

MINUTES

Chairman Burrows called the meeting to order;

Roll call – DeLozier – present, Hendrix – present, Burrows – present

Quorum was established and noted that the agenda was posted Friday, October 6, 2017 at 7:50 am

Commissioner DeLozier led the pledge and Jason Carini, Treasurer offered the prayer

Commissioner Hendrix motioned to approve the October 2, 2017 Regular Meeting and October 4, 2017 Special Meeting minutes second, Commissioner DeLozier;

Roll call – DeLozier – Aye, Hendrix – Aye, Burrows – Aye

Motion carried

Chairman Burrows requested a move to the Public Hearings in respect of those present concerning their time

PLANNING/ZONING:

1. District 2

Public hearing with discussion and possible action on the request of Final Plat Approval of Deer Run II. APPLICANT: C.A.B.O. Development Company, L.L.C. Engineer Brian Kellogg. Current Zoning: PUD-RS-20. LEGAL DESCRIPTION: An Addition to Rogers County, State of Oklahoma, Located in a Part of Section 1, T-20-N, R-14-E & Section 6 T-20-N, R-15-E, I.B.&M., Rogers County, State of Oklahoma. **This item was approved by the City of Claremore-Rogers County Metropolitan Area Planning Commission on September 6, 2017 by a vote of 8-0**

Commissioner DeLozier motioned to open public hearing, second Commissioner Hendrix;

Roll call – DeLozier – Aye, Hendrix – Aye, Burrows – Aye

Motion carried to open public hearing at 9:05 am

Brian Kellogg, Kellogg Engineering explained that this is another phase at Stone Canyon and there are maintenance bonds for the road and drainage and as part of the final plat included are the utility release letters, ownership affidavits and final plat, approving the plate means that the County takes possession and maintain of the roads, also included release letter from Allen Carter, District 2 stating that the roads are in place and have been inspected.

Commissioner DeLozier motioned to close public hearing, second Commissioner Hendrix;

Roll call – DeLozier – Aye, Hendrix – Aye, Burrows – Aye

Motion carried to close public hearing at 9:07 am

Commissioner Hendrix motioned to approve the final plat for Deer Run II, second Commissioner DeLozier;

Roll call – DeLozier – Aye, Hendrix – Aye, Burrows – Aye

Motion carried

2. District 3

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, Residential. APPLICANT: Marianne Kopel and Christina Thacker. LEGAL DESCRIPTION: A TRACT OF LAND LYING IN THE W/2 OF THE SW/4 OF SECTION THREE 3, TOWNSHIP NINETEEN 19 NORTH, RANGE SIXTEEN 16 EAST OF THE INDIAN BASE AND MERIDIAN, ROGERS COUNTY, OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO-WIT: COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (SW/4) OF SAID SECTION THREE 3; THENCE S89°58'47"W AND ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE/4, SW/4) OF SAID SECTION 3 FOR A DISTANCE OF 1319.94 TO THE

NORTHEAST CORNER OF THE W/2 OF THE SW/4 OF SAID SECTION 3; THENCE S00°27'08"E FOR A DISTANCE OF 1322.35 FEET; THENCE S00°27'49"E FOR A DISTANCE OF 330.62 FEET; THENCE S89°59'02"W FOR A DISTANCE OF 659.96 FEET TO THE POINT OF BEGINNING; THENCE S00°27'38"E FOR A DISTANCE OF 330.54 FEET; THENCE S89°58'50"W FOR A DISTANCE OF 659.98 FEET; THENCE N00°27'28"W FOR A DISTANCE OF 330.58 FEET; THENCE N89°59'02"E FOR A DISTANCE OF 659.96 FEET TO THE POINT OF BEGINNING; SAID TRACT CONTAINS 5.01 ACRES MORE OR LESS. Location S 4160 road North of E 600. **This item was approved by the City of Claremore-Rogers County Metropolitan Area Planning Commission on October 3, 2017 by a vote of 6-0.**

Commissioner DeLozier motioned to open public hearing, second Commissioner Hendrix;

Roll call – DeLozier – Aye, Hendrix – Aye, Burrows – Aye

Motion carried to open public hearing at 9:08 am

Jim Loller, Planning Commission explained that the ten-acre tract was bought and being divided between two family members for residential purposes, the change in zoning due to the area being 5 acres. This change from AG to AR would allow them to build a home, all the requirements are met, comments were made because of the proximity to River Bend Arena, and concerns regarding the increased speed of traffic.

