

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 8, 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 9:01a.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 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:** August 29th, 2014 Emergency Meeting, and September 2nd, 2014 -- 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:** None presented.
- ITEM 8:** **UNFINISHED BUSINESS:**
1. Independent Contractor Agreement by and between the Board of County Commissioners and Reliable Services on behalf of the Court Clerk's Office – (Court Clerk) – NOTE**** Tabled from September 2nd meeting –
Court Clerk Kim Henry was present to discuss agreement. Chairman DeLozier stated he had not been able to visit with Judge Dynda Post about this situation and made a motion to table for one week with Commissioner Helm seconding 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-60 that the intended use of the property, after rezoning, is for Residential Lot Split & Single Family Manufactured Home. APPLICANT: Phil & Geoma Pennington. CURRENT ZONING: AG. LEGAL DESCRIPTION: East 309' of the North 704.85' of the W2 NW of Section 12 Township 22 North, Range 14 East of the I.B.&M., Rogers County, Oklahoma containing 5.00 acres more or less. ADDRESS: 3170 E. 4020 RD., Oologah, OK. 74053 – (Curtis)
Planning Commission Director Larry Curtis informed the Board this passed the Zoning Board with a 6/0 vote. He also stated property was north of 169 highway and not directly on the highway and recommended approval. Public Hearing was opened at 9:06 a.m. and there was no opposition present. Hearing closed at 9:08 a.m. Commissioner Helm made a motion to approve with Commissioner Thacker seconding the motion. Roll call: DeLozier – aye, Helm – aye, Thacker – aye. Motion carried.
2. Public hearing with discussion and possible action on the request for zoning change from AG to AR that the intended use of the property, after rezoning, is for Residential Lot Split & Single Family Residential. APPLICANT: Rod Henry Construction INC. CURRENT ZONING: AG. LEGAL DESCRIPTION: The S2 NW SE and the SW SE Less the South 660' of the West 665.0' Thereof, In Section 26 Township 23N Range 14E of the I.B.&M. Rogers County, State of Oklahoma, According to the US Government Survey thereof. GENERAL LOCATION: Vacant Land EW 400 Road between 4050 & 4060 Road, Oologah, OK 74053 – (Curtis)
Planning Commission Director Larry Curtis stated these were five (5) acre Lot splits. Minimum is 2.5 acres. He also said this passed the Zoning Board with a 6/0 vote. Commissioner Helm questioned any drainage issue and Director Curtis said these issues had been addressed. Public hearing opened at 9:09 a.m. and closed at 9:10 a.m. Commissioner Helm made a motion to approve with Commissioner Thacker seconding 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 Clear Creek at Woodside Phase III. APPLICANT: Double H Properties, L.L.C. Current Zoning: RS-40. LEGAL DESCRIPTION: A tract of land located in the Northeast Quarter (NE/4) of Section Thirty-five (35) of Township Twenty-three (23) 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 NE corner of the NE/4 of Section 35, T-23-N, R-14-E, I.B.&M.; Thence S 01°20' 49" E along the east line of said NE/4 a distance of 1382.14 feet to a point on the boundary of Clear Creek at Woodside, an addition to Rogers County, Oklahoma, according to the recorded plat thereof, being the point of beginning; Thence along the boundary of said Clear Creek at Woodside (until otherwise noted) S 88°39'11" W a distance of 55.63 feet; Thence along a curve to the right having a radius of 225.00 feet, a central angle of 21°46'32", a chord bearing of N 80°27'35" W, a chord length of 85.00 feet for a distance of 85.51 feet; Thence N69°34'17" W a distance of 125.00 feet; Thence along a curve to the left having a radius of 175.00 feet, a central angle of 21°34'18", a chord bearing of N 80°21'25" W, a chord length W, a chord length of 65.50 feet for a distance of 65.89 feet; Thence S 88°51'26" W a distance of 45.55 feet; Thence along a curve to the left having a radius of 25.00 feet, a central angle of 90°12'14", a chord bearing of S 43°45'19" W, a chord length of 35.42 feet for a distance of 39.36 feet; Thence S 01°20'49" E a distance of 50.61 feet; Thence S 88°39'11" W a distance of 50.00 feet; Thence N 01°20'49" W a distance of 100.79 feet; Thence S 88°39'11" W a distance of 310.00 feet; Thence S 01°20'49" E, a distance of 262.56 feet; Thence S 88°39'11" W a distance of 575.12 feet; Thence leaving said boundary of Clear Creek at Woodside S 01°20'49" E a distance of 424.46 feet; Thence N 88°58'29" E a distance of 1325.14 feet to a point on the East line of said NE/4 of Section 35, T-23-N, R-14-E, I.B. & M.; Thence N 01°20'49" W along the East line of said NE/4 a distance of a distance of 594.20 feet to the point of beginning and containing 28.43 acres, more or less. Has caused the same to be engineered, surveyed, staked and platted into lots, blocks, streets and reserve areas in conformity to the accompanying plat and survey thereof, which plat is made a part hereof (The "PLAT"), and has caused the same to be named Clear Creek at Woodside Phase III, an addition to Rogers County, State of Oklahoma (The "Addition").

