

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, May 12, 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:** Vice-Chairman 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. Vice-Chairman Helm 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.
- ITEM 3:** **PLEDGE OF ALLEGIANCE:** Helm led the flag salute and Pledge of Allegiance to the American flag.
- ITEM 4:** **INVOCATION:** Commissioner Thacker said a prayer.
- ITEM 5:** **APPROVE/DISAPPROVE MINUTES:** May 5, 2014 Regular Meeting – Thacker made a motion to approve and Helm seconded the motion. Roll call: 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 – None presented.
- ITEM 7:** **ANNOUNCEMENTS:** None presented.
- ITEM 8:** **UNFINISHED BUSINESS:** None presented.
- ITEM 9:** **ZONING:**
1. 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: James Hendrickson. CURRENT ZONING: AG. LEGAL DESCRIPTION: The East 528' of the S2 S2 SE NE of Section 29, Township 21 North Range 15 East of the I.B.&M. Rogers County, Oklahoma. ADDRESS: 11890 E. Tanner Drive, Claremore, OK. 74019 – District #3.
Note Chairman DeLozier joined the meeting at 9:03 a.m.***
Larry Curtis, Planning Commission Director, presented this item. He stated the Planning Commission Board approved 7/0. Helm opened the public hearing at 9:02 a.m. The applicant was present and stated he was wanting to rezone the property because he was looking at a lot split in the future and the rules state that if the property is less than 10 acres it would have been approved by the Planning Commission. There were several opposing individuals present. Susan Shultz, Tanner Drive, and Dennis Sanchez, 11881 E. Tanner Drive, presented a map, petition and housing addition covenants that state no lot can be less than 3 acres. Thacker questioned Mr. Curtis about the covenants. Mr. Curtis stated that covenants are a civil agreement among property owners and they are disclosed to the buyer when they purchase the property through the title papers. Public hearing was closed at 9:07 a.m. Thacker made a motion to deny the rezoning and DeLozier seconded the motion. Roll call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.
- ITEM 10:** **PLATS:** None presented.
- ITEM 11:** **ROADS & BRIDGES:** None presented.
- ITEM 12:** **CASH FUND ESTIMATE OF NEEDS & REQUEST FOR APPROPRIATIONS:**
1. 008 Cobra \$6,067.15
2. 101 T-Highway \$316,056.35
3. 105 CBRIF \$27,151.90
4. 113 Property Resale \$68,812.31
5. 114 Emergency Management \$851.00
6. 115 Health Department \$1,282.29
7. 119 Sheriff Civil Fees \$26,345.99
8. 121 County Clerk Lien Fees \$4,156.90
9. 122 Treasurer Cert. Fees \$1,859.95
10. 124 County Clerk Preservation \$8,048.05
11. 127 Sheriff Commissary \$27,375.17
12. 128 Courthouse SEC/SHRF Fees \$4,663.70
13. 131 Law Library \$4,406.51

14. 135 Criminal Justice Authority \$259,739.15
15. 137 Sheriff Jail \$9,555.20
16. 140 Wireless Prepay 911 Fee \$4,636.06
17. 142 E-911 Addressing \$42,442.23
18. 147 Drug Court Contract \$8,145.83
19. 148 Drug Court Participant \$4,165.74
20. 175 Assessor Revolving \$172.37
21. 180 Court Clerk Revolving \$9,161.77

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

ITEM 13: TRANSFER OF FUNDS:

1. 101 T-Highway 82T-205 to 101 T-Highway 82T-200 District 2 for \$6,400.00 –
 2. 101 T-Highway 82T-400 to 101 82T-200 District 2 for \$7,503.49 –
- Helm stated these were final budget items.

Helm made a motion to approve Items 13:1-2 and DeLozier seconded the motion. Roll call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 14: UTILITY PERMITS:

1. Cox Communications - To - Cross - County Highway or Local Road E. 88th St. N. Approximately .21 miles north of 161st E. Ave. and further described as: 1,131 feet north of the N. 161st E. Ave. Corner of Section 23 Township T21N Range R14 Rogers County – District 2 -
2. Oklahoma Natural Gas - To - Bore - Cross County Highway or Local Road East 78th St. N. approximately 3.30 miles east & 0.30 miles north of Hwy 135 & Hwy 169 Jct. and further described as: 1,645 feet north & 1,632 feet east of the southwest Corner of Section 26 Township 21N Range 14E - Rogers County - District 2 –

