

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, January 27, 2014, 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 DeLozier called the meeting to order at 9:02 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 Dan DeLozier and Commissioner Kirt Thacker were present and quorum established and determined that Notice of Meeting and Agenda were properly posted in accordance with the Oklahoma Open Meeting Act. Commissioner Mike Helm arrived during the Pledge of Allegiance at 9:03 A.M.

ITEM 3: PLEDGE OF ALLEGIANCE: DeLozier led the flag salute and Pledge of Allegiance.

ITEM 4: INVOCATION: Thacker said a prayer.

ITEM 5: APPROVE/DISAPPROVE MINUTES: January 21, 2014 Regular Meeting. – Thacker made a motion to approve the minutes and Helm seconded the motion. Roll call: DeLozier-aye, Helm-aye, Thacker-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 – DeLozier stated that Scotty Stokes, Emergency Management Director, was running late so we will come back to this later. Mr. Iski has established that the issue of a burn ban that Scotty Stokes, Emergency Management Director, presented before the Board was an unforeseen matter. Scotty Stokes recommends a 1 week burn ban with exception of outside welding. Mr. Iski will prepare the Resolution. Thacker made a motion to place a 1 week burn ban with the exceptions of gas grills and outside welding as long as the proper guidelines set forth by the Oklahoma Forestry website are followed. Helm seconded the motion. Roll call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 7: ANNOUNCEMENTS:
Helm stated that Mike Graham from the auction in Elk City will be here on Wednesday, January 29, 2014.

ITEM 8: UNFINISHED BUSINESS:

1. Discussion and possible action regarding Resolution No. 2014-96 A Resolution calling a Special Election to refer to the qualified voters of Rogers County, Oklahoma the question of whether alcoholic beverages should be permitted to be sold by the individual drink for on-premises consumption in Rogers County on Sunday; and providing a proposed ballot title for such question (Thacker) – DeLozier made a motion to approve and Thacker seconded the motion. Roll call: DeLozier-aye, Helm-no, Thacker-aye. Motion carried. It was noted that Mr. Iski had not reviewed. DeLozier rescinded his motion and Thacker rescinded his second and made a motion to table for 2 weeks so Mr. Iski could review. Thacker seconded the motion. Roll call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried ***NOTE*** This item was tabled from January 13, 2014 – Mr. Iski provided new resolution and proposition. District Attorney, Janice Steidley, sent a letter stating that she applied the requirements of Oklahoma Statue 19, § 388 and it is her findings that the ballot is in compliance with the requirements of Oklahoma Statue 19, § 388. DeLozier made a motion to put on the June 24, 2014 ballot. Thacker seconded the motion. Roll call: DeLozier-aye, Helm-no, Thacker-aye. Motion carried.
2. BKL, Inc. – Rogers County E-911 Facility App #9 \$44,482.13 ***NOTE*** This item was tabled from January 13, 2014 and January 21, 2014. - DeLozier made a motion to table 1 week. Helm seconded the motion. Roll call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 9: ZONING:

1. Re-examination of action taken at Public Hearing with discussion and possible action on the request for zoning change from RST-40 to C-4 that the intended use of the property, after rezoning, is for Automotive Sales. APPLICANT: Kent Smalygo. CURRENT ZONING: RST-40. LEGAL DESCRIPTION: The N/2 of NW/4 of SW/4 of SW/4 lying West of Highway Right of Way as described in Book 910 at Page 465, of Section 15, Township 22 North, Range 14 East of the I.B.&M., Rogers County, Oklahoma AND a tract of land more

fully described as follows; A strip, piece or parcel of land lying in the part of the S2 N2 SW/4 SW/4 of Section 15, Township 22 North, Range 14 East of the I.B. &M., Rogers County, Oklahoma, said parcel of land being described by metes and bounds as follows: Beginning at the NW corner of said S2 N2 SW/4 SW/4 a distance of 224.71 feet, thence S 37°30'30" W a distance of 357.59 feet to a point on the West line of said S2 N2 SW/4 SW/4, thence North along said West Line a distance of 380.25 feet to the Point of Beginning. ADDRESS: 15801 N. 145th E. Ave. Collinsville, OK 74021. **PLEASE NOTE:** action was taken on January 21st, 2014 to deny this application.–DeLozier – DeLozier stated that he requested this be placed back on the agenda because he felt that every citizen should have the opportunity to be heard. Applicants, Kent Smalygo and Ron Clark, business partners, were present as well as Stacy Hostetter, adjoining neighbor. Mr. Smalygo and Mr. Clark both state they do not have any issues with doing what is necessary to be in compliance. They are going to put up a steel frame fence, but Ms. Hostetter wants a wood fence. Mr. Smalygo and Mr. Clark stated they would do a wood fence since that is what she wants, but they would rather have a steel frame. Ms. Hostetter stated she gave them a contract to sign between them and has yet to receive it back signed. Mr. Clark stated that they received the said contract on Thursday, January 23, 2014 and they have only spoke with her via text and not been able to meet up with her in order to sign the contract, but does not have an issue with signing the contract. Helm made a motion to rescind the denial on January 21, 2014. There was no seconded. The decision stays as is.

