

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, October 15, 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: October 9, 2012

Commissioner Thacker made a motion to approve the minutes from October 9, 2012, as presented with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 6: ANNOUNCEMENTS:

Commissioner Thacker announced on October 30, 2012, at 10:00 A.M. the Masonic Lodge will be laying the Cornerstone at the new Courthouse. Public is invited.

ITEM 7: UNFINISHED BUSINESS:

1. Discussion with possible action for the County side of the City of Claremore-Rogers County Planning Commission office to received, review, issue, and collect fees for Utility Permit applications for the whole of Rogers County – (P.C. Director Curtis) ***NOTE***this item was tabled from October 1, 2012, meeting***

Assistant District Attorney, David Iski, reported he needed more time to review this item and requested the Board table the item until further notice.

Chairman Helm made a motion to table this item until ADA Iski places it back on the agenda with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

2. Award Bid #586 – Pre-Engineered Metal Building – District #1 – ***NOTE***this bid was opened at October 1, 2012, meeting and tabled from awarding on October 9, 2012***

Commissioner DeLozier made a motion to accept the low bid of Decker Construction Inc., in the amount of \$132,000.00 plus options of overhead door for \$8,571.00 with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 8: ZONING:

1. Direct the County side of the City of Claremore-Rogers County Planning Commission office to review and update (if found need) Section 205 of the City of Claremore-Rogers County Metropolitan Zoning Ordinances and Section 400 of the 2008 Rogers County New Subdivision Regulations regarding lot split procedures and standards – (Director Curtis)

Planning Commission Director, Larry Curtis, expressed to the Board the need to update the 2008 Rogers County New Subdivision Regulations regarding lot split procedures and standards; would like to request direction from the Board to proceed and check with other communities to see what they are doing; will do the research and present 1st before the Planning Commission Board for their recommendation before bringing before the Board of County Commissioners.

Chairman Helm made a motion to direct Planning Commission Director, Larry Curtis, to go forward with the research, review and update with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

2. Correct a scrivener's error regarding zoning labeling located in Section 35, Township 22 North, Range 16 East of the I.B.&M., at address 14420 East 460 Road, Claremore, Ok 74017 – Direct the City of Claremore-Rogers County Planning Commission Office to correct the zoning labeling of RS-40 to AR – (Director Curtis)

Planning Commission Director, Larry Curtis, reported he was notified by a taxpayer that they felt there was a scrivener's error regarding zoning labeling on a particular piece of property and that the zoning is correct, but the zoning map needed to be corrected.

Commissioner Thacker made a motion to direct the City of Claremore-Rogers County Planning Commission Office to correct the zoning labeling of RS-40 to AR on a tract of land located in Section 35, Township 22 North, Range 16 East of the I.B.&M, at address 14420 East 460 Road, Claremore, Ok 74017 with Commissioner DeLozier 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:
1. Fund 172 – CDBG – Rural Water District #3 Phase 2 Highway 88 Waterline Project - \$249,950.00

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

ITEM 12: TRANSFER OF FUNDS:
1. Sheriff Civil Fees salaries to capital outlay - \$50,000.00
Commissioner DeLozier made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 13: UTILITY PERMITS: None presented.

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 Warehouse - \$400.00
• District #3 – American Waste Control, Inc. - \$1,000.00
• District #1 – R & S Auto Parts, \$350.00
• District #1 – O'Reilly Auto Parts, \$350.00

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

2. Orders Exceeding Amount of Issuance -
Jail purchase order #302307 issued to Commercial Power Solutions on September 20, 2012, originally for \$9,000.00 to estimated repairs on radiator/generator; purchase order is over by \$864.72; requests Board approval for total of \$9,864.72 (letter of explanation attached) – Commissioner Thacker made a motion to approve with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 16: GRANTS:
1. Approval of Interlocal Agreement for 15308 CDBG 07 Project between Board of County Commissioners and Rural Water District #3, Rogers County – (Andy Armstrong)
Andy Armstrong reported the Interlocal Agreement was for local assistance regarding the grant awarded by Oklahoma Department of Commerce for Rural Water District #3 in the amount of \$249,950.00; recommends Board approval.

