

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, JANUARY 26, 2009, AT 9:00 O'CLOCK A.M.

Notice of said meeting was filed in the Office of the County Clerk on Thursday, January 22, 2009, at 1:52 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 Mike Helm called the meeting to order at 9:04 A.M.
- ITEM 2: ROLL CALL:
Chairman Mike Helm, Commissioner Kirt Thacker and Commissioner Dan DeLozier arrived at the meeting at 9:05 A.M.
- 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: January 20, 2009
Commissioner Thacker made a motion with Commissioner DeLozier seconding the motion to approve the minutes from January 20, 2009, as presented. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.
- ITEM 6: UNFINISHED BUSINESS:
1. Award Bid #501 – 2008 or Newer ½ Ton Crew Cab 4x4 Pickup for District #3- District #3 foreman, Terry Hughes, stated that he reviewed the bids and due to the availability, and Commissioner Thacker likes for the county to buy local when possible, all delivery on all the bids were 6 to 8 weeks out, except for Danny Beck Chevrolet. District #3 is really in desperate need of a vehicle now. Hughes recommended to the Board that they accept the bid of Danny Beck Chevrolet for \$28,300.00. Commissioner Thacker made a motion to accept the bid of Danny Beck Chevrolet for \$28,300.00 due to availability. Chairman Helm seconded the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.
- ITEM 7: ZONING:
1. Hearing with possible action on Application for a Change of Zoning by Clay Holly from AG to RS-30 for a residential lot split on the North 110 feet of the South 330 feet of the East 300 feet of the NW/4 SE/4 SE/4 and that part of the North 110 feet of the South 330 feet of the NE/4 SE/4 SE/4 and the North 110 feet of the South 220 feet of the East 300 feet of the NW/4 SE/4 SE/4 and that part of the North 110 feet of the South 220 feet of the NE/4 SE/4 SE/4, lying above elevation of 664 feet, all in Section 23, Township 23 North, Range 15 East of the I.B.&M., Rogers County, State of Oklahoma, according to the U.S. Government Survey thereof – address: 10781 South 412 Road, Oologah, Ok 74053 -
Magan Green, Planning Commission Director, stated that the Planning Commission held a public hearing on January 20, 2009, and approved by a 3 to 2 vote. Green recommended approval. Applicant Clay Holly was present and there was no opposition present at the Commissioner's meeting. Chairman Helm made a motion to approve based upon the recommendation of Planning Commission Director, Magan Green and since no opposition was present at the meeting. Commissioner Thacker seconded the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.
- ITEM 8: PLATS: None presented.
- ITEM 9: ROADS AND BRIDGES: None presented.
- ITEM 10: CASH FUND ESTIMATE OF NEEDS AND REQUEST FOR APPROPRIATIONS:
1. 005 Use Tax – \$66,566.04
2. 101 Unrestricted Highway - \$343,472.07

3. 141 Cellular Phone Usage – None presented.
4. 142 E-911 – \$2695.40
5. 145 Attendant Care – \$1110.00

Commissioner DeLozier made a motion to approve the cash fund estimate of needs as presented with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 11: TRANSFER OF FUNDS:

1. District #2 Unrestricted Highway M&O to travel - \$3000.00

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

ITEM 12: UTILITY PERMITS: None presented.

ITEM 13: CLAIMS:

1. Salaries – January 2009
2. Attendant Care – None presented.
3. Claim to State of Oklahoma for Alternatives to Detention/Transportation Claim for December 2008 in the amount of \$4493.09 -

Commissioner DeLozier made a motion to approve Items 1 & 3 under claims as presented. Commissioner Thacker seconded the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 14: BLANKET PURCHASE ORDERS:

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

Emergency Management: Froman Oil, \$400.00; Sheriff's Jail Account: Correctional Dental Services, \$2000.00; Diamond Medical Supply, \$400.00; Diamond Drugs, Inc., \$6000.00; St. Francis Lab, \$600.00; PHS Mobile X-Ray, \$600.00; Bimbo Bakeries, \$1200.00; Farmers Bros. Coffee, \$600.00; Sysco Foods, \$2200.00; Sysco Foods, \$6500.00; Warehouse Market, \$250.00; Speedy Lube, \$400.00; Froman Oil Company, \$500.00; and Sheriff's general fund account: Froman Oil Company, \$3500.00 – Commissioner DeLozier made a motion to approve the blanket purchase orders as presented with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

