

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, September 22, 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 9:00 .am.
- 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 Helm led the salute and the Pledge of Allegiance to the American flag.
- ITEM 4:** **INVOCATION:** Commissioner Thacker said a prayer.
- ITEM 5:** **APPROVE/DISAPPROVE MINUTES:** September 15th, 2014 – Commissioner Helm stated that at the BOCC meeting on September 15th, Thacker had left the meeting early and he was leaving at 11:00 so he and DeLozier approved the payment of purchase orders. After that, he was made aware there was not enough money to cover a purchase order the Sheriff had made on an item they had bid. He asked Undersheriff Jon Sappington to step forward and explain. Sappington stated that it was to come out of the cash account. ADA David Iski was asked his opinion. He answered that to keep it clean for the auditors, they could cancel the purchase order and make two purchase orders to pay out of two different accounts. DeLozier agreed that it should come out of both accounts. Commissioner Helm made a motion to approve minutes as presented with Commissioner Thacker 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:**
1. Open House and Dedication for Courthouse set for October 3, 2014 at 1:00p.m.
Commissioner DeLozier also announced there will be an open house at the 911 center.
- ITEM 8:** **UNFINISHED BUSINESS:**
1. 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: Claim submitted by Sheriff Scott Walton for payment against County Insurance Policy from Atkinson, Haskins, Nellis, Brittingham, Glodd, and Fiasco, Attorneys, Tulsa County Case #CJ-2014- 03247 – (Helm) **NOTE*** Tabled from September 8th, 2014 meeting ***:** DeLozier made a motion to table the discussion for two weeks and Helm seconded the motion. Roll call: DeLozier – aye, Helm – aye, Thacker – abstain. Motion carried.
2. Motion to vote to adjourn executive session and enter regular session – No action taken.
3. Discussion and possible action regarding executive session item to-wit: Claim submitted by Sheriff Scott Walton for payment against County Insurance Policy from Atkinson, Haskins, Nellis, Brittingham, Glodd, and Fiasco, Attorneys, Tulsa County Case #CJ-2014-03247 – No action taken.
4. Reconsideration on payment of Purchase Order #004240 for EOC Switch paid from 42-E911 Addressing in the amount of \$14,613.82, Warrant #119 on June 30, 2014 – (Hamilton) **NOTE*** Tabled from September 15th, 2014 meeting ***** Commissioner DeLozier motioned to table one week and Thacker seconded the motion. . Roll call: DeLozier – aye, Helm – aye, Thacker – aye. Motion carried.
5. Payment Requisition Construction Fund - BKL, Inc. payment Invoice #41 – Final, for Rogers County Courthouse and 911 Facility- BKL Project #533, \$285.00(Commissioners) - **NOTE**** Tabled from September 8th meeting and September 15th meeting ***** Helm questioned Architect Kim Reeves with BKL, Inc. regarding the warranty issues. Reeves stated he would check to make sure they were being addressed but that all

warranty issues have been documented. He also reminded the board that the 911 Center was coming up on their 12 month anniversary regarding warranty issues. Thacker made a motion to approve and DeLozier seconded the motion. Roll call: DeLozier – aye, Helm – aye, Thacker – aye. Motion carried.

ITEM 9:

ZONING:

1. Public hearing with discussion and possible action on the request for zoning change from AG to RST-20 that the intended use of the property, after rezoning, is for Residential Lot Split & Single Family Manufactured Home. APPLICANT: Cindy Fletcher. CURRENT ZONING: AG. LEGAL DESCRIPTION: A tract of land in the NW1/4 of the NE1/4 of Section 17 Township 22 North, Range 15 East of the I.B. & M., Rogers County, Oklahoma, according to the U.S. Government Survey thereof, more particularly described as follows: Beginning at a point 1661.28 feet West of the Northeast corner of said Section; thence South 208.72 feet; thence West 417.44 feet; thence North, 208.72 feet; thence East 417.44 to the Point of Beginning. ADDRESS: 5650 E. 430 RD, Oologah, OK 74053 – (Curtis)- The public hearing opened at 9:22 a.m. with Curtis explaining that the Planning Commission approved by 5-0. The hearing closed at 9:23 a.m. Helm made a motion to approve and Thacker seconded the motion. Roll call: DeLozier – aye, Helm – aye, Thacker – aye. Motion carried.