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

2. Approval of Environmental Letters on Rural Water District #3, Rogers County – State Highway 88 Water Transmission Line Phase 2 – 15308 CDBG – 07 – (Andy Armstrong)
Andy Armstrong reported the environmental letters are a NEPA (National Environmental Protection Act of 1969 that require review covering historic properties, floodplains, wetlands, noise, manmade hazards, air quality, water quality, endangered species, farmlands protection, wild and scenic rivers, solid waste, fish & wildlife and environmental standards and tribal interests. Comments have to be given before a finding can be made; recommends Board approval.

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

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 all is moving along well on the new Courthouse; signage and furniture is ready to be reviewed before it is presented to the Board; a meeting is scheduled for Tuesday, October 16th at 10:00 a.m. to revise the 911 Center plans.

Commissioner Thacker reported on behalf of Flintco that center curtain wall glass will be delivered and installation will begin this week; roof top units will be turned on mid-week; elevator inspection is scheduled for today; 2nd floor millwork delivery is scheduled for Tuesday; installing light fixtures and hvac grilles and wood trim at high ceiling above main entry; ceramic tile in the restrooms on the 1st floor is scheduled to begin.

Discussions and updates only, no action taken.

2. Open & Award Bid #587 – Used Water Truck – District #3 Thacker –

15 bid packets were mailed with 0 being returned undeliverable and 4 responses received as follows: "No bids" from Frontier Equipment and Roberts Truck Center; Frontier International Trucks \$49,450.00; Couch & Associates \$69,500.00. Commissioner Thacker made a motion to table awarding of bid for one week (October 22nd) with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

3. Confirmation of Reappointment of Mr. Bryan J. Coffman to Tulsa's Port of Catoosa Facilities Authority for a 5-year term effective November 1, 2012 – (Comm. Office)

Commissioner Thacker read aloud the letter received from Port Director, Bob Portiss. Commissioner Thacker made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

4. Resolution #2012-103 and Reimbursement Form – Rogers County Election Board into General Fund for \$8,565.00 – Inclusion Solution for voting booths and signage – (County Clerk)

Election Board Secretary, Julie Dermody, reported the State of Oklahoma had monies for American with Disabilities Act voting booths that the State reimbursed for. Commissioner Thacker made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

5. Monthly Report of Officers for September 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. Set Holidays for 2013 –

Discussions held regarding the 2013 holidays. Commissioner Thacker made a motion to set the 2013 holiday schedule as follows: January 1st New Year's Day; January 21st Martin Luther King Day; February 18th President's Day; March 29th Good Friday; May 27th Memorial Day; July 4th Independence Day; September 2nd Labor Day; October 14th Columbus Day; November 11th Veteran's Day; November 28th & 29th Thanksgiving; and December 24th & 25th Christmas with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

7. Release for Property Damage Only – American Mercury Insurance Group – (D#1 DeLozier)

Commissioner DeLozier reported this release is for someone running through the cable fence at Ward's Grove Cemetery and a check for damages in the amount of \$1,001.24 was received and deposit is to go back into District #1 cemetery account. Commissioner DeLozier made a motion to approve with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

8. Resolution #2012-104 – to deposit funds from reimbursement of vehicle maintenance from Rogers County Sheriff, Scott Walton into One Cent Sales Tax Fund for distribution for District #1 and District #2 as follows:

- \$1,276.31 – District #2
- \$81.84 – District #2
- \$1,826.53 – District #1

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

9. Resolution #2012-105 – to deposit funds from Rogers County T-Highway in the amount of \$32,295.00 into General Fund for distribution into Commissioner's salaries 08-110 Account – (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.

