

**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 24, 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 9:00 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 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.

**ITEM 5: APPROVE/DISAPPROVE MINUTES: September 17, 2012**

Commissioner Thacker made a motion to approve the minutes from September 17, 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. Award Bid #585 – Track Type Dozer – District #3 - \*\*\*NOTE\*\*\*this bid was opened at the September 17, 2012, meeting\*\*\***

District #3 Shop Foreman, David Trude, stated he reviewed all the bids submitted; Trude explained the three (3) things that stood out was warranty; provisions on re-purchase agreement or buy-back; travel time and mileage; Trude continued he feels the provision on buy-back changes the face value of the bid; Trude recommends accepting the highest bid from Warren Cat for \$259,694 because Warren Cat is the only vendor to include travel time & mileage, some did not offer travel time and mileage; Warren Cat provided a specified u/c warranty statement according to bid specs; Warren Cat was only vendor that added to all items bided catalogue number detailed accompanied descriptions (as bid specs requested); Warren Cat included preferred blade shake; Warren Cat's bid financing was equal to amount of warranty (7-year warranty to 7-year financing), some other vendors did not; repurchase agreement or buy-back, the purpose of a repurchase agreement is to take the future value of a tractor in today's bid and cost (how well does a tractor hold its value), some vendors did not offer repurchase agreement or buy-back; some bids had provisions for buy-back; Warren Cat did not have provisions for buy-back.

Commissioner Thacker made a motion to accept the bid from Warren Cat as per recommendation from Shop Foreman, David Trude, as lease-purchase with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

**ITEM 8: ZONING:**

**1. District Court of Rogers County – Case No. CV-2012-90 – Notice of Application to Vacate Portion of Plat – a certain road easement located in Lot 3, Block 1, River Ranch II, more particularly described as covering the southerly 25 feet of said Lot 3, Block 1 – Application of Daniel L. Davis and Dianna L. Davis – Attorney for applicants, Douglas L. Boyd – (County Clerk)**

Planning Commission Director Larry Curtis and Brian Kellogg with Kellogg Engineering was sent scanned copies of the case by Peggy Armstrong, Rogers County Clerk; both agreed that they don't like to see the County vacate right-of-ways or easements. Such easement are intended for future growth and looping of utilities; it appears that the easement as recorded on the Plat would not meet the currently Rogers County standards and it is only a road easement would not follow for any utilities; both had no objections to vacating the easement.

Assistant District Attorney, David Iski, reported the County is required to file a response within 20 days.

Chairman Helm made a motion to have the District Attorney's Office file a no objection to the case with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

**2. Public hearing with possible action on Application for a Change of Zoning by applicant Sharon Hollowell by attorney, F. Mack Greever from AI to M on a tract of land in the NW/4 of SW/4 of SW/4 in Section 10, Township 20 North, Range 14 East; and tract of land in NE/4 SW/4 SW/4 of Section 10, Township 20 North, Range 14 East; and SE/4 SW/4 SW/4 of Section 10, Township 20 North, Range 14 East of the I.B.&M., Rogers County, Oklahoma – address: 4841 North 145<sup>th</sup> East Avenue, Catoosa, OK 74015**

Planning Commission Director Larry Curtis reported the Planning Commission held a hearing on September 18, 2012, and the change in zoning was approved by a six to one vote. Mack Greever, Attorney for the applicant was present at the meeting and provided a map showing the property and the surrounding properties; Greever continued the Board approved several weeks ago to open up a section of the section line roadway for development; the property has access from both the west and north; the landfill to the west would allow his client to have access from their property; the property was designed for mining activity and that the landfill would be a ready market for his client; this zoning request is for only removal of dirt and clay; not blasting will be done; the residential structure would no longer be used as a residence once zoned for mining.

Discussions held regarding if the Corp of Engineers was involved, and yes, they are involved. A representative, Dick Sherry from City of Tulsa Parks Department was present at the Planning Commission hearing and was only there to find out exactly what would be happening with the property being zoned; the removal of clay and earth would not be an impact on the property that is downstream from the mining site; he would not have a problem with the application.

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

**3.** Public hearing with possible action on Application for a Change of Zoning by applicant Darryl Denny from RST-60 to RS-40 on the West 330 feet of Lot 16; less the North 302.5 feet thereof, and less the South 302.5 feet thereof, in Block 3 of Rolling Meadows Extended, a subdivision in Section 7, Township 21 North, Range 15 East of the I.B.&M., Rogers County, Oklahoma – address: 10621 North 193<sup>rd</sup> East Avenue, Owasso, Ok 74055

Planning Commission Director Larry Curtis reported the Planning Commission held a public hearing on September 18, 2012 and the change in zoning was approved by a seven to zero vote; no opposition or no questions were asked at the Planning Commission hearing; the intended use of the property, after rezoning, is for a lot split and construction of two homes.

