

NOTICE OF REGULAR MEETING

BOARD OF COUNTY COMMISSIONER'S FOR ROGERS COUNTY, OKLAHOMA

PLACE: Rogers County Courthouse, 219 South Missouri, Room 1-109, Claremore, Oklahoma

DATE & TIME: Monday, August 10, 2009, at 9:00 O'clock A.M.

MINUTES

ITEM 1: CALL TO ORDER:

Chairman Mike Helm called the meeting to order at 9:00 A.M.

ITEM 2: ROLL CALL TO ESTABLISH QUORUM:

Determine that Notice of Meeting and Agenda were properly posted in accordance with the Oklahoma Open Meeting Act.

Chairman Mike Helm, Commissioner Kirt Thacker and Commissioner Dan DeLozier were present and quorum was established.

ITEM 3: FLAG SALUTE:

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

ITEM 4: PRAYER:

Commissioner Thacker said a prayer.

ITEM 5: APPROVAL OF MINUTES: August 3, 2009

Commissioner DeLozier made a motion to approve the minutes from August 3, 2009, as presented with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 6: UNFINISHED BUSINESS: None presented.

ITEM 7: ZONING:

1. Hearing with possible action on Application of Randall R. & Stacia C. Risenhoover for a change of zoning from AG to RS-60 for a residential lot split on the W/2 of the NE/4 of the NE/4 of the SW/4 of Section 33, Township 21 North, Range 15 East of the I.B.&M., Rogers County, Oklahoma, containing 5 acres more or less – Address: 6464 East 525 Road, Claremore, Ok 74019 -

Magan Green, Planning Commission Director, stated the Planning Commission approved this change of zoning on August 4, 2009, with a 5 to 0 vote. The applicant was represented by Scott & Tammy Nyman, 25137 Stonebridge Parkway, Claremore, Ok 74017. No opposition was present at the Commissioner's meeting. Commissioner Thacker made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 8: PLATS:

1. Discussion with possible action on Approval of Final Plat of River Port Ranch V, being located in the W/2 of Section 19, Township 20 North, Range 16 East of the I.B.&M., Rogers County – Mary Dupree, Developer - ***Note***this item was tabled from July 20, 2009, meeting and August 3, 2009, meeting***

Developer Mary Dupree was present with Attorney, John Crockett. Mr. Crockett stated that he had visited with Assistant District Attorney, Barry Farbro, a couple of times last week and it is my understanding that he talked to Commissioner Helm at least once. In our last conversation, it was that Ms. Dupree was going to ask you to set a bond so she could go ahead to get this subdivision plat approved. And if you will set a bond for the installation of the non-asphalt road, she did check on prices for asphalt road, but now has decided after examining those bids she would rather go ahead with the original plan of doing a non-asphalt road.

Chairman Helm asked, so the roads are still going to remain private roads? Mr. Crockett replied, it will be a public road privately maintained. Commissioner DeLozier inquired, non-asphalt, as in gravel and Mr. Crockett replied, whatever the specifications call for.

Chairman Helm stated this plat has been not conforming to the subdivision regulations as required, but with legal aspect of it, not being able to enforce the subdivision regulations, because legal doesn't agree, which I take exception too. But, once we are given a legal opinion for this county, it is for us to take the legal opinion and either agree with it or deny it, that is what this Board can do. Chairman Helm continued, that he really takes exception to being threatened and I do not want to be threatened again, and I will do my darndest to make sure that our control of these subdivisions fall within the county guidelines so I do not get threatened in these letters. And so with that I will ask my county engineer, Brian Kellogg, to come up with an answer for what we will take for in a bond amount and we will move with total disgust to approve the plat.

