

ROGERS COUNTY BOARD OF COUNTY COMMISSIONERS

April 12, 2021 Regular Meeting

MINUTES

Chairman DeLozier called the meeting to order; Roll call – DeLozier-present, Hendrix-present, Burrows-present – quorum established and noted that the agenda was properly posted on April 8, 2021 at 4:30 pm

Commissioner Steve Hendrix led the pledge; Commissioner Ron Burrows offered a prayer

Hendrix motioned to approve the Minutes from the April 5, 2021 Regular meeting, second Burrows; Roll call – DeLozier-aye, Hendrix-aye, Burrows-aye – Motion carried

COVID 19 UPDATE: Courthouse temperature scanner update by Brett Williston

OKLAHOMA MEDICAL MARIJUANA AUTHORITY CERTIFICATE OF COMPLIANCE:

1. District 1
Happy Camper Farm
Grower (New)
Owners: Mahlon Andrews, Jesse Walker
Address: 5059 S. 4200 Road, Chelsea, OK 74016

Brittany Senters presented and advised that the file was in order. DeLozier motioned to approve, second Burrows; Roll call – DeLozier-aye, Hendrix-aye, Burrows-aye – Motion carried

PLANNING/ZONING:

1. District 2
Public hearing with discussion and possible action on the request for a ZONING CHANGE from AG (Agricultural) to RS-25 (Residential 25,000 sq ft) on a +/- 0.89-acre tract ONLY. That the intended use of the property, after rezoning, is for a Residential Lot Split, contingent on the approval of the Board of County Commissioners.

CASE # 2347

APPLICANT: John A. Miller

LOCATION: 12963 S. Old Hwy 169, Oologah, OK 74053

LEGAL DESCRIPTION:

Tract A: S/2 SW lying East of Old US Highway 169 and lying West of New US Highway 169 and Less TR Desc. As Beg where the North Line S/2 SW Intersections East Row line Old Highway 169; E 435'SWLY 100'; W 435'; NELY 100' to POB. AND Less and Except A tract of land in the South Half of the Southwest Quarter (S/2 SW/4) of Section Thirty-Three (33), Township Twenty-Three (23) North, Range Fifteen (15) East of the I.B. & M., Rogers County, State of Oklahoma, According to the U.S. Government survey thereof being described as follows: AND Less and Except A tract of land in the South Half of the Southwest Quarter (S/2 SW/4) of Section Thirty-Three (33), Township Twenty-Three (23) North, Range Fifteen (15) East of the I.B. & M., Rogers County, State of Oklahoma, According to the U.S. Government survey thereof being described as follows: Commencing at the Southwest corner of the Southwest Quarter (SW/4) of said Section 33 N88°45'28"E along the South line of Said Section 33 for a distance of 225.89 feet to a point on the Easterly Right-of-Way of line of U.S. Highway 169; thence N17°22'08"E along the Easterly Right-of-Way line a distance of 375.60 feet to the point of beginning. Thence continuing along said Right-of-Way line N17°22'08"E a distance of 121.40 feet; thence N87°50'15"E a distance of 201.25 feet; thence S22° 23'45"W a distance of 25.59 feet; thence S34°22'49"E a distance of 9.21 feet; thence S61° 07'39"E a distance of 36.66 feet; thence S52°33'04"E a distance of 61.34 feet; thence S89° 37'19"E a distance of 30.30 feet; thence N62°17'30"E a distance of 42.58 feet; thence S 00°33'01"E a distance of 83.31 feet; thence N 86°02'07"W a distance of 383.31 feet to the point of beginning.

Tract B: A tract of land in the South Half of the Southwest Quarter (S/2 SW/4) of Section Thirty-Three (33), Township Twenty-Three (23) North, Range Fifteen (15) East of the I.B. & M., Rogers County, State of Oklahoma, According to the U.S. Government survey thereof being described as follows: AND Less and Except A tract of land in the South Half of the Southwest Quarter (S/2 SW/4) of Section Thirty-Three (33), Township Twenty-Three (23) North, Range Fifteen (15) East of the I.B. & M., Rogers County, State of Oklahoma, According to the U.S. Government survey thereof being described as follows: Commencing at the Southwest corner of the Southwest Quarter (SW/4) of said Section 33 N88°45'28"E along the South line of Said Section 33 for a distance of 225.89 feet to a point on the Easterly Right-of-Way of line of U.S. Highway 169; thence N17°22'08"E along the Easterly Right-of-Way line a distance of 375.60 feet to the point of beginning. Thence continuing along said Right-of-Way line N17°22'08"E a distance of 121.40 feet; thence N87°50'15"E a distance of 201.25 feet; thence S22° 23'45"W a distance of 25.59 feet; thence S34°22'49"E a distance of 9.21 feet; thence S61° 07'39"E a distance of 36.66 feet; thence S52°33'04"E a distance of 61.34 feet; thence S89° 37'19"E a distance of 30.30 feet; thence N62°17'30"E a distance of 42.58 feet; thence S 00°33'01"E a distance of 83.31 feet; thence N 86°02'07"W a distance of 383.31 feet to the point of beginning.

