

**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, October 28, 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:** 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 Meetings 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:** October 21, 2013  
Helm made a motion to approve the minutes and Thacker seconded 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.
- ITEM 7: ANNOUNCEMENTS:** None presented.
- ITEM 8: UNFINISHED BUSINESS:**  
1. Public hearing with discussion and possible action on the request of Preliminary Plat Approval for I Don't Care Subdivision. APPLICANT: I Don't Care Bar & Grill of Oklahoma, LLC. Current Zoning: C-5. LEGAL DESCRIPTION: A tract of land lying in the SW/4 of Section 21, Township 20 North, Range 16 East of the Indian Base and Meridian, Rogers County, Oklahoma. ADDRESS: 11015 E. 590. Rd., Catoosa, OK 74015 -\*\*\*NOTE\*\*\*This item was tabled from October 7, 2013, October 15, 2013, and October 21, 2013 –  
Planning Commission Director Larry Curtis stated the applicant, Bill MacAnally, was present and he recommended this be approved. Thacker made a motion to approve and DeLozier seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried  
2. Discussion and possible action regarding a Contract Services Agreement for Attorney Services by and between Cornerstone Legal Services LLC by Robert E. "Gene" Christian and Office of the Sheriff, County of Rogers, State of Oklahoma (Thacker) –  
\*\*\*NOTE\*\*\*This item was tabled from October 21, 2013 –  
Helm stated he had spoken with Travelers Insurance Company and they advised not granting the outside legal services. Dave Burrows discussed the policy and the liability of the county and also advised not using the contract. Jon Sappington reported he would have another contract for legal services by this afternoon. Thacker made a motion to strike this from the agenda and DeLozier seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
- ITEM 9: ZONING:** None presented.
- ITEM 10: PLATS:** None presented.
- ITEM 11: ROADS & BRIDGES:** None presented.
- ITEM 12: CASH FUND ESTIMATE OF NEEDS & REQUEST FOR APPROPRIATIONS:**  
None presented.
- ITEM 13: TRANSFER OF FUNDS:**  
1. Planning Commission 23-130 Travel to 23-200 M&O - \$8,000.00 –  
2. Planning Commission 23-110 Personal Services to 23-113 Part Time Personal Services - \$7,900.00 –  
3. Planning Commission 23-200 M&O to 23-113 Part Time Personal Services – \$3,000.00 –  
4. Planning Commission 23-130 Travel to 23-113 Part Time Personal Services - \$1,100.00-  
Thacker made a motion to approve all the transfers and Helm seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

**ITEM 14: UTILITY PERMITS:**

1. Totah Communications Inc.- Directional Boring- To cross County Highway or Local Road CR 4120 approximately 1.8 miles east of Hwy 169 and further described as : 21 feet north of the S.E. corner of Section 26 Township 24N Range 15 E. Rogers County.- District 2

Larry Curtis recommended this be approved. Helm made a motion to approve and Thacker seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

**ITEM 15: CLAIMS:**

1. Salaries – October 2013  
County Clerk Robin Anderson stated the payroll clerk was working on an issue and asked the chairman to come back to this later.
2. Attendant Care – None presented.

**ITEM 16: BLANKET PURCHASE ORDERS:**

1. Material, Supplies, Parts, Groceries & Prescriptions –
  - Sheriff to Warehouse Market - \$200.00
  - Sheriff to Farmers Bros Coffee - \$200.00
  - Sheriff to Bimbo Bakeries - \$1,250.00
  - Sheriff to U.S. Foods - \$900.00
  - Sheriff to Performance Food Group - \$5,900.00
  - Sheriff to Sysco Foods - \$3,800.00
  - Sheriff to PHS Mobile X-Ray \$600,00
  - Sheriff to St. Francis Outreach Services, LLC - \$1,200.00
  - Sheriff to Medical Compliance Specialty, Inc. - \$400.00
  - Sheriff to Westwood Pharmacy - \$6,000.00
  - Sheriff to Froman Oil Company - \$1,000.00
  - Sheriff to Correctional Dental Services - \$2,000.00
  - Sheriff to Comdata MasterCard - \$18,000.00
  - Sheriff to O'Reilly Automotive Stores - \$500.00
  - Sheriff to Speedy Lube - \$500.00
  - Sheriff to Rogers County District #1 - \$2,000.00
  - Assessor to Rogers County District #2 - \$200.00
  - Rogers County District #3 to Ameriflex Hose & Accessories - \$500.00
  - Rogers County District #3 to R&S Auto Parts - \$500.00
  - Rogers County Addressing to Froman - \$250.00

