

**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, September 10, 2012, at 9:00 O'clock A.M.

**MINUTES**

**\*\*\*CONSIDERATION, DISCUSSION AND POSSIBLE ACTION TO BE TAKEN ON THE FOLLOWING LISTED ITEMS ON THE AGENDA:**

**ITEM 1: CALL TO ORDER:**

Chairman Mike Helm called the meeting to order at 9:01 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 established and determined that Notice of Meeting and Agenda were properly posted in accordance with the Oklahoma Open Meeting Act.

**ITEM 3: PLEDGE OF ALLEGIANCE:**

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

**ITEM 4: INVOCATION:**

Commissioner Thacker said a prayer.

Chairman Helm made a motion to recess to move the meeting to Judge Steidley's 2<sup>nd</sup> floor courtroom to accommodate students from Foyil High School government class who were in attendance with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried and meeting recessed at 9:02 a.m.

Chairman Helm called the recessed meeting back to order at 9:08 a.m. with Commissioner Thacker and Commissioner DeLozier present and quorum established.

**ITEM 5: APPROVE/DISAPPROVE MINUTES: September 4, 2012**

Commissioner Thacker made a motion to approve the minutes from September 4, 2012, as presented with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

**ITEM 6: ANNOUNCEMENTS: None presented.**

**ITEM 7: UNFINISHED BUSINESS:**

1. Discussion with possible action regarding update from Bill Turner, C.P.A. with Turner & Associates regarding 2012-2013 proposed budget – (D#2 Helm) \*\*\*NOTE\*\*\*this item was discussed at the August 20, 2012, meeting and September 4, 2012, meeting\*\*\*

1<sup>st</sup> Deputy County Clerk Marilyn Gibson, explained to the Board Mr. Turner would not be in attendance for the meeting; Gibson presented a rough draft work sheet of the changes that were discussed in the September 4<sup>th</sup> meeting; Gibson informed the Board there needed to be an additional correction made on behalf of 911 Dispatchers. E911 Administrator, Janet Hamilton, requested \$53,000 be moved from full times salaries to part-time salaries to cover the par-time employees. Discussions held regarding \$1.00 being placed within all funds with zero balance to keep the fund open. Discussions held regarding the option of 90% or 95% of ad valorem taxes. Discussions held reminding the elected officials and department heads that the carry-over monies were included in the figures; there will be no carry-over monies for this year. Discussions held regarding whether or not it would be legal for the Commissioner's to lease-purchase cars on behalf of the Sheriff's Office from their T-highway account. Mr. Iski requested a written request for the legal opinion. Commissioner DeLozier reminded everyone that the \$1.2 million (approximate amount) carry-over monies would not be there for next year; DeLozier expressed his concerns regarding the carry-over monies not being available next year and using 95% of the ad valorem taxes vs. 90%.

Chairman Helm made a motion to place this item on next week's agenda (September 17<sup>th</sup>) with the signing of proof of publication with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

**ITEM 8: ZONING:**

1. Public Hearing on Application for a Change of Zoning by Elizabeth Lamberson & MaLinda Millkin from AG to C-4 on a tract of land located in Section 33, Township 23 North, Range 15 East of the I.B.&M., Rogers County, in District #2 – Address: 12194 South Highway 169, Oologah, OK 74053 –

Planning Commission Director, Larry Curtis, informed the Board the Planning Commission met on September 5, 2012, and was approved by a five to zero vote. Curtis recommended the Planning Commission deny. Chairman Helm asked for an explanation of why Curtis recommended denial.

Curtis explained applicants filed application with staff stating that the intended use of the property, after rezoning, to be "high-density commercial use". Staff contacted applicant for additional information and was informed that applicants realtor advised her that she needed to get it zoned commercial to

be able to get what the property is valued at. Applicant also added, so a business could come in and build. A manufactured home is currently located on the property. Use Unit 9, Manufactured Home Dwelling is not permitted in the C-4 Commercial District. Without a clear definitive planning proposal, the potential for this lot under C-4 Commercial District to become something unsupportive of the need of the surrounding community is too great. Staff recommends to deny. Applicant or their representative was not present at the meeting.

Chairman Helm made a motion to table this item for one week (September 17<sup>th</sup>) to allow the applicant to be present at the next meeting with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

**ITEM 9: PLATS:** None presented.

**ITEM 10: ROADS & BRIDGES:** None presented.

**ITEM 11: CASH FUND ESTIMATE OF NEEDS & REQUEST FOR APPROPRIATIONS:**  
None presented.

**ITEM 12: TRANSFER OF FUNDS:** None presented.

Commissioner DeLozier introduced Mrs. Snyder from Foyil High School's government classes and all elected officials and department heads introduced themselves to the students.