10. Reimbursement Form as per Resolution #2012-59 to deposit funds from Town of Oologah in the amount of \$1,011.83 and Oologah Municipal Authority in the amount of \$93.22 for fuel reimbursement into District #2 One Cent Sales Tax Fund for distribution – (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.

11. Contract between the Board of County Commissioners of Rogers County and K. Ellis Ritchie of K. Ellis Ritchie, P.C., dba "The Ritchie Law Firm" in Rogers County Case No. CJ-2006-684, Board of County Commissioners of Rogers County vs. John Stephen Jennings, et al

Assistant District Attorney, David Iski, reported this contract is regarding a condemnation case that has been filed; case has set since 2006; District Attorney's Office recommends the hiring of outside counsel on behalf of the Board; recommends K. Ellis Ritchie of K. Ellis Ritchie, P.C., dba "the Ritchie Law Firm"; Iski recommended the Board approve the Private Counsel Engagement Contract as presented; Mr. Ritchie was present at the meeting. Discussions held.

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

12. Motion & vote to Enter Executive Session pursuant to Oklahoma Statutes Annotated Title 25 § 307 (B) (4) for the purpose of confidential communications between a public body and its attorney concerning a pending investigation, claim, or action, if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest, to-wit: Rogers County Case No. CJ-2006-684, Board of County Commissioners of Rogers County vs. John Stephen Jennings, et al – (D#3 Thacker)

Commissioner Thacker made a motion to adjourn Regular Session and enter Executive Session with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried and the Board adjourned Regular Session and entered Executive Session at 9:42 a.m. with Assistant District Attorney, David Iski, attorney K. Ellis Ritchie and County Clerk Peggy Armstrong.

13. Motion to Vote to Adjourn Executive Session and Enter Regular Session –

Commissioner Thacker made a motion to adjourn Executive Session and enter Regular Session with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried and the Board adjourned Executive Session and entered Regular Session at 10:18 a.m.

14. Discussions with possible action regarding Executive Session pursuant to Oklahoma Statutes Annotated Title 25 § 307 (B) (4) for the purpose of confidential communications between a

public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest, to-wit: Rogers County Case No. CJ-2006-684, Board of County Commissioners of Rogers County vs. John Stephen Jennings, et al –

Commissioner Thacker made a motion to authorize K. Ellis Ritchie of K. Ellis Ritchie, P.C., dba “The Ritchie Law Firm” to move the case forward to trial and recommendation of retaining expert witnesses with Chairman Helm 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 reported staff would be attending a NENA conference in Norman this week; 911 Advisory Board meeting for Tuesday, October 16th at 10:00 a.m.

c.) Maintenance Director, Ryan Baze, reported ladies are working 6:00 a.m. to 2:00 p.m. now; have an employee retiring soon and training is ongoing with staff; is expecting a baby next Tuesday, October 23rd and plans to be off rest of week for; still working on replacing office lights; elevator repairs continuing, 2nd floor bathroom is still under repairs; reported County building on Brady Street is shifting and is in need of repairs.

d.) County Clerk Peggy Armstrong reported there will be a Special Meeting of Deferred Savings regarding ING investments next Monday, October 22nd at 11:30 a.m. in Commissioner’s Meeting Room 1-109.

f.) Assistant District Attorney, David Iski, reminded County employees of the campaigning policy adopted by the Board under Resolution #2006-24 “Prohibited Political Activity” recorded in Commissioner’s Minutes Journal Book 62 Page 230.

k.) Planning Commission Director, Larry Curtis, gave an update on the conference he attended last Thursday & Friday; informed about the regular Planning Commission meeting scheduled for Tuesday, October 16th and Board of Adjustment meeting scheduled at 6:30 p.m.

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 – None presented.

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, October 15, 2012*** Commissioner Thacker made a motion to approve payment of all purchase orders submitted from all departments as presented with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 24: RECESS OR ADJOURNMENT:

Commissioner DeLozier made a motion to adjourn the meeting with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried and meeting adjourned at 11:09 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, October 11, 2012, at 12:26 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.