

**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 9, 2010, at 9:00 O'clock A.M.

**MINUTES**

ITEM 1: CALL TO ORDER:

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

ITEM 3: FLAG SALUTE:

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

ITEM 4: PRAYER:

Commissioner Helm said a prayer.

ITEM 5: APPROVAL OF MINUTES: August 2, 2010

Commissioner DeLozier made a motion to approve the minutes from August 2, 2010, as presented with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

\*\*\*NOTE\*\*\*Under Public Comments, Everett L. Huffman, Jr., 25883 South 4210 Road, Claremore, Ok, requested the Board amend the August 2, 2010, minutes on Item 14 Blanket Purchase Orders, the last paragraph reading, "Chairman Thacker stated it is only ½ mile down the road to the county warehouse and we can buy the gasoline cheaper than they can buy at Quick Trip" to read 2 ½ miles instead of ½ mile\*\*\*

Commissioner DeLozier rescinded his previous motion to approve the minutes from August 2, 2010, and Commissioner Helm rescinded his second of the motion. Commissioner DeLozier made a motion to approve the minutes from August 2, 2010, with the correction being made to reflect 2 ½ miles instead of ½ mile with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 6: UNFINISHED BUSINESS: None presented.

ITEM 7: ZONING:

1. Setting of Hearing Date on Notice of Appeal filed by Mack Greever, Attorney, for Gary Jr. and Donna Burger on Application for a change of zoning from RS-60 residential to CH (C4) R.V. sales on a tract of land located within the South 660 feet of the W/2 of the E/2 of the SE/4 of the SW/4 of Section 2, Township 21 North, Range 14 East of the I.B.&M., Rogers County, Oklahoma –

Magan Green, Planning Commission Director, stated this item was heard by the Planning Commission on July 20, 2010, and the Board vote ended in a three (3) to three (3) tie, which a tie is the same as denied; applicant was advised of the fifteen (15) day appeal period and everything is in order to set a hearing date.

Commissioner Helm made a motion under Magan Green's leadership and the file being in order to set the hearing date in two (2) weeks (August 23<sup>rd</sup>) with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

2. Public hearing with possible action regarding Application for a change of zoning by Phillip D. Kizer from AR to RS-60 for a residential lot split on the N/2 of the NE/4 of the SE/4 of the SE/4 of Section 27, Township 22 North, Range 16 East of the I.B.&M., according to the U.S. Government Survey thereof, less and except the North 90 feet of the East 234 feet thereof – Address: 17770 South 4170 Road, Claremore, Ok 74017 –\*\*\*NOTE\*\*\*originally the address was typed wrong on the agenda and read 177720 instead of 17770; correction made at time of typing of minutes\*\*\*

Magan Green, Planning Commission Director, stated this item was heard by the Planning Commission on August 3, 2010, and approved by a six (6) to zero (0) vote and no opposition was present. No opposition was present at the Commissioner's meeting today. Commissioner DeLozier made a motion to approve with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 8: PLATS: None presented.

ITEM 9: ROADS AND BRIDGES:

1. Discussion with possible action regarding procedures for administering the CBRI funds – (D#1)

Commissioner DeLozier stated he placed this item on the agenda, because the Treasurer's Office and the County Clerk's Office was asking for direction on how to set up the account; all in one account or are we going to divide into three sub accounts; put on the agenda so we could discuss it in open meeting; went to Circuit Engineering District meeting last week and this was discussed, some counties plan on keeping it in one account and administer the procedures just like we have done through ODOT (Oklahoma Dept. of Transportation). Commissioner DeLozier suggested encumbering the funds just like with ODOT and keep with the 5-year plan.

Commissioner Helm reminded there are funds out there that have already been encumbered through ODOT and feels we should keep it all in one account; we already have a resolution stating when each district is to get it anyway on a rotating basis; and keep the 5-year plan in place and the interest also be placed within the account.

Commissioner DeLozier made a to leave all the funds within one account (Fund 105) and continue with the 5-year plan process and encumber the funds by completing a resolution and all interest earned to be placed within the account with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

2. Discussion with possible action regarding Approval/Disapproval of Unattainable Lien Waiver on Project: BRF-166C(219)CO; J/P: 25744(04) in District #1 – (D#1)

Commissioner DeLozier stated an unattainable lien waiver is done when the county buys an easement and the party has a mortgage on their property; this is to buy an easement on Dog Creek Bridge and the county agrees to take full financial responsibility up to the amount the property owner was paid (\$925.00), should the lien holder make any claims against the amount paid by the property owner; we have done several of these in the past. Commissioner DeLozier made a motion to approve with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

3. Discussion with possible action regarding Approval/Disapproval of Utility Relocation Agreements by and between the Board of County Commissioners of Rogers County and Rural Water District No., Mayes County, Oklahoma on Project No. BRO-166D(140)CO; State Job No.: 21491(04) Bridge 126 over Inola Creek in In Rogers County, Oklahoma in District #3 – (D#3)

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

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

ITEM 11: TRANSFER OF FUNDS: None presented.

