

**NOTICE OF REGULAR MEETING**

BOARD OF COUNTY COMMISSIONERS FOR ROGERS COUNTY, OKLAHOMA

**PLACE:** Rogers County Courthouse, 219 South Missouri, Room 1-109, Claremore, Oklahoma

**DATE & TIME:** Tuesday, January 22, 2013, at 9:00 O'clock A.M.

**AMENDED MINUTES**

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

**ITEM 1: CALL TO ORDER:**

Chairman 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 Thacker, Commissioner Dan DeLozier, and Commissioner Mike Helm 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:**

Chairman Thacker led the salute and Pledge of Allegiance to the American flag

**ITEM 4: INVOCATION:**

Commissioner Helm said a prayer.

**ITEM 5: APPROVE/DISAPPROVE MINUTES: January 14, 2013**

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

**ITEM 6: ANNOUNCEMENTS: - None Presented**

**ITEM 7: UNFINISHED BUSINESS:**

1. Resolution 2013-6 for Employee Deductible Reimbursement for 2013 (D3) \*\*\*\*\*This item was tabled from January 14, 2013.

Jenny Bentley, HR Director stated she has been in contact with Community Care to discuss options on Wellness Program. For 2013 calendar year, there will not be a change to be reimbursed for the deductible. For 2014 calendar year and going forward, the process will include an annual physical to be reimbursed. Commissioner Helm made a motion to approve resolution as presented with Commissioner DeLozier seconding the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

2. Resolution 2013-7 accepting beneficial interest in the Rogers County Enhanced 911 Trust Authority for and on behalf of Rogers County, Oklahoma. ( A.D.A. Iski)\*\*\*\*\*This item was tabled from January 14, 2013.

Commissioner DeLozier said there needed to be clarification concerning the 911 Trust document and made a motion to table until further notice with Commissioner Helm seconding the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

**ITEM 8: ZONING:**

1. Public hearing with discussion and possible action on the request for zoning change from I-1 to RST-60 that the intended use of the property, after rezoning, is for: allow a mobile home on the property. APPLICANT: Steve & Vicki Sweet, CURRENT ZONING: I-1. LEGAL DESCRIPTION: All that part of East 290.40' of the N2 NE SE Lying South of SLY Row Line of Will Rogers Turnpike LESS SLY 162' Thereof in Section 11 Township 21N Range 16E of Rogers County Oklahoma. Containing 1.49 AC. +/- ADDRESS: 20662 S. 4180 Road, Claremore, OK 74019.

Larry Curtis, Planning Commission Director stated this passed the Zoning Board on January 15, 2013, 5 to 0. There was no opposition and his recommendation was to approve. Commissioner DeLozier made a motion to approve zoning as presented with Chairman Thacker seconding the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

2. Public hearing with discussion and possible action on the request for zoning change from AG to RS-40 that the intended use of the property, after rezoning, is for: Residential Lot Split. APPLICANT: Shelby A. Griffin, CURRENT ZONING: AG. LEGAL DESCRIPTION: The NE SW SW SW in Section 27 Township 21N Range 15E of Rogers County, Oklahoma. Containing 2-1/2 AC. +/- ADDRESS: 7030 E. Courtney Lane, Claremore, OK 74019

Larry Curtis, Planning Commission Director stated this passed the Zoning Board on January 15, 2013, 5 to 0. At the zoning hearing there were concerns raised regarding Courtney Lane Road and access to the subject property. Planning Commission office found that the plat for The Woods @ Verdigris Bend didn't provide for a reserve on the south side of the plat. Therefore the subject site has direct access to the roadway, since roadway is dedicated to the public. Applicant was present at meeting. There was no opposition present and Mr. Curtis' recommendation was to approve. Chairman Thacker made a motion to approve the zoning as presented with Commissioner DeLozier seconding the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-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:**

1. Transfer from Sheriff's M&O Civil fees to Travel-\$10,000.00

Transfer was not signed. Chairman Thacker made a motion to table with Commissioner Helm seconding the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

2. Transfer from District 3 T-Highway Salaries to T-Highway M&O-\$10,000.00

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

**ITEM 13: UTILITY PERMITS:**

1. Chelsea Gas Authority, 635 South Olive St. Chelsea, OK 74016- boring -SW/4, Section 4, Township 22 North, Range 17 East and SE/4 of Section 5, Township 22 North, Range 17 East (D1)

Commissioner DeLozier made a motion to approve Utility Permit as presented with Commissioner Helm seconding the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-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 –
  - D#3 – Ameriflex Hose & Accessories - \$500.00
  - D#3 – R & S Auto Parts Claremore - \$500.00
  - D#3 – Lowe's - \$500.00
  - D#3 – Pixley's Lumber Company - \$300.00
  - D#3 – Wal-Mart - \$300.00

Chairman Thacker made a motion to approve blanket purchase orders as presented with Commissioner DeLozier seconding the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-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 –

B. J. Faye with Flintco reported that currently carpet and wood flooring is being installed in 3<sup>rd</sup> floor courtrooms. Wall panels and doors are being hung in the corridors. Also terrazzo map is nearing completion. The E-911 Dispatch Center is out for bid and pre-bid conference is set for this week. Kim Reeve stated that the interior changes dramatically day to day. Discussion only – no action taken.