Helm made a motion to approve Items 14:1-2 and Thacker seconded the motion. Roll call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 15: CLAIMS:

1. Salaries – None presented.
2. Attendant Care – None presented.

ITEM 16: BLANKET PURCHASE ORDERS:

1. Material, Supplies, Parts, Groceries & Prescriptions –
 - District #3 to Grissoms for \$1,000.00
2. Orders Exceeding Amount of Issuance -
 - Jail to Correctional Dental Services \$2,000.00 – exceeded in the amount of \$87.39 –
 - Jail to Mullin Plumbing \$5000.00 – exceeded in the amount of \$2,241.04 –
 - Sheriff to Comdata MasterCard \$18,000.00 – exceeded in the amount of \$665.38

Helm made a motion to approve Items 16:1-2 and DeLozier seconded the motion. Roll call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 17: GRANTS:

1. Designate the County's Chief Executive Officer, the Chairman, as the certifying officer under the National Environmental Policy Act of 1969 to assume overall responsibility for the environmental review process – Helm made a motion to approve and Thacker seconded the motion. Roll call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.
2. Make a Finding of No Significant Effect on the Environment for the 15636 CDBG 13 Water Line Project – Helm made a motion to approve and DeLozier seconded the motion. Roll call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.
3. Authorize the Chairman to sign the CDBG Certification of Leverage, Environmental Certification and Request for Release of Funds - Helm made a motion to approve and Thacker seconded the motion. Roll call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.
4. Approve an Antidisplacement Plan for the RWD #16 CDBG Water Line Infrastructure Project - Helm made a motion to approve and 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) – No update given.
3. Presentation by Melissa Parchman, Magoon & Associates regarding ACA impact on Rogers County (DeLozier) – Melissa Parchman presented three handouts to go along with her presentation and spoke of the impact on Oklahoma. Presentation only.
4. Discussion and possible action regarding the reappointment of Todd Springer to the Rogers County Board of Adjustment for a 4-year term from May 2014 through May 2018 – District #1 appointment (Planning Commission) – Larry Curtis, Planning Commission Director, presented this item. Mr. Curtis stated that Mr. Springer has served the past four years. DeLozier made a motion to approve and Thacker seconded the motion. Roll call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

5. Discussion and possible action regarding a Lease Agreement between Rogers State University Foundation and the Rogers County Sheriff's Department & Rogers County Board of County Commissioners – Undersheriff Jon Sappington stated this was to move the repeater inside an air conditioned building. DeLozier made a motion to approve and Helm seconded the motion. Roll call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.
6. Discussion and possible action regarding an Agreement and Contract between the Board of County Commissioners for Rogers County, Oklahoma, The Inola Board of Education, and Kigler Enterprises (Thacker) – Thacker stated this was to haul shale that is being used for a road at the Inola High School. Thacker made a motion to approve and Helm seconded the motion. Roll call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.
7. Discussion and possible action regarding a Contract between the Board of County Commissioners of Texas County and the Board of County Commissioners for Rogers County, Oklahoma for services at Texas County Juvenile Detention Center (DeLozier) – DeLozier made a motion to approve and Helm seconded the motion. Roll call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.
8. Discussion and possible action regarding Independent Contractor Agreement between Board of Rogers County Commissioners and the Hoidale Company, Inc. (District 3) – Thacker stated this was for work being done on the fuel tank system for tracking. Thacker made a motion to approve and Helm seconded the motion. Roll call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.
9. Reimbursement and Resolution #2014-159 to deposit funds of \$1000.00 from Travelers into 04-250 Sheriff Vehicle Maintenance – Undersheriff Jon Sappington stated this was for a collision that happened a while back. DeLozier made a motion to approve and Helm seconded the motion. Roll call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.
10. Reimbursement and Resolution #2014-160 to deposit funds of \$1,039.53 from Town of Oologah into District 2 82ST-200 One Cent Sales Tax –
11. Reimbursement and Resolution #2014-161 to deposit funds of \$2,017.92 from Rogers County Health Department into General Fund Maintenance & Operations 20-200 -
12. Reimbursement and Resolution #2014-162 to deposit funds of \$167.94 from E911 into General Fund M&O 20-200 – Helm made a motion to approve Items 19:10-12 and Thacker seconded the motion. Roll call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.
13. County Clerk's Cashbook and Summary Report for March 2014 (Clerk) – Thacker made a motion to approve and Helm seconded the motion. Roll call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.
14. Monthly Report of Officers (Clerk) – Thacker made a motion to approve and Helm seconded the motion. Roll call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.
15. Discussion and possible action to enter Executive Session pursuant to Okla. Stat. Ann. tit. 25, § 307 (B) (1) for the purpose of: Discussing the employment, terms of employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee: to-wit Jenny Bentley, Human Resource Director. (DeLozier) – DeLozier made a motion to enter into Executive Session. Thacker asked Mr. Iski was it a matter worthy of an Executive Session and Mr. Iski replied that it was. Motion died due to lack of second. Items 19:16-17 were passed due to no action on Item 19:15.
16. Motion and vote to Adjourn Executive Session and enter Regular Session - (DeLozier) -
17. Discussion and possible action regarding Executive Session item: to-wit Jenny Bentley, Human Resource Director. -
18. Discussion and possible action to enter Executive Session pursuant to Okla. Stat. Ann. tit. 25, § 307 (B) (1) for the purpose of: Discussing the employment, terms of employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee: to-wit Christine Day, County Commissioners' Executive Administrative Assistant. (DeLozier) – DeLozier made a motion to enter into Executive Session. Motion died due to lack of second. Items 19:19-20 were passed due to no action on Item 19:18
19. Motion and vote to Adjourn Executive Session and enter Regular Session - (DeLozier) -
20. Discussion and possible action regarding Executive Session item: to-wit Christine Day, County Commissioners' Executive Administrative Assistant. -