Chairman DeLozier opened the hearing at 9: 11 a.m. Planning Commission Director Larry Curtis stated the Preliminary Plat passed Zoning Board with a 6/0 vote. He also stated that even though more than Phase III was on the Plat, only Phase III was being approved at this time. The applicant's engineer was present but there was no opposition present. Hearing was closed at 9:15 a.m. Commissioner Helm made a motion to approve with Commissioner Thacker seconding the motion. Roll call: DeLozier – aye, Helm – aye, Thacker – aye. Motion carried.

2. Public hearing with discussion and possible action on the request of Preliminary Plat Approval for The Ridge Phase II. APPLICANT: Knees Shall Bow, LLC. Current Zoning: RS-10. LEGAL DESCRIPTION:

A TRACT OF LAND THAT IS LOCATED IN THE NORTH HALF OF THE SOUTHWEST QUARTER (N/2, SW/4) OF SECTION THIRTY-ONE (31), TOWNSHIP TWENTY-ONE (21) NORTH, RANGE FIFTEEN (15) EAST OF THE INDIAN BASE AND MERIDIAN, ROGERS COUNTY, STATE OF OKLAHOMA, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER (SW/4) OF SECTION 31; THENCE S89°54'28"E, ALONG THE NORTH LINE OF THE RIDGE, A SUBDIVISION IN THE NORTH HALF (N/2) OF THE SOUTHWEST QUARTER (SW/4) OF SECTION 31, FOR A DISTANCE OF 1525.00 FEET TO THE POINT OF BEGINNING, ALSO KNOWN AS THE NE CORNER OF THE RIDGE; THENCE CONTINUING S89°54'28"E ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER (SW/4) OF SECTION 31, FOR A DISTANCE OF 1136.37 FEET TO THE CENTER OF SECTION 31; THENCE S00°22'11"W ALONG THE EAST LINE OF THE SOUTHWEST QUARTER (SW/4) OF SECTION 31, FOR A DISTANCE OF 1318.51 FEET, TO THE SE CORNER OF THE NORTHEAST QUARTER (NE/4) OF THE SOUTHWEST QUARTER (SW/4) OF SECTION 31; THENCE NORTH 89°55'34" WEST ALONG THE SOUTH LINE OF THE NORTH HALF (N/2) OF SAID SOUTHWEST QUARTER (SW/4) FOR A DISTANCE OF 1519.64 FEET TO THE SE CORNER OF THE RIDGE; THENCE N00°04'38"E FOR A DISTANCE OF 165.00 FEET; THENCE S89°55'34"E FOR A DISTANCE OF 4.41 FEET; THENCE N00°00'00"E FOR A DISTANCE OF 60.00 FEET; THENCE S89°55'34"E FOR A DISTANCE OF 124.72 FEET; THENCE N00°04'38"E FOR A DISTANCE OF 652.42 FEET; THENCE S89°55'34"E FOR A DISTANCE OF 161.13 FEET; THENCE N00°00'00"E FOR A DISTANCE OF 60.00 FEET; THENCE S89°55'34"E FOR A DISTANCE OF 99.90 FEET; THENCE N00°04'38"E FOR A DISTANCE OF 381.42 FEET; TO THE POINT OF BEGINNING.

