

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, DECEMBER 15, 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, December 11, 2008, at 3:36 P.M. and posted on the Courthouse Bulletin Board; Outside the Commissioner's Meeting Room; on the Exterior Window at the Southeast Entrance and the Front Door Entrances to the Courthouse and on the Wheelchair Ramp Door.

- ITEM 1: CALL TO ORDER:  
Chairman Dan DeLozier called the meeting to order at 9:03 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: December 8, 2008  
Commissioner Helm made a motion to approve the minutes from December 8, 2008, as presented. Chairman DeLozier seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.
- ITEM 6: UNFINISHED BUSINESS:  
1. Award Bid #493 – Emulsion Storage Tank for District #3 –  
\*\*\*note\*\*\*tabled from December 8, 2008, meeting\*\*\*  
Commissioner Thacker stated that after reviewing the bid specifications, Jo-Co Equipment's bid for \$49,980.00 was more than the bid from G. W. Van Keppel Company, but Jo-Co Equipment could make delivery in within a couple of weeks and Van Keppel was going to take 4 to 6 weeks. Commissioner Thacker made a motion to accept the bid of Jo-Co Equipment based upon the fact they could make delivery sooner. Commissioner Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried. (\*\*\*note\*\*\*this item will be lease-purchased through Welch State Bank\*\*\*)
- ITEM 7: ZONING:  
1. Hearing/possible action on Notice of Appeal filed by J. D. Basler, President of J. D. Basler and Associates, Inc., on an Application for a Change of Zoning from RS-20 to RM-4 for the construction of duplexes on a tract of land being a part of the N/2 of the NW/4 of Section 13, Township 21 North, Range 15 East of the I.B.&M., Rogers County, Oklahoma according to the U.S. Government Survey thereof – address: 9222 East Highway 20, Claremore, Ok 74017 –  
Magan DeLozier, Planning Commissioner Director, stated that this item was heard by the Planning Commission on November 20, 2008, and denied by a 4 to 2 vote. J. D. Basler was present at the meeting and stated that Magan DeLozier recommended approval of the zoning. Teresa Baxter, of 21500 Calene Drive in Claremore, who is also a partner with Mr. Basler presented the item. Baxter presented a zoning map of the area to the Board, and continued that they feel there is a need for rental property since the housing market is down and some people cannot afford to make the payments on their mortgage or have been foreclosed upon.  
Priscilla Branowski of 21095 South Shiloh Road, was in opposition and spoke of concerns over the duplexes not being kept up, especially if renters lived there. And Mr. Basler at the Planning Commission hearing stated that the property would be sold to investors later, so that means different people being involved even more and expressed concerns over property values going down.  
Carl Mertins of 21115 South Shiloh Road, stated that his property backs up to the zoning request and is concerned over the aerobic system. Water will not soak into the ground because it is too hard and that the system will be over loaded. Also expressed concerns over who will manage the property, values going down, the buffer issue and feels people can pay their mortgage over rent and does not want the property being next to him.

Stephanie Koster of 9227 East Shiloh Road, stated that she is the Drug Free Communities representative for Rogers County and is here both professional and personal manner. One of the factors when you are looking at at-risk behavior for young adults and youth is low neighborhood detachment and when our youth and neighbors are not attached to each other, when they don't communicate with each other and when they don't watch out for each other, there tends to be more crime, drugs and alcohol. Koster presented a petition with 61 signatures against the proposed zoning. Also expressed concerns over Highway 20 issues, renters don't do repairs, because they don't have an investment in the property. The fence put in as a buffer zone is not very well installed.

Newt Clements, of 1926 North Sioux in Claremore, who is an active member of the Rogers County Metropolitan Area Planning Commission, spoke today as a private citizen, and have concerns over the aerobic system. Kris Koster of 9227 East Shiloh Road, also spoke in opposition.