Mr. Crockett inquired, I assume you will want us to file the bond at the same time we do the plat? Chairman Helm answered, what you are asking is if you can get the subdivision going? Mr. Crockett replied, yes sir. Chairman Helm answered, if the Board approves it today, then Magan Green can start accepting building permits for it. Chairman Helm made a motion to approve the plat with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

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:

1. Acknowledgement only for public record District #2 Commissioner Mike Helm's travel account will transfer \$8000 back to general fund M&O as these funds will not be needed for travel due to using county vehicle for checking roads and bridges and conducting business on behalf of the county - ***Note***An actual transfer of funds cannot be approved by the Board of County Commissioner's until the 2009-2010 county budget has been approved by the Excise Board***

Acknowledged for public record per request of Commissioner Mike Helm, Commissioner District #2.

ITEM 12: UTILITY PERMITS:

1. Rural Water District No. 2, Mayes County – boring under a hard surface roadway beginning at the NE/4 of Section 27, Township 20 North, Range 17 East of the I.B.&M., Rogers County, thence East 1600 feet south of the intersection of county road NS/423 and EW/57 in District #3 - ***see #6 for Board action***

2. Rural Water District No. 2, Mayes County – open cutting under a gravel roadway beginning at the SE/4 of Section 21, Township 19 North, Range 16 East of the I.B.&M., Rogers County, thence 2900 feet south of the intersection of county road NS/422 and EW/62 in District #3 – ***see #6 for Board action***

3. Verdigris Public Schools – 3 road bores of county road EW/540 for waterline, sewage & electric lines for Early Childhood Center lying between Sections 2 and 11 of Township 20 North, Range 15 East of the I.B.&M., Rogers County, in District #3 – ***see #6 for Board action***

4. Rogers County Rural Water District #3, Rogers County – boring under county road NS/4220 Road approximately 1320 feet south of county road NS/400 lying between Sections 33 and 34 of Township 23 North, Range 17 East of the I.B.&M., Rogers County, in District #1 – ***see #6 for Board action***

5. Chelsea Gas Authority – Boring under county road NS/4220 Road approximately 648 feet north EW/390 Road laying between Sections 21 & 22 of Township 23 North, Range 17 East of the I.B.&M., Rogers County, in District #1 - ***see #6 for Board action***

6. Rural Water District #3, Rogers County – Boring under county road 209 E. Ave North of 126th Street North laying between Sections 31 & 32 of Township 22 North, Range 15 East of the I.B.&M., Rogers County, in District #2 –

Commissioner Thacker made a motion to approve under utility permits #1, #3, #4, #5 and #6 as presented and not to approve #2 until he could review the permit requesting open cutting under a gravel roadway. Commissioner DeLozier seconded the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 13: CLAIMS:

1. Salaries – Don Bowman - \$5188.47

Commissioner Thacker read the letter presented from Sheriff Scott Walton and Sheriff Walton stated that he is owed nothing else other than what is stated in the letter. Chairman Helm made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

2. Attendant Care – None presented.

3. Tort Claim – Cox Communications has retained Utility Claims Services, LLC, to investigate and resolve a property damage claim related to work performed by Rogers County District #2 on May 23, 2008, near the location of 9621 North 151st East Avenue, Owasso, Ok, in the amount of \$1252.27 –

Chairman Helm stated no action will be taken and will send to legal counsel.

ITEM 14: BLANKET PURCHASE ORDERS:

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

Rogers County Fair Board: Claremore Expo Center, \$1000.00; Pixley Lumber Company, \$300.00; Lowe's, \$500.00; and Stillwater Milling Company, \$300.00 – Commissioner Thacker made a motion to approve the blanket purchase orders as presented with Chairman Helm 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. Discussion with possible action by Bill Turner with Turner & Associates, PLC, on 2009-2010 county budget –

Mr. Buck Mullen, Excise Board Chairman, was present at the meeting. Mr. Turner stated that we are very close on the county budget, but needed some direction from the Board. The total amount available is \$17,858,000.00; requests he received from the offices is \$17,141.00; which gives us around \$700,000.00 in excess. But also received was requests from the offices bring their carry-over amounts over, which is an unusual request, no other counties do it within general fund, but if that is what the Board wants to do we will be short \$442,000.00. That is why I'm here today, to inform the Board and find out what you want to do. And then I need direction from the offices as to where to put their carry-over money.

