

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, SEPTEMBER 15, MONDAY, 2008, AT 9:00 O'CLOCK A.M.

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Notice of said meeting was filed in the Office of the County Clerk on Thursday, September 11, 2008, at 3:37 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 Door 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: September 8, 2008

Commissioner Thacker made a motion to approve the minutes from September 8, 2008, as presented. Commissioner Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 6: UNFINISHED BUSINESS: None presented.

ITEM 7: ZONING:

1. Hearing/possible action on Application of Leland Warehime for a change of zoning from AG to RS-40 for a residential lot split on a tract of land in the SE/4 of the NE/4 of the NE/4, lying West of county road as now located in Section 34, Township 22 North, Range 16 East of the I.B.&M., according to the U.S. Government Survey thereof – address: 18196 South 4170 Road, Claremore, Ok 74017 –

Magan DeLozier Green stated to the Board that the Planning Commission met on September 4, 2008, and approved the application by a five to zero vote. Applicant was not present at the Commissioner's meeting. Since the applicant was not present, Green gave an update to the Board that this zoning is approximately a 4-acre tract of land. There was a house on it that burned a few years back and the structure was gutted, which still remains on the tract of land. A new house was built and now they would like to do is refurbish the house that was burnt and gutted. In order to do this, they need to do a lot split, because of the Planning Commission ordinance prohibiting two dwellings on one tract of land. Green continued that the applicant is aware that once he does the split that he will have to include a minimum of a 30-foot wide strip of land that comes all the way out to the county road and he is willing to do that. There was no opposition present at the Commissioner's meeting. Chairman DeLozier stated that since there is no opposition present at today's meeting, Chairman DeLozier made a motion to approve. Commissioner Thacker seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

2. Hearing/possible action on Application of OK Ranch Properties, LLC, for a change of zoning from AG to Planned Unit Development: mixed zoning districts: residential, commercial and recreational on a tract of land in Sections 24 and 25 of Township 22 North, Range 14 East; Sections 18, 19, 20 21, 28, 29, 30 and 31 of Township 22 North, Range 15 East of the I.B.&M., Rogers County – address: 17995 South Ranch Road, Claremore, Ok 74017 –

Magan DeLozier Green stated to the Board that the Planning Commission met on September 4, 2008, and approved the application by a four to one vote. Attorney Mack Greever, representative for the applicant, showed the Board a plat map of the proposed PUD. Greever continued, that the primary access to the property will be from the west, and at some point we'll be asking that the county come in and open section lines from approximately 163<sup>rd</sup> Street along 136<sup>th</sup> Street North until it reaches where it intersects with the ranch property. 136<sup>th</sup> Street would be the primary entrance and 177<sup>th</sup> East Avenue is over one mile, which at some point and time we would want to open a mile of 177<sup>th</sup> East Avenue, which would then provide access down to Highway 20.

And then that would provide an improved roadway, since there is already quite a lot of development in the area.

Greever continued that it is a large comprehensive plan and will take a long time to develop, anticipated 5-10 years to get all the development done. If you review what we have here, it does in fact fall within and comply with the standards that have been adopted by Rogers County comprehensive plan. A PUD is designed to simply come in and set forth proposed uses, proposed densities and as each one of the properties is developed, we have to go through the platting process. Which means we have to come back to the county and file a plat and meet all the platting requirements, which also requires another public hearing for just that. This gives the county ample opportunity to look at it each time and we have to comply with the subdivision requirements of Rogers County.

Greever continued that they feel a sewer district would be ideal to have for this PUD and be very beneficial to this area. This area is in Rural Water District #3; Limestone Fire Protection District, Collinsville School District and Verdigris Valley Electric Coop. We feel this is an excellent opportunity to have an intelligent planned development of a large block of land this will be developed sooner or later. We will have to form a master homeowner's association, because the property does lie outside of the city limits or town boundary lines or fence lines of any other towns in this area. We want to preserve that. The plan was done by Bland Pittman with Pittman and Poe, and is one of the pre-eminent land planners in this area.

Commissioner Helm inquired from Ms. Green as to how many people showed up in opposition at the Planning Commission meeting. Green replied most everybody in this room. Commissioner Helm continued that today we are talking about changing zoning only, we're not talking about where the sewer is going, water running, streets, etc.

Rose Goad of 19005 South 4080 Road, asked how is it possible to stay agriculture with 3000 homes? Mitchell Hratkowski of 4913 East Cedar Ridge Road, asked if they would be doing any blasting, and if so, the Board needed to require bonds be put in place for pay for damages in case the developer goes out of business. Also, because one of the primary principles, James Olson, who is involved with OK Ranch Properties, currently has multiple foreclosure actions against him and his North Beach Development at Grand Lake in Delaware County, of a similar development. This issue of traffic has not really been addressed, 202<sup>nd</sup> and Ranch Road cannot handle the traffic. We also don't want to back up to a water tower or commercial development. These issues need to be addressed now and feels it's not fair the people should have to come back and address each issue separate, they have jobs. Lynn Squires of 4853 East Redbud Drive, stated she feel we are trading existing residences for another and we can't keep taking off work each time an issue comes up. Richard Dinelli of 18072 South Ranch Road, stated that Rogers County would have to foot the bill to open up the roads and why couldn't 146<sup>th</sup> Street be opened up straight across and bring roads in from the north. That would mean around 6000 vehicles per day going up and down these roads and it's a safety issue. We urge the Commissioner's to turn down this zoning at this time and give everyone ample time to speak about this.