Chairman Burrows motioned to close public hearing, second Commissioner Hendrix;

Roll call – DeLozier – Aye, Hendrix – Aye, Burrows – Aye

Motion carried to close public hearing

Chairman Burrows motioned to approve zoning change from AG to AR, second Commissioner Hendrix;

Roll call – DeLozier – Aye, Hendrix – Aye, Burrows – Aye

Motion carried to approve zoning change

AGENDA ITEMS:

1. Public Hearing/Possible Action regarding the Petition of Cornerstone Estates landowners to withdraw from the Northwest Rogers County Fire Protection District
Commissioner DeLozier motioned to open Public Hearing, second Commissioner Hendrix;
Roll call – DeLozier-Aye, Hendrix-Aye, Burrows-Aye
Motion carried to open Public Hearing at 9:11 am

ADA Lepak explained the process thus far regarding the petition for the removal of Cornerstone Estates from the Northwest Fire Protection District. That the petition was presented to the Board and a Public Hearing and a hearing set in excess 30 days of the receipt of the petition. He further stated that the decision on this matter lies with the Commissioners as to whether this addition should be allowed to withdraw from the fire protection district, and that there are several factors that must be considered. ADA Lepak instructed the Board on their role in making this decision. He stated that the law states that any individual that is in opposition or support is allowed to come before the board and register their objections and that the Board must consider each and pass upon them. There is also question regarding the threshold matter. ADA Lepak cited the section of the statute and explained that this set up three scenarios; 51% of the homeowners, part of a Planned Unit Development or property who are not members of a PUD or other real estate development. He recommended that the Public Hearing take place and then seek an opinion from the Attorney General. The AG Opinion carries with it the force of law until a court case can be heard. The downside of the AG opinion is that it takes time to get one.

Chairman Burrows stated that public comments would be allowed from all that wished to speak. He instructed that there would be a 3-minute time limit on each speaker and that redundancy on the same issue was not beneficial. He also instructed those that wanted to speak to come forward to the podium and state their name and then spell it for the record.

First to speak was Ed Willis, resident of Cornerstone Estates. He stated that they see that they are paying for fire protection that they are being provided by Claremore and he felt they met all the requirements for withdrawal. He further stated that they are not a fire hazard to the District. He presented a letter from the Claremore Fire Chief stating that they are fully covered and a resolution from the City of Claremore in support. He stated that their protection from Northwest Fire comes from the Sageeyah station that is manned by 2 firemen and is 3 miles away. He feels they are better served by any of the three stations in Claremore. He stated that they feel protected and that they have not been Northwest Fire for a very long time. He provided a list of calls to the Cornerstone area since 1999 and stated that they were all made by Claremore Fire and not Northwest.

ADA Lepak requested a copy of the documents for the record.

Matt Shockley, Northwest Fire Chief presented an objection to the petition for removal to the Board. He stated that it was Northwest Fire's stance that the manner in which a withdrawal from a fire district is provided is not valid. He stated that Cornerstone subdivision is not a Planned Unit Development and therefore should not be allowed to file the petition for removal. Second, requirement option is homeowners with 1 acre or less and the records state that there are only 2 lots that are smaller than one acre. He stated that Northwest Fire has acquired three 2017 fire engines and are fully staffed. He stated that in January of 2017 Northwest made a call in the Cornerstone addition. He restated that he does not believe that they meet the criteria to withdraw. Jerry Johnson, Board Member from the Northwest Fire District stated that the Board had voted to deny the petition and the greater good needed to be looked at for the overall community. If removal from the district is allowed this will have a negative impact to the overall service and to the whole organization. He urged the Board to look at the impact of the removal.

Richard Toler, Cornerstone resident stated that the residents are paying for something that they are not getting for the County to get more money. He moved to the area in 2005 and in 1999 they were annexed into the City.