2. Reimbursement form to One Cent Sales Tax, Resolution # 2012-104 as follows:

- District # 3 – Assessor fuel reimbursement \$396.33

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

3. Independent Contractor Agreement between the Board of County Commissioners of Rogers County and THOMAS H. WILLIAMS LAW OFFICE, P.L.L.C for professional services of a Title Opinion on a parcel of property further described as: A Tract of land in the SW1/4 of SW1/4 of Section 33, Township 22 North, Range 16 East of the I. B. & M., Rogers County, Oklahoma, according to the U.S. Government survey thereof, more particularly described as follows: Beginning at the southwest corner of said Section 33; thence north along the western boundary of said Section a distance of 450 feet to the point of beginning; thence north along the western boundary line of said Section a distance of 225 feet; thence east parallel to the south boundary line of said Section a distance of 250 feet; thence south parallel to the western boundary line of said Section a distance of 225 feet; thence west 250 feet along the south boundary line to the point of beginning. (D1)

Commissioner DeLozier stated this was land he was looking to lease to expand District #1 Warehouse facilities. The land is currently owned by OTEMS. Commissioner DeLozier made a motion to approve ICA in the sum of \$300.00 with Chairman Thacker seconding the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

4. Appoint a representative of the Board of County Commissioners to attend the scheduled Settlement Conference with full settlement authority – in Whitworth v. BOCC, Northern District of Oklahoma Case No. 12-CV-483-JED-PJC

Assistant District Attorney informed the board this settlement conference is scheduled for May 6, 2013 @ 1:30p.m. Commissioner Helm made a motion to appoint Chairman Thacker as representative for the Board with Commissioner DeLozier seconding the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

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5. Reimbursement of \$363.48 by Commissioner Kirt Thacker for travel payment inadvertently paid by County Clerk's office in FY 2010-2011. This amount should have been paid to District # 3 for an Assessor's fuel reimbursement. (D3)

Chairman Thacker stated this was a clerical error found by his staff. He presented the board with a personal check to reimburse the county. Commissioner DeLozier made a motion to accept reimbursement as presented with Commissioner Helm seconding the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

6. Salaries and benefits for E-911 dispatch staff (D1)

Janet Hamilton, E-911 Director informed that board that there are currently ten (10) positions being paid from General Fund. Question were raised as to whose employees the dispatcher will be when the trust is executed. Current employees will remain as General Fund employees thru this fiscal year. Commissioner DeLozier felt more information was needed before a decision could be reached and made a motion to table until further notice with Commissioner Helm seconding the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

7. E-911 Dispatch and Verdigris Fire Department- duties of dispatch to be acquired for Verdigris on a pilot program. (D1)

Janet Hamilton, E-911 Director was in favor of the E-911 Dispatcher being a part of this pilot program. She stated that getting hands on experience now would make the dispatching for the fire districts more effective when the E-911 Center is operational. Randy Atchley, E-911 Trust board member spoke in favor of the pilot program. Mike Shaffer, Verdigris Fire District said dispatching for a fire department is different from emergency dispatching. He also felt this was a great program for the current dispatchers to be involved with. Commissioner DeLozier made a motion to approve participation with the pilot program with Chairman Thacker seconding the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

8. Cox Business Commercial Services Agreement and Addendum to Agreement for Data/Voice services for new courthouse. (D1)

Brett Williston, IT Director said this agreement is to basically get a dial-tone into new courthouse. This will also include telephone and internet services. He also stated the costs should be approximately 30% lower than our current carrier and felt that was a conservative estimate on the savings. Commissioner Helm made a motion to approve the Agreement as presented with Commissioner DeLozier seconding the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

9. Resolution for disposing of Equipment – Canon Laser Printer to be junked. (CoClerk)

Robin Anderson, County Clerk stated printer no longer worked and would be junked. Commissioner DeLozier made a motion to approve with Commissioner Helm seconding the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

10. Resolution of disposing of Equipment – Noblis Mid-Tower Computer to be junked. (D3)

Chairman Thacker stated this was a duplicate resolution passed on December 26<sup>th</sup>, 2012 and stated it should be stricken from the agenda.

