

**NOTICE OF REGULAR MEETING**

BOARD OF COUNTY COMMISSIONERS FOR ROGERS COUNTY, OKLAHOMA

**PLACE:** Rogers County Courthouse, Commissioners' Meeting Room  
200 S. Lynn Riggs Blvd., Claremore, OK

**DATE & TIME:** Monday, July 22, 2013, 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 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 Kirt 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:** DeLozier led the salute and Pledge of Allegiance to the American flag.

**ITEM 4: INVOCATION:** Helm said a prayer.

**ITEM 5: APPROVE/DISAPPROVE MINUTES:** July 15, 2013-  
Helm made a motion to approve minutes as presented with Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

**ITEM 6: 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 until after Agenda Item #23 was finished.  
Teresa Jackson, County Clerk First Deputy, explained the Maintenance Department had a termination that morning so there is an increase of \$123 in payroll claims than what was presented earlier. Helm made a motion to approve and Thacker seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

**ITEM 7: ANNOUNCEMENTS:** DeLozier reported the Eternal Flame in front of the old Courthouse would be moved by the Junior ROTC to 1727 W. Dupont Street on July 29, 2013 at 11:00 a.m. and the public is invited.

**ITEM 8: UNFINISHED BUSINESS:**  
1. Discussion and possible action regarding Maintenance Agreement between Genesis of Oklahoma, LLC. and Rogers County Board of County Commissioners for the Treasurer -  
\*\*NOTE\*\* This item was tabled from July 8, 2013 & July 15, 2013  
Helm made a motion to approve and DeLozier seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.  
2. Resolution Number 2014-15 for Lease Purchase Agreements for 19 Sheriff's Vehicles between The Board of Rogers County Commissioners and Welch State Bank - \*\*NOTE\*\* This item was tabled from July 15, 2013 –  
\*\*\*NOTE\*\*\*After the July 15<sup>th</sup> meeting, explanation was given to David Iski and the commissioners by the County Clerk's office regarding the fiscal year resolution numbering system and they agreed with it.\*\*\* DeLozier made a motion to approve and Thacker seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.  
3. Public Hearing with discussion and possible action on the request for Zoning Change/Planned Unit Development from C-4 & RS-30 to PUD that the intended use of the property, after rezoning/PUD approval, is for: Single family Residential Development. APPLICANT: K&S Development, Inc. CURRENT ZONING: C-4 & RS-30. LEGAL DESCRIPTION: A tract of land located in the North Half (N/2) of the Northwest Quarter (NW/4) of the Section 11, Township 21 North, Range 14 East, of the Indian Base and Meridian, Rogers County, State of Oklahoma and described as follows: The North Half (N/2) of the Northwest Quarter (NW/4) of the Section 11, Township 21 North, Range 14 East less and except the North 75 feet of the North Half (N/2) of the Northwest Quarter (NW/4) of the said Section 11 containing 72.94 acres, more or less.  
\*\*NOTE\*\* This Item was tabled from July 8, 2013 –

Planning Commission Director Larry Curtis reported he and the developers had met with several citizens of Fossil Creek on Monday, July 22, 2013 at 11:00 a.m. He advised the citizens had concerns with the residential water runoff, a privacy fence around the sub-

division, turn lanes, traffic control, a sub-division HOA, and a culvert that needed to be cleaned out. Candy Risinger, 16527 E. 112<sup>th</sup> Street North, Owasso, OK thanked everyone, said their meeting had been productive, and wanted to know if the 1800 sq. ft. homes in the sub-division included garages. Curtis said that was not including the garage. Curtis reported Brian Doyle had addressed the concerns of the citizens. Curtis stated the developer had said a fence would be put up and turn lanes would be added into the sub-division.

Helm made a motion to change the zoning from C40 to RS30 PUD. Thacker seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried. \*\*\*NOTE\*\*\* This was revisited per request of Larry Curtis after Item 23 was finished to clarify the motion was to change from C-4 and RS-30 to PUD.