Applicant was not present at the Commissioner's meeting and no opposition was present; Curtis recommended approval.

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

**ITEM 9: PLATS:**

**1.** Public hearing with possible action on Preliminary Plat of Twin Creeks at Stone Canyon phase III – Applicant: Brian Kellogg of Kellogg Engineering for C.A.B.O. Development Co., L.L.C. – current zoning: PUD (RS-20 underlying) – legal description: a tract of land located in the NE/4 of Section 1, Township 20 North, Range 14 East and the NW/4 of Section 6, Township 20 North, Range 15 East of the I.B.&M., according to the U.S. Government Survey, thereof, Rogers County, State of Oklahoma – addition has 34 lots in 4 blocks all contained in 25.40 acres more or less.

Planning Commission Director Larry Curtis reported the Planning Commission held a public hearing on September 18, 2012, and approved by a seven to zero vote; would be an extension of Twin Creeks I and II. Brian Kellogg was in attendance at the Commissioner's meeting.

Claremore Daily Progress reporter, Salesha Wilken asked if the County would be doing any of the work on this subdivision. Chairman Helm replied the County does not participate in roadway work or retention ponds for any subdivision or development as per Planning Commission subdivision regulations.

Curtis recommended approval. Chairman Helm made a motion to approve the Preliminary Plat of Town Creeks at Stone Canyon phase III as presented with Commissioner Thacker seconding the motion. Roll Call; Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

**2.** Public Hearing with possible action on Preliminary Plat of Greystone at Stone Canyon phase V – applicant: Brian Kellogg of Kellogg Engineering for C.A.B.O. Development Co., L.L.C. – current zoning: PUD (RS-20 underlying) – legal description: a tract of land located in the SW/4 of Section 36, Township 21 North, Range 14 East of the I.B.&M., according to the U.S. Government Survey, thereof, Rogers County, State of Oklahoma – addition has 11 lots in 2 blocks & 4 reserve areas all contained in 11.73 acres more or less –

Planning Commission Director Larry Curtis reported the Planning Commission held a public hearing on September 18, 2012, and approved by a seven to zero vote and recommended approval.

Chairman Helm made a motion to approve the Preliminary Plat of Greystone at Stone Canyon phase V as presented with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

**ITEM 10: ROADS & BRIDGES:**

**1.** CED #1 Used Beam Request for District #1 – replacement of Local 71, Structure #66N4150E0430002 – 5 beams requested – beam depth: 33" or 36" – beam length: 70' – (D#1 DeLozier)

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

**ITEM 11: CASH FUND ESTIMATE OF NEEDS & REQUEST FOR APPROPRIATIONS:**

**1.** 101 – T-Highway - \$301,918.78

**2.** 105 – County Bridge & Road Improvement Fund (CBRIF) - \$20,377.40

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

**ITEM 12: TRANSFER OF FUNDS:**

**1.** 40 Emergency Management salaries to M&O - \$6,803.05

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

**ITEM 13: UTILITY PERMITS:**

1. Oklahoma Natural Gas Company – boring proposed 3/4” natural gas pipeline crossing East 79<sup>th</sup> Street North located within the SW/4 of Section 26, Township 21 North, Range 14 East of the I.B.&M., Rogers County, in District #2 – (D#2 Helm)

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

2. Chelsea Gas Authority – boring EW/450 Road approximately 640 feet East of South 4220 Road located with the SW/4 of Section 22, Township 22 North, Range 17 East and NW/4 of Section 27, Township 22 North, Range 17 East of the I.B.&M., Rogers County – (D#1 DeLozier)

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

**ITEM 14: CLAIMS:**

1. Salaries – September 2012

Commissioners reviewed the salary claims for September 2012 as presented; District #3 had two terminations of Kiefer Cruse and Jon Mullen and resignation of Daniel Kistler; Patricia Bible with the Sheriff’s Office resigned last month and letter was presented at the August 27<sup>th</sup> meeting, but no claim was submitted at the time; Commissioners reviewed letters regarding changes in status and/or pay scale plus longevity. Human Resources Director, Jenny Bentley, stated she had seen the letters and agreed to. Chairman Helm made a motion to approve the September 2012 salary claims as submitted with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