Thacker made a motion to approve and DeLozier seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

2. Orders Exceeding Amount of Issuance – None presented.

**ITEM 17: GRANTS:**

1. Discussion and possible action regarding 2012 REAP Contract Closeout Certification for Community Development – Contractor Name: Rogers County – Contract Number: 120205 (Rebuild Parking Lot at Sequoyah Elementary School) – Final Cash Reconciliation - \$32,284.00 (Thacker) –

DeLozier made a motion to approve and Thacker seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

2. Discussion and possible action regarding authorization for Chairman to submit a monthly expense report for 15221 CDBG ED 12 (Port of Catoosa TMK-IPSCO Rail Spur) (Armstrong)

Thacker made a motion to approve and DeLozier seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

3. Discussion and possible action regarding authorization for Chairman to submit a monthly drawdown request in the amount of \$41,000.00 for 15221 CDBG ED 12 (Port of Catoosa TMK-IPSCO Rail Spur) (Armstrong)

Thacker made a motion to approve and DeLozier seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

**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 reported the 911 Center was done and the gas lines were being hooked up. They were now ready to start the courthouse plaza. DeLozier stated he wanted to talk to Reeve after the meeting about the drainage spouts.
2. Discussion and possible action regarding Confirmation of Re-Appointment of Mr. Ed Fariss to Tulsa's Port of Catoosa Facilities Authority (DeLozier) –  
Thacker made a motion to approve and DeLozier seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
3. Discussion and possible action regarding agreement between Fail Safe Security and Rogers County District #1 (DeLozier) –

DeLozier made a motion to approve and Thacker seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

4. Discussion and possible action regarding agreement between Department of the Army, Tulsa District Corps of Engineers and the Rogers County Board of County Commissioners for renewal of expired license No.DACW56-3-08-002 and Certificate of Authority (Thacker) –

There was a discussion about maintaining the ramp for the Corps of Engineers. Helm stated this was for a 5 year contract. Helm made a motion to table this for one week so he could decide if the ramp was in his district or DeLozier's and DeLozier seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

5. Discussion and possible action regarding zero cost change order for General Conditions, Courthouse Plaza/Parking project (Thacker) –

Mr. Rumsey reported the total cost would be \$63,000.00 and the funds were leftover from the courthouse money. Thacker stated the plaza project was never part of the courthouse building and the county would like to do some of the work to save money. Thacker made a motion to approve and Helm seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

6. Discussion and possible action regarding approving the 2014 insurance renewals for employees (Thacker) –

Human Resource Director Jenny Bentley reported this was for the annual health care benefits and stated the county could now offer a flex plan to employees. Bentley recommended this be approved. Helm made a motion to approve and Thacker seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

7. Discussion and possible action regarding addendum to contract with Motorola (DeLozier)-

Janet Hamilton reported this was for a change request #1 and advised the annual payment of \$70,000.00 would be due on August 1, 2014. Hamilton recommended this be approved. Helm made a motion to approve and DeLozier seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion approved.

8. Discussion and possible action regarding salary increases made by Assessor Scott Marsh, in addition to across the board raises approved by the Board of County Commissioners (Thacker) –

County Assessor Scott Marsh reported that one of his employees had quit and instead of hiring another person with a full-time salary, he assigned more duties to four other employees. He said he wanted to compensate them for their extra work they took on and the money would come from his budget. Helm asked if this was in line with the other first deputies and the county pay scale and Marsh answered he didn't know. The pay scale was discussed and Helm stated some of the Assessor's employees would make more money than his first deputy. Helm made a motion to deny but the motion died for a lack of a second. Thacker made a motion to strike this from the agenda and Helm seconded the motion. Roll Call: Thacker-aye, DeLozier-abstain, Helm-aye. Motion carried. \*\*\*NOTE\*\*\*Marsh also was making the additional raises retroactive to July 1<sup>st</sup>.

9. Resolution for Disposing of Equipment – District #3 – Rhino DB150 Mower – Serial #12190 – Sold to Okmulgee County, District #1

Thacker made a motion to approve and Helm seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion approved.