**ITEM 9: ZONING:** None presented.

**ITEM 10: PLATS:**

1. Public hearing with discussion and possible action on the Final Plat of The Ridge. APPLICANT: Knees Shall Bow, LLC. CURRENT ZONING: RS-10. LEGAL DESCRIPTION: A tract of land that is located in the North Half of the Southwest Quarter (N/2 SW/4) of Section Thirty-one (31), Township Twenty-one (21) North, Range Fifteen (15) East of the Indian Base and Meridian, Rogers County, State of Oklahoma, being described as follows: Beginning at the Northwest Corner of Said Southwest Quarter (SW/4); Thence S 89°54'28" E along the North line of said Southwest Quarter (SW/4) for a distance of 1525.00 feet; Thence S 00°04'38" W for a distance of 381.42 feet; thence N 89°55'34" W for a distance of 99.90 feet; Thence S 00°00'00" W for a distance of 60.00 feet; Thence N 89°55'34" W for a distance of 161.13 feet; Thence S 00°04'38" W for a distance of 652.42 feet; Thence N 89°55'34" W for a distance of 124.72 feet; Thence S 00°00'00" W for a distance of 60.00 feet; Thence N 89°55'34" W for a distance of 4.41 feet; Thence S 00°04'38" W for a distance of 165.00 feet; Thence N 89°55'34" W for a distance of 1135.00 feet; Thence N 89°55'34" W along the South line of the North Half of said Southwest Quarter (SW/4) for a distance of 1135.00 feet; Thence N 00°04'38" E along the East line of said Southwest Quarter (SW/4) for a distance of 1319.34 feet; to the Point of Beginning.

There was no opposition present. Mr. Curtis stated this was approved 5-0 by the Planning Commission on 8-7-12. Helm made a motion to approve and Thacker seconded the motion. Roll Call: Thacker-aye, DeLozier-aye. Helm also made a motion to approve the roads being accepted into the county maintenance system and DeLozier seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

**ITEM 11: ROADS & BRIDGES:**

1. Approval and Signing of Construction Plans for Spunky Creek Bridge Project: J/P20652(04), BRO166D(123)CO (District 3) – Brian Kellogg explained he would send a set up to ODOT, the Right of Way adjustment is still pending, and the bid will be let by ODOT in September or October. Thacker made a motion to approve and Helm seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
2. Guy Engineering Services, Inc. for Special Inspection of County Road System Bridges in Rogers County, District 2 Invoice #66-SP-13 - \$907.91 BR Fund - Helm made a motion to approve and Thacker seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

**ITEM 12: CASH FUND ESTIMATE OF NEEDS & REQUEST FOR APPROPRIATIONS:** None presented.

**ITEM 13: TRANSFER OF FUNDS:**

1. 26-110 Health Department Salaries to 26-400 Health Department Capital Outlay \$10,000.00 – Marybeth Murray reported a 24 year old heating and air-conditioning unit quit working and it needed to be replaced. Thacker made a motion to approve and DeLozier seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

**ITEM 14: UTILITY PERMITS:**

1. Oklahoma Natural Gas Company – Boring – To cross County Highway or Local Road West Lowry Road 1.30 miles North & 0.25 miles, West of S.H. #88 & S.H. #20 Jct. and further described as 40 feet West of the Southeast Corner of Section 31, Township 22N, Range 16E (District 2) - Helm made a motion to approve and DeLozier seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

**ITEM 15: CLAIMS:**

1. Salaries – July 2013 - Teresa Jackson reported the Court Clerk was waiting on a signature from the judge for their payroll out of cash funds. Jackson informed the Board there was not enough cash in the deferred savings plan due to the new fiscal year. She stated this was not an item on the agenda but thought it could be put under New Business. Assistant District Attorney David Iski asked if Jackson knew there were not enough funds before or after the agenda had been posted. Jackson said she got the information on Friday afternoon and the agenda had already been posted. Jackson advised money is available in the General Account Fund 20-201.