ITEM 12: UTILITY PERMITS:

1. Rural Water District #3, Rogers County – boring 177<sup>th</sup> East Avenue lying between Section 1 and 2 of Township 21 North, Range 14 East of the I.B.&M., Rogers County – (N/2 of Lot 12 Block 3 of Ranchview Lake Estates) – (D#2)

Commissioner Helm stated in keeping with the policy, this permit is a boring only, and the policy requires the applicant to place the ditches, etc., back like they were before the boring took place. Commissioner Helm made a motion to approve with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 13: CLAIMS:

1. Salaries – Chris Bohl - \$5,134.80 total (see letters from Sheriff's Office)

Commissioner DeLozier made a motion to approve the salary claim of Chris Bohl as submitted with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

2. Attendant Care – None presented.

ITEM 14: BLANKET PURCHASE ORDERS:

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

District #3: Frontier International Trucks, Inc., \$9999.99; Keystone Equipment Company, \$5000.00; R & S Auto Parts, \$500.00; Lowe's, \$300.00; Sheriff's jail vehicle maintenance: Froman Oil Company, \$1000.00 and Sheriff's general fund vehicle maintenance: Comdata Mastercard, \$6,500.00 –

Sheriff Scott Walton was present at the meeting to discuss the blanket purchase order issued to Comdata Mastercard that was not approved by the Board last Monday on August 2<sup>nd</sup>; Sheriff Walton explained Comdata is a non-interest bearing account that allows the Sheriff's department to fuel anywhere we want that takes Mastercard; the figures we have that we are paying for the fuel is at or below what we are paying at the county barns right now; personally sent out an e-mail to all the deputies saying not to use District #3 warehouse for fuel during the time the gate is shut for any reason, simply because if you don't have a small dozer and a big chain, you can't get the gate open and I don't want to have any employees on worker's comp.

Chairman Thacker replied, there is sixty-five year old men opening that gate and closing it; and we are also having installed a key pad so you don't have to get out of the car.

Sheriff Walton responded, if somebody wants to come out here and demo it, the gate has a flat tire on it this morning; better reason is we write down the fuel amount on an archaic clipboard, District #1 and District #2 monitors theirs by electronics; that is a clipboard kept hanging up that we can hop through the mud puddles and write down the information, if we don't want to drive through the nails by the dumpster; the point of the matter is you brought the whole deal up because of political reasons. Chairman Thacker answered, no, you did, I never said a single thing about political, that was your spokesperson who brought up politics. Sheriff Walton responded, I'm here to answer your questions. Chairman Thacker replied, you sent over a policy that stated you would use the county warehouses, and that did not happen. Sheriff Walton replied, the policy stated, when possible; you took pictures when you and Mr. Starkey were engaged in conservation, the pictures were taken when one of my deputy's was getting fuel at Quik Trip on a Friday, when your warehouse is closed. Chairman Thacker responded, actually we were open that Friday. Sheriff Walton responded, no, you were not open that Friday, because I just asked the deputy this morning if you were open and he drove by and looked through the chat piles, the warehouse was not open. Chairman Thacker replied, there were electricians there working on the warehouse, it was wide open. Sheriff Walton responded, the efficient way would be to go out there and check to see if the gate is open, and if not drive back to town. Chairman Thacker replied, I don't have a problem with that, the problem was when Commissioner Helm said in a meeting, the preference was county warehouses first, and everybody agreed to that; then you come back with the gate being too heavy, that is interesting to me that a public servant doesn't want to get out and open the gate. Sheriff Walton replied, this public servant wants to be down at Quik Trip where he can gauge the people, I don't have to worry about any activities, drunks or any other problems at the county warehouses; we drive by, log and check the county warehouses and we will continue to do that as long as I'm Sheriff; tell me why I need to go buy gas for more or the same price at a county warehouse and drive out of our way; the Friday in question, the deputy had an option of driving to Chelsea or Oologah to get fuel eighteen to twenty miles out of his way; the deputy needed to stay in Claremore to be centrally located; or he could wheel into Quik Trip and get the fuel he needed, use the restrooms, get a drink or whatever; there is nights a deputy will drive around 400 miles in a shift, they don't have time to eat or do anything else; when possible as that policy states; when possible to me is if I'm sitting in Highway 66 and about to run out of gas and I look over and I'm close to Quik Trip and I want to wheel in and get gas; and any other time the most convenient thing for me is, as far as I'm concerned, I'm going to use that Comdata card every time I get a chance. Chairman Thacker replied, not if the blanket purchase order is not approved. Sheriff Walton replied, maybe not.

