

## 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, May 23, 2011, at 9:00 O'clock A.M.

### MINUTES

ITEM 1: CALL TO ORDER:

Chairman Dan DeLozier 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 Dan DeLozier, Commissioner Mike Helm and Commissioner Kirt Thacker were present and quorum established and determined that Notice of Meeting and Agenda were properly posted in accordance with the Oklahoma Open Meeting Act.

ITEM 3: FLAG SALUTE:

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

ITEM 4: PRAYER:

Commissioner Helm said a prayer.

ITEM 5: APPROVAL OF MINUTES: May 16, 2011

Commissioner Thacker made a motion to approve the minutes from May 16, 2011, as presented with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 6: UNFINISHED BUSINESS: None presented.

ITEM 7: ZONING:

1. Public hearing with discussion and possible action regarding Application for a Change of Zoning by TOD Development from AG to RM 1.5 & PUD for Claremore Village, a retirement community on a tract of land located in the NE/4 of Section 30, Township 21 North, Range 16 East of the I.B.&M., Rogers County, located in District #3 – Address: 10701 East Robson Road, Claremore, Ok 74017 -

Magan Green, Planning Commission Director, reported Planning Commission held their regularly scheduled meeting on Tuesday, May 17, 2011, at 4:00 p.m. and zoning application was approved by a five to zero vote.

Mack Greever, attorney for TOD Development, Lynn Freeman, represented the item; Greever explained this a planned unit development (PUD), a low rent senior citizens living facility and will be constructed in phases; developer has developed similar retirement communities in several different locations; is made possible by Federal Treasury; income restrictions would be \$28,000.00 a year for a single person and \$34,000.00 per year for a couple; units would rent around \$500.00 per one individual and two bedroom unit would rent for around \$600.00; units are to be approximately 3,000 square feet; eighty-one story units; property lies between Town of Verdigris and City of Claremore, formerly once the lagoon area for Twin Oaks Subdivision; has been cleared by the Oklahoma Department of Environmental Quality (ODEQ) to be developed; future environmental studies will have to be done; property is located within Rural Water District #5, Verdigris Valley Electric Cooperative and Rural Sewer District #1; Green has a letter from Rural Sewer District stating this property would be serviced by their sewer district.

Greever continued there are concerns of ingress and egress onto the property for construction traffic; discussions about possibly asking property owner to the West for an easement to get onto the property from Highway 66; there is an easement from this property to Frederick Road that the City of Claremore owns; have been talks with the City of Claremore concerning this easement; Planning Commission can only consider zoning issues; ingress and egress is not to be considered during zoning matters; can be discussed and considered during preliminary plat and final plat discussions.

Ray Sizemore of 23388 South Cypress Street, Claremore, Ok 74019, spoke in opposition; does not want entrance coming into Twin Oaks Subdivision property; would like guarantee access issue will be dealt with before final plat approval; expressed concerns over being in a low-lying area and flooding issues.

Joe Washburn of 3095 Frederick Road, Claremore, Ok 74019, spoke in opposition and presented pictures to the Board regarding single-lane road, is a City of Claremore easement that extends from this property to Frederick Road and is an old gravel road and not fit for construction traffic.

Commissioner Thacker stated he received several e-mails regarding this

matter; most concerns expressed were over the access issues; does not want traffic construction going through subdivision either; but does not feel the county can guarantee the construction traffic will come off Frederick Road.

Greever disagreed and stated construction traffic can be directed and restricted as to what ingress and egress they can use during construction.

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

Chairman DeLozier reminded the concerned citizens that approving the zoning was just the first step; next will be the preliminary platting process, where the flooding issues and ingress and egress issued would be addressed before the final plat approval, which would all have to go before the Planning Commissioner Board and then before the County Commissioners before approval; Magan Green, Planning Commission Director, concurred.

2. Discussion with possible action regarding Approval/Disapproval Appointment of Todd Springer to the Rogers County Board of Adjustment for a 3-year term beginning May 23, 2011, thru May 23, 2014 – (P.C.)

Chairman DeLozier stated this was his appointment and made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-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: None presented.