DeLozier made a motion to approve all the salaries except the court clerks' until

paperwork is turned in and Thacker seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried. This item was revisited after the paperwork was submitted. DeLozier made a motion to approve all salaries and Helm seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

2. Attendant Care – None presented.

**ITEM 16: BLANKET PURCHASE ORDERS:**

1. Material, Supplies, Parts, Groceries & Prescriptions –
  1. District 1 to County Building Center for \$100 - DeLozier made a motion to approve and Thacker seconded the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
  2. Orders Exceeding Amount of Issuance – None presented.

**ITEM 17: GRANTS:** None presented.

**ITEM 18: PAYMENT REQUISITION – CONSTRUCTION FUND – RCB BANK, TRUSTEE:** None presented.

**ITEM 19: AGENDA ITEMS:**

1. Update by BKL, Inc., and Flintco regarding Courthouse and E911 Center Projects – Kim Reeve, BKL reported things were going well. B.J. Fay reported they had started painting the E.O.C. and the air conditioning is now on at the 911 Center. They were waiting on the grid ceiling to be finished before they could put up the new light fixtures.
2. Maintenance Agreement between Genesis of Oklahoma, LLC and Rogers County Board of County Commissioners for the Treasurer – DeLozier made a motion to approve and Thacker seconded the motion. Roll Call: Thacker-aye, DeLozier-Helm-aye. Motion carried.
3. Independent Contractor Agreement by and between the Board of Rogers County Commissioners of Rogers County and Ivan Snyder (District 1) – DeLozier made a motion to approve and Helm seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
4. Independent Contractor Agreement by and between the Board of Rogers County Commissioners of Rogers County and Fail-Safe Security – (District 3) - Thacker made a motion to approve and DeLozier seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
5. Discussion and possible action regarding to utilization of Rogers County Court House Multi-Purpose Room for Employee Wellness – (H. R.) Human Resources Director Jenny Bentley told the Board this would be for employees and their families only. She stated they would be using videos to work out and not exercise equipment. Bentley said this would lower premiums and absentes and there would be no charge. She also stated Renetta with the Health Department would teach classes. DeLozier had concerns with security and paying overtime for them. Thacker made a motion to table for two weeks and Helm seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
6. Discussion and possible action regarding acknowledgement that the County does not have any objections to Larry Helton placing a fence around his property. (District 2) Helton addressed the Board and stated he wanted to put up a fence and gate on his property to keep people from vandalizing, stealing, and dumping on his property. There was a lengthy discussion with several citizens addressing the Board with their concerns with the fence and roads in their area. The following people made comments: John Cegielski, 977 E. 140 Rd; Steven Rayford, 23125 Keetonville Rd; John Messinger, 22866 S. Keetonville Rd; Mary Rayford, 23125 Keetonville Rd; Ted Larkin, 6481 E. Keetonville Rd; Sharon Forrest, 23625A S. 4120 Rd; and Rex Vaughan, 6616 E. Keetonville Rd. Helm stated there would be no action taken.
7. Discussion and possible action regarding placing a fence and a gate going North from the sally port at the jail to Patti Page Blvd. – (Thacker) Thacker stated this is for the bondsman to get in after hours. Ryan Baze told the Board there would need to be concrete added to the project and he would get some prices put together. DeLozier made a motion to approve and Thacker seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
8. Reimbursement and resolution #2014-19 to deposit funds of \$30,023.03 into #20-200 for Travelers – Thacker made a motion to approve and DeLozier seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
9. Reimbursement and resolution #2014-19 to deposit funds of \$432.87 into 83ST-200 for Planning Commission fuel reimbursement – Thacker made a motion to approve and DeLozier seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye.

Motion carried.