Chairman DeLozier opened the hearing at 9:16 a.m. Applicant Knees Shall Bow was present and there was no opposition present. Planning Commission Director Larry Curtis stated the Preliminary Plat meets all sub-division regulation requirements. Hearing closed at 9:18 a.m. Commissioner Helm made a motion to approve with Commissioner Thacker seconding the motion. Roll call: DeLozier – aye, Helm – aye, Thacker – aye. Motion carried.

ITEM 11: ROADS & BRIDGES:

1. Request for payment of Invoice 506-02 from Smith-Roberts Land Services, Inc. –

- JP#28600(04) Buck Creek Bridge, Rogers County District #2 \$2,600.00 – (Helm)
Commissioner Helm made a motion to approve with Chairman DeLozier seconding the motion. Roll call: DeLozier – aye, Helm – aye, Thacker – aye. Motion carried.
2. Claim for payment for purchase of permanent highway easement, and all damages, Buck Creek J/P 28600(04) Parcel 1.0, Kathy Jo Steely, \$3,650.00 – (Helm)
Commissioner Helm made a motion to approve invoice as presented with Commissioner Thacker seconding the motion. Roll call: DeLozier – aye, Helm – aye, Thacker – aye. Motion carried.
 3. Unattainable Lien Wavier, JP#28600(04) Buck Creek Bridge, Parcel 1.0 Rogers County District #2 – (Helm)
Commissioner Helm stated this was for Right of Way. Commissioner Helm made a motion to approve invoice as presented with Chairman DeLozier seconding the motion. Roll call: DeLozier – aye, Helm – aye, Thacker – aye. Motion carried.

ITEM 12:

CASH FUND ESTIMATE OF NEEDS & REQUEST FOR APPROPRIATIONS:

1. 008 Cobra \$6,290.50
2. 012 RCEFA \$14,025.00
3. 101 T-Highway \$307,568.28
4. 105 CBRIF \$26,806.38
5. 113 Property Resale \$56,601.94
6. 115 Health Department \$2,301.09
7. 119 Sheriff Civil Fees \$17,996.06
8. 121 County Clerk Lien Fees \$1,300.65
9. 122 Treasurer Cert. Fees \$1,710.05
10. 124 County Clerk Preservation \$7,603.59
11. 125 Engineering Fees \$3,050.00
12. 127 Sheriff Commissary \$16,471.39
13. 128 Courthouse SEC/SHRF Fees \$7,047.04
14. 129 Sheriff Courthouse Secure \$3,236.99
15. 131 Law Library \$4,166.01
16. 135 Criminal Justice Authority \$220,391.43
17. 137 Sheriff Jail \$6,295.87
18. 139 Dispatch Consolidated Service \$4,122.66
19. 140 Wireless Prepay 911 Fee \$4,524.74
20. 141 Wireless Services \$24,330.64
21. 142 E-911 Addressing \$7,949.80
22. 172 C.D.B.G. Grants – #15962 RWD#3 Tacora Water Treatment \$349,950.00
23. 172 C.D.B.G. Grants – # 15636 RWD#16 \$1,500.00
24. 175 Assessor Revolving \$22.98
25. 180 Court Clerk Revolving \$8,873.94

Commissioner Helm made a motion to approve Cash Funds 1 thru 25 as presented with Commissioner Thacker 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. ONG - To - bore-cross County Highway or Local Road E. 500 Rd. (W. Country Club Rd) approximately 2.21 miles west & 1.70 miles south of Hwy 20 & Hwy 88 and further described as: 175 feet west of the northeast corner of Section 23 Township 21N Range 15E Rogers County. District 3 – (Curtis)
2. ONG – To – bore- cross County Highway or Local Road S. Wells Ranch Rd. approximately 3.32 miles west & 5.77 miles north of Hwy 88 and Hwy 412 and further described as: 1,428 feet north & 412 feet west of the southeast corner of Section 34 Township 21N Range 16E Rogers County. District 3 – (Curtis)
3. AT&T – To Bore/Trench - cross/parallel County Highway or Local Road E. Pine St. & N. 166th E. Ave. approximately 1/2 mile north of 161st E. Ave. & Pine St. and further described as: 1,000 feet east of the Southwest corner of Section 26 Township 20N Range 14E Rogers County. District 3 – (Curtis)
4. RWD #8 Rogers County – To- bore - cross County Highway or Local Road 500 Rd. approximately 1/4 mile west of 4190 Rd & 1 mile south of Hwy 20 and further described as: the SE corner of Section 13 Township 21N Range 16 E Rogers County District 3 – (Curtis)
5. ONG – To –bore - cross County Highway or Local Road N 192nd E. Ave. approximately 3.47 miles east of Hwy 169 and Hwy 20 and further described as: 178 feet west & 273 feet north of the southeast corner of Section 1 Township 21N Range 14E Rogers County District 2 – (Curtis)