ITEM 11: TRANSFER OF FUNDS:

1. Election Board personal services \$4,306.70; part-time salaries \$2,929.94 and travel \$3,660.12 to M&O \$7,652.95 and capital outlay \$3,243.81 –

July Dermody, Election Board secretary, explained transfer was to replace obsolete computer equipment, improve signage and balance out general fund accounts before end of fiscal year. Chairman DeLozier made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

2. District #3 T-Highway M&O to capital outlay - \$799.00

Commissioner Thacker reported transfer is to purchase office computer equipment and made a motion to approve with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

3. Court Clerk Revolving Fund M&O to salaries - \$115,000.00

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

4. Emergency Management General Fund salaries \$1,789.18 and travel \$298.47 to M&O - \$2,087.65 \*\*\*see Transfer of Funds #5\*\*\*

5. Emergency Management Fund capital outlay to salaries - \$1,114.63

Bob Anderson, Emergency Management Director, explained transfers were to cover end of fiscal year accounts and requested Board approval. Commissioner Thacker made a motion to approve Items 4 & 5 under Transfer of Funds as presented with Chairman DeLozier seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

6. District #3 T-Highway M&O to capital outlay - \$200.00

\*\*\*See Transfer of Funds #7\*\*\*

7. District #2 T-Highway M&O to travel - \$2,500.00

Commissioner Thacker made a motion to approve Items 6 & 7 under Transfer of Funds as presented with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 12: UTILITY PERMITS:

1. Rural Water District #3, Rogers County – boring/crossing East 66<sup>th</sup> Street North located in the NW/4 of the NW/4 of the NE/4 of Section 1, Township 20 North, Range 14 East of the I.B.&M., Rogers County, in District #2 –

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

2. Rural Water District #5, Rogers County – boring/crossing county road NS/4106 approximately 750 feet South of county road EW/530 located within Section 3, Township 20 North, Range 15 East of the I.B.&M., Rogers County, in District #3 –

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

ITEM 13: CLAIMS:

1. Salaries – May 2011

Resignation of Tom Howse, Jail Administrator – “see letter”

Commissioner Helm made a motion to approve the May 2011 salaries as presented with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

2. Attendant Care – None presented.

ITEM 14: BLANKET PURCHASE ORDERS:

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

District #1: O’Reilly Auto Parts, \$600.00; R & S Auto Parts, \$600.00; and District #3: Lowe’s, \$300.00; R & S Auto Parts, \$500.00; Tri Star Roll-Off, \$1,800.00 – Chairman DeLozier made a motion to approve the blanket purchase orders as submitted with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

2. Orders Exceeding Amount of Issuance – None presented.

ITEM 15: GRANTS: None presented.

ITEM 16: AGENDA ITEMS:

1. Discussion with possible action regarding Approval/Disapproval of Contract for Sale of Land between Claremore Land, LLC, an Oklahoma limited liability company, whose address is % John Williams, Managing Member, 25825 South Highway 66, Claremore, Ok 74019, seller, and the Board of County Commissioners for Rogers County, State of Oklahoma, on a tract of land containing four (4.0) acres of land, described as follows: “the South 270.69 feet of the North 765.69 feet of the E/2 of the SE/4 of the SE/4 of Section 31, Township 22 North, Range 16 East of the I.B.&M., containing four (4.0) acres, Rogers County, Oklahoma – (D#1 DeLozier) -  
\*\*\*NOTE\*\*\*item discussed at March 28, 2011, meeting\*\*\*

Chairman DeLozier reported there was a meeting last week to discuss some issues concerning the E911 property; attended classes on Thursday and Friday and did not have time to discuss the issue any further with Assistant District Attorney, David Iski.

Chairman DeLozier made a motion to table this item for one week (May 31<sup>st</sup>) to allow time to discuss his concerns with Assistant District Attorney, David Iski, with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

2. Discussion with possible action regarding Approval/Disapproval of Detention Services Agreement by and between the Board of County Commissioners for Tulsa County and the Board of County Commissioners for Rogers County, effective until June 30, 2012 – (Clerk)

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

3. Discussion with possible action regarding Approval/Disapproval of Reimbursement Form as per Resolution #2010-47 directing County Treasurer to deposit funds from an election held on March 1, 2011, to reimburse Election board general fund for expenses in the amount of \$839.57 – (E.B.)

