

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, SEPTEMBER 29, 2008, AT 9:00 O'CLOCK A.M.

Notice of said meeting was filed in the Office of the County Clerk on Thursday, September 25, 2008, at 4:40 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 Entrances to the Courthouse and on the Wheelchair Ramp Door.

ITEM 1: CALL TO ORDER:

Vice-Chairman Mike Helm called the meeting to order at 9:09 A.M

ITEM 2: ROLL CALL:

Vice-Chairman Mike Helm and Commissioner Kirt Thacker were all present. Chairman Dan DeLozier arrived to the meeting at approximately 9:15 A.M.

ITEM 3: FLAG SALUTE:

Commissioner Thacker led the salute and Pledge of Allegiance to the American Flag.

ITEM 4: PRAYER:

Marilynn Gibson, 1st Deputy/Purchasing Agent, Rogers County Clerk's office, said a prayer.

ITEM 5: APPROVAL OF MINUTES: September 22, 2008

Commissioner Thacker made a motion to approve the minutes from September 22, 2008, as presented. Commissioner Helm seconded the motion. Roll Call: Helm-aye, Thacker-aye. Motion carried.

ITEM 6: UNFINISHED BUSINESS: None presented.

Commissioner Helm made a motion to recess the meeting and move to Judge Condren's courtroom on the 2nd floor of the courthouse to conduct the meeting for the zoning issue. Commissioner Thacker seconded the motion. Roll Call: Helm-aye, Thacker-aye. Motion carried and the meeting was recessed at 9:11 A.M. and moved to Judge Condren's courtroom on the 2nd floor of the courthouse.

Chairman DeLozier arrived to the meeting at 9:15 A.M.

Chairman DeLozier called the meeting back to order at 9:16 A.M. Roll Call: DeLozier-here, Helm-here, Thacker-here.

ITEM 7: ZONING:

1. Hearing with 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 Section 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 -
NOTE(this item was tabled from September 15, 2008, meeting***)

Magan Green, Planning Commission Director, stated that she had received approximately three (3) phone calls inquiring about the PUD and as far as anybody coming into the office and requesting to look at the book, no one did that until today.

Attorney Mack Greever, stated that he was here representing OK Ranch Properties, LLC, and would like to urge the Board to approve the zoning request. Greever continued that since the last meeting no one had called him to ask questions about the PUD. After the last meeting, a few people did ask me some questions about it.

Richard Dinelli of 18072 South Ranch Road, spoke of an e-mail that was sent to the Commissioners and he wanted it made a matter of public record. (see e-mail)

Nick Matuszewski of 4777 East Chestnut Drive, stated that if you close Ranch Road, we will not be able to use 136th Street North. So what would be the purpose of it, I prefer the road to be open.

Whitney Ambrose of 18237 Ranch Road, also sent an e-mail and stated he had concerns about all the construction to Ranch Road and the additional traffic this would create. (see e-mail)

Rose Goad of 19005 South 4080 Road, Bill Ledgerwood of 4715 East Willow Drive and Nancy Ledgerwood of 4715 East Willow Drive all spoke in opposition of.

Commissioner Helm stated that 136th Street North is a section line road that can only be opened by a Commissioner. And since we have a PUD, we are requiring the developer to put in a buffer zone, which is something in our comprehensive plan and the Planning Commission Director can make those requirements and tell the developer what they can and can't do under a Planned Unit Development. All we are doing today is talking about zoning. 177th Street North and 136th Street North are section line roads and can be opened up further only by a Commissioner. These are the two roads that the Planning Commission can make the developer use these roads. And the water tower, they want it to be closer to the lines at Rural Water District #3. Rogers County has a Planning Commission Director to tell the developer what he can and cannot do.

Mr. Greever stated that the county has subdivision regulations to follow to protect the neighbors. There is all kinds of buffer requirements. The PUD has lots of flexibility to it. Developer knew that he could not rely on Ranch Road to gain access when he began the process. This will be a long vision into the future.

Commissioner Thacker stated that this is a zoning change only today. If it passes, the developer can proceed with their PUD and then discuss all the issues that you all have with the Planning Commission when they come back before them for placement of the roads, water tower, etc.