Commissioner Thacker inquired as to who is going to manage this property? Basler replied, Basler Property will, we'll mow and maintain all the aerobic systems. We will be responsible for broken sprinklers and putting the tablets in for odor. We will have 2 two-bedroom units, which is equivalent to a 4-bedroom home and it meets the guidelines of DEQ.

Eric Braly from the Department of Environmental Quality stated that DEQ would consider the duplex a 4-bedroom house. Braly stated that he reviewed the sewage and disposal plans and they were approved for duplexes. By regulation, an individual sewage disposal system is for a single family house or a duplex. More than 3 units you would go up to small public regulations. Aerobic systems come with a two-year maintenance contract when they are installed. The day the inspection form is signed, that is when the two years begin. It is the property owner's responsibility to maintain that contract, so it is possible a contract would expire before the house was sold. And as far as the sampling and testing that is done on those, that is done by the installer and maintenance people, and those records are sent to Oklahoma City. They are not usually seen in our office locally. Smelly aerobics are usually caused by a lack of chlorine.

Magan DeLozier, Planning Commission Director, stated that based upon the comprehensive plan, this duplex zoning would serve as a transitional zoning in between the commercial and residential areas. Commissioner Thacker stated that since it is going with the comprehensive plan and Mr. Braly addressed the aerobics system, made a motion to approve. Commissioner Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

Commissioner Helm requested from Ms. DeLozier all the homeowners in the area if there are any more meetings with Mr. Basler to see if some of their requests can be met.

2. Hearing with possible action on Application for a Change of Zoning by Bett D. Knapp from AG to RS-30 for construction of single family homes on a tract of land containing a part of the S/2 of the SW/4 of Section 13, Township 21 North, Range 15 East of the I.B.&M., Rogers County, Oklahoma – address: 9101 East 500 Road, Claremore, Ok 74017 –

Magan DeLozier, Planning Commission Director, reported that the Planning Commission approved this zoning on December 4, 2008, by a seven to zero vote. There was no opposition at the Planning Commission meeting. Applicant was not present at today's Commissioners meeting, and no opposition was present either. Commissioner Thacker made a motion to approve. Chairman DeLozier seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

Chairman DeLozier made a motion to recess for approximately 5 minutes. Commissioner Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried and meeting was recessed at 9:55 A.M.

Chairman DeLozier called the recessed meeting back to order at 10:00 A.M. Roll Call: DeLozier-here, Helm-here Thacker-here. All board members present.

ITEM 8: PLATS: None presented.

ITEM 9: ROADS AND BRIDGES:

1. Discussion with possible action on Approval of Guy Engineering Services, Inc. and ODOT Claim Form 324a in the amount of \$6000.00 for geotechnical investigation on STP-166C(210)CO, J/P 25427(04) on Bridge #98 over Elm Creek for County Bridge Replacement for District #2 –

John Blickensderfer with Guy Engineering Services, Inc., was present at the meeting and stated to the Board that this action is for the geotechnical investigation or the borings that are required for the bridge design. To obtain an STP contract, every year there is an application process which are submitted and they are evaluated by ACCO Board and the projects are then selected based upon their point system that they have set up in their regulations. STP applications are

submitted 5 years before the actual construction phase. Commissioner Helm made a motion to approve. Commissioner Thacker seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

2. Discussion with possible action on selecting one five-mile long asphalt overlay project within the county for submission to ACCO for possible stimulus package –

Commissioner Helm stated that ACCO is compiling several lists for the possibility of Oklahoma receiving additional transportation dollars around the first of 2009. The lists will include “ready to let” and “NEPA cleared” BR, STP, BIA, CIRB projects and they are also requesting that each county submit one overlay project under five miles in length on a major collector. Non one knows how much funding there will be, if any. This information has to be faxed to ACCO today, and Brian Kellogg will do that once the Board has made a decision. Each Commissioner had a asphalt overlay project picked to do, and after some discussion, Chairman DeLozier made a motion to go with District #3, Commissioner's Thacker's Lock and Dam Road (NS-420) Asphalt Overlay Project, located west of Inola and if the money does happen to come in, at that time, review the decision and possibly split the money 3-ways between the 3 districts. Commissioner Helm 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:

1. District #2 One Cent Subdivision Account to Capital Outlay - \$8892.48

Commissioner Helm stated that this was for Brent Bushyhead in Catoosa, we didn't chip/seal his roads, we went ahead and asphalt overlaid the roads. The money was placed in the subdivision account. Commissioner Helm made a motion to approve. Commissioner Thacker seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 12: UTILITY PERMITS:

1. A T & T – overhead crossing starting at the SW/corner of Section 32, Township 21 North, Range 15 East, place aerial fiber north on West side of NS/4090 Road, approximately 2300 feet then cross county road to SW/4 of Section 33, Township 21 North, Range 15 East, then bury fiber East on county road EW/525, approximately 100 feet in District #3 -

Commissioner Thacker stated that he wanted to review the permit first and made a motion to table for one week (December 22, 2008). Commissioner Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 13: CLAIMS:

1. Salaries – None presented.

2. Attendant Care – Nick Epperson, \$1095.00 - \*\*\*see under Item #3\*\*\*

3. Alternatives to Detention/Transportation Claim to State of Oklahoma, Office of Juvenile Affairs for November 2008 in the amount of \$4039.11 –

Commissioner Helm made a motion to approve Items 2 & 3 under claims as presented. Chairman DeLozier seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 14: BLANKET PURCHASE ORDERS:

1. Materials, Supplies, Parts, Groceries & Prescriptions –

District #3: R & S Auto Parts, Claremore - \$750.00; District #2: Enlow Tractor East, \$3000.00; Sheriff's general fund vehicle maintenance: Froman Oil Company, \$3500.00 and Sheriff's jail account vehicle maintenance: Froman Oil Company, \$500.00 – 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 –

P.O. #903549 issued to Correctional Dental Services on November 10, 2008, in the original amount of \$1250.00 out of sheriff's jail medical for dental services for inmates to be paid over by \$25.65 for a grand total of \$1275.65. Commissioner Helm made a motion to approve. Chairman DeLozier seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 15: AGENDA ITEMS:

1. Discussion with possible action on Update of Circuit Engineering District #1 (CED) and Oklahoma Cooperative Circuit Engineer Districts Board (OCCEDB) activities by John Blickensderfer from Guy Engineering Services, Inc. –

Mr. Blickensderfer reported to the Board that presented the Board

with a list of projects for CED #1 with total of all projects being \$10,354,600 ready to go now and another \$20,625,575 of NEPA clearance completed, waiting on right-of-way or utilities. Rogers County has 3 projects listed: BR#113 Spunky Creek, BR#96 tributary to Panther Creek and BR#126 Inola Creek. If the stimulus money package comes through and if the right-of-way issues can be resolved, there is potential funding. Also, there were 3 STP applications submitted within our circuit engineering district, Ottawa, Osage and Washington counties, and Washington county received the STP grant, Ottawa and Osage counties did not.

Mr. Blickensderfer presented plans to Chairman DeLozier on Bridge #54 Dog Creek in District #1 and it is ready to go out for bid for pre-cast. The plans are in plan-in-hand stage and we'll incorporate the bids once they have been let.

Informational only, no action taken.

