

## 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 15, 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 @ 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 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:** September 8th, 2014 - Commissioner Thacker made a motion to approve 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 – Commissioner Helm questioned as to why the Sheriff refused to comply with an open records request. He was handed an e-mail this morning dated September 13, 2014 @ 5:21a.m. from Larry Steidley stating they were trying to ward off a needless legal battle over missing tape. It also mentioned a previous request from October 2013 that had not been responded to. Undersheriff Jon Sappington did not feel this was an open records request. Helm asked does this have anything to do with a case or a crime. Jon responded it is a police report and he believes it is protected. Helm asked if Gable has it. Jon had no response. Sappington said they were trying to get away from the idea that it's an open records request. Helm pointed out to Sappington that his D.A. and H.R. showed up on youtube without an open records request and the taping of Helm coming to him regarding the ongoing investigation of the cars and he turned that over to Salesha without an open records request but you can't follow this one? Helm asked Iski, "Did not the Supreme Court rule that these were not open records?" and he answered "yes". DeLozier stated Steidley Law Firm says there is 22 minutes of video missing from one tape. It was mentioned another one is one hour and 42 minutes short of what was requested. Commissioner Thacker asked if a specific time frame was requested. Jon stated he was working on getting the video requested but there are 48 cameras. Helm asked if he could get it today and notify Christine. Jon agreed. Thacker requested the email be entered into the records. Discussion only.
- ITEM 7:** **ANNOUNCEMENTS:** Commissioner Helm commended Commissioner Thacker for his speech at Catoosa during the announcement of the new proposed development Cherokee Outlets.
- 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 and September 8th meeting.  
Court Clerk Kim Henry was unavailable due to juror term starting. ADA Iski stated this was to be paid from the fee account. Chairman DeLozier made a motion to approve Agreement with Commissioner Thacker seconding the motion. Roll call: DeLozier – aye, Helm – no, Thacker aye. Motion carried.  
2. Payment Requisition – Construction Fund - BKL, Inc. payment Invoice #41 – Final, for Rogers County Courthouse and 911 Facility- BKL Project #533, \$285.00 – NOTE\*\*\*\* Tabled from September 8th meeting.  
Commissioner Helm questioned Maintenance Director Ryan Baze on the issues that are still outstanding. Discussion was made concerning the server, cameras, roofing, leaks, a/c and design issues. ADA David Iski advised the Board to keep discussion to BKL, Inc., and the design issues. Ryan stated the design was completed before construction was ever started. When Flintco is questioned on design issues, they refer back to BKL, Inc. Commissioner Helm requested all parties be present at the next meeting. Iski stated that all issues are currently warranty issues. Chairman DeLozier made a motion to table for one (1) week with Commissioner Helm seconding the motion. Roll call: DeLozier – aye, Helm – aye, Thacker – aye. Motion carried.

**NOTE\*\*\* At this point Chairman DeLozier moved to Agenda Items, Item #13 – Executive Session\*\*\*\***

3. Ice Bucket Challenge to Commissioners and County Clerk – (Helm) – **NOTE\*\*\*\***  
Tabled from September 8th meeting –  
This item was skipped. No action taken.