ITEM 10:

PLATS:

1. Public hearing with discussion and possible action on the request of Preliminary Plat Approval for the Strickland Addition. APPLICANT: Highway 20 Corners, L.L.C. Current Zoning: C-2. LEGAL DESCRIPTION – (Curtis) -

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER (NW/4) OF THE NORTHWEST QUARTER (NW/4) OF SECTION TEN (10) OF TOWNSHIP TWENTY-ONE (21) NORTH AND RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN (I.B.&M.), ACCORDING TO THE U.S. GOVERNMENT SURVEY, THEREOF, ROGERS COUNTY, OKLAHOMA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF SEC. 10, T-21-N, R-14-E, I.B.&M.; THENCE S 01°24'05" E ALONG THE WEST LINE OF SAID SEC. 10 A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING BEING ON THE SOUTHERLY RIGHT-OF-WAY OF STATE HIGHWAY NO.20; THENCE N 88°49'12" E ALONG SAID HIGHWAY RIGHT-OF-WAY (UNTIL OTHERWISE NOTED) A DISTANCE OF 60.98 FEET; THENCE S 85°28'10" E A DISTANCE OF 150.75 FEET; THENCE N 88°49'12" E A DISTANCE OF 100.00 FEET; THENCE N 83°19'04" E A DISTANCE OF 156.43 FEET; THENCE S 01°24'05" E (AND LEAVING SAID HIGHWAY RIGHT-OF-WAY) A DISTANCE OF 426.70 FEET; THENCE S 88°49'12" W A DISTANCE OF 466.70 FEET TO THE WEST LINE OF SAID SEC. 10; THENCE N 01°24'05" W A DISTANCE OF 426.70 FEET TO THE POINT OF BEGINNING, AND CONTAINING 4.485 ACRES, MORE OR LESS.

Curtis asked that Plats Items 1 and 2 be struck from the agenda. DeLozier made a motion to strike and Thacker seconded. Roll call: DeLozier – aye, Helm – aye, Thacker – aye. Motion carried.

2. Public hearing with discussion and possible action on the request of Final Plat Approval for the Strickland Addition. APPLICANT: Highway 20 Corners, L.L.C. Current Zoning: C-2. LEGAL DESCRIPTION: - (Curtis)-

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER (NW/4) OF THE NORTHWEST QUARTER (NW/4) OF SECTION TEN (10) OF TOWNSHIP TWENTY-ONE (21) NORTH AND RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN (I.B.&M.), ACCORDING TO THE U.S. GOVERNMENT SURVEY, THEREOF, ROGERS COUNTY, OKLAHOMA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF SEC. 10, T-21-N, R-14-E, I.B.&M.; THENCE S 01°24'05" E ALONG THE WEST LINE OF SAID SEC. 10 A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING BEING ON THE SOUTHERLY RIGHT-OF-WAY OF STATE HIGHWAY NO.20; THENCE N 88°49'12" E ALONG SAID HIGHWAY RIGHT-OF-WAY (UNTIL OTHERWISE NOTED) A DISTANCE OF 60.98 FEET; THENCE S 85°28'10" E A DISTANCE OF 150.75 FEET; THENCE N 88°49'12" E A DISTANCE OF 100.00 FEET; THENCE N 83°19'04" E A DISTANCE OF 156.43 FEET; THENCE S 01°24'05" E (AND LEAVING SAID HIGHWAY RIGHT-OF-WAY) A DISTANCE OF 426.70 FEET; THENCE S 88°49'12" W A DISTANCE OF 466.70 FEET TO THE WEST LINE OF SAID SEC. 10; THENCE N 01°24'05" W A DISTANCE OF 426.70 FEET TO THE POINT OF BEGINNING, AND CONTAINING 4.485 ACRES, MORE OR LESS.