ITEM 10: PLATS: None presented.

ITEM 11: ROADS & BRIDGES:

1. Resolution #2014-107 Resolution for Agreement between Oklahoma Department of Transportation and Rogers County for the construction of Rogers County bridges 107 and 108 according to plans designated as CIRB-166C(212)RB, J/P 25480(04) Const., (03) Util., (02) R/W which plans are by reference made a part of the agreement. Bridge 107 "A" location is 66E0520N4240003 NBI NO. 09787 and bridge 108 "B" location is 66N4230E0520008 NBI NO. 05070. (District 3) – Thacker made a motion to approve. Helm seconded the motion. Roll call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

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

ITEM 13: TRANSFER OF FUNDS:

1. 82ST-200 District #2 1 Cent Sales Tax M&O to 83ST-200 District #3 1 Cent Sales Tax M&O \$840.80.
 2. 26-400 Health Department Capital Outlay to 26-110 Health Department Salaries \$10,000.00.
 3. 40EM-200 Emergency Management M&O to 40EM-130 Emergency Management Travel \$1,200.00.
- DeLozier made a motion to approve the transfers. Thacker seconded the motion. Roll call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 14: UTILITY PERMITS:

1. Rural Water District #3: To – Bore - Cross County Highway or Local Road EW 370 approximately 0.437 miles of West of NS 4190 & EW 370 Junction and further described as: 2,310' feet west of the Southeast Corner of Section 12 Township 23N Range 16E. Rogers County.-District 1- DeLozier made a motion to approve. Helm seconded the motion. Roll call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 15: CLAIMS:

1. Salaries – January 2014 – Thacker made a motion to approve salaries. DeLozier seconded the motion. Roll call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.
2. Attendant Care – December 2013 - State of Oklahoma, Office of Juvenile Affairs \$1,517.16. Thacker made a motion to approve. DeLozier seconded the motion. Roll call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 16: BLANKET PURCHASE ORDERS:

1. Material, Supplies, Parts, Groceries & Prescriptions –
 - Rogers County Health Department to Urgent Care of Green Country \$240.00
 - District #3 to Lowe's - \$500.00
 - Sheriff's Office to Comdata MasterCard \$18,000.00
 - Sherriff's Office to O'Reilly Automotive Stores \$500.00
 - Sherriff's Office to Speedy Lube \$500.00
 - Sherriff's Office to PHS Mobile X-Ray \$600.00
 - Sherriff's Office to St. Francis Outreach Services, LLC \$1,200.00
 - Sherriff's Office to Medical Compliance Specialty, Inc. \$400.00
 - Sherriff's Office to Bimbo Bakeries \$1,220.00
 - Sherriff's Office to Warehouse Market \$235.00

- Sherriff's Office to Farmers Bros Coffee \$245.00
 - Sherriff's Office to U.S. Foods \$1,800.00
 - Sherriff's Office to Sysco Foods \$3,750.00
 - Sherriff's Office to Performance Food Group \$5,000.00
 - Sherriff's Office to Westwood Pharmacy \$6,000.00
 - Sherriff's Office to Froman Oil Co. \$1,000.00
 - Sherriff's Office to Correctional Dental Services \$2,000.00
- Thacker made a motion to approve and DeLozier seconded the motion. Roll call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

2. Orders Exceeding Amount of Issuance – None presented.

ITEM 17: GRANTS:

1. Discussion and possible action regarding the submittal of a Safe Oklahoma Grant Program Application to the Oklahoma Office of the Attorney General. – Andy Armstrong and Sheriff Department presented this item. DeLozier made a motion to approve. Thacker seconded the motion. Roll call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.
2. Discussion and possible action regarding the acceptance by the Board of County Commissioners of 15807 CDBG 07 (Highway 88 Waterline Replacement Project Phase 2) as a completed project. Andy Armstrong presented this item. DeLozier made a motion to approve. Thacker seconded the motion. Roll call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.
3. Discussion and possible action regarding the acceptance by the Board of County Commissioners of 14796 CDBG 11 (Highway 88 Waterline Replacement Project Phase 1) as a completed project. Andy Armstrong presented this item. DeLozier made a motion to approve. Thacker seconded the motion. Roll call: DeLozier-aye, Helm-aye, Thacker-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 Plaza Project – No one present.
2. Update regarding E-911 Trust Authority (Thacker) – DeLozier stated nothing to report.
3. Discussion and possible action regarding Randy Shoefstall was removed from the Board of Fair Oaks Fire Protection District and Justin Hall was appointed as the 3rd member by Walter Sunny. Justin Hall will serve as the Treasurer for the Fair Oaks Fire Protection District (County Clerk) – Thacker made a motion to approve. Helm seconded the motion. Roll call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.
4. Open and award Bid #24 – Road /Traffic Striping – Thacker opened the sealed bids and read the bids aloud: 7 mailed out, 2 bids turned back in, 0 returned undeliverable. Advance Work Zone \$.11 per linear foot, \$50 each arrows, \$50 each word, \$50 each stop bar, and \$125 each railroad crossing; Action Safety Supply Co. \$.15 per linear foot. Thacker made a motion to award Bid #24 to Advance Work Zone. Helm seconded the motion. Roll call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