11. Transfer of Equipment – Acer 2Gb laptop computer, Serial Number LXTQLOZOO1843370801601 from District #2 to County Clerk. (D2)

Commissioner Helm made a motion to transfer as presented with Chairman Thacker seconding the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

12. Purchase of a parcel of land from Darla L. Elmore, described as: all that PT E1/2 SW1/4 SE1/4 lying W of Highway #88 and RR 590, Section 32, Township 20 North, Range 17 East, located in Inola, OK. (D3)

Chairman Thacker stated this was an ongoing negotiation concerning purchasing of property in Inola. Chairman Thacker made a motion to approve purchase of property in the amount of \$83,000.00 with Commissioner Helm seconding the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

13. Contract Agreement by and between Rogers County and Bobby Girtten Cellular for Court Clerk's Office, Cellular Service Agreement #11027893 and Cellular Service Agreement #11027894. (Comm)

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

14. Lease Purchase Agreement for Equipment - District #3 Rogers County and Empire Financial Services of Tulsa, LLC – Jenks –

- Contract #1211081 – 2013 International 7400 SFA 4 x 2 VIN:  
1HTWDAAR3DJ153279, Unit Price \$122763.00, Lease Price \$133,693.80
  - Fink Spreader S/N 9980
  - Buyers Plow Blade S/N 00154
  - Buyers Plow Hitch S/N 00129
- Contract #1212111 – 2013 International 7400 SFA 4 x 2 VIN:  
1HTWDAARXDJ153280, Unit Price \$122763.00, Lease Price \$133,693.80
  - Fink Spreader S/N 9981
  - Buyers Plow Blade S/N 00155
  - Buyers Plow Hitch S/N 00130
- Contract #1212112 – 2013 International 7400 SFA 4 x 2 VIN:  
1HTWDAAR1DJ153281, Unit Price \$122763.00, Lease Price \$133,693.80
  - Fink Spreader S/N 9982
  - Buyers Plow Blade S/N 00156
  - Buyers Plow Hitch S/N 00131

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- Contract #1212113 – 2013 International 7400 SFA 4 x 2 VIN:  
1HTWDAAR3DJ153282, Unit Price \$122763.00, Lease Price \$133,693.80
  - Fink Spreader S/N 9983
  - Buyers Plow Blade S/N 00157
  - Buyers Plow Hitch S/N 00132
- Contract #1212114 – 2013 International 7400 SFA 4 x 2 VIN:  
1HTWDAAR5DJ153283, Unit Price \$122763.00, Lease Price \$133,693.80
  - Fink Spreader S/N 9984
  - Buyers Plow Blade S/N 00158
  - Buyers Plow Hitch S/N 00133

Chairman Thacker made a motion to approve the Lease/Purchase agreements as presented with Commissioner DeLozier seconding the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

**15. Monthly Report of Officers for December 2012 – (CoClerk/Treasurer)**

Commissioner DeLozier made a motion to approve Monthly Report of Officers for December 2012 as presented with Commissioner Helm seconding the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

**ITEM 19: MOVING PROCEDURES INTO NEW COURTHOUSE**

Ryan Baze, Maintenance Director stated he had been in conversation with Jenny Bentley, HR Director. They felt training would be needed in lifting procedures. Also a plan would need to be implemented for moving to keep offices operational. Discussion only – no action taken.

**ITEM 20: 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. Janet Hamilton stated she has a meeting with Presido, the telephone provider.
- c. Ryan Baze reported the problems with the alarm systems with Endex had been corrected
- h. Kelly Deal said the testing of alarm/fire drills should be on a quarterly basis

**ITEM 21: ACKNOWLEDGEMENT RECEIPT OF THE FOLLOWING ITEMS: - None  
Presented**

**ITEM 22: 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 23: 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 24: 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 Tuesday, January 22, 2013\*\*\*Commissioner Helm made a motion to approve payment of all purchase orders submitted from all departments with the exception of P.O.# 305124 with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

**ITEM 25: RECESS OR ADJOURNMENT:**

Commissioner DeLozier made a motion to adjourn at 11:18 a.m. with Commissioner Helm seconding the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

BOARD OF COUNTY COMMISSIONERS  
ROGERS COUNTY, OKLAHOMA

By: \_\_\_\_\_  
Robin Anderson, Rogers County Clerk

(SEAL)

*Notice of said meeting was filed in the Office of the County Clerk on **Thursday, January 17th, 2013, at 2:15p.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.*