2. Attendant Care – None presented.

**ITEM 15: BLANKET PURCHASE ORDERS:**

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

- Emergency Management – Robertson Tire - \$6,500.00
- Sheriff: Comdata Mastercard - \$17,000.00; Rogers County District #1 - \$3,000.00; Rogers County District #2 - \$1,000.00; Speedy Lube, \$500.00; Froman Oil Company, \$1,000.00 –

- Jail: Westwood Pharmacy, \$6,000.00; Medical Compliance Specialty, Inc., \$400.00; St. Francis Lab, \$1,200.00; PHS Mobile X-Ray, \$600.00; Diamond Medical Supply, \$500.00; Diamond Drugs, Inc., \$8,000.00; Correctional Dental Services, \$2,000.00; Farmers Bros. Coffee, \$300.00; Warehouse Market, \$300.00; Bimbo Bakeries, \$1,550.00; Sysco Foods, \$6,500.00; Sysco Foods, \$3,100.00; Performance Food Group, \$500.00 and Commercial Power Solutions, \$9,000.00 –

- District #3: Lowe’s - \$300.00

- District #1: American Waste Control, Inc., \$750.00 and County Building Center, \$100.00

Chairman Helm 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 16: GRANTS:** None presented.

**ITEM 17: PAYMENT REQUISITION – CONSTRUCTION FUND – RCB BANK, TRUSTEE:** None presented.

**ITEM 18: AGENDA ITEMS:**

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

Projects –

Billy Knowles with BKL reported new Courthouse is moving along well; BKL has been looking into site work on Plaza for new Courthouse; continuing to work with sub-contractors on 911 Center to reduce costs.

B. J. Fay with Flintco reported climate control has been installed on 1<sup>st</sup> floor; completed gas line piping; main-entry area work is being done this week; currently tracking under budget; 17 days behind schedule; expect the new Courthouse to be completed in mid to late February 2013.

Discussions and updates only, no action taken.

2. Discussions with possible regarding excess Use Tax – (D#3 Thacker)

Commissioner Thacker reported Rogers County Industrial Development Authority (RCIDA) and Claremore Industrial Development Authority (CIEDA) have merged and have a great director in Mickey Thompson; spoke of the current work being done by RCIDA with expanding business in Inola at the Summerlin Business Park; Inola has incubator program in the works; the Town of Oologah grocery store.

Member Rick Brown spoke in regards to the cash follow being way down; RCIDA needs help to bring businesses to Rogers County. Commissioner DeLozier agreed with Commissioner Thacker. Would increase revenue stream for all; jobs are a big drawn for any County.

Currently Rogers County does not have a contract with RCIDA. Commissioner Thacker stated he placed this item on the agenda to keep this on forethought for all concerned. Discussion only, no action taken.

3. Schedule of Federal Expenditures for the year ended June 30, 2012 – (Clerk)

Commissioners reviewed the SEFA report prepared by County Clerk 1<sup>st</sup> Deputy Marilyn Gibson, Gibson explained the report was compiled from Treasurer’s Office miscellaneous revenue ledger & information provided by District #1; District #2; District #3 and Sheriff’s Office. Commissioner DeLozier made a motion to approve with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

4. Open & Award Bid #104 – Laid Asphalt – Bid period October 1, 2012 thru December 30, 2012 – (County Clerk)

16 bid packets were mailed with 0 being returned undeliverable and 5 responses received as follows: A & A Asphalt, Inc.; APAC-Central, Inc.; Tulsa Asphalt, LLC; Paragon Contractors, LLC

and Dunham's Asphalt Services. Commissioners reviewed bids submitted. Commissioner Thacker made a motion to accept the low bid of Tulsa Asphalt, LLC, with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried \*\*\*NOTE\*\*\*see attached copies of all bids submitted\*\*\*

**5. Monthly Reports of County Officers – August 2012 – (County Clerk)**

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

**6. Helena Chemical Company – General Release and Non-Disclosure Agreement – on 265 gallons of Honcho Plus – (D#2 Helm)**

Chairman Helm explained District #2 had a product that separated and the product was replaced by the vendor; product did not work like it was suppose to; vendor wanted a general release and non-disclosure agreement signed 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.

**7. Resolution #2012-98 & Reimbursement Form – Oklahoma Department of Transportation – refund of overpayment on County lease equipment on Contract No. 99-2022 and 99-2023 in the amount of \$1,449.91 – (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.

**8. Resolution #2012-99 – Town of Talala – fuel reimbursement - \$512.35 and Resolution #2012-100 – OTEMS fuel reimbursement - \$2,522.28 – District #2 One Cent Sales Tax – (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.