Commissioner DeLozier stated he has not seen the figures to know what to cut and would like to table for one week and get some numbers put together from the offices before we decide. County Assessor, Melissa Anderson, asked, the \$442,000.00 that is going to be short if we get the carry-over, does that include one-cent money? Mr. Turner replied, it does not include it. Anderson continued, on her estimate of needs she put down where she wanted her carry-over money to go. Mr. Turner replied,, most of the offices did not, they only put down they wanted the carry-over amount applied.

Commissioner DeLozier made a motion to table for one (1) week (August 17, 2009) to review with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

Chairman Helm made a motion to have a Special Meeting with officers on Friday, August 14th, 2009, at 10:00 A.M. to discuss and review the budget requests from all departments, carry-over funds and the availability of funds with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

2. Discussion with possible action on Approval of Modified and Supplement Financial Advisor Contract, effective as of July 20, 2009, by and between the Board of County Commissioners for Rogers County, State of Oklahoma and The Baker Group, an Oklahoma Limited Partnership –

Commissioner Thacker introduced Greg Nieto with The Baker Group, associate partner in public finance. Mr. Nieto stated they submitted their contract, the District Attorney's office reviewed it and modified it with some clarifications and expansion on the descriptions of our services and Mr. Farbro has approved it. We were the firm recommended by the 11-person committee as financial advisor. Commissioner Thacker made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

3. Discussion with possible action on Approval of Legal Services Agreement, by and between the Board of County Commissioners for Rogers County, State of Oklahoma and Hilborne & Weidman, a Professional Corporation –

Commissioner Thacker stated the 11-person committee recommended allowing Mr. Nieto to recommend bond counsel that he was very familiar working with, which is Tom Hilborne with Hilborne and Weidman. Commissioner Thacker made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

4. Discussion with possible action on flood insurance with Disapproval of flood insurance coverage on the Rogers County Courthouse and contents with Fidelity National Property & Casualty through Burrows Agency, Inc., agent, in the amount of \$23,212.00 ****this amount is a typo, should read \$2312.00****

Commissioner DeLozier stated the reason the county is canceling the flood insurance is because Dave Burrows with the Burrows Agency, found some more information that in basements they won't cover it and it would not do us any good to have the insurance. Commissioner DeLozier made a motion to approve with Commissioner Thacker seconding the motion. Commissioner DeLozier thanked Dave Burrows for finding this information out for the county. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

5. Discussion with possible action on payroll for Rogers County employees –
Notethis item was continued from August 3, 2009, meeting***

see Memo put out by the County Clerk's Office at the request of the Board of County Commissioner's asking each elected official to poll their employees concerning direct deposit for payroll

Marilynn Gibson, County Clerk 1st Deputy, stated that the County Clerk's Office had not received any comments or responses from the offices. Candi Czapansky, Court Clerk, was present at the meeting and stated approximately eight (8) employees expressed they liked having their check for convenience purposes because they can cash their check and have cash in hand. Commissioner DeLozier polled his employees and four (4) of his employees don't have a bank account, they cash their check and keep their money. Commissioner DeLozier continued that he is in favor of mandatory direct deposit. District #2 road foreman, Benny King, stated he is direct deposit. Commissioner Thacker and Commissioner DeLozier both stated they are direct deposit. Terry

Hughes, District #3 road foreman, stated he does not like direct deposit.