Karen Graham of 10832 South Ranch Road, presented the Board with a handout research she had done on the internet. (see handout made a matter of the minutes) Graham also spoke of not wanting a city brought to them and spoke of having an autistic child.

Jane Wilson, 4935 Cedar Ridge Road; Walter Jackson, 19574 South 4080 Road; Richard & Susan Dinelli, 18072 South Ranch Road; Marge Matuszewski, 4777 East Chestnut Drive; Robert John Plowzynski, 18459 South Cedar Ridge Road; Dianna Delgado, 18280 South Elm Road; Nancy Ledgerwood, 4715 East Willow Drive; Glenn Cherry, 4973 Cedar Ridge Road; Tony Carter, 4934 East Maple Drive; Patty Stauffer, 5113 Cedar Ridge Road, all spoke in opposition and their concerns over the natural gas pipeline in the area; what controls do we have if the developer doesn't buy the land and the zoning is changed, they can do whatever they want; traffic concerns; don't want the traffic driving through their neighborhood; becoming a dumping ground; developer is now quarrying rock out of the area; effects on the economy; not wanting recreational and commercial property next door, will kill property values; let the people who buy in the PUD make the choice of where the school or water tower goes; if Ranch Road needs to be widened, a few homes will be lost; to big an area to develop at one time.

Commissioner Thacker explained to the audience for educational purposes, each one of us (Commissioner) represent the people on both sides and what we have to look at is, have they went through all the processes that are available to them to get zoning changed and has the opposition had an opportunity to come and state your opinion. But it is not up to us to say what exactly they can put in there. They have to stay within the required zoning requirements and regulations. We do listen to your concerns, but we also represent the minority.

Commissioner Helm inquired from Ms. Green what her recommendation to the Planning Commission Board was, and Green replied she recommended approval. Commissioner Helm commented that only a Commissioner can open a road and a Commissioner's job first is public safety. You can't go through additions to do anything, will have to come off 136<sup>th</sup> Street or 177<sup>th</sup>

East Avenue. The small or patched roads spoke of earlier, the bases are bad on the patched roads and that will have to be fixed before anything can be done to them. And as far as them quarrying rock, we have asked the Department of Mines to check into this matter. Also bonding for roads is already in place, this was added to the subdivision regulations in 2005. Commissioner Helm continued that commercial planning would have to go before the Planning Commission, because the Planning Commission is the overseer for you not to have bad development.

Discussion continued on the matter from both sides and questions were asked and answered. Commissioner Helm stated that since this matter is so emotional and rumors are flying, made a motion to table for 2 weeks (September 29<sup>th</sup>) to allow everyone to settle down and think about what they have to say and find out the facts first and discuss their concerns with Mr. Greever. Chairman DeLozier seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

Chairman DeLozier made a motion to recess the meeting for 15 minutes. Commissioner Thacker seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried. Meeting was recessed at 10:40 A.M.

Chairman DeLozier called the recessed meeting back to order at 10:58 A.M. Roll Call: Chairman DeLozier, Commissioner Helm and Commissioner Thacker were all present. Meeting resumed at 10:58 A.M.

ITEM 8: PLATS: None presented.

ITEM 9: ROADS AND BRIDGES: None presented.

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

ITEM 11: TRANSFER OF FUNDS: None presented.

ITEM 12: UTILITY PERMITS: None presented.

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 and R & S Auto Parts, Chelsea, \$600.00; Sheriff's jail account vehicle maintenance: Froman Oil Company, \$500.00; and Sheriff's civil fee account M&O: Froman Oil Company, \$3500.00 – Commissioner Thacker 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 heating/cooling units at county building located at 415 West 1<sup>st</sup> Street, Claremore, Oklahoma –  
Chairman DeLozier stated that there is some problems with the heating and air units at the building located at 415 West 1<sup>st</sup> Street. The first company that looked at the units, Clyde's Quality Heating & Air Conditioning, didn't recommend using again, since the heat exchangers in both units were over 25 years old. We received 4 quotes from vendors and the compressor on the back unit is locked up and on the compressor on the front unit is good. The lowest quote received was from Morrow Mechanical, Inc., for \$9950 for complete job of putting unit in and having it work. Commissioner Helm inquired about the line on the job proposal saying "this proposal does not include" overtime labor and painting of piping or materials". Chairman DeLozier stated that he inquired about that statement also, and the \$9950 is a complete bid, which includes that. Commissioner Helm inquired as to where we are paying this from? Marilynn Gibson, Purchasing Agent, replied the courthouse remodel account. Commissioner Thacker inquired about the huge difference in prices on the quotes. For instance, Barbee's Heating & Air Conditioning's quote was for \$19,950.00. Terri Thomas, Election Board Secretary, replied that Barbee's quote included 2 new complete units, which was not what was asked from everyone. And at this time, had not received a revised quote from Barbee's. Chairman DeLozier made a motion to accept the quote from Morrow Mechanical, Inc., for \$9950.00 with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