**ITEM 9: ZONING:** - None presented.

**ITEM 10: PLATS:** - None presented.

**ITEM 11: ROADS & BRIDGES:**

1. Resolution 2015-47 to Request Programming of Tulsa Urbanized Area Surface Transportation Funds – Rogers County, District #2 has selected a project described as follows: 1.0 mile of roadway, grading, & drainage improvement project of E. 76th St. N. from N. 145th E. Ave. to N. 161st E. Ave. in Rogers County District #2. Project includes the construction of a new 3-lane asphalt roadway with borrow ditch section, engineering design, acquisition of right-of-way, relocation of utilities, and construction of a sidewalk. Project is located in Section 27 & Section 34, Township 21 North, Range 14 East, I.B. &M., Rogers County, Oklahoma – (Helm)  
Commissioner Helm informed the Board this is an INCOG Project and STP Funds are available but they are competing against 4 other counties and 13 cities for the money. Brian Kellogg of Kellogg Engineering said funds will not be available until 2018. Criteria for need includes traffic count, accidents, access etc. Total project will be 3.6 million with 2.9 million being the County's responsibility. Mr. Kellogg said funds would be solicited from CBRI, CRIB, or the Cherokee Nation, and anywhere they are available.  
Commissioner Helm made a motion to approve request as presented with Commissioner Thacker seconding the motion. Roll call: DeLozier – aye, Helm – aye, Thacker – aye.  
Motion carried.
2. Resolution 2015-48, Project Agreement for North 193rd Street, Beginning @ SH66 & Ext North approx. 0.7 mile Project Number STP-166C(244)CI, State Job Piece Number JP 26988(04), by and between ROGERS County and the Oklahoma Department of Transportation – (Helm)  
Commissioner Helm stated this project was on 2016 Plan for funding. Commissioner Helm made a motion to approve with Commissioner Thacker seconding the motion. Roll call: DeLozier – aye, Helm – aye, Thacker – aye. Motion carried.
3. CBRI Cash Fund Reimbursement request for transfer – Spunky Creek Bridge #113, #BRO-166(123) CO, J/P 20642 (05), \$47,624.29 from 105BR-200 to 83ST-200 Case # CJ-2006-684 Rogers County BOCC vs. Jennings – (Thacker)  
Commissioner Thacker made a motion to approve request for transfer with Commissioner Helm seconding the motion. Roll call: DeLozier – aye, Helm – aye, Thacker – aye.  
Motion carried.
4. Claim for payment for purchase of permanent highway easement, and all damages, Dog Creek J/P 27811(04) Parcel 1.0, 1.1, The Inez Benefiel Mallory Revocable Trust, \$3,600.00 – (DeLozier)  
See Item #9
5. Claim for payment for purchase of permanent highway easement, and all damages, Dog Creek J/P 27811(04) Parcel 2.0 Ellis Jackson Dake and Luz Elena Dake, \$2,400.00 – (DeLozier)  
See Item #9
6. Claim for payment for purchase of permanent highway easement, and all damages, Dog Creek J/P 27811(04) Parcel 3.0 Bobbi Green \$500.00 – (DeLozier)  
See Item #9
7. Claim for payment for purchase of permanent highway easement, and all damages, Dog Creek J/P 27811(04) Parcel 4.0 Roy Dell Moss and Ivonne Elizabeth Moss Living Trusts \$575.00 – (DeLozier)  
See Item #9
8. Claim for payment for purchase of permanent highway easement, and all damages, Dog Creek J/P 27811(04) Parcel 5.0 Revocable Inter Vivos Trust of Roger W. Greene \$7,640.00 – (DeLozier)  
See Item #9
9. Claim for payment for purchase of permanent highway easement, and all damages, Dog Creek J/P 27811(04) Parcel 6.0 Marshal and Sharon Smith \$8,690.00 – (DeLozier)  
Chairman DeLozier made a motion to approve Items 4 thru 9 with Commissioner Helm seconding the motion. Roll call: DeLozier – aye, Helm – aye, Thacker – aye. Motion carried.
10. Payment of Invoice #33233, Rogers County Commissioners vs. Jennings, CJ-2006-684 in the amount of \$51.25 for District #3 – (Thacker)  
Commissioner Thacker made a motion to approve invoice as presented with Commissioner Helm seconding 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:** - None presented.

**ITEM 14: UTILITY PERMITS:**

1. ONG – To – bore – crossing County Highway or Local Road Boysen Drive approximately 3.39 miles west & .52 miles, south of S.H. 20 and S.H. 88 and further described as: 718' W & 985 feet N of the Southeast Corner of Section 10 Township 21N Range 15E Rogers County – District #2 – (Curtis)  
Larry Curtis, Planning Commission Director was unavailable. However, Commissioner Helm said he spoke with Mr. Curtis and Utility Permit meets requirements. Commissioner Helm made a motion to approve with Commissioner Thacker seconding the motion. Roll call: DeLozier – aye, Helm – aye, Thacker – aye. Motion carried.
2. RWD #5 Rogers County – To – Bore – cross County Highway or Local Road S. Cedar lane approximately .15 miles, N of HWY 266 and further described as: 790 feet North of the SW/SE corner of Section 33 Township 21N Range 15E Rogers County. – District 3 – (Curtis)  
Commissioner Thacker made a motion to approve Utility Permit with Commissioner Helm seconding the motion. Roll call: DeLozier – aye, Helm – aye, Thacker – aye. Motion carried.

**ITEM 15:**

**CLAIMS:**

1. Salaries – None presented.
2. Attendant Care - July 2014 - State of Oklahoma, Office of Juvenile Affairs, Invoice #66- July-2014-01 \$1,783.04 –  
Commissioner Helm made a motion to approve Attendant Care claim as presented with Commissioner Thacker seconding the motion. Roll call: DeLozier – aye, Helm – aye, Thacker – aye. Motion carried.