Chairman Helm made a motion to have the County Clerk's Office send out another memo requesting that each department or office get a tally of how many of their employees have direct deposit, and of those employees who do not, why and what is the reason, for instance, no banking account, prefer to have cash, etc., and table this item for another week (August 17th) to allow time to gather this information and bring back before the Board with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

6. Discussion with possible action on Acceptance of resignation of Don Hill from the Rogers County Industrial Development Authority as Trustee Appointment and Discussion with possible action on Approval of Appointment of Jerry Eason to fill the unexpired term of Don Hill whose term will expire August 2013 –

Don Cochran, Executive Director of Rogers County Industrial Development Authority, stated board member, Don Hill has resigned his position and under authority of the Trust Indenture, it is respectfully requested the Board of County Commissioner's appoint a successor trustee to fill this very important position. Cochran continued that he has spoken to local businessman Jerry Eason and he is willing to fill the unexpired term of Don Hill (term to expire August 2013) and the Trustees of RCIDA recommend the appointment. Commissioner DeLozier stated Don Hill was Commissioner District #1's appointment and made a motion to approve Jerry Eason to fill the unexpired term of Don Hill (term to expire August 2013) with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

7. Discussion with possible action on Approval of Memorandum of Understanding between 2-1-1 Helpline and the Rogers County Office of Emergency Management to provide and understanding between these two parties regarding their roles and expectations in planning for and responding to emergency/disaster situations in Rogers County –

Bob Anderson, Emergency Management Director, and Jessica Hill with 2-1-1 Helpline had scheduling conflicts and could not be present at the meeting. Chairman Helm made a motion to table this item for one (1) week (August 17th) with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

8. Discussion with possible action on Approval of Amanda Brewer, Receiving Agent for the Rogers County Sheriff's Office changing her name back to Amanda McLemore, Receiving Agent for the Rogers County Sheriff's Office –

Sheriff Scott Walton recommended approval by the Board. Commissioner DeLozier made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

9. Acknowledgment for public record receipt of check #30540 from The Burrows Agency in the amount of \$666.00 and receipt of check #30541 from The Burrows Agency in the amount of \$352.00 for premium returns – Acknowledged for public record, no action taken.

10. Discussion with possible action on payment of dues to Association of County Commissioners of Oklahoma in the amount of \$4,500.00 for July 1, 2009 through June 30, 2010 –

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

11. Approve/Disapprove Resolution #2009- 61 Authorizing Applications For Financial Assistance From the Rural Economic Action Plan Fund For Expansion of Sidewalks/Awnings For Chelsea Public School District -

Commissioner DeLozier stated Chelsea Schools have found out that they have an extension for this application and they want to hold off applying for this grant until we hear back from them. Commissioner DeLozier made a motion to table this item for one (1) week with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-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 -

Chairman Helm commented our subdivision regulations that were adopted so that people could actually build quality homes and quality life styles in these subdivisions. And when we go forward because the legal piece is it doesn't meet certain criteria, what we are trying to do is be fair and consistent with all subdivisions and to come in, in the last five (5) years and try to change subdivision regulations so that we have homes that will go up in value to help our schools and then to short-change these subdivisions on a technicality is somewhat disturbing for this county. I feel that Magan Green, Planning Commission Director and staff, along with Brian Kellogg of Kellogg Engineering, Inc., are doing a great job and doing the very best for Rogers County. And anytime that it comes to a place where we threaten so many times to sue the county for just trying to provide a better life style for the people that live in Rogers County, if find it very disheartening. And I ask we close the doors to allow renegade subdivisions in Rogers County.

Commissioner DeLozier stated that is going in every district in the county. We get letters threatening us all the time about suing the county if we don't take their road in. Commissioner Thacker agreed.

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, August 10, 2009***Commissioner Thacker
made a motion to approve payment of all purchase orders from all departments as presented with
Commissioner DeLozier seconding 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 –
None presented.

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 and meeting was adjourned at 10:24 A.M.

BOARD OF COUNTY COMMISSIONERS
ROGERS COUNTY, OKLAHOMA

By: _____
Peggy Armstrong, Rogers County Clerk

(SEAL)

*Notice of said meeting was filed in the Office of the County Clerk on Thursday, August 6, 2009, at 3:57 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; on the wheelchair ramp door;
and on the county web site.*