Chairman thanked all for their comments. Commissioner Hendrix stated that he had met with all parties concerning this matter. He stated that this was in his District and he was trying to get as many facts as he could. He stated that this involves about 20 homes and the total taxes are approximately \$5,500 a year cumulative. They were annexed into City of Claremore in 1999. He stated that the statute would not be in place if there was not and way to be removed. He further stated that it was poorly written and that is vague and there is no precedent. He stated that he is sensitive to the needs of the Fire Protection District. He recommended tabling the vote until a determination as to the validity of the petition can be determined.

ADA Lepak stated that the third part of the statute utilizes the term property owner where the other two specify homeowner and he stated that if the Northwest interpretation is utilized then homeowners with more than one acre would be unable to withdraw from a fire protection district and he did not believe that was the intent of the legislature.

Commissioner DeLozier motioned to close Public Hearing, second Commissioner Hendrix;

Roll call – DeLozier-Aye, Hendrix-Aye, Burrows-Aye

Motion carried to close Public Hearing at 9:32 am

Commissioner Hendrix motioned to table the vote until an Attorney General opinion can be obtained on the validity of the petition. Corrected motion to reflect directing ADA Lepak to request an Attorney General opinion on this matter, second Commissioner DeLozier;

Roll call – DeLozier-Aye, Hendrix-Aye, Burrows-Aye

Motion carried

UNFINISHED BUSINESS:

1. Acknowledge receipt of letter from ACCO (Association of County Commissioners of Oklahoma) proposing amendments to the ACCO- SIF (Association of County Commissioners of Oklahoma – Self Insurance Fund) Bylaws and Articles of Association – **NOTE** this item was tabled for action at the October 2, 2017 Regular Meeting

No action

2. Discussion/ Possible Action regarding Software contract between Rogers County and Tyler Technology for the operation of the County Clerk's office– **NOTE** this item was tabled for review of County finances

Clerk Heidlage explained that the Clerk's office would like to utilize Tyler Technologies Software for Land and Financial areas of her office. Currently Tulsa, Wagoner, Payne, Grady, Woods and Cleveland Counties are either with Tyler or are in the process of implementing the software. The total cost of the software is approximately \$213,00.00 and the Clerk's office can shoulder around two-thirds of the cost, approximately \$138,000.00. This software is up to date, keeps up with technology, will allow land records to be accessible to public with no fee. This is a cloud base solution and is important for in the disaster recovery process. The annual licensing fee is approximately \$80,000.00. Chairman Burrows motioned to approve, second Commissioner Hendrix;

Roll call – DeLozier – Aye, Hendrix – Aye, Burrows – Aye

Motion carried

UTILITY PERMITS:

District 3

1. ONG - To bore cross county highway or local road E. 540 Rd. approximately 0.76 miles south of and 1.06 miles west of junction of St. Hwy 66 and St. Hwy 266 and further

described as: 347 feet west of the NE corner of Section 10 Township 20N Range 15E Rogers County. **W-2017-10-1**

2. RWD#5 - To bore cross county highway or local road E. 540 Rd. approximately 0.1 miles of west of intersection of E. 540 Rd and S. 4130 Rd and further described as: 500 feet west of the SE corner of Section 1 Township 20N Range 15E Rogers County.

W-2017-10-2

Jim Loller, Planning Commission state that the permits are in order, Chairman Burrows motioned to approve Utility Permits 1 & 2, second Commissioner Hendrix;

Roll call – DeLozier – Aye, Hendrix – Aye, Burrows – Aye

Motion carried

ROADS & BRIDGES:

1. Agreement between McClelland Consulting Engineers, Inc., and Rogers County for Wetland Delineation and Reporting (Burrows)

Chairman Burrows stated that this was on Bridge #137, David Cross with McClelland Consulting Engineers explained that ODOT has funding available for projects. After Chairman Burrows and Mr. Cross met with ODOT they suggested that wetland studies be done. He stated that if there are not a large number of wetlands that would be impacted by this project then the project could bid as early as the Spring of 2018, no major impact found. Chairman Burrows motioned to approve, second Commissioner DeLozier;

