

NOTICE OF REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS FOR ROGERS COUNTY, OKLAHOMA

PLACE: Rogers County Courthouse, Commissioners' Meeting Room,
200 South Lynn Riggs Boulevard, Claremore, OK

DATE & TIME: Monday, August 11, 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:** Meeting was called to order at 9:00a.m.
- ITEM 2:** **ROLL CALL TO ESTABLISH QUORUM:**
Determine that Notice of Meeting and Agenda was properly posted in accordance with the Oklahoma Open Meeting Act. Chairman Dan DeLozier, Commissioner Mike 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:** Commissioner Thacker led the salute and the Pledge of Allegiance to the American flag.
- ITEM 4:** **INVOCATION:** Commissioner Helm said a prayer.
- ITEM 5:** **APPROVE/DISAPPROVE MINUTES:** August 4th, 2014 – Commissioner Thacker made a motion to approve the minutes as presented with Commissioner Helm seconding 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 of the agenda – None presented.
- ITEM 7:** **ANNOUNCEMENTS:** Commissioner Helm had received a wellness plaque from ACCO for the 2014 Gridiron competition. Rogers County placed 4th out of 77 counties. He praised Jennifer Bentley, Human Resource Director for a job well done.
- ITEM 8:** **UNFINISHED BUSINESS:** None presented.
- ITEM 9:** **ZONING:** None presented.
- ITEM 10:** **PLATS:**
1. Public hearing with discussion and possible action on the request of Final Plat Approval for Riverbend Arena. APPLICANT: Derek Sanders. Current Zoning: AI & C-2. LEGAL DESCRIPTION: A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER (NE/4) OF SECTION NINE (9) OF TOWNSHIP NINETEEN (19) NORTH AND RANGE SIXTEEN (16) EAST OF THE INDIAN BASE AND MERIDIAN (I.B.&M), ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, ROGERS COUNTY, STATE OF OKLAHOMA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:BEGINNING AT THE NE CORNER OF THE NE/4 OF SEC. 9, T-19-N, R-16-E, I.B.&M.; THENCE S 01°21'27" E ALONG THE EAST LINE OF SAID NE/4 A DISTANCE OF 1,320.08 FEET; THENCE S 88°28'00" W A DISTANCE OF 1,327.48 FEET; THENCE N 01°15'48" W A DISTANCE OF 1,320.13 FEET TO A POINT ON THE NORTH LINE OF SAID NE/4. ADDRESS: 12900 E. 605 Road Inola, OK 74036 – Larry Curtis, Planning Commissioner Director stated the Final Plat was approved by 5/0 vote by Planning Commission Board, he recommended approval. Commissioner Thacker made a motion to approve the plat as presented with Commissioner Helm seconding. Roll call: DeLozier – aye, Helm-aye, Thacker -aye. Motion carried.

******NOTE******* at this point, Chairman DeLozier moved to Item 19, Agenda Items, 6a

- ITEM 11:** **ROADS & BRIDGES:**
1. Engineering Selection for FY 2015 Projects: JP 28601 – BR 60 & 61 – Dog Creek and JP 29400 – BR 137 – Old 33 over SH88 & RR – (DeLozier) Notification only. No action taken.
 2. Request for payment of Invoice 503-02 from Smith-Roberts Land Services, Inc. – JP#27811(04) Rogers County District #1 \$12,050.00– (DeLozier) Chairman DeLozier made a motion to approve Invoice as presented with Commissioner Helm seconding the motion. Roll call: DeLozier – aye, Helm-aye, Thacker -aye. Motion carried.
 3. Notification to the Board of County Commissioners that District #2 has chosen Smith-Roberts for the Right-of-Way Acquisition for J/P 28600(04), Buck Creek Bridge - Notification only. No action taken.