Commissioner Helm made a motion to approve Utility permits 1 thru 5 as presented with Commissioner Thacker 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 –
 - Sheriff to Speedy Lube \$1,000.00
 - Sheriff Commissary to Pepsi Beverages \$1,500.00
 - Planning Commission to District #2 \$250.00
 - Health Department to Urgent Care of Green Country \$240.00
 - District #2 to O'Reilly's Auto Parts \$1,000.00Chairman DeLozier made a motion to approve Blanket Purchase Orders as presented with Commissioner Helm seconding the motion. 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:**
1. BKL, Inc. payment Invoice #40 – Final, for Rogers County Courthouse and 911 Facility-BKL Project #533, \$285.00
Maintenance Director Ryan Baze stated there were several warranty items still not addressed for the New Courthouse. This has been ongoing since April 2014. Discussion was made concerning payment of final invoice. Commissioner Thacker made a motion to approve as presented with Chairman DeLozier seconding the motion. Commissioner Helm felt that if final payment is made we do not have any leverage concerning the warranty issues. Chairman DeLozier rescinded his second. Original motion died for lack of second. Commissioner Helm made a motion to table for one (1) week to have BKL, Flintco, Maintenance, and Legal present to discuss warranty items with Chairman DeLozier seconding the motion. Roll call: DeLozier – aye, Helm – aye, Thacker – aye. Motion carried.
- ITEM 19: AGENDA ITEMS:**
1. Update regarding E-911 Trust Authority – (Thacker)
 2. Addendum to Agreements by and between Mail Finance Inc., and Board of County Commissioners on behalf of Rogers County Assessor – (Assessor)
Assistant District Attorney was in agreement with Addendum. Commissioner Helm made a motion to approve with Commissioner Thacker seconding 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 the 911 Dispatch Center and Oologah-Talala Emergency Medical Services – (Hamilton)
9-1-1 Director, Janet Hamilton presented agreement to the Board. Commissioner Helm made a motion to approve with Commissioner Thacker seconding the motion. Roll call: DeLozier – aye, Helm – aye, Thacker – aye. Motion carried.
 4. Agreement by and between the Board of County Commissioners on behalf of the 911 Dispatch Center and Town of Chelsea Fire Department – (Hamilton)
9-1-1 Director Janet Hamilton told the Board this agreement was \$1,000.00 per month until the end of the fiscal year. Commissioner Helm made a motion to approve with Commissioner Thacker seconding the motion. Roll call: DeLozier – aye, Helm – aye, Thacker – aye. Motion carried.
 5. Agreement by and between the Board of County Commissioners on behalf of the 911 Dispatch Center and Chelsea Police Department – (Hamilton)
9-1-1 Director Janet Hamilton stated the monthly invoice would be \$1,083.33 thru the end of the fiscal year. Commissioner Helm made a motion to approve with Commissioner Thacker seconding the motion. Roll call: DeLozier – aye, Helm – aye, Thacker – aye. Motion carried.
 6. Election Board Requisitioning Officers Change – Add David Dorrough in replacement of Roy Hancock – (Election Board)
Election Board Secretary Julie Dermody informed the Board Roy Hancock retired effective August 31, 2014. Chairman DeLozier made a motion to approve the change with Commissioner Thacker seconding the motion. Roll call: DeLozier – aye, Helm – aye, Thacker – aye. Motion carried.
 7. 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, Rogers County Case #CJ-2014- 03247 – (Helm)
 - Commissioner Thacker excused himself from the executive session. He stated he had a lawsuit against the Sheriff, and not Rogers County.
 - Assistant District Attorney David Iski stated an Executive Session was in order however, he would not be attending. He would advise the Commissioners on procedural advice but would not be participating.
 - This is a Tulsa County case – not Rogers County as stated on Agenda.Commissioner Helm made a motion to enter executive session with Chairman DeLozier seconding the motion. Roll call: DeLozier – aye, Helm – aye, Thacker –