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

Chairman DeLozier made a motion to recess the meeting and go back downstairs to the Commissioner's meeting room to continue the meeting. Commissioner Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried and the meeting was recessed at 9:51 A.M.

Chairman DeLozier called the meeting back to order at 10:07 A.M.
Roll Call: DeLozier-here, Helm-here, Thacker-here.

ITEM 8: PLATS: None presented.

ITEM 9: ROADS AND BRIDGES:

1. Acknowledgement for public record whereas, on September 11, 2008, the INCOG Board of Directors endorsed the project at 161st East Avenue/Pine Street Intersection to construct roadway with shoulders and signalization of intersection with total funding of \$900,000 (\$720,000 Federal and \$180,000 Local) – Acknowledged for public record only, no action taken.

2. Approve/disapprove Annual Memorandum of Agreement (MOA) with Cherokee Nation which enables work with the County on road improvement projects, including Indian Reservation Roads (IRR) projects –

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

ITEM 10: CASH FUND ESTIMATE OF NEEDS AND REQUEST FOR APPROPRIATIONS:

1. 005 Use Tax – \$64,916.86
2. 101 Unrestricted Highway - \$833.96 Addendum and \$254,109.24
3. 141 Cellular Phone Usage – \$46,636.42
4. 142 E-911 Fees – #13,258.35
5. 145 Attendant Care – \$405.00
6. 160 13376 CDBG ED 08 – Advanced Research Chemicals, Inc. \$100,000.00

Commissioner Helm made a motion to approve Items 1 thru 6 under cash fund estimate of needs as presented. Chairman DeLozier seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

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 #3: Water Products, \$20,000.00; R & S Auto Parts, \$750.00; Sheriff's jail Board of Prisoners: Bimbo Bakeries, \$1200.00; Farmers Bros. Coffee, \$600.00; Sysco Foods, \$2200.00; Sysco Foods, \$6500.00; Warehouse Market, \$250.00; Sheriff's jail medical: St. Francis Lab, \$600.00; PHS Mobile X-Ray, \$600.00; Diamond Medical Services, \$200.00 Diamond Pharmacy, \$6000.00; Sheriff's jail vehicle maintenance: Froman Oil Company, \$700.00 and Sheriff's general fund vehicle maintenance: Froman Oil Company, \$3500.00 – Chairman DeLozier made a motion to approve the blanket purchase orders as presented. Commissioner Thacker 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 county budget for 2008-2009 –

Mr. Turner with Turner & Associates, PLC, went over the figures with the Board on Exhibit "Y" the total budget for the year is \$17,478,068.58. Melissa Anderson, County Assessor, and I had some discussions on some of the items we talked about. We have been collecting around 97% or 98% on taxes in the past years and Melissa feels that figure will go down this year. We still budget 90% no matter what happens and that is what is being done on this budget for 2008-2009. And if we collect less than that, it goes into next years budget as money coming in.

Mr. Turner went over the figures on Page 1 of Exhibit "A" for general fund. General fund has \$4,702,547.48 carryover in it and \$4,466,630.81 was collected over what was anticipated. Also went over Pages 2a of Exhibit "A" on revenues, which \$11,260,496.47 was actually collected and for 2008-2009 we're putting it in at \$7,273,751.11. Mr. Turner stated that he felt we would be okay, but Melissa (Anderson) had concerns over anticipated revenues being excessive for the Planning Commission on building permits, County Clerk fees and decrease in tax revenue from the Treasurer's office due to not having the 1 year tax sales anymore. On pages 4A through 4K is appropriated accounts by department. In general government it went from \$3,281,649.86 to \$3,317,232.88.

Mr. Turner explained that most of the counties do not add back in their carryover. They take whatever their request is and base it on that. But Rogers County has excess money, so it is not a big deal to do that. But if you were in a tight budget, my suggestion would be to fund whatever they ask for and if they want to put the carryover in that would be a part of their request.