ITEM 12: CASH FUND ESTIMATE OF NEEDS & REQUEST FOR APPROPRIATIONS:

1. 003 Courthouse Bond Proceeds \$64,516.95
2. 008 Cobra \$7,701.59
3. 101 T-Highway \$261,016.92
4. 105 CBRIF \$25,325.82
5. 113 Property Resale \$42,958.84
6. 115 Health Department \$2,192.99
7. 119 Sheriff Civil Fees \$16,864.75
8. 121 County Clerk Lien Fees \$3,929.03
9. 122 Treasurer Cert. Fees \$1,753.53
10. 124 County Clerk Preservation \$7,952.35
11. 125 Engineering Fees \$500.00
12. 127 Sheriff Commissary \$15,343.17
13. 128 Courthouse SEC/SHRF Fees \$6,333.65
14. 129 Sheriff Courthouse Secure \$3,763.38
15. 131 Law Library \$4,111.97
16. 132 Sheriff Special Account \$4,000.00
17. 135 Criminal Justice Authority \$228,701.97
18. 137 Sheriff Jail \$8,023.99
19. 139 Dispatch Consolidated Service \$5,166.66
20. 140 Wireless Prepay 911 Fee \$4,691.77
21. 141 Wireless Services \$25,835.54
22. 142 E-911 Addressing \$17,829.94
23. 147 Drug Court Contract \$5,063.33
24. 148 Drug Court Participant \$3,482.44
25. 172 C.D.B.G. Grants \$199,950.00
26. 175 Assessor Revolving \$538.92
27. 180 Court Clerk Revolving \$9,188.14

Commissioner Thacker made a motion to approved #1 thru #27 as presented with Commissioner Helm seconding the motion. Roll call: DeLozier - aye, Helm-aye, Thacker -aye. Motion carried.

ITEM 13: TRANSFER OF FUNDS: None presented.

ITEM 14: UTILITY PERMITS:

1. RWD #5 Rogers County - To cross (Bore) County Highway or Local Road NS 4126 approximately .1 miles north of EW 500 Rd. and further described as: 500 feet north of EW 500 Rd. of Section 13 Township 21N Range 15E Rogers County - District 3
Larry Curtis, Planning Commission Director recommend approval. Commissioner Thacker made a motion to approve Permit as presented with Chairman DeLozier seconding 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 #1 to Walker's Hardware and Lumber \$100.00
 - > District #3 to Grissom's \$1000.00
 - > District #3 to Walmart \$100.00

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

2. Orders Exceeding Amount of Issuance - None presented.

ITEM 17: GRANTS:

1. Authorization for Chairman to submit a monthly draw-down request in the amount of \$100,000 for 15603 CDBG 13, RWD #3 Rogers County - (Old S. H. 88 CDBG Water Line Project) - (Armstrong) ** Note see #4
2. Resolution #2015-36 - Resolution requesting Financial Assistance from Rural Economic Action Plan (REAP) Funding from GGEDA related to Port of Catoosa Main Parkway Lighting Project- Phase II - (Armstrong)
3. Resolution #2015-37 - Resolution requesting Financial Assistance from Rural Economic Action Plan (REAP) Funding for Foyil Public Schools (DeLozier) -
4. Pay Request No. 1 - Utility Cable Communications, Inc., Pay Estimate No. 1 Old S.H. 88 CDBG Water Line Project \$176,712.35