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

4. Discussion with possible action regarding Approval/Disapproval of Resolution #2011-30 and Reimbursement Form directing County Treasurer to deposit funds from Mike Graham Auctioneers in the amount of \$50,830.00 into One Cent Sales Tax Fund salaries for District #3 – (Comm. Office)

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

5. Discussion with possible action regarding Approval/Disapproval of Resolution #2011-31 and Reimbursement Form directing County Treasurer to deposit funds from Rural Water District #4, Rogers County, in the amount of \$1,267.86 for March 2011 fuel reimbursement into One Cent Sales Tax Fund for distribution for District #2 – (Comm. Office) - \*\*\*see Item #7\*\*\*

6. Discussion with possible action regarding Approval/Disapproval of Reimbursement Forms as per Resolution #2010-34 directing County Treasurer to deposit funds from Sheriff’s Office for fuel reimbursement into One Cent Sales Tax fund for distribution for District #1 in the amount of \$2,195.63 and for District #2 in the amount of \$648.54 – (Comm. Office)

\*\*\*see Item #7\*\*\*

7. Discussion with possible action regarding Approval/Disapproval of Reimbursement Form as per Resolution #2010-37 directing County Treasurer to deposit funds from Town of Talala for fuel reimbursement in the amount of \$807.21 into One Cent Sales Tax Fund for distribution for District #2 – (Comm. Office)

Commissioner Helm made a motion to approve Items 5, 6 & 7 under Agenda Items as presented with Chairman DeLozier seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

8. Open & Award Bids as follows:

a. Bid #12 – Rock

17 bid packets were mailed with 1 being returned undeliverable and 6 responses received as follows: Greenhill Materials – Catoosa, Ok 74015; Apac-Central, Inc., Dewey, Ok 74029; The Quapaw Company in Stillwater, OK 74076; Pryor Stone, Inc., Pryor, Ok 74362; Chandler Materials, Tulsa, Ok 74112 and Anchor Stone Company in Tulsa, Ok 74105 – (see minutes for complete copies of bids submitted) –

Commissioner Thacker made a motion to accept all bids submitted based upon closest to work region and availability with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

b. Bid #13 – HMHL

15 bid packets were mailed with 0 being returned undeliverable and 3 bid responses received as follows: “No Bid” Gary-Williams Energy Corporation in Oklahoma City; Logan County Asphalt Company, Guthrie, Ok 73044; Apac-Central, Inc., in Dewey Ok 74029; and Tulsa Asphalt, LLC, in Tulsa, Ok 74157 –

Commissioner Thacker made a motion to accept all bids submitted based upon closest to work region and availability with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

c. Bid #14 – Liquid Asphalt

12 bid packets were mailed with 0 being returned undeliverable and 3 bid responses received as follows: Vance Brothers, Inc., Tulsa, OK 74112; Ergon Asphalt & Emulsions, Inc., Catoosa, Ok 74015 and “No Bid” Gary-Williams Energy Corporation in Oklahoma City, Ok 73108 –

Commissioner Thacker made a motion to accept the low bid of Ergon Asphalt & Emulsions, 5850 Arkansas Road, Catoosa, Ok 74015 with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

d. Bid #15 – Grader Blades

10 bid packets were mailed with 0 being returned undeliverable and 4 bid responses received as follows: Kirby-Smith Machinery, Inc., Tulsa, Ok 74116; Bus Andrews Equipment, Springfield, MO 65803; Dub Ross Company, Inc., Oklahoma City, OK 73137; and Warren Cat in Oklahoma City, Ok 73127 –

Commissioner Thacker made a motion to accept all bids submitted based upon closest to work region and availability with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

e. Bid #16N – New Pipe

16 bid packets were mailed with 0 being returned undeliverable and 3 bid responses received as follows: Tinhorns R Us in Tuttle, Ok 73089; Wheeler Metals, Inc., Muskogee, Ok 74401; and Water Products, Inc., Owasso, Ok 74055 –

Commissioner Thacker made a motion to accept all bids submitted based upon closest to work region and availability with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

f. Bid #16P – Plastic Pipe

19 bid packets were mailed with 0 being returned undeliverable and 5 bid responses received as follows: Fensco, Inc., Jenks, Ok 74037; Water Products of Oklahoma, Inc., Owasso, Ok 74055; DP supply Company, Tulsa, Ok 74108; Keeling Company, North Little Rock, AR 72231-5310; and Tinhorns R Us, Tuttle, Ok 73089 –

Commissioner Thacker made a motion to accept the low bid of Fensco, Inc., P.O. Box 934, Jenks, Ok 74037 with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

g. Bid #16U – Used Pipe

16 bid packets were mailed with 0 being returned undeliverable and 3 bid responses received as follows: Railroad Yard, Inc., Stillwater, Ok 74076; Sunbelt Equipment & Supply, Meeker, Ok 74855; and “No Bid” from Water Products, Inc., in Owasso, Ok 74055 –