10. Resolution for Disposing of Equipment – Sheriff – Items to be sold at auction –

- Unit 98, 1999 Ford Crown Vic - Serial #2FAFP71W1XX192144
- Unit 95, 1998 Ford Crown Vic – Serial #2FAFP71W3WX149262
- Unit 94, 1996 Ford Crown Vic – Serial #2FALP71WXTX147359
- Unit 91, 1997 Ford Crown Vic – Serial #2FALP73W8VX138191
- Unit 80, 2009 Dodge Charger – Serial #2B3KA43T49H608844
- Unit 74, 2008 Dodge Charger – Serial #2B3KA43HX8H220074
- Unit 70, 1999 Ford Crown Vic - Serial #2FAFP71WXXX184365
- Unit 65, 2007 Ford Crown Vic – Serial #2FAFP71W47X115123
- Unit 64, 2007 Ford Crown Vic – Serial #2FAFP71W27X115122
- Unit 63, 2007 Ford Crown Vic – Serial #2FAFP71WO7X115121
- Unit 60, 2004 Ford Crown Vic – Serial #2FAFP71W44X129860
- Unit 58, 2008 Ford Crown Vic – Serial #2FAFP71W23X152116
- Unit 51, 2001 Ford Crown Vic – Serial #2FAFP71W31X153725
- Unit 42, 2003 Ford Crown Vic – Serial #2FAFP71W03X152115

DeLozier asked if any of the vehicles were good enough to use for other departments.

Discussion followed regarding the vehicles and Helm reported the vehicles could be brought to District #2 to check them out and the radios, lights, and decals would be taken off. It was discussed that Unit #74 could be used by the planning commission. Since there is no auction coming up in the near future, DeLozier made a motion to strike this from the agenda and Thacker seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

\*\*\*NOTE\*\*\*Thacker went back to Item #15, #1 Salaries at this point. A discussion was held about pay increases, adjustments, terminations, and resignations. Thacker stated Commissioner DeLozier chose not to increase his salary. It was pointed out that Assessor Scott Marsh had approved an employee that had resigned to receive vacation and sick pay, which is against county policy. Marsh then agreed not to pay it. DeLozier made a motion to approve and Thacker seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion approved.

\*\*\*NOTE\*\*\* Helm asked to go back to Agenda Item #4. After reviewing the documents, he stated this was in his district at Vada Point and the county would be liable for everything and he rescinded his motion to table this and DeLozier rescinded his second. Helm made a motion not to renew the contract and let the Corps have it back and Thacker seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

**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
- a.) Janet Hamilton reported the furniture had been installed and the Dell computers would be delivered on November 11<sup>th</sup>.
- b.) Scott Marsh reported it was time to process the tax rolls and his office will be busy.
- c.) Ryan Baze reported there were a couple of events that kept them from taking off the cooling tower. He stated the temperatures had to be below 60 degrees in order to take it off and as soon as colder weather arrived, they would take care of the tower.
- g.) Julie Dermody reported there would be an election on November 12, 2013 and reminded everyone the early voting would be on Thursday, November 7, 2013 and Friday, November 8, 2013.
- h.) Scotty Stokes reported he had done extrication training with the county Fire Department, Limestone Fire Protection, and District #1. He stated a tornado drill with RSU, local fire and police departments had been done to test the hospitals capability in case of an emergency. He said it went very well.
- j.) Brett Williston advised there was a global increase in spam and for everyone to beware.
- k.) Larry Curtis thanked Jon Sappington for the charger and reported the "I Don't Care" subdivision would be on the agenda next week.

**ITEM 21: ACKNOWLEDGE 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 –

Linda Batty asked about departments that had asked for less in their budget. Thacker named several that had. Batty asked if there was a plan to look at for the new parking lot. Thacker reported there would be a plan soon. Kristen Rohr asked why there was not a bid for the \$30,000.00 on the Motorola equipment. Janet Hamilton reported the money was in addition to the system they had.

**ITEM 23: PAYMENT OF PURCHASE ORDERS FROM ALL DEPARTMENTS:  
(Materials, Supplies, Parts, Groceries & Prescriptions)**

Thacker made a motion to approve all purchase orders except 003151, 3124, 3148 and 652 and Helm seconded the motion. Roll Call: Thacker-aye, Helm-aye. Motion carried.

\*\*\*NOTE\*\*\*Commissioner DeLozier left at 10:48 a.m.

**ITEM 24: RECESS OR ADJOURNMENT:**

Helm made a motion to adjourn at 11:00 a.m. and Thacker seconded the motion. Roll Call: Thacker-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 October 24, 2013, at \_\_\_\_\_ p.m. and posted on the Front Door Entrance to the Courthouse and on the county website.*