2. Orders Exceeding Amount of Issuance – None presented.

ITEM 15: AGENDA ITEMS:

1. Acknowledgement by Board of County Commissioners of statutory requirement of O.S. Title 19 § Section 178.1 – Biennial Inventory Summary for the following offices: Sheriff's Department; Courthouse Computer Account; Commissioner's general government account and Commissioner's courthouse account –

Peggy Armstrong, Rogers County Clerk, stated that acknowledgement of summary report of inventory from the Sheriff's Jail and Sheriff's Office and Computer Account (IT). Summary report of inventory for Commissioner's general government account and Commissioner's courthouse account (D) would be placed on next week's agenda. Acknowledgement only, per recommendation of Jennelle Enevoldsen, Manager, County Audit Division of the Tulsa District Office pursuant to Title 19 178.1, so the county would be in compliance. No action taken.

2. Discussion with possible action on to make Rogers County a tobacco free workplace and discussion with possible action on closing smoke room located in the basement of the Rogers County Courthouse – (**note**item discussed at January 20, 2009, meeting**)

Gene Haynes, District Attorney, stated that Assistant District Attorney, Barry Farbro, has drafted a most restrictive resolution for the Board to review and make any changes that you want to make to it. Then the D.A.'s office will finalize the resolution based upon the Board's decision. Commissioner DeLozier stated that he felt the resolution needed to be reviewed and make some changes to it. Commissioner DeLozier made a motion to table for 1 week (February 2, 2009), to allow the Board time to review it and make any changes. Commissioner Thacker seconded the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

Barry Vierheller of 23000 South Highway 88, Claremore, Oklahoma, had a complaint he wanted to present before the Board. Vierheller stated that last Thursday, his father came up here and tried to get a 911 address so we could have some utilities located on our farm. He sat in the basement of this courthouse for 40 minutes and he said it was worse than any pool hall he had sat in, in his life. He is allergic to smoke. The office was open, the file cabinets were open, everything down there was open to the public and after 40 minutes Bob (Anderson) came in and told him he would have to come back some other time, because there was no one there today to issue him a 911 address. I would ask that the office be locked when there is nobody there, since they house pretty

sensitive information and it was my understanding that the courthouse was a smoke free workplace. Vierheller continued that he is asking that a 911 address be issued today, so they can get on with their construction plans.

3. Discussion with possible action on Rogers County having the right to issue local county Burn Bans for up to 7 days and discussion with possible action on the Oklahoma Department of Agriculture, Food and Forestry has Burn Ban Information *online* that includes a state map of Burn Bans in effect and links to electronic copies of any county burn ban proclamations –

Vernon Scogin, OSU Cooperative Extension Service Director, stated that his office had been notified in early January by e-mail that one of the items they should bring to the attention of all County Commissioner's in the State of Oklahoma, was a change in statutes. The statute allows for County Commissioner's to add to and not subtract from the burn bans. Scogin presented the Board with a copy of the state statute. *"It is unlawful for any person to set fire to any forest, grass, range, crop or other wildlands, or to build a campfire or bonfire, or to burn trash or other material that may cause a forest, grass, range, crop or other wildlands fire in any county of this state in which the Board of County Commissioners of the county has passed a resolution declaring a period of extreme fire danger."* The difference is that the County Commissioner's can pass a resolution that lasts for 7 days One recommendation is that you get approval of a majority of fire chiefs or their designee, of the municipal and certified rural fire departments located in Rogers County and get their concurrence that a extreme fire danger does exist. A letter to the Board of County Commissioners from Rogers County Fire Chiefs in Catoosa, Chelsea, Claremore, Foyil, Inola, Northwest, Tiawah, Tri-District and Verdigris, was presented to the Board by Randy Atchley, Fire Chief of Foyil Fire Protection District.

Chairman Helm stated that before we do anything, I would like to have Gene Haynes, District Attorney, look at it. Haynes stated to the Board that if you determine that there needs to be a burn ban in Rogers County, the Board could make a motion today to order it and I would draft a resolution for the chairman's signature. It was recommended to the Board that all open burning be banned.

Commissioner Thacker made a motion to implement a county burn ban today with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

Randy Atchley, Fire Chief for Foyil Fire Protection District, explained to the Board that according to the statute there are several people that need to be notified of this. Chairman Helm instructed Peggy Armstrong, Rogers County Clerk and Secretary to the Board to notify all the fire districts, including Limestone, City of Collinsville and City of Owasso and the Sheriff's Department.