****NOTE***See Plats: 1.**

ITEM 11:

ROADS & BRIDGES:

1. Annual Memorandum of Agreement (MOA) with Cherokee Nation to work with the County on road improvement projects, including Indian Reservation Roads (IRR) projects – (DeLozier)- DeLozier stated the Cherokee Nation had the courthouse address wrong but has now corrected it and made a motion to approve with Helm seconding it. Roll call: DeLozier – aye, Helm – aye, Thacker – aye. Motion carried.
2. Resolution #2015-55 Project Agreement for CO RD EW 460 over Trib to Seminole Creek appx 6 miles S and 4.5 miles E of SH28A&SH66 Jct in Foyil, Project # J3-0711(04)RB State Job Piece Number JP 30711(04), by and between Rogers County and the Oklahoma Department of Transportation – (DeLozier) - DeLozier made a motion to approve with Helm seconding it. 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: None presented.

ITEM 14: UTILITY PERMITS:

1. AT&T –To – Bore/Trench - cross/parallel County Highway or Local Road N. 161st E. Ave. approximately 1/2 mile NW of E. Pine St. & N. 161st E. Ave. and further described as: 2,500 feet SW of the SW corner of Section 26 Township 20N Range 14E Rogers County, District 3 – (Curtis). - Commissioner Thacker made a motion to approve with Commissioner Helm seconding it. Roll call: DeLozier – aye, Helm – aye, Thacker – aye. Motion carried.

ITEM 15: CLAIMS:

1. Salaries – September 2014- DeLozier made a motion to approve with Helm seconding it. Roll call: DeLozier – aye, Helm – aye, Thacker – aye. Motion carried.
2. Attendant Care - August 2014 - State of Oklahoma, Office of Juvenile Affairs, Invoice #66 - August-2014-01 \$1,962.40 – Helm made a motion to approve with DeLozier seconding it. Roll call: DeLozier – aye, Helm – aye, Thacker – aye. Motion carried.

ITEM 16: BLANKET PURCHASE ORDERS:

1. Material, Supplies, Parts, Groceries & Prescriptions –
 - District #1 to Walker's Hardware & Lumber \$100.00
 - District #2 to O'Reilly's Auto Parts \$1,000.00
 - District #3 to Ameriflex Hose & Accessories \$500.00
 - District #3 to R & S Auto Parts \$500.00
 - District #3 to Lowes \$500.00
 - District #3 to Diamond P Lawn & Garden \$1,500.00
 - Assessor to Froman Oil Company \$1,000.00Helm made a motion to approve with Thacker seconding it. Roll call: DeLozier – aye, Helm – aye, Thacker – 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 regarding E-911 Trust Authority – (Thacker). Hamilton stated there were issues with the analog channels so they moved to a different resource. Commissioner Thacker was concerned that it negatively affected the public. Janet ensured Commissioner Thacker that business went on as usual. She stated that Motorola was working on the issue. Discussion only. No action taken.
2. Bid Opening:
 - #104 – Laid Asphalt – October, November, and December 2014 for Commissioners (Clerk). 14 bids sent out, 1 came back undeliverable, and 4 were returned. Paragon was the low bid of \$57.00 per ton for Type B and \$60.00 per ton for Type C. ***See Clerk's office for a list of bids. Thacker made a motion to approve with DeLozier seconding it. Roll call: DeLozier – aye, Helm – aye, Thacker – aye. Motion carried.
 - #647 – Public Service Software for Rogers County Sheriff – (Clerk). 6 bids sent out, zero were undeliverable and 3 were returned. DeLozier made a motion to table this for two weeks per Sappington's request and Thacker seconded the motion. Roll call: DeLozier – aye, Helm – aye, Thacker – aye. Motion carried.
3. Agreement by and between the Board of County Commissioners on behalf of Rogers County Health Department and Elizabeth A. Weilert, R.N. – (Health Department). DeLozier made a motion to approve with Thacker seconding it. Roll call: DeLozier – aye, Helm – aye, Thacker – aye. Motion carried.
4. Payment of Invoice #545122, Rogers County Enhanced 911 Trust Authority from Riggs, Abney, Neal, Turpen, Orbison & Lewis, \$175.00 – (Clerk) -Thacker made a motion to approve with Helm seconding it. Roll call: DeLozier – aye, Helm – aye, Thacker – aye. Motion carried.
5. Tort Claim notification from Wade Johnson, WAM, LLC, in the amount of \$838.61 for loss on September 12, 2013 – (Thacker) – Thacker stated this was in the Catoosa area where they fixed a soft spot in road. While digging they hooked a water line and pulled a water meter out. Thacker made a motion to approve with DeLozier seconding it. Roll call: DeLozier – aye, Helm -aye, Thacker – aye. Motion carried.
6. 2015 Renewal Rates for Group Rogers County – MR 2601 (Retirees), effective January 1, 2015 – (Bentley) - DeLozier made a motion to approve with Thacker seconding it. Roll call: DeLozier – aye, Helm – aye, Thacker – aye. Motion carried.
7. Presentation of Petition by DestinyLife Church and Rehoboth Baptist Church for Annexation in the Matter of the Annexation of property to the Rural Sewer District No. 1 of Rogers County, Oklahoma, on the tracts of land located in:
The W/2 of the NE/4 of the SW/4 of Section 19, Township 21 North, Range 16 East of the IBM, Rogers County Oklahoma according to the US Government Survey thereof. And Lot 3 (NW/4 SW/4) of Section 19, Township 21 North, Range 16 East of the IMB, Rogers