**9. Reimbursements as per Resolution #2012-56 and #2012-61 as follows:**

- District #1 – Sheriff fuel reimbursement - \$1,393.10
- District #2 – Rural Water District No. 4 – fuel reimbursement - \$1,268.52
- District #3 – Assessor fuel reimbursement - \$396.33

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

**10. Independent Contractor Agreement – A Walker Electric – (D#3 Thacker)**

Commissioner Thacker reported this agreement is for electricity to be run at Inola yard and made a motion to approve with Commissioner DeLozier 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

a.) 911 Administrator Janet Hamilton announced on Wednesday, has scheduled maintenance on the dispatch computers; later on Wednesday, is meeting with Captain Hull to review the law enforcement dispatch protocol; Thursday is meeting with point-of-contact for the law enforcements group of the 911 Advisory Board; City of Claremore has questions regarding the 911 Trust and Hamilton along with Commissioner DeLozier have answered those 11 questions and sent answers back to the City of Claremore.

c.) Maintenance Director, Ryan Baze, announced Johnson Controls is repairing pneumatic controls in courthouse; will be cleaning floors on 1<sup>st</sup> floor this week; focusing extra on bathrooms and planning on yard work Tuesday, September 25<sup>th</sup>.

h.) Emergency Management Director, Bob Anderson, advised Rogers County is still under Governor's State-Wide Burn Ban; for Monday & Tuesday of this week have a Red Flag Warning; and reminded of Ag burn permits for ranchers; has meeting scheduled for Wednesday, September 26<sup>th</sup> for 1<sup>st</sup> responders on 911.

i.) Human Resources Director, Jenny Bentley, announced Thursday, September 27<sup>th</sup>, orientation is scheduled from 2:00 to 4:00 p.m. and November 7<sup>th</sup> & 8<sup>th</sup> is Open enrollment and Health Assessment.

j.) Information Technology Director, Brett Williston, reported the new search record tool on the web site is doing really well; on average we get from 100,000 to 120,000 hit per month; in checking this morning we had 182,397 hits; last week alone we had 60,000 hits; top 3 pages visited are search records tool; employment opportunities and bids; Oklahoma County offers more free information on their web site than Rogers County does.

k.) Planning Commission Director, Larry Curtis, reported a building permit was issued for Valmont Industries for \$9.6 million dollars and the Board of Adjustment is still needing two members to serve.

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

- 1. INCOG REAP – Contract #120205 – check #1761 - \$32,284.00 – Rebuild parking lot at Sequoyah Elementary School –
- 2. Grand Gateway EDA – 911 Services Fees for July 2012 – check #1564 = \$24,297.17  
Acknowledged for public record only, no action taken.

**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 –

Claremore Daily Progress reporter Salesha Wilken inquired about Item 18 Agenda Items #3 – SEFA Report – how come there is a difference between cash receipts and cash disbursements?

Commissioner DeLozier replied because FEMA only reimburses 75% of the 100% of expenditures; and State Oklahoma Emergency Management only reimburses 12.5%.

Andrea Feeback inquired as to whom bird-dogs these monies? Commissioner DeLozier replied, we do, the Commissioner's and elected officials involved in receiving FEMA monies.

Claremore Daily Progress reporter, Salesha Wilken, inquired if the Commissioner's had set up their sub-accounts within the FEMA fund? Commissioner Thacker replied we have placed \$1.00 in each account within the fund, but as of yet, Rogers County has not had a disaster that requires us to do so at this time.

Wilken inquired from Chairman Helm as to how many ongoing disasters District #2 had? Chairman Helm replied three.

**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 – None presented.

**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 24, 2012\*\*\*Commissioner Thacker made a motion to approve payment of all purchase orders submitted for payment from all departments with the exception of purchase order #300436 issued to P & K Equipment for \$120,272.50 for further review and purchase order #301164 issued to Maxwell Supply for \$11,262.45 to see if geotextile fabric was on the State Contract or where ODOT purchased their geotextile fabric with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

**ITEM 24: The Board of County Commissioners will be attending the Rogers County Excise Board's regular scheduled meeting regarding presentation of Estimate of Needs (budget) for 2012-2013 for Excise Board consideration and/or approval on Friday, September 28, 2012, at 1:00 o'clock p.m. CST in the Commissioner's Meeting Room 1-109, located on the 1<sup>st</sup> floor of the Rogers County Courthouse, 219 South Missouri, Claremore, Ok 74017 –**

**ITEM 25: RECESS OR ADJOURNMENT:**

Commissioner Thacker made a motion to recess the meeting until 1:00 p.m. CST on Friday, September 28, 2012, to attend the regular meeting of the Excise Board with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried and meeting recessed at 11:38 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 20, 2012, at 1:17 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.*