2. Discussion with possible action on City of Claremore required permits for remodel project at 415 West 1<sup>st</sup> Street, Claremore, Oklahoma –

Chairman DeLozier stated that he talked to Terri (Thomas) about this matter when we first found out these requirements. Arthur (Mathews) did have the man from the City of Claremore come over and take a look at. Mickey Perry was present at the meeting and stated that he talked to Troy Powell after Terri called and it's always been common practice to waive the fees for the county. Troy wants a letter from the county requesting that the fees be waived, it should be standard procedure. Magan Green, Planning Commission Director, stated that she has the application for certificate of occupancy and will be submitting it to the City of Claremore today on behalf of the Election Board office. The county is willing to do their own inspections, it doesn't matter to the city. Discussion only, no action taken.

3. Approve/disapprove Resolution for Disposing of Equipment at District #1 on Relm mobile radio, sn#817-A04914, to be junked (not working) –

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

4. Discussion with possible action on Bid #485 –Micro-Surfacing with Donelson Construction Company, LLC, on modification of existing contract/bid prices –

Commissioner Helm stated that it was discovered that the hot rubber crack fill road preparation was left off Bid #485 and felt the bid should be modified to include it, because micro-surfacing requires sealing the road too. Mike Donelson with Donelson Construction Company, LLC, is here today to explain. Mr. Donelson stated that the modification that we are proposing is to add hot rubber crack sealing to the micro-surfacing. Typically those two items go hand in hand. The original specifications actually called for a price on it, I just failed to include it at the time. Chairman DeLozier inquired if a bid could be modified. Commissioner Helm stated that it was originally on the bid specifications. Marilynn Gibson, Purchasing Agent, stated that when the bids were mailed out, 15 packets were mailed with 2 responses being received, with one being a no bid. So the only bid we received was from Donelson Construction Company, LLC. Commissioner Helm stated that we wanted to be up front about this when we started hot rubber crack filling. Commissioner Thacker made a motion to approve. Commissioner Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

5. Approve/disapprove County Officers Monthly Reports for August 2008 –

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

6. Discussion with possible action on final payment to Worldwide Restoration, Inc. for basement remodel project –

Marilynn Gibson, Purchasing Agent, stated that she received an e-mail from Worldwide Restoration and placed the item on the agenda and continued that she didn't know if final inspection had been done and needed the Commissioner's to authorize payment. Chairman DeLozier stated that the project was not complete yet and needed to hold off on. Commissioner Helm inquired about the guarantee of mold, do we know if we got it all. Bob Anderson, Emergency Management Director, replied yes sir, a mold specialist came in and brought his machine and inspected all the areas where sheetrock was being replaced, then they put some kind of special coating on the sheetrock and the new sheetrock put in is suppose to be mold-resistant. Anderson continued that some areas are still not complete. The mold portion was signed off on by the specialist before they could move forward. We gave them a copy of federal requirements from FEMA before they could begin the work and meet special criteria. Chairman DeLozier stated that the lady with FEMA that came in on the PW for the basement assisted us in writing up the specs on the mold remediation. Discussion only, no action taken.

7. Acknowledgment for public record only for District #3 from Cates Recycling for 380 lbs. of scrap road signs in the amount of \$72.00 – Acknowledged for public record only.

8. Acknowledgment for public record only for District #2 from CMC Recycling for 4640 lbs. of #1 and #2 scrap metal in the amount of \$257.89 –

Peggy Armstrong, Rogers County Clerk, advised the Board that the County Clerk's Office received a phone call from Kathy Banks, District #2 receiving agent, stating that she had checked with CMC Recycling on where was the check for District #2 and they said they had mailed it. The check mailed to District #3 for \$257.89 was actually for District #2. 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, September 15, 2008\*\*\*Commissioner Thacker made a motion to approve payment of all purchase orders from all departments as presented. Chairman DeLozier seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

Motion was made by Commissioner Thacker and seconded by Chairman DeLozier to pay purchase order #901872 issued to Ritchie Bros. Auction for District #1 amount to be paid \$30,000.00, on Tuesday, September 16, 2008, to give the 5 day notice. Marilyn Gibson, Purchasing Agent, stated that she had discussed this with Barry Farbro, Assistant District Attorney, and he gave his approval. 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 –None presented.

ITEM 19: RECESS OR ADJOURNMENT:

Chairman DeLozier made a motion to adjourn the meeting. Commissioner Thacker seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried. Meeting was adjourned at 12:20 P.M.

BOARD OF COUNTY COMMISSIONERS  
ROGERS COUNTY, OKLAHOMA

By: \_\_\_\_\_  
Peggy Armstrong, Rogers County Clerk

(SEAL)