4. Discussion with possible action on Use Tax collections for the revenue paid of December 2008 which included a payment of \$148,812.15 from mining machinery equipment company, registered to do business in Oklahoma with the Oklahoma Tax Commission and discussion with possible action on instructions for the Rogers County Treasurer's Office on how to disburse the funds –

Cathy Baker, Rogers County Treasurer, informed the Board that the Treasurer's office had received an additional \$148,812.15 for December 2008 use tax. The original amount for December would be \$66,566.04. Chairman Helm made a motion to approve the \$66,566.04 for December 2008 use tax and hold the other amount of \$148,812.15 until next week to allow District Attorney, Gene Haynes, to review the statutes per the D.A.'s recommendation. Commissioner DeLozier seconded the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

5. Discussion with possible action on Lease Purchase Agreements with Welch State Bank to purchase for District #1: 2009 Entyne Trailer, Model #EET24977A, sn#Q30247, VIN#1E930246X9E111128 and District #3 to purchase a 2009 Entyne Trailer, Model #ET24977, sn#Q30245, VIN#1E93024599E111127 –

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

6. Approve/disapprove Certificate of Authorized Signatures Form (signatory form) for all counties with active Oklahoma Department of Commerce Contract and (ODOC) keeps these on file so they know who is authorized to request funds and/or sign contracts and contract modifications for 2009 –

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

7. Approve/disapprove Resolution for Disposing of Equipment for District #2 as follows: Scotsman Ice Machine, sn#6415440126, to be junked –

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

8. Discussion with possible action on Approval of Contract with THOS.Y.PICKETT & Company, Inc. for appraisal services on behalf of the Rogers County Assessor's Office –

Melissa Anderson, Rogers County Assessor, recommended to the Board that this item be tabled for 1 week to allow the District Attorney's office to do some legal research. Commissioner DeLozier made a motion to table for 1 week (February 2, 2009) with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

9. Discussion with possible action on Approval of Resolution #2009-7 authorizing application for Rural Economic Action Plan Grant from the Indian Nations Council of Governments (INCOG), whereas, Rogers County intends to sponsor an application on behalf of the citizens of Rogers County and Chairman is hereby authorized and directed to sign an application and related documents necessary to file and process a grant application with INCOG on behalf of the County –

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

10. Approve/disapprove Contract for Rural Economic Action Plan (REAP), Contract #079-SH-09 with contracting agency Grand Gateway Economic Development Association (GGEDA) for Rogers County-Inola FFA/4H for \$50,000.00 from December 15, 2008 through December 14, 2009 –

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

11. Acknowledgement for public only receipt of check #1248 from Grand Gateway Economic Development Association E-911 service fees for November 2008 in the amount of \$23,094.52 – 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, January 26, 2009***Commissioner DeLozier made a motion to approve payment of all purchase orders from all departments as presented. Commissioner Thacker seconded the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-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 –

Chairman Helm stated that Rogers County is trying to host a health fair for all the employees and suggested that the monthly check that Rogers County gets from the cigarette tax from the State and use one of the checks and apply towards the Health Fair, which can be legally used for that. Chairman Helm will make a report back to the Board once everything is finalized.

Chairman Helm asked County Clerk and Secretary to the Board, Peggy Armstrong, to contact Troy Powell, City Manger of Claremore, to see what dates would be good for both the city and county to have a special meeting for informational purposes only on updates given by both the city and county on any plans for the future.

Commissioner Thacker stated that he does not have any written policies by the Sheriff's department on information that ACCO is requiring on an application being submitted by the Board to ACCO-SIG for 2009 ACC underwriting insurance application. Commissioner Thacker inquired from the County Clerk's Office if they had any of the Sheriff's departments written policies and County Clerk, Peggy Armstrong, answered no. Commissioner Thacker stated that Sheriff Walton had completed his portion of the application, but no copies of policies were sent with it. Commissioner DeLozier suggested that we give the telephone number of Dusty Birdsong with ACCO to Sheriff Walton and let them discuss what ACCO needs.

ITEM 19: RECESS OR ADJOURNMENT:

Commissioner DeLozier made a motion to adjourn the meeting with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried. Meeting was adjourned at 10:41 A.M.

BOARD OF COUNTY COMMISSIONERS
ROGERS COUNTY, OKLAHOMA

By: _____
Peggy Armstrong, Rogers County Clerk

(SEAL)