**ITEM 16:**

**BLANKET PURCHASE ORDERS:**

1. Material, Supplies, Parts, Groceries & Prescriptions –
  - District #3 to Walmart \$100.00
  - District #2 to APAC-Central \$5,100.00
  - Sheriff to Speedy Lube \$1,000.00
  - Sheriff to Speedy Lube \$500.00
  - Sheriff to Westwood Pharmacy \$2,500.00Commissioner Thacker made a motion to approve Blanket Purchase Orders 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:**

1. Discussion and possible acceptance of the contract modification (15603 CDBG 13) from ODOC and authorization for the Chairman to electronically sign the contract on OKGrants – (Armstrong)  
Andy Armstrong reminded the Board this was for RWD #16 which letters were sent about a month ago. Commissioner Helm made a motion to approve with Commissioner 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 regarding E-911 Trust Authority – (Thacker)  
E 9-1-1 Administrator Janet Hamilton did not have an update.
2. Renewal of Agreement between Rogers County Bank and Rogers County Board of County Commissioners to renew Remit Plus and Remote Deposit (Treasurer's Office) Annual License and Software fees in the amount of \$4,500.00 annually, July 1, 2014 through June 30, 2015 – (Commissioners)  
Treasurer First Deputy Arlene Peper was present to explain this agreement is very beneficial to Rogers County. Last tax year, approximately \$300,000.00 was collected by telephone payments. Commissioner Thacker made a motion to approve agreement with Chairman DeLozier seconding the motion. Roll call: DeLozier – aye, Helm – aye, Thacker – aye. Motion carried.
3. Agreement By and Between Rogers County Board of County Commissioners and Language Line Services, Inc. on behalf of Rogers County Dispatch Center – (Hamilton)  
E 9-1-1 Administrator Janet Hamilton stated that periodically an interpreter is required to handle an incoming call. Language Line Services is on the Oklahoma State Wide Contract and the charge is \$.65 per minute. Commissioner Thacker made a motion to approve the agreement with Commissioner Helm seconding the motion. Roll call: DeLozier – aye, Helm – aye, Thacker – aye. Motion carried.
4. County Clerk's Cashbook and Summary Report to the Rogers County Commissioners – (Clerk)  
Commissioner Thacker made a motion to approve with Chairman DeLozier seconding the motion. Roll call: DeLozier – aye, Helm – aye, Thacker – aye. Motion carried.
5. August 2014 Monthly Report of Officers – (Clerk)  
Commissioner Thacker made a motion to approve the Monthly Report of Officers with Chairman DeLozier seconding the motion. Roll call: DeLozier – aye, Helm – aye, Thacker – aye. Motion carried.
6. Discussion and possible action to remove Commissioner Kirt Thacker from the Circuit Engineering District #8 and replace with Commissioner Mike Helm – (Commissioners)

- Commissioner Helm stated he had been approached by members of CED to be vice-president of the board. However, he is not a board member at this time. Commissioner Thacker made a motion to approve with Commissioner Helm seconding the motion. Roll call: DeLozier – aye, Helm – aye, Thacker – aye. Motion carried.
7. Resolution #2015-49 and Reimbursement to One Cent Sales Tax Fund Account, District #2, fuel reimbursement – deposit \$819.74 from Town of Oologah – (Commissioners)  
See Item #9
  8. Resolution #2015-50 and Reimbursement to General Fund Account, District #2, Cemetery mowing – deposit \$551.80 from Town of Oologah into D#2 Cemetery Salaries – (Commissioners)  
See Item #9 – Also amount corrected to read \$1,500.00.
  9. Resolution #2015-51 and Reimbursement to One Cent Sales Tax Fund Account, District #2, fuel reimbursement – deposit \$2,617.24 from O.T.E.M.S. – (Commissioners)  
Commissioner Thacker made a motion to approve Items #7 thru #9 with Commissioner Helm seconding the motion. Roll call: DeLozier – aye, Helm – aye, Thacker – aye.  
Motion carried.
  10. Resolution #2015-52 and Reimbursement to General Fund Account Maintenance and Operations, 20-200 for reimbursement of Insurance Premium– deposit \$75,423.00 from Criminal Justice Authority – (Commissioners)  
Commissioner Helm made a motion to approve with Commissioner Thacker seconding the motion. Roll call: DeLozier – aye, Helm – aye, Thacker – aye. Motion carried.
  11. Resolution #2015-53 and Reimbursement to General Fund, Maintenance Department Account, 20M-200 for reimbursed funds for Maintenance Supplies – deposit \$5,850.00 from General Government – (Commissioners)  
Commissioner Helm made a motion to approve with Chairman DeLozier seconding the motion. Roll call: DeLozier – aye, Helm – aye, Thacker – aye. Motion carried.
  12. 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.  
E 9-1-1 Administrator Janet Hamilton asked the Board for reimbursement of funds expended. Chairman DeLozier asked if there was a motion. Commissioner Thacker made a motion to reimburse with Chairman DeLozier seconding the motion. Before roll call, Commissioner Helm questioned if this was a backup for E 9-1-1. Ms. Hamilton stated this EOCC Switch did not benefit the E 9-1-1 center. Commissioner Thacker rescinded his motion with Chairman DeLozier rescinding his second. Chairman DeLozier questioned if these funds were budgeted monies. Chairman DeLozier made a motion to table for one (1) week with Commissioner Thacker seconding the motion. Roll call: DeLozier – aye, Helm – no, Thacker – aye. Motion carried to table for one (1) week.
  13. 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: Settlement paid to Christopher Neal Begley in Rogers County Case No. CJ- 2004-234 – (Commissioners)  
Upon recommendation from ADA David Iski, Commissioner Helm made a motion to enter executive session @ 9:22a.m. with Chairman DeLozier seconding the motion. Roll call: DeLozier – aye, Helm – aye, Thacker – aye. Motion carried.
  14. Motion to vote to adjourn executive session and enter regular session –  
Commissioner Helm made a motion to adjourn executive session and enter regular session @ 9:56a.m. with Commissioner Thacker seconding the motion. Roll call: DeLozier – aye, Helm – aye, Thacker – aye. Motion carried.
  15. Discussion and possible action regarding executive session item to-wit: Settlement paid to Christopher Neal Begley in Rogers County Case No. CJ- 2004-234 –  
ADA David Iski stated it was his understanding Attorneys Thomas Williams and Jack Gordon would present a contract to file a lawsuit against the settlement case on behalf of Rogers County. The District Attorney has approved it. Commissioner Thacker made a motion to proceed with Commissioner Helm seconding the motion. Roll call: DeLozier – aye, Helm – aye, Thacker – aye. Motion carried.