Roll call – DeLozier – Aye, Hendrix – Aye, Burrows – Aye

Motion carried

2. Memorandum of Understanding concerning critical findings, load postings and bridge closing recommendations (Hendrix)

Commissioner Hendrix explained that ODOT has a problem with bridge owners following up on critical findings, they are wanting to establish a policy and procedure statewide to assure that the critical findings on their bridge inspections are followed up on, Commissioner DeLozier motioned to approve, second Commissioner Hendrix;

Roll call – DeLozier – Aye, Hendrix – Aye, Burrows – Aye

Motion carried

GRANTS:

1. Acknowledge posting of Public Hearing regarding the application for a Community Development Block Grant (CDBG)/ Economic Development Infrastructure Financing Grant in the amount of approximately \$1,000,000 CDBG/EDIF and \$1,000,000 leverage funding for the total of \$2,000,000 for approximately 1100 linear feet of Water Line improvements expected for Mayes Rural Water District #2, Rogers County Oklahoma Board of County Commissioners, Nowata County, State of Oklahoma. Posted on Friday, October 6, 2017 at the Rogers County Courthouse, County Website and District 1,2 and 3 Warehouses (Burrows)

Correction should be Mayes County not Nowata County, Ed Crone, Grand Gateway stated that there will be a Public Hearing next week at the Board of County Commissioners Meeting.

Acknowledgement Only

2. Discussion and possible acceptance of the contract award (17050 CDBG 17) from ODOC and authorization for the Chairman to electronically sign the contract on OKGrants.

Andy Armstrong explained that award notification was received for Rural Water District 3, 12” water line on Lowry Road, Commissioner DeLozier motioned to approve, second Commissioner Hendrix;

Roll call – DeLozier – Aye, Hendrix – Aye, Burrows – Aye

Motion carried

3. Resolution 2016-60 authorizing Rogers County as Sponsor of 2018 REAP Application by RWD#2 Mays County (Burrows)

Ed Crone, Grand Gateway explained that this is a match for CDBG Grant, if we match, it then becomes eligible the Department of Commerce money, Chairman Burrows motioned to approve, second Commissioner DeLozier;

Roll call – DeLozier – Aye, Hendrix – Aye, Burrows – Aye

Motion carried

4. Resolution 2018-61 authorizing application for the Financial Assistance from the Rural Economic Action Plan Fund for Inola Public Schools for the development of Inola’s Farm to School program (Burrows)

Chairman Burrows explained that we will be Inola School's sponsor for Farm to School program, Chairman Burrows motioned to approve, second Commissioner Hendrix;

Roll call – DeLozier – Aye, Hendrix – Aye, Burrows – Aye

Motion carried

5. Resolution 2018-62 accepting grant from Wal-Mart Community Grants Team and Facility #12 in the amount of \$1,000.00 to be donated to Foyil Public Schools for playground equipment (Sheriff)

Jon Sappington, Under Sheriff explained that this is a grant to build a small dodge ball court at Foyil Schools, Commissioner DeLozier motioned to approve, second Commissioner Hendrix;

Roll call – DeLozier – Aye, Hendrix – Aye, Burrows – Aye

Motion carried

SURPLUS/DISPOSAL OF COUNTY OWNED EQUIPMENT:

RESOLUTION

Surplus	Disposal	Department	Item	Inventory #	Serial #	Purchase Date
2018-62	2018-62A	County Clerk	HPXZ774UT Dessk Top 500 GB	236.34	2UA2130RNR	12/12/2003
	2018-62B	County Clerk	HP Pro Desk 600 G1 TWR		MXL50322JB	
	2018-62C	County Clerk	Electric Nubmering Machine	F-229.2	295721	2/17/1987
	2018-62D	County Clerk	Rapidprint Date Stamp Machine	F-214.3	220303	6/1/1982
	2018-62E	County Clerk	Rapidprint Date Stamp Machine			
	2018-62F	County Clerk	Electric Seal Machine	F-234.30	137752	3/21/2001

Commissioner DeLozier motioned to approve, second Commissioner Hendrix;