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 stated that additional radios have been installed and there are two staff members attending training to be certified. Thacker stated that he keeps receiving emails stating that Ms. Hamilton was not competent and asked Ms. Hamilton if she was or not. Ms. Hamilton responded with an example of a situation that occurred with the Sheriff's office. Chief Shane Rhames defended the Sheriff's Office. David Iski, ADA spoke of the legal view on the situation.
- c.) Commissioner Thacker reported that Maintenance was laying sod in the new courthouse parking lot.
- k.) Larry Curtis gave the prior month's construction update for the Planning Commission.
- n.) Undersheriff Jon Sappington requested to have an agenda item for next week for Total Radio. DeLozier requested that he put it in a letter and submit it for the agenda. Helm asked if the Commissioners could be provided a copy of the ride - along policy that Chief Shane Rhames spoke of having and Mr. Sappington stated he would provide a copy to them.

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- Salesha Wilken with the Claremore Progress asked Thacker and Helm if they knew what was to be discussed in the Executive Session. Helm and Thacker both replied no. Ms. Wilken had additional questions and comments regarding Helm and Thacker not allowing DeLozier the Executive Session he requested. Linda Batty asked if in a public meeting was the only way to handle an employee matter and DeLozier replied yes with their attorney present in an Executive Session. Ted King with the Catoosa Times and Inola Independent commented to Ms. Hamilton as to the situation that the deputies overwhelmed the dispatcher purposely, all doing so with a reporter in the car and no one has been notified that there is another person in the car with the deputy and would appear as a staged event. Linda Batty asked why the bill to Mullin Plumbing went over so much and Jon Sappington replied that the leak in the concrete was worse than first anticipated, which resulted in more repair work having to be done. Salesha Wilken asked where the road in Inola was going to be built. Thacker stated the road would be located on the visitor side of the football field to allow for traffic flow and deliveries.

Note Helm stepped out of the meeting at 10:03 a.m. and returned at 10:07 a.m.***

Note DeLozier left the meeting at 10:21 a.m.***

ITEM 23: PAYMENT OF PURCHASE ORDERS FROM ALL DEPARTMENTS:

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

Note Vice-Chairman Helm took over the meeting at this point.***

Thacker made a motion to approve all purchase orders and Helm seconded the motion. Roll call: DeLozier-not present, Helm-aye, Thacker-aye. Motion carried.

ITEM 24: RECESS OR ADJOURNMENT: Helm made a motion to adjourn at 11:04 a.m. and Thacker seconded the motion. Roll call: DeLozier-not present, Helm-aye, Thacker-aye. Motion carried.

Attest:

BOARD OF COUNTY COMMISSIONERS
ROGERS COUNTY, OKLAHOMA

Robin Anderson, Rogers County Clerk
(SEAL)

Dan DeLozier, Chairman

Notice of said meeting was filed in the Office of the County Clerk on Thursday, May 8, 2014, at 4:52 p.m. and posted on the Front Door Entrance to the Courthouse and on the county website.