**ITEM 13: UTILITY PERMITS:**

1. Rural Water District #3, Rogers County – boring 106<sup>th</sup> Street North for Lot 9 Block 3 of Rolling Meadows Extended lying between Section 7 and 8 of Township 21 North, Range 15 East of the I.B.&M., Rogers County – (D#2 Helm)

2. Oklahoma Natural Gas Company – boring of proposed ¾" natural gas pipeline crossing North Wilderness Trail in the SW/4 of Section 36, Township 21 North, Range 14 East of the I.B.&M., Rogers County – (D#2 Helm)

3. Application for Permit of Utility Line Installation on County right-of-way – Rural Water District No. 6, Rogers County – booster pump station – at Southwest corner of the Intersection of EW590 and NS421.5 (Commercial Street) in the NE/4 NW/4 of Section 4, Township 19 North, Range 17 East of the I.B.&M., Rogers County – (D#3 Thacker)

Chairman Helm made a motion to approve Items 1, 2 & 3 under Utility Permits as presented with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

**ITEM 14: CLAIMS:**

1. Salaries – None presented.
2. Attendant Care – None presented.

**ITEM 15: BLANKET PURCHASE ORDERS:**

1. Material, Supplies, Parts, Groceries & Prescriptions –
  - Assessor – Rogers County District #3 - \$400.00
  - District #3 – American Waste Control, Inc. - \$1,000.00

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

2. Orders Exceeding Amount of Issuance – None presented.

**ITEM 16: GRANTS:** None presented.

**ITEM 17: PAYMENT REQUISITION – CONSTRUCTION FUND – RCB BANK, TRUSTEE:**

1. BKL, Inc. – Invoice No. 26 - \$11,985.00

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

**ITEM 18: AGENDA ITEMS:**

1. Update by BKL, Inc., and Flintco regarding Courthouse and E911 Center Projects –

Billy Knowles with BKL reported the new Courthouse is going well; worked on interior items last week; on the 911 Center still in the process of meeting with sub-contractors to possible reduce monies.

B. J. Fay with Flintco reported should starting installing glass this week; painting on the 2<sup>nd</sup> floor; able to secure the permit for building and power was turned on last week; next week should be bringing in metal and case-work for 1<sup>st</sup> floor. Updates and discussion only, no action taken.

2. Resolution #2012-72 – Burn Ban – (Emergency Mgmt./Anderson)  
Emergency Management Director, Bob Anderson, presented a copy of an Application for Controlled Burning Related to Agriculture while under a Governor's Ban on Outdoor Burning; Anderson recommends the County to extend the County Burn-Ban; requests media to help in the notification of the public and work in conjunction with Donna Patterson, OSU Extension Director; application is posted on the Governor's web site, State Forestry Division web site and the County will install on the County web site.

Commissioner DeLozier made a motion to continue with the County wide burn ban with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

3. 2013 Renewal for Group Rogers County MR 2601 – Senior Care Health Plan – (retirees) – (H.R./Bentley)

Human Resources Director, Jenny Bentley, reported the 2013 renewal rates for retirees will go up from \$212.00 for retiree to \$229.00; and retiree & spouse from \$424.00 to \$458.00; Community Care will notify the retirees once the Board signs off on.

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

4. Maintenance Agreement – by and between OMECorp., LLC and Rogers County Treasurer – Model #OP2112 – Mailing Machine #ZF01054 – (Treasurer)

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

5. Resolution #2012-94 and Reimbursement Form - \$200.00 funds for cemetery restitution fund for District #1 – (Comm. Office)

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

6. Resolution #2012-95 and Reimbursement Form – Town of Talala for fuel reimbursement in the amount of \$545.03 for District #2 – (Comm. Office)

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

7. County Clerk's Cash Book & Summary Report for August 2012 – (Clerk)

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

**ITEM 19: ANNOUNCEMENTS REGARDING COUNTY EVENTS AND STATUS UPDATES FOR COMMENTS AND DISCUSSION FROM COUNTY DEPARTMENTS AND ELECTED OFFICIALS, AS FOLLOWS:**

- a.) 911 Administrator – b.) Assessor – c.) Building Operations/Maintenance
- d.) County Clerk – e.) Court Clerk – f.) District Attorney – g.) Election Board
- h.) Emergency Management – i.) Human Resources – j.) Information Technology
- k.) Inspections/Planning Commission – l.) Judicial – m.) OSU Extension – n.) Sheriff
- o.) Treasurer