Chairman Thacker continued, to correct your statement, and I agree with you on the gate, it is heavy, that is not an issue; your spokesman said it was political, there is nothing political about it; your spokesman was quoted as saying it is political. Sheriff Walton replied, I believe it is and I take credit for saying that statement. Chairman Thacker replied, it is not, my job is to save the taxpayer's dollars wherever we can, whenever possible. Sheriff Walton asked, where are we saving money on this? Chairman Thacker replied, you are the one who said it's cheaper to buy it at Quik Trip, how much is it? Pam Rue, Sheriff's office deputy, stated it averages the same; at District #1 this past month it was \$2.199 and sometimes it was \$2.154; at District #2 it was \$2.21 per gallon; average is \$2.549 at Quik Trip and they deduct the .35 cents off their price per gallon, which makes it \$2.199, which is the same price as the county warehouses.

Chairman Thacker stated the vendor is at the county warehouse right now installing a computer program or key pad for the fuel and the gate will open automatically; we like the presence of the deputies fueling up at the county warehouses for security reasons and help deter crime, sometimes they don't fuel up, they are just checking the county warehouse and I'm pleased with that; the point was, you are incorrect when you say it is political. Sheriff Walton replied, I believe it is political. Chairman Thacker replied, your boy came in second, so it is not political, I could care less about the politics of it. Sheriff Walton replied, the decision to delay this or argue about it or having me and you here today, talking about it today is a step backwards for the whole county and Chairman Thacker replied, I would agree with that statement and Sheriff Walton said, thank you.

Chairman Thacker stated Commissioner Helm made a the motion to deny the purchase order, so do you feel any different about it now? Commissioner Helm replied, my motion was made to deny when you showed us the picture you had on your phone and no one was here from the Sheriff's office to answer questions you had, so I said deny until the chairman is satisfied and have the Sheriff explain the situation; one thing the Sheriff do bring up was use of restrooms and I did not think about that; District #2 can also give you cards that are monitored electronically, it is not a key, to get inside the warehouses for restroom purposes; the whole purpose was to have Sheriff come over and explain what happened on this one incident that was spoken about in the previous meeting and since you have answered our questions, Commissioner Helm made a motion to approve. Chairman Thacker stated before a second to the motion it made; the vendor is setting up the computer program on our fuel tanks at District #3 warehouse right now, we've had problems with getting the company out there to do that; the only reason we are putting in the key pad is so that the deputies don't even have to get out of their cars to open the gate; they drive up and reach out the window and punch in a code and the gate will open automatically and that is being done solely for the deputies. Commissioner DeLozier seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

2. Orders Exceeding Amount of Issuance – None presented.

ITEM 15: AGENDA ITEMS:

1. Discussion with possible action regarding Approval/Disapproval of Detention Services Agreement by and between Tulsa County Juvenile Detention Home and Rogers County for the purpose of detaining juveniles in Tulsa County and said agreement shall be in effect until the 30<sup>th</sup> day of June, 2011 – (Clerk)

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

2. Discussion with possible action regarding Approval/Disapproval of Customer Service Maintenance Agreement by and between Landmark Business Systems and Rogers County on behalf of Emergency Management on Gestetner GDSC525SPF color copier, sn#L3665901665 for fiscal year 2010-2011 – (EM)

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

3. Discussion with possible action regarding Approval/Disapproval of Authorization and Certificate of Authorized Representative of Authority and Form of Requisition to be sent to RCB Bank for payment to Rogers County Abstract for payment of Code #1242 Order #20101902 for new supplemental abstract #53343 on All of Block 129 of the City of Claremore in the amount of \$560; **and** payment of Code #1242 Order #20101903 for new abstract #53344 on All of Block 130 of the City of Claremore in the amount of \$600.00 – (DA/Clerk)