County, Oklahoma, according to the US Government Survey thereof, AND The SE/4 of the SE/4 of the SW/4 of Section 19, Township 21 North, Range 16 East of the IMB, Rogers County, Oklahoma, according to the US Government Survey thereof; and Approval /Disapproval of Setting Hearing Date – (Thacker) – Iski stated he had prepared a checklist and cited the statute and that everything appears to conform and that a hearing date needs to be set within 30 days. Thacker made a motion to set the hearing date for October 27, 2014 with Helm seconding it. Roll call: DeLozier – aye, Helm – aye, Thacker – aye. Motion carried.

8. Addendum to Agreement by and between the Board of County Commissioners on behalf of Rogers County 9-1-1 Dispatch Center and Voice Products Service, LLC, regarding maintenance of equipment – (Hamilton)-Hamilton stated the cost was \$1900. Helm made a motion to approve with Thacker seconding it. Roll call: DeLozier – aye, Helm – aye, Thacker – aye. Motion carried.
9. 2014-15 General Fund Budget/Estimates of needs – (Clerk)- County Clerk Robin Anderson stated the Bill Turner, CPA, would not be present until 10:00 a.m. This item was returned to after Item 20. Mr. Turner presented a rough draft of the estimate of needs for each office. A short discussion followed and was decided a special meeting would be held to further discuss budget cuts.
10. Payment of Invoices to Retail Attractions - (Helm)- Helm stated these invoices have not been paid in two months. Christine told the board they are in the process of being paid now. They have been waiting on the bond proceeds. Discussion only.
11. Discussion and possible action to enter into Executive Session pursuant to Okla. Stat. Ann. tit. 25, § 307 (B) (9) (e) (1-4) to discuss the design or functional schematics that demonstrate the relationship or connections between devices or systems, system configuration information, security monitoring and response equipment placement and configuration, and specific location or placement of systems, components or devices of the information technology of the County – (Helm)- Helm made a motion to enter Executive Session at 10:00 a.m. and Thacker seconded. Roll call: DeLozier –aye, Helm-aye, Thacker –aye. Motion carried.
12. Motion to vote to adjourn executive session and enter regular session – DeLozier made a motion to call the meeting back to order, adjourn executive session and re-enter regular session, at 11:20 a.m. Roll call: DeLozier – aye, Helm – aye, Thacker – aye. Motion carried.
13. Discussion and possible action regarding executive session concerning the design or functional schematics that demonstrate the relationship or connections between devices or systems, system configuration information, security monitoring and response equipment placement and configuration, and specific location or placement of systems, components or devices of the information technology of the County. – Helm made a motion to instruct the people they met with to coordinate and report back to the board and Thacker 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.) Inspections/Planning Commission l.) Judicial – m.) OSU Extension – n.) Sheriff o.) Treasurer
- a. Ms. Hamilton announced her new hires are undergoing training.
- c. Ryan Baze stated the yardwork was looking done.
- f. David Iski commended the law enforcement personnel and the firemen for their assistance out of the courthouse last week when it was evacuated. He read an email he sent to the sheriff regarding this and he also thanked Ryan Baze and their crew for helping to make people safe.
- k. Larry announced he had attended the manager's conference and they had a booth at the fair.
- m. Donna Patterson stated they would be volunteering at the Tulsa State Fair.