At this point, Delozier returned to Item 6, #1 New Business

5. Open and award Bid #640 – Remodeling Project at the Rogers County Health Department - Thacker opened the sealed bids and read the bids aloud: 7 mailed out, 5 bids turned back in, 0 returned undeliverable. Rodney Robinson with Panther Creek Construction \$125,738.63; The Webb Jack Co. \$164,308.00 with additional \$6,041.00; Shilt Management Services \$136,493.73 with additional \$7,940.00; Builders Unlimited \$80,837.00 with additional \$4,661.00; Thompson Construction Inc. \$133,900.00 with additional \$4,900.00. Thacker made a motion to table 1 week to allow the Health Department Director to review the bids. DeLozier seconded the motion. Roll call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.
6. Discussion and possible action regarding Equipment Lease-Purchase Agreement between Motorola Solutions, Inc. and the Board of Rogers County Commissioners for E-911. – Thacker made a motion to approve. Helm seconded the motion. Roll call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.
7. Discussion and possible action regarding Termination Agreement between the Board of County of Commissioners of Rogers County and Joshua Cantwell, LSW (Contractor) for Rogers County Jail. – Helm made a motion to terminate Mr. Cantwell's agreement effective 1/27/2014 at 11:59 P.M. Thacker seconded the motion. Roll call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.
8. Discussion and possible action regarding Independent Contractor Agreement between the Board of County of Commissioners of Rogers County and Joshua Cantwell, PLLC (Contractor) for Rogers County Jail. – Helm made a motion to accept the agreement with Mr.

Cantwell effective 1/28/2014 at 12:00 A.M. DeLozier seconded the motion. Roll call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

9. Reimbursement and Resolution #2014-101 to deposit funds of \$919.97 from Town of Talala into 82 ST-200 -
10. Reimbursement and Resolution #2014-102 to deposit funds of \$1,477.24 from RWD #4 into 82 ST-200 -
11. Reimbursement and Resolution #2014-103 to deposit funds of \$2,538.52 from OTEMS into 82 ST-200 -
12. Reimbursement and Resolution #2014-104 to deposit funds of \$1,739.76 from Town of Oologah into 82 ST-200 -
13. Reimbursement and Resolution #2014-105 to deposit funds of \$575.30 from Planning Commission Fuel Reimbursement into 83 ST-200 -
14. Reimbursement and Resolution #2014-106 to deposit funds of \$50.00 from A. Ball into 91-210-

Thacker made a motion to approve items 19:9-14. Helm seconded the motion. Roll call: DeLozier-aye, Helm-aye, Thacker-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

c) Ryan Baze reported they've been busy at the 911 Center and County Building. j) Brett Williston reported all systems are up and going. n) Sheriff's Office reported prior nights end of shift report and stated there was 11 fires.

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- None presented.

At this point, Thacker made a motion at 10:35 a.m. to recess for 5 minutes. Helm seconded the motion. Roll called: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried. DeLozier called the meeting back to order at 10:45 a.m. DeLozier and Helm were present and quorum established. Thacker was absent for an interview with the news.

ITEM 23: PAYMENT OF PURCHASE ORDERS FROM ALL DEPARTMENTS:

(Materials, Supplies, Parts, Groceries & Prescriptions) -

* DeLozier made a motion at 10:55 a.m. to recess for 5 minutes. Helm seconded the motion. DeLozier called the meeting back to order at 11:05 a.m. DeLozier and Thacker were present and quorum established. Helm was absent for an interview with the news. Helm arrived at 11:15 a.m.*

Thacker made a motion to approve all Purchase Orders. Helm seconded the motion. Roll call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 24: RECESS OR ADJOURNMENT: Helm made a motion to adjourn at 11:44 a.m. and Thacker seconded the motion. Roll call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

BOARD OF COUNTY COMMISSIONERS
ROGERS COUNTY, OKLAHOMA

By: _____

(SEAL)

Robin Anderson, Rogers County Clerk

Notice of said meeting was filed in the Office of the County Clerk on Thursday, January 23, 2014, at 4:24 p.m. and posted on the Front Door Entrance to the Courthouse and on the county website.