Roll call – DeLozier – Aye, Hendrix – Aye, Burrows – Aye

Motion carried

CASH FUND ESTIMATE OF NEEDS AND REQUEST FOR APPROPRIATIONS:

Fund	Fund Name	Amount
1102	County Highway Unrestricted	\$ 351,519.50
1103	County Bridge and Road Improvement	\$ 15,224.77
1201	911 Phone Fees	\$ 461.29
1204	Assessor Revolving Fee	\$ 3.29
1208	County Clerk Lien Fee	\$ 1,677.06
1209	County Clerk Records Mgmt and Preservation	\$ 7,592.11
1210	Jail	\$ 17,083.23
1211	Court Clerk Payroll	\$ 25,618.27
1219	Planning and Zoning	\$ 1,250.00
1220	Resale Property	\$ 18,090.13
1223	Sheriff Commissary	\$ 51,276.23
1225	Sheriff Forfeiture	\$ 57,671.62
1226	Sheriff Service Fee	\$ 22,080.00
1230	Treasurer Mortgage Certification	\$ 1,647.04
1235	County Donations	\$ 1,000.00
1301	Use Tax - ST	\$ 283,840.63
1305	Courthouse Improvements - ST	\$ 125,095.61
1313	Road and Bridges - ST	\$ 663,229.37
1315	Jail - ST	\$ 250,481.49
1326	Judgement Debt - ST	\$ 343,762.74
1400	CDBG 16608 - 15 Port Coveris	\$ 75,000.00
7201	Court Clerk Revolving	\$ 8,732.67
7206	Drug Court	\$ 25,527.49
7604	Jail Trust Authority	\$ 68,436.55

Commissioner DeLozier motioned to approve, second Commissioner Hendrix;

Roll call – DeLozier – Aye, Hendrix – Aye, Burrows – Aye

Motion carried

TRANSFER OF FUNDS:

1. From Courthouse Security Salaries (0001-2-3500-1110) into Sheriff Salaries (001-2-0400-1110) in the amount of \$75,000.00

Jon Sappington, Under Sheriff explained that this was moving money from Courthouse Security Salaried into Sheriff Salaries, Commissioner DeLozier motioned to approve, second Commissioner Hendrix;

Roll call – DeLozier – Aye, Hendrix – Aye, Burrows – Aye

Motion carried

2. From Sheriff Vehicle Maintenance (001-2-0400-2050) into Sheriff M&O (0001-2-0400-2005) in the amount of \$20,000.00 to cover match portion of Bulletproof Vest Grant

Clerk Heidlage explained that the General Fund loaned the Grant Fund \$27,000.00, the Sheriff's Office has to do a dummy PO to encumber the money, should the grant fall through the General Fund will be paid back, Commissioner DeLozier motioned to approve, second Commissioner Hendrix;

Roll call – DeLozier – Aye, Hendrix – Aye, Burrows – Aye

Motion carried

BLANKET PURCHASE ORDERS

1. Materials, Supplies, Parts, Groceries & Prescriptions

Blanket purchase orders presented for District 1, District 2, District 3, Sheriff Office and Drug Court, Commissioner Hendrix motioned to approve, second Commissioner DeLozier;

Roll call – DeLozier – Aye, Hendrix – Aye, Burrows – Aye

Motion carried

2. Discussion/Possible Action regarding the lease agreement for computer equipment between Dell Financial Services and Rogers County for Planning Commission

Jim Loller, Planning Commission explained that this was a lease agreement to replace all the computers in his office, he had it figures into his budget, Commissioner DeLozier motioned to approve, second Commissioner Hendrix;

Roll call – DeLozier – Aye, Hendrix – Aye, Burrows – Aye

Motion carried

3. County Clerk's Cashbook and Summary Report

Commissioner DeLozier motioned to approve, second Commissioner Hendrix;

Roll call – DeLozier – Aye, Hendrix – Aye, Burrows – Aye

Motion carried

4. Quarterly Inventory from all departments

Commissioner DeLozier motioned to approve, second Commissioner Hendrix;