ITEM 21: ACKNOWLEDGEMENT RECEIPT OF THE FOLLOWING ITEMS:None presented.

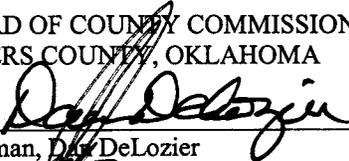
ITEM 22: PUBLIC COMMENTS AND RESPONSES FROM BOARD MEMBERS:
Limited to specific items on the Agenda that are listed and discussed at this meeting and limited in duration at the discretion of the Chairman – Salesha Wilken had several questions regarding the executive session. She asked what would have hindered this from being a public session and were minutes taken and prepared. Helm and Thacker had no response and DeLozier asked Mr.Iski to respond. He replied to her that minutes were taken according to state statute. She further persisted by asking if acts of terrorism were discussed. Iski repeated several times that what was discussed in executive session could not be discussed. She asked if there was a pending investigation into the footage requested by Larry Steidley and if Iski had talked to Steidley before the meeting. Mr.Iski asked her to tell him where on the agenda that was listed. She accused him of not answering her question and he told her as usual, she had misstated the facts and was incorrect. He also said he disagreed with her characterization. She questioned whether the executive session was listed on the agenda properly. She asked about the remainder of the use tax and had a further question for Helm regarding the purchase order for the sheriff's bid. Helm had no response. Linda Batty asked several questions regarding the camera system, if it was working properly.

ITEM 23: PAYMENT OF PURCHASE ORDERS FROM ALL DEPARTMENTS:

(Materials, Supplies, Parts, Groceries & Prescriptions) - Thacker made a motion to approve and Helm seconded the motion. Roll call: DeLozier – absent, Helm – aye, Thacker – aye. ***NOTE**DeLozier left the meeting at 12:28 p.m. ***NOTE***All three board members left and returned separately at various times the signing of the purchase orders. .***NOTE***During this time, Ms. Wilken continued to question the board members regarding the executive session and stated she had pretty much talked to everyone who was in the executive session, including Kim Reeves. Thacker told her he wasn't present. Thacker called Brett Williston and Ryan Baze into the meeting to ask if she had spoken to them and they both replied she had not.

ITEM 24: **RECESS OR ADJOURNMENT:** Helm made a motion to set a special meeting for Monday, September 29th at 2:00 p.m. and to adjourn with. Thacker seconded the motion. Roll call: DeLozier – absent, Helm – aye, Thacker – aye. Motion carried and meeting adjourned at 1:06 p.m.

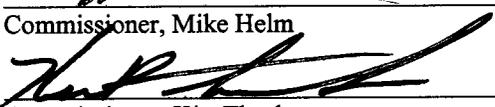
BOARD OF COUNTY COMMISSIONERS
ROGERS COUNTY, OKLAHOMA



Chairman, Dan DeLozier



Commissioner, Mike Helm



Commissioner, Kirt Thacker

By: 
Robin Anderson, Rogers County Clerk



Notice of said meeting was filed in the Office of the County Clerk on Thursday, September 18, 2014, at 3:53 p.m., and posted on the front door entrance to the courthouse and on the county website.