Andy Armstrong stated this was one and the same with #1. Payment is in conjunction with the pay request thru the engineer. Chairman DeLozier made a motion to approve the request with Commission Thacker seconding 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 –
Commissioner Helm asked when trucks are to be at Tulsa Asphalt Plant. Chairman DeLozier replied they are to be available @ 7:00a.m., Tuesday, August 12, 2014 to begin hauling asphalt to the Courthouse Parking lot installation project.
2. Update regarding E-911 Trust Authority – (Thacker)
Janet Hamilton, E-911 Center Director informed the Board, Foyil Fire Department has requested her presence at their Board meeting tomorrow evening, Tuesday, August 12, 2014 @ 6:00p.m. She also stated there was a BIS inspection and although she didn't have results in writing the E-911 Center passed.
3. 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 of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest, to-wit: Material Services Corporation v Rogers County, Rogers County Case No. CJ-2004-234 –
David Iski, Assistant District Attorney recommended the Board enter into executive session. Commissioner Thacker made a motion to enter into executive session with Commissioner Helm seconding the motion. Roll call: DeLozier – aye, Helm-aye, Thacker -aye. Motion carried. Board entered executive session @ 9:36a.m.
4. Motion to vote to adjourn executive session and enter regular session –
Commissioner Helm made a motion to adjourn executive session and enter regular session with Commissioner Thacker seconding the motion. Roll call: DeLozier – aye, Helm-aye, Thacker -aye. Motion carried. Board re-entered regular session @ 10:19a.m.
5. Discussion and possible action regarding executive session item to-wit: Material Services Corporation v Rogers County, Rogers County Case No. CJ-2004-234 –
Mr. Thomas H. Williams, Attorney presented the Board with a Second Amended petition to vacate judgment in the case entered May 2, 2012, awarding MSC judgment, and for retrial. Commissioner Thacker made a motion to approve with Commissioner Helm seconding the motion. Roll call: DeLozier – aye, Helm - aye, Thacker – aye. Motion carried.
6. Claim for litigation costs for Barrow & Grimm, P.C. \$1,852.98 -
Commissioner Helm made a motion to approve claim as presented with Commissioner Thacker seconding the motion. Roll call: DeLozier – aye, Helm-aye, Thacker -aye. Motion carried.
- 6a. Discussion to legalize the use and operation of an ATV on a county road as a mode of transportation by a licensed driver – (Thacker)
Commissioner Thacker opened the discussion. Homer Chasteen, 36233 South 4205 Road Inola, Oklahoma was present and was requesting to use an UTV on county roads. Rogers County Undersheriff and Lt. Ron Hamilton with Oklahoma Highway Patrol both addressed the board. Both sited law concerning vehicles used in farming. Mr. Chasteen felt the law, as current, is unfair. After much discussion, Chairman DeLozier made a motion to table for one (1) week for further review with Commissioner Thacker seconding the motion. Roll call: DeLozier – aye, Helm-aye, Thacker -aye. Motion carried.

******NOTE**** Moved back to Item 11: at this point.**

7. Resolution #2015-34 and Reimbursement to General Fund, Cemetery Restitution, District #1 – deposit \$100.00 from Alexander Ball for reimbursement – (Commissioners)
Chairman DeLozier made a motion to approve with Commissioner Thacker seconding The motion. Roll call: DeLozier – aye, Helm-aye, Thacker -aye. Motion carried.
8. Resolution #2015-35 and Reimbursement to:
 - > General Fund, Government Maintenance & Operations for ING Deferred Savings - \$50.00
 - > One Cent Sales Tax, District #3 for ING Reimbursement - \$50.00Deposit #100.00 from ING for payroll correction – (Commissioners)
Commissioner Thacker made a motion to approve with Chairman DeLozier seconding the motion. Roll call: DeLozier – aye, Helm-aye, Thacker -aye. Motion carried.
9. Invoice #543476 for E-911 Trust Authority from Riggs, Abney, Neal, Turpen, Orbison & Lewis \$525.00 –
Commissioner Thacker made a motion to approve with Commissioner Helm seconding the motion. Roll call: DeLozier – aye, Helm-aye, Thacker -aye. Motion carried.
10. County Clerk's Cashbook and Summary Report for June 2014 (County Clerk) –
Commissioner Thacker made a motion to approve as presented with Chairman DeLozier seconding the motion. Roll call: DeLozier – aye, Helm-aye, Thacker -aye. Motion carried.
11. Monthly Report of Officers (County Clerk) –
Chairman DeLozier made a motion to approve as presented with Commissioner Thacker seconding the motion. Roll call: DeLozier – aye, Helm-aye, Thacker -aye. Motion carried.