Commissioner Helm made a motion to accept the low bid of Railroad Yard, Inc., from Stillwater Ok 74076 with Chairman DeLozier seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

h. Bid #200 – Election Ballots

4 bid packets were mailed with 0 being returned undeliverable and 1 response received as follows: Mid-West Printing Company, Sapulpa, Ok 74067 –

Commissioner Thacker made a motion to accept the only bid submitted from Mid-West Printing Company with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

i. Bid #204 – Laid Asphalt

12 bid packets were mailed with 0 being returned undeliverable and 4 bid responses received as follows: A & A Asphalt, Inc., Broken Arrow, Ok 74013-1323; Apac-Central, Inc., Dewey, Ok 74029; Tulsa Asphalt, LLC, Tulsa, Ok 74157; and Paragon Contractors, LLC, in Tulsa, Ok 74103 –

Commissioner Thacker made a motion to accept all bids submitted based upon closest to work region and availability with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

j. Bid #292 – Galvanized Posts

14 bid packets were mailed with 0 being returned undeliverable and 3 bid responses received as follows: Xcessories Squared Development & Mfg., Inc., in Auburn, IL 62615; Advanced Workzone Services, LLC, in Muskogee, OK 74402-1569; and Custom Products Corporation in Jackson, MS 39288 –

Chairman DeLozier made a motion to accept the low bid of Xcessories Squared from Auburn, IL 62615 with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

k. Bid #350 – Janitorial Services for Health Department

8 bid packets were mailed with 0 being returned undeliverable and 1 bid response received from Jani-King of Tulsa, Inc., for \$2,709.10 monthly.

Chairman DeLozier made a motion to table awarding of this bid for one week (May 31<sup>st</sup>) to allow the Health Department time to review the bid and made recommendations back to the Board with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

l. Bid #515 – Concrete

7 bid packets were mailed with 0 being returned undeliverable and 3 bid responses received as follows: Greenhill Concrete in Catoosa, Ok 74015; Mid-Continent Concrete in Tulsa, Ok 74107; and Twin Cities Ready Mix, Inc., in Tulsa, Ok 74116 –

Commissioner Helm made a motion to accept the low bid of Greenhill Concrete in Catoosa, Ok 74015 with Chairman DeLozier seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

Chairman DeLozier made a motion to recess the meeting for ten minutes with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried and meeting recessed at 10:33 A.M.

Chairman DeLozier called the recessed meeting back to order at 10:42 A.M. with Commissioner Helm and Commissioner Thacker present and quorum established.

m. Bid #546 – Zero Turn Mower

11 bid packets were mailed with 0 being returned undeliverable and 5 bid responses received as follows: P & K Equipment, Inc., Owasso, Ok 74055; Grissoms, LLC in Prague, Ok 74864; Pa's Mower Shop in Oologah, Ok 74053; Triple "T" Equipment in Claremore, Ok 74017; Professional Polish, Inc., in Fort Worth, TX 76119, including alternate bid.

District #2 assistant road foreman Allen Carter; Brian Hickok, shop foreman and Ted Mardis, mechanic, had reviewed bid #546 on the Zero Turn Mower and had completed a weight scale on the lawnmower according to engine size, hydraulics, deck, service & parts and other options; recommendation after weight scale was to accept the bid of P & K Equipment, 11518 East 66<sup>th</sup> Street North, Owasso, Ok 74055 on John Deere 997 Commercial L.C. diesel max-frame Z-trak with 72 inch side discharge 7-Iron PRO Deck on Oklahoma State Contract #SW190 for \$14,458.29

Commissioner Helm made a motion to accept the bid of P & K Equipment for \$14,458.29 based upon the weight scale conducted by the crew at District #2 as submitted with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 17: 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 – None presented.

ITEM 18: ANNOUNCEMENTS: None presented.

ITEM 19: 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 20: 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, May 23, 2011\*\*\*Commissioner Helm made a motion to approve payment of all purchase orders submitted for payment from all departments with Chairman DeLozier seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 21: RECESS OR ADJOURNMENT:

Chairman DeLozier made a motion to adjourn the meeting with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried and meeting adjourned at 11:25 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, May 19, 2011, at 3:26 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.*