. Commissioner Thacker made a motion to approve. Chairman DeLozier seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

6. Approve/disapprove Resolution #2008-45 and Reimbursement form directing Rogers County Treasurer to deposit funds from Mike Graham Auctioneers for equipment sale for District #1 in the amount of \$25,668.00 into the one-cent sales tax fund for distribution –

Chairman DeLozier made a motion to approve. Commissioner Thacker seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

7. Approve/disapprove Resolution #2008-46 and Reimbursement form directing Rogers County Treasurer to deposit funds from State of Oklahoma FEMA Pilot Program DR1735 on warrant #100974340 in the amount of \$1005.26 for District #3 into the one-cent sales tax fund for distribution –

Commissioner Thacker made a motion to approve. Commissioner Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

8. Approve/disapprove Resolution #2008-47 and Reimbursement form directing Rogers County Treasurer to deposit funds from State of Oklahoma FEMA Pilot Program DR1735 on warrant #100974341 in the amount of \$54,634.55 for District #2 into the one-cent sales tax fund for distribution - ***NOTE***original amount of warrant #100974341 is for \$232,709.14***

Commissioner Helm stated that we put most of the money back into labor since under the Pilot Program it goes to the labor portion and the rest went into the one-cent account. Commissioner Helm made a motion to approve. Commissioner Thacker seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

9. Approve/disapprove Resolution #2008-48 and Reimbursement form directing Rogers County Treasurer to deposit funds from State of Oklahoma FEMA Pilot Program DR1735 on warrant #100974338 in the amount of \$1962.99 for District #1 into the one-cent sales tax fund for distribution –

Chairman DeLozier made a motion to approve. Commissioner Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

10. Approve/disapprove Resolution #2008-49 and Reimbursement form directing Rogers County Treasurer to deposit funds from State of Oklahoma FEMA Pilot Program DR1735 on warrant #10974342 in the amount of \$75,369.64 for District #2 into the one-cent sales tax fund for distribution –

Commissioner Helm made a motion to approve. Chairman DeLozier seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

11. Discussion with possible action on purchase order issued on July 7, 2008, to Fail-Safe Security for Annual Alarm Contract for District #3 in the amount of \$720.00 –

Commissioner Thacker stated that this is an alarm system to protect the equipment and building and since all contracts are to come before the Board, made a motion to approve. Commissioner Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

12. Approve/disapprove removal of Eric Harry as Receiving Agent for District #2 and appointing Robin Anderson as Receiving Agent for District #2 –

Commissioner Helm made a motion to approve. Chairman DeLozier seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

13. Acknowledgment for public record from State of Oklahoma FEMA DR1735 PW#838 warrant #100974337 in the amount of \$2992.60 for Heritage Hills Golf Course –

Acknowledged for public record only, no action taken.

14. Approve/disapprove Resolutions for Disposing of Equipment for District #1 to be junked and to be sold by sealed bid at a later date as follows: 10,000 gallon diesel tank (D1-413-0102) and 3000 gallon unleaded gas tank (D1-413-0101) –

Chairman DeLozier made a motion to approve. Commissioner Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

NOTECommissioner Helm and Commissioner Thacker asked Marilyn Gibson, County Clerk 1st Deputy to do their resolutions for disposing of equipment on their fuel tanks also***

15. Discussion with possible action on Application for reimbursement through Oklahoma Department of Wildlife Conservation Beaver Control and Abatement Program for Rogers County's Oklahoma Department of Agriculture, Food and Forestry fees of \$2400.00 –

Commissioner Helm made a motion to approve. Commissioner Thacker seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

16. Acknowledgement for public record receipt of cashier's check #040295 for sign vandalism restitution in the amount of \$924.94 that occurred on or around June 26 and June 27, 2007 – Acknowledged for public record only, no action taken.

17. Acknowledge for public record receipt of check #208-119393 from CMC Recycling in the amount of \$905.39 for sale of sheet iron #2 in District #3 – for trash-off program - Acknowledged for public record only, no action taken.

ITEM 16: PUBLIC COMMENTS AND RESPONSES FROM BOARD MEMBERS: Limited to specific items on the Agenda that are listed and discussed at this meeting and limited in duration at the discretion of the Chairman -

ITEM 17: PAYMENT OF PURCHASE ORDERS FROM ALL DEPARTMENTS:
(Materials, Supplies, Parts, Groceries & Prescriptions)***NOTE***see attached list of all claims that were approved for payment on Monday, July 14, 2008***Commissioner Thacker made a motion to approve payment of all purchase orders from all departments as presented. Commissioner Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 18: NEW BUSINESS:

1. Consideration and possible action with respect to any other matters not known about or which could not have been reasonably foreseen prior to posting the agenda –

Commissioner Thacker stated that for public record that District #3 would be piggy-backing off Bid #482 to purchase a hydraulic excavator from Keystone Equipment Company for \$143,492.00, no action taken.

ITEM 19: RECESS OR ADJOURNMENT:

Chairman DeLozier made a motion to adjourn the meeting. Commissioner Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried. Meeting was adjourned at 11:22 A.M.

BOARD OF COUNTY COMMISSIONERS
ROGERS COUNTY, OKLAHOMA

By: _____
Peggy Armstrong, Rogers County Clerk

(SEAL)