10. Reimbursement and resolution #2014-03 to deposit funds of \$1,830.94 into 81ST-200 for Sheriff's fuel reimbursement –
11. Reimbursement and resolution #2014-03 to deposit funds of \$125.21 into 81ST-200 for Assessor's fuel reimbursement – DeLozier made a motion to approve items 10 and 11. Thacker seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
12. Reimbursement and resolution #2014-13 to deposit funds of \$332.97 into 83ST-200 for Assessor's fuel reimbursement – Thacker made a motion to approve and DeLozier seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
13. Discussion and possible action for Rogers County Enhanced 911 Authority 10-001 for invoice from Riggs, Abney, Neal, Turpen, Orbison & Lewis – Thacker read the amount of \$8414.38. DeLozier made a motion to approve and Helm seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried. \*\*\*NOTE\*\*\* At this point, Thacker moved down to announcements.
14. Discussion and possible action to enter Executive Session pursuant to Okla. Stat. Ann tit. 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 to the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest, to wit: Mason Center v. City of Claremore, Rogers County Case No. CV-2013-61 – Assistant District Attorney David Iski pointed out that he left out the word "section" after the number 307 on the statute and it needed to be corrected. Thacker made a motion to go into Executive Session at 10:31 a.m. and DeLozier seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
15. Motion to vote to adjourn Executive Session and enter Regular Session – DeLozier made a motion to call the meeting back to order at 10:42 a.m. and Thacker seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
16. Discussion and possible action regarding Executive Session Item: Mason Center v. City of Claremore, Rogers County Case No. CV-2013-61 – Thacker made a motion to have Mr. Iski file an answer in the case and DeLozier seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.  
\*\*\*NOTE\*\*\*Thacker moved back to Unfinished Business Item 8, No. 3 at this time.

**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.)** Planning Commission  
**l.)** Judicial – **m.)** OSU Extension – **n.)** Sheriff-**o.)** Treasurer

c.) Ryan Baze reported somebody had hit the emergency stop button on the generator and it could not be reset until they go into the program. Mr. Iski asked who had access to the generator and if it was done by accident or intentional. Iski asked Baze to look at the video cameras and see what happened. Baze reported the Master Gardeners and John with OSU would be putting in the flower beds soon.

d.) County Clerk Robin Anderson thanked Human Resource Director Jenny Bentley for all her help with payroll.

f.) Assistant District Attorney David Iski asked if the Court Clerk knew they were waiting on her for payroll. Christine Day went to check with her.

h.) Emergency Management Director Scotty Stokes reported there would be a meeting on Wednesday at 9:00 a.m. with the LEPC in the meeting room on the second floor of the Courthouse. Stokes asked that one of the Commissioners try to attend. DeLozier stated he would be there. Stokes reported there would be a meet and greet meeting on Saturday at 11:00 a.m. with all the Fire Department Chiefs. Stokes said he would be starting safety classes this week.

l.) Donna Patterson reported she would be taking 20 kids to the state 4H Roundup and would be needing to leave a car parked in the old Courthouse parking lot and wanted permission to do so. She stated she would be going to Louisiana to a horseshow as one of the three representatives of the State of Oklahoma.

**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 – Salesha Wilken asked if it would be trespassing if somebody went on property that the county had put a gate on. Helm stated cameras are up and the road was closed.

\*\*\*NOTE\*\*\*At this point in the meeting, Thacker moved to Agenda Item #14.

**ITEM 23: PAYMENT OF PURCHASE ORDERS FROM ALL DEPARTMENTS:**  
(Materials, Supplies, Parts, Groceries & Prescriptions)  
DeLozier made a motion to approve all purchase orders and Helm seconded the motion. Roll  
Call: Thacker-aye, Helm-aye. DeLozer was absent. Motion carried.  
\*\*\*NOTE\*\*\* Thacker moved back to New Business at this point.

**ITEM 24: RECESS OR ADJOURNMENT:** Helm made a motion to adjourn at 11:42 a.m. and Thacker  
seconded the motion. Roll Call: Thacker-aye, Helm-aye. DeLozier was absent. 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, July 18, 2013** at \_\_\_\_\_ and posted on the Front Door Entrances to the Courthouse and on the county website.*