2. Approve/disapprove Resolution #2008-69 and Reimbursement form directing County Treasurer to deposit funds from State of Oklahoma, FEMA on PA-1775 on warrant #101061004 with a total amount of \$108,463.25, of which \$10,527.18 will be deposited into the one-cent sales tax fund for distribution for District #1 –

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

3. Approve/disapprove Resolution for Disposing of Equipment for Rogers County Sheriff's Office as follows: Smith & Wesson 45 caliber pistol, sn#THA5209 to be junked –

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

4. Discussion with possible action on Acceptance of resignation of Rogers County Sheriff, Jerry Prather, to be effective December 31, 2008, at 11:59 P.M.-

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

5. Discussion with possible action on Request of Jerry W. Prather, Sheriff of Rogers County, to keep his county issued duty weapon (Smith & Wesson pistol, Model 457-45 caliber, sn#YZE5878, as authorized by Oklahoma State Statutes Title 19, Section 553A and Sheriff's badge –

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

6. Discussion with possible action on Request of Jerry W. Prather, Sheriff of Rogers County, to allow Sgt. Harvey Diem, who served as Rogers County Sheriff's deputy for many years, to allow him to keep his duty weapon as allowed by Oklahoma State Statute, Title 19, Sections 553, 554 and 555, in appreciation of his years of service to Rogers County: Smith and Wesson Pistol, Model 4586/45 caliber, sn#THC3174, as authorized by Oklahoma State Statutes Title 19, Section 553, 554 and 555 –

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

7. Discussion with possible action on Letter of Endorsement by the Board of County Commissioners for the Port Authority's participation in City of Tulsa, Mayor Kathy Taylor, collaborative effort to seek federal funding for infrastructure projects for the metropolitan area to include the Port and the McClellan-Kerr Waterway –

Commissioner Thacker stated that he had been contacted by Bob Portiss at the Port of Catoosa for place this item on the agenda. Commissioner Thacker made a motion to approve with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

8. Approve/disapprove County Officer's Monthly Reports for November 2008 –  
Commissioner Thacker made a motion to approve with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

9. Acknowledgement for public record only, receipt of check #101061005 from State of Oklahoma, FEMA, in the amount of \$52,866.69 on PA-1775 PW 50 & 51 Flood of the Rogers County Courthouse Basement for reimbursement of mold remediation repairs – Acknowledged for public record only, no action taken.

10. Acknowledgement for public record only, receipt of check #101061004 from State of Oklahoma, FEMA, in the amount of \$108,463.25 on PA-1775 PW 102, 104, 105 and 107/114 Flood for Districts 1, 2 & 3 – (District #1 receives \$10,527.18 to be deposited into the one-cent sales tax fund account; District #2 receives \$42,302.84 to be deposited into T-Highway account and District #3 receives \$55,633.23 to be deposited into T-Highway account –

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 -

John Blickensderfer with Guy Engineering Services, Inc., stated that the 5-year plan needs to be updated because of the new year.

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, December 15, 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 Helm stated that with the recent accident that happened in Rogers County with a young man driving a dump truck, which we all have dump trucks, we have been very lenient with the utility departments that have utility permits with the county and they are hanging lines too low or not burying their telephone lines or gas lines deep enough. This is a hazard, we have brought it up and said lets work with them and ask them to help us out. The utility permits come in and we still are not getting them to follow directions. We need to send them a letter telling them that their lines that are hanging too low and their cables and pipelines not being buried as deep as they should be and our citizens being charged for cutting the lines in their yard when they are doing yard work, and send them a letter and let them know that we are not going to have any more deaths in Rogers County, this is too serious a problem and will not be tolerated. We need to ask them to come in when they place a utility permit on the agenda or have a special meeting with all the utility companies to discuss this with them and define to them what we want. We need to use ever power that is available to the Board of County Commissioners.

Commissioner Helm continued that the new roads that we have just completed micro-fiberling, surveyors have dug into a new road and left a hole and now it is full of ice and water. WE have been lenient on that also. Chairman DeLozier stated that he has visited with a surveyor about this problem and we made a map for him and he was suppose to add it to the website the surveyors use letting them know where the county warehouses are and the telephone numbers to contact us. Commissioner Helm stated that we have the Chairman send a letter out saying that this is something that we are not going to tolerate any more either. We would also like to meet with them.

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 12:00 Noon.

BOARD OF COUNTY COMMISSIONERS  
ROGERS COUNTY, OKLAHOMA

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

(SEAL)