**NOTE\*\*\* Chairman DeLozier moved back to Item #11 at this point.**

**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
- c. Ryan Baze, Maintenance Director said landscaping is almost done. Commissioner Helm asked Ryan if he was aware security cards were not working on the back door to gated area. Ryan said cards are programmed by Sheriff and he is in charge of mechanical only. Commissioner Helm also questioned if he was aware of construction in the Election Board. Chairman DeLozier said he would follow up on that. Commissioner Thacker asked if eternal flame was operational. Ryan said it was ready to go. Chairman DeLozier stated a date would be set in the near future to light the eternal flame.
  - d. Robin Anderson, County Clerk, introduced Tyler Starkey as the new employee in

- the County Clerk's Office. Nelson McSwain is retiring at the end of September.
- h. Scotty Stokes, Emergency Management Director set up a mini EOCC at the fair this past week. Emergency personnel rotated in and out. There were two (2) health related transports. Commissioner Helm asked if the gator came in handy. Scotty said it did, especially with the health related transports. Scotty also reported Thomas Hudson and Steve Massey attended a four (4) day course this past week in Norman at the National Weather Service.
- m. Donna Patterson, OSU Extension Director said the fair was a great success. Attendance was up over last year. More food vendors were allowed this year. Concerts were well attended. Premium auction will be tonight. Fireworks were a success also. Ms. Patterson reiterated the fair this year was a total success with the carnival being larger than last year.

**ITEM 21: ACKNOWLEDGEMENT RECEIPT OF THE FOLLOWING ITEMS:**  
1. Notice of Departmental Decision for Bond Release, Phoenix Coal Company, Section 8, Township 22 North, Range 16 East, Permit #06/11-4276, Phase II, Partial Bond Release, Increment #1, \$125,944.00 – (DeLozier)  
Acknowledged – No action taken.

**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 questioned Agenda Item #12 – payment of EOCC Switch.
- She also stated she has been denied requests because they've been determined they're not open record requests. Mr. Iski stated he understood they talked to Gruber's law firm and he advised it was not open records. Steidley Law Firm had requested the information.

**ITEM 23: PAYMENT OF PURCHASE ORDERS FROM ALL DEPARTMENTS:**  
(Materials, Supplies, Parts, Groceries & Prescriptions)

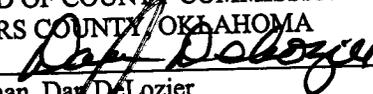
**NOTE\*\*\*\* Commissioner Thacker left at 10:37a.m.**

Chairman DeLozier made a motion to pay all purchase orders from all departments with Commissioner Helm seconding the motion. Roll call: DeLozier – aye, Helm – aye. Motion carried.

**ITEM 24: RECESS OR ADJOURNMENT:**  
Chairman DeLozier made a motion to adjourn with Commissioner Helm seconding the motion. Roll call: DeLozier – aye, Helm – aye. Motion carried.

Meeting adjourned @ 11:00a.m.

BOARD OF COUNTY COMMISSIONERS  
ROGERS COUNTY, OKLAHOMA

  
Chairman, Dan DeLozier

  
Commissioner, Mike Helm

  
Commissioner, Kirt Thacker

By:   
Robin Anderson, Rogers County Clerk

SEAL



Notice of said meeting was filed in the Office of the County Clerk on Thursday, September 11, 2014, at 4:18 p.m., and posted on the front door entrance to the courthouse and on the county website.