Assistant District Attorney, Barry Farbro, stated these invoices are charges for bringing the abstracts up to date on Block 129 and Block 130 of the City of Claremore and recommended approval. Commissioner DeLozier made a motion to approve with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

4. Discussion with possible action regarding Approval/Disapproval of Reimbursement Form as per Resolution #2010-36 directing County Treasurer to deposit funds from Town of Oologah for fuel reimbursement in the amount of \$3,500.00 into the one-cent sales tax fund for distribution for District #2 – (Comm. Office)

Commissioner Helm pointed out the funds were from the Town of Oologah for mowing of cemeteries and right-of-ways, not fuel reimbursement and Resolution #2010-36 was for fuel reimbursement only, it did not include mowing of cemeteries or right-of-ways and the money was to be deposited into T-highway account not one-cent. Commissioner Helm made a motion to table this item for one week to allow the corrections to be made to the resolution and reimbursement form with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-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 -

Everett L. Huffman, Jr., 25883 South 4120 Road in Claremore, Oklahoma, requested the Board amend the August 2, 2010, minutes on Item 14 blanket purchase orders, the last paragraph reading, "Chairman Thacker stated it is only ½ mile down the road to the county warehouse and we can buy the gasoline cheaper than they can buy at Quik Trip" to read 2 ½ miles instead of ½ mile, because that is a blatant error in them and this error was brought to Commissioner DeLozier and your attention last week.

Commissioner DeLozier and Chairman Thacker both stated they forgot they were going to amend the minutes to reflect 2 ½ miles instead of ½ mile; Commissioner DeLozier commented it was more of a typo than anything; Peggy Armstrong, Rogers County Clerk, stated after the minutes are typed the recording on the tape is erased and made ready for next week, so she was unsure what was exactly said. Mr. Huffman continued, you said this was not political a while ago in the meeting when you were talking to the Sheriff. Chairman Thacker stated that is not on the agenda. Mr. Huffman continued, that was political, in trying to make the deputies look bad. Chairman Thacker replied, no, I'm not trying to make the deputies look bad and the public comments reads, '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' and if you don't want to say anything constructive, I'm done.

Commissioner DeLozier stated Mr. Huffman did talk to him about the correction and I apologize, there is no political in me in anyway, I simply forgot about it, so I'm going to make the correction and rescind my previous motion to approve the minutes from August 2, 2010, it was never my intent to make the deputies look bad and Chairman Thacker stated, mine neither; and Commissioner Helm rescinded his second of the motion; and Commissioner DeLozier made a motion to approve the minutes from August 2, 2010, with the correction being made to reflect 2 ½ miles instead of ½ mile with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

Mr. Huffman continued, he had another item to talk about, you made a statement earlier about saving the taxpayer's money, how are we saving taxpayer's money when you are down there mowing the City of Tulsa property; Chairman Thacker replied, we are mowing the ditches and right-of-ways and that particular item is not on the agenda.

Zack Stoycoff with the Claremore Daily Progress inquired about Comdata Mastercard blanket purchase order for the fuel cards.

ITEM 17: ANNOUNCEMENTS:

Commissioner Helm announced Bob Portiss, Director of the Port Authority, invited us down to ride the barge and we had a wonderful time; very fortunate to have Mr. Portiss as director of the port, he does an outstanding job; largest tow boat on the Mississippi come up to the Port of Catoosa and we were all given a ride and would like to say publically, "thank you".

ITEM 18: NEW BUSINESS:

1. Consideration and possible action with respect to any other matters not know about or which could not have been reasonably foreseen prior to posting the agenda - None presented.

ITEM 19: PAYMENT OF PURCHASE ORDERS FROM ALL DEPARTMENTS:

(Materials, Supplies, Parts, Groceries & Prescriptions)\*\*\*see attached list of all claims that were approved for payment on Monday, August 9, 2010\*\*\*Commissioner DeLozier made a motion to approve payment of all purchase orders submitted for all departments with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 20: RECESS OR ADJOURNMENT:

Commissioner Helm made a motion to recess the meeting so the members of the Board can tour the former Willhoite building and Scarth & Rahmeier building and Chairman Thacker seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried and the meeting recessed at 10:50 A.M.

Chairman Thacker called the recessed meeting back to order at 12:00 Noon with Commissioner Helm being present and quorum established. Commissioner DeLozier was absent.

Chairman Thacker stated the members of the Board toured the former Willhoite building and Scarth & Rahmeier building to see what, if anything was left inside and start making plans on turning off the utilities and demolishing the buildings.

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

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 5, 2010, at 3:09 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.*