Roll call – DeLozier – Aye, Hendrix – Aye, Burrows – Aye

Motion carried

5. Discussion/possible action on combining of offices in the Treasurer's Office

Jason Carini, Treasurer explained that his office is wanting to make changes to his office, Jason was advised that notice of bid and written quotes had to be done through the clerk's office, Commissioner DeLozier motioned to strike from the agenda, second Commissioner Hendrix;

Roll call – DeLozier – Aye, Hendrix – Aye, Burrows – Aye

Motion carried

6. Agreement with Grand Lake Mental Health Center for Pretrial Release Program (ADA Lepak)

ADA Lepak explained that this is the contract for approval, Commissioner DeLozier motioned to approve, second Commissioner Hendrix;

Roll call – DeLozier – Aye, Hendrix – Aye, Burrows – Aye

Motion carried

7. Resolution 2018-57 to be deposited into the 911 M&O (0001-1-3600-2005) in the amount of \$45,000 from District 1, District 2 and District 3 for radio purchase

Commissioner DeLozier motioned to approve, second Commissioner Hendrix;

Roll call – DeLozier – Aye, Hendrix – Aye, Burrows – Aye

Motion carried

9. Approval of sale of County owned property sold at Treasurer's Sale 2017 held on Monday, October 2, 2017

- A. TID# 54000 – **Samuel Chet Armbrister & Jacqueline A Taylor**
18-22N-17E 50' OF THE N 200' OF THE W2 NE NW NE
- B. TID# 14790 – **Donna McSpadden**
15-23N-17E PT OF SW SW NE LYING N & W OF RR ROW
- C. TID# 15474 – **Richard & Cynthia Ward**
16-21-16 S 15' OF N 35' OF W 150' TR 17
- D. TID# 9184 – **Randy & Patti Post**
09-21N-16E LOT 1 LESS A TR 12' X 20' TO OK NAT'L GAS BLOCK
90 CLAREMORE OT

- E. TID# 26755 – **Randy & Patti Post**
30-24N-18E LOTS 11 & 12 BLOCK 2 HESTERS
- F. TID# 21594 – **Tom Wilson**
25-24N-17E W 50' OF LOT 11 BLOCK 1 CURL'S
- G. TID# 21596 – **Tom Wilson**
25-24N-17E E 50' LOT 12 BLOCK 1 CURL'S
- H. TID# 21593 – **Tom Wilson**
25-24N-17E LOT 10 BLOCK 1 CURL'S

Jason Carini, Treasurer, explained that the excess property from June Resale goes out to Bid, 14 properties, 8 were sold and 6 were not, if the property is sold for less than the taxes owed it has to be approved by the Board of County Commissioners and the Excise Board, Commissioner DeLozier motioned to approve, second Commissioner Hendrix;

Roll call – DeLozier – Aye, Hendrix – Aye, Burrows – Aye

Motion carried

- 8. Resolution 2018-59 to be deposited into the General Fund (0001-1-2000-2005) in the amount of \$1,429.01 from the Northeast Oklahoma Enhanced 911 Trust Authority for telephone/internet

Christine Kiheaga, Commissioner's Assistant, explained the General Government paid the Cox internet bill for 911 Trust Authority, this is reimbursement, Commissioner DeLozier motioned to approve, second Commissioner Hendrix;

Roll call – DeLozier – Aye, Hendrix – Aye, Burrows – Aye

Motion carried

PAYMENT OF PURCHASE ORDERS FROM ALL DEPARTMENTS:

Commissioner DeLozier motioned to pay all purchase orders presented, second Commissioner Hendrix;

Roll call – DeLozier – Aye, Hendrix – Aye, Burrows – Aye

Motion carried

RECESS OR ADJOURNMENT:

Commissioner DeLozier motioned to adjourn, second Commissioner Hendrix;

Roll call – DeLozier – Aye, Hendrix – Aye, Burrows – Aye

Motion carried to adjourn at 11:41 am

BOARD OF COUNTY COMMISSIONERS
ROGERS COUNTY, OKLAHOMA

(SEAL)

Ron Burrows, Chairman

Steve Hendrix, Commissioner

Dan DeLozier, Commissioner

Jeanne M. Heidlage, Rogers County Clerk