On page 4e, one cent money, the request is \$8,761,479.04 and with all the reserves it increased it to \$8,767,479.04, which is based on normal collections, not the excess \$1,000,000.00 dollars that came in. It is 90% of other monies, plus carryover. Melissa (Anderson) explained that on the spread sheet that she does, it is not divided into the subdivision account on the one cent account, which should be \$104,492.48. County audit account is \$117,573.36 which is 1/10 mill of gross valuation. On page 4k under Estimate of Needs, the figure of \$51,234.70 is the money that is county portion of the reval budget.

The Health Department's budget is being included in this budget this year at the request of the State Auditor's office, which is up \$20,000.00 from last year.

Commissioner Helm made a motion to table for one week (October 6, 2008). Commissioner Thacker seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

2. Discussion with possible action on Approval of Publication Sheet, Rogers County, Oklahoma, Financial Statement of the various funds for the fiscal year June 30, 2008, and Estimate of Needs for fiscal year ending June 30, 2009, of the Governing Board of Rogers County, Oklahoma - Commissioner Helm made a motion to table for one week (October 6, 2008). Commissioner Thacker seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

3. Open & Award Bid #204 – Laid Asphalt

15 bid packets were mailed with 0 being returned and 3 responses received as follows: Lobo Holdings, Inc., dba Logo Asphalt; Apac, Oklahoma, Inc., and A & A Asphalt, Inc. – Commissioner Helm made a motion to award the bid closest and best for the work region. Commissioner Thacker seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

4. Open & Award Bid #204A – Laid Ultrathin Bonded Asphalt

15 bid packets were mailed with 0 being returned with 0 responses being received. No bids were received, therefore, there was no action taken.

5. Open & Award Bid #488 – Health Department Roofing Project –

18 bid packets were mailed with 0 being returned and 2 responses received as follows: Fuller Roofing Co., Inc. for \$49,350.00; and Tribal Construction Company for \$58,999.00 – Marilyn Gibson, County Clerk 1st Deputy/Purchasing Agent, informed the Board that Mary Garvey with the Rogers County Health Department had asked the Board to table for one week to give them

time to review the bids. Chairman DeLozier made a motion to table this item for one week (October 6, 2008) to allow the Health Department time to review the bids received. Commissioner Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

6. Approve/disapprove confirmation of Reappointment of Mr. Charles G. Meckfessel to Tulsa's Port of Catoosa Facilities Authority for a five-year term effective November 1, 2008 –
Commissioner Helm inquired if any of the other two Commissioner's had been contacted about the appointment. Chairman DeLozier and Commissioner Thacker replied no they had not and Commissioner Helm stated that he was not contacted either about the appointment. Chairman DeLozier made a motion to table this item for one week (October 6, 2008) to give Commissioner Helm time to inquire about the appointment since the Port of Catoosa lies in District #2. Commissioner Thacker seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

7. Approve/disapprove Resolution for Disposing of Equipment for Emergency Management as follows: Gateway PC tower GP6-300, sn#0010769073 –
Commissioner Helm inquired from Bob Anderson, Emergency Management Director, if the computer could not be used for parts by the computer department. Anderson replied that Brett (Williston) told him the computer was too old. Commissioner Helm made a motion to approve. Chairman DeLozier seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

8. Approve/disapprove Commercial Services Agreement for Rogers County Election Board with CoxCom, Inc., Cox Oklahoma Telecom, LLC, for internet service –
Terri Thomas, Election Board Secretary, informed the Board that CoxCom in the current internet service the Election Board is using, but because they are moving to the other building, CoxCom wanted a new contract signed, which will be at the same price. Chairman DeLozier made a motion to approve. Commissioner Thacker seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

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 29, 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 to the Board that on next Monday's agenda he wanted to discuss the drug testing policy; requiring surveyors to get a permit before the dig holes in the roads; and on utility permits making sure the applicant buries the lines deep enough.
***NOTE**these items will appear on Monday, October 6, 2008, Commissioner's agenda.

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 11:40 A.M.

BOARD OF COUNTY COMMISSIONERS
ROGERS COUNTY, OKLAHOMA

By: _____
Peggy Armstrong, Rogers County Clerk

(SEAL)