\*\*\*NOTE\*\*\*Each elected official or department head present at the meeting was asked by Chairman Helm if they were aware of their offices budget figures and agreed with the budget figures for their particular office under Announcements Regarding County Events and Status Updates for Comments and Discussion from County Departments and Elected Officials\*\*\*

a.) 911 Administrator, Janet Hamilton, reported she would need to move \$53,000 from full time salaries to part time salaries in the 2012-2013 budget; Telecommunicators would be attending “landing zone” training tomorrow, Tuesday, September 11<sup>th</sup>.

c.) Ryan Baze, Maintenance Director, reported last Friday the Courthouse had limb damages from the wind; 1<sup>st</sup> floor had water leak last week, and repairs were made; has completed the new Courthouse 1<sup>st</sup> floor photos; hedges being trimmed today.

f.) Assistant District Attorney, David Iski, reported he would be filing response with Oklahoma Supreme Court regarding re-hearing and response on the County Clerk's case County Records, Inc., vs Armstrong – 2012-OK-60 – Case #109049 –

g.) Election Board Secretary, Julie Dermody, the Election Board offices would be busy in the next week regarding Constitution Day on September 17<sup>th</sup> and voter registration drive being conducted; reminded students if they are 18 or will be turning 18 to get registered to vote and if any students are needed credits for volunteering, the Election Board takes volunteers.

j.) Brett Williston, I.T. Director, reported a new web site should be ready by the end of the month; volunteers at the Vo-Tech for the E.A.S.T. Program and explained the opportunity for the students to also volunteer.

k.) Larry Curtis, Planning Commission Director, reported he still has no nominees for the Board of Adjustment and they have a regular scheduled meeting for September 17<sup>th</sup> and there is not enough members to have a quorum; notified Board of possible Notice of Appeal to be filed regarding a zoning that was denied by the Planning Commission on September 5<sup>th</sup>; is studying and reviewing utility permit fees, fees range for \$100 to \$450.

m.) Donna Patterson, OSU Director, reported the Rogers County Fair is this week, opens to the public on Thursday and entries will be taken beginning Wednesday.

**ITEM 20: ACKNOWLEDGEMENT RECEIPT OF THE FOLLOWING ITEMS:**

None presented.

**ITEM 21: 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 –

Commissioner DeLozier announced Commissioners will be doing Power point presentations to their schools in the near future regarding safety issues involving the removal of stop signs.

Salesha Wilken with the Claremore Daily Progress inquired about the \$180,000 shortfall on the budget at the end of last week's meeting; Commissioner Thacker explained the Commissioners are going to move their three (3) salaries along with FICA from general government to T-Highway and the possibility of taking 95% of ad valorem taxes versus 90% as the County has done in the past.

**ITEM 22: 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 Thacker inquired from Chairman Helm regarding the article in the Sunday Claremore Daily Progress for charging FEMA funds twice; Commissioner Thacker expressed concerns, especially if the County should ever have to pay those funds back.

Chairman Helm stated the Public Information Officer for FEMA has told the newspaper there is no issue with District #2 funds from FEMA; County will never have to pay those funds back; FEMA would not grant funds to County if everything was not ok; Albert Ashwood with Oklahoma Emergency Management signs off on all FEMA checks before they are issued to the County; FEMA checks are audited by the federal government.

Chairman Helm made a motion to recess the meeting and take it back downstairs to the Commissioner's Meeting Room 1-109 on the 1<sup>st</sup> floor with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried and meeting recessed at 10:07 a.m.

Chairman Helm called the recessed meeting back to order at 10:11 a.m. with Commissioner Kirt Thacker and Commissioner Dan DeLozier present and quorum established.

**ITEM 23: PAYMENT OF PURCHASE ORDERS FROM ALL DEPARTMENTS:**

(Materials, Supplies, Parts, Groceries & Prescriptions)\*\*\*NOTE\*\*\*see attached list of all claims submitted for payment from all departments and approved for payment by the Board on Monday, September 10, 2012\*\*\*

\*\*\*NOTE\*\*\*Commissioner DeLozier left the meeting approximately 10:45 a.m. to attend another meeting\*\*\*

Commissioner Thacker made a motion to approve payment of all purchase orders submitted from all departments with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye. Motion carried.

**ITEM 24: RECESS OR ADJOURNMENT:**

Chairman Helm made a motion to adjourn the meeting with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye. Motion carried and meeting adjourned at 11:03 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, September 6, 2012, at 12:53 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.*