Board Vote 6-0

Hendrix motioned to open Public Hearing, second Burrows; Roll call – DeLozier-aye, Hendrix-aye, Burrows-aye – Motion carried to open Public Hearing at 9:13am.

Brittany Senters presented – no one in opposition present

Hendrix motioned to close Public Hearing, second Burrows; Roll call – DeLozier-aye, Hendrix-aye, Burrows-aye – Motion carried to close Public Hearing at 9:16am

Hendrix motioned to approve zoning change from AG to RS-25 on a 0.89 acre portion only, second Burrows; Roll call – DeLozier-aye, Hendrix-aye, Burrows-aye – motion carried

2. District 3

Public hearing with discussion and possible action on the request for a ZONING CHANGE from AI (Agriculture-Industrial) to AG (Agricultural). That the intended use of the property, after rezoning, is for a Church, contingent on the approval of the Board of County Commissioners.

CASE # 2348

APPLICANT: Kingdom Kenghiong, Inc

LOCATION: 31880 S. 4160 Road, Inola, OK 74036

LEGAL DESCRIPTION: A tract of land located in the SE/4 of Section 4, Township 19 N, Range 16 E of the I.B.&M., Rogers County, Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as: Commencing at the NE corner of the said SE/4; thence on an assumed bearing of S 01°52'35" E along the east line of said SE/4 a distance of 1690.25 feet to the Point of Beginning; thence continuing S 01°52'35" E a distance of 318.05 feet; thence S 88°29'58" W a distance of 1686.42 feet; thence N 00°50'38" W a distance of 318.42 feet; thence N 88°30'42" E a distance of 1680.68 feet to the Point of Beginning.

Board Vote 6-0

Burrows motioned to open Public Hearing, second Hendrix; Roll call – DeLozier-aye, Hendrix-aye, Burrows-aye – Motion carried to open Public Hearing at 9:17am.

Brittany Senters presented – no one in opposition present

Burrows motioned to close Public Hearing, second Hendrix; Roll call – DeLozier-aye, Hendrix-aye, Burrows-aye – Motion carried to close Public Hearing at 9:20am

Burrows motioned to approve zoning change from AI to AG, second Hendrix; Roll call – DeLozier-aye, Hendrix-aye, Burrows-aye – motion carried

3. District 2

Public hearing with discussion and possible action on the request for a ZONING CHANGE from AG (Agricultural) to AR (Agriculture-Residential) on a +/- 2.73-acre tract ONLY. That the intended use of the property, after rezoning, is for a Residential Lot Split, contingent on the approval of the Board of County Commissioners.

CASE # 2349

APPLICANT: Thomas & Gail Neuberger

LOCATION: 3301 E. 400 Road, Oologah, OK 74053

LEGAL DESCRIPTION: Parent Tract: A TRACT OF LAND BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 23 NORTH, RANGE 14 EAST, ROGERS COUNTY, OKLAHOMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE S89°53'12"E ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE S89°53'12"E ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER A DISTANCE OF 1267.59 FEET TO A 1/2" IRON PIN; THENCE S32°22'56"W 998.06 FEET TO A 1/2" IRON PIN; THENCE S81°51'59"W 30.82 FEET TO A 1/2" IRON PIN; THENCE S31°57'47"W 226.85 FEET TO A 1/2" IRON PIN; THENCE S56°52'26"W 238.28 FEET TO A 1/2" IRON PIN; THENCE S16°11'04"W 154.01 FEET TO A MAG NAIL ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE N89°51'21"W ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER A DISTANCE OF 332.39 FEET TO AN EXISTING MAG NAIL; THENCE N00°08'39"E 978.07 FEET TO A 1/2" PIN; THENCE N01°41'16"W 341.56 FEET TO THE POINT OF BEGINNING.

Tract A: A TRACT OF LAND BEING A PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE/4 SW/4) OF SECTION 25, TOWNSHIP 23 NORTH, RANGE 14 EAST OF THE INDIAN MERIDIAN, ROGERS COUNTY, OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID SE/4 SW/4; THENCE S89°53'12"E ALONG THE NORTH LINE OF SAID SE/4 SW/4 A DISTANCE OF 1267.59 FEET; THENCE LEAVING SAID NORTH LINE, S32°22'56"W A DISTANCE OF 998.06 FEET; THENCE S81°51'59"W A DISTANCE OF 30.82 FEET; THENCE S31°57'47"W A DISTANCE OF 226.85 FEET; THENCE S56°52'26"W A DISTANCE OF 238.28 FEET; THENCE S16°11'04"W A DISTANCE OF 154.01 FEET TO THE SOUTH LINE SAID SE/4 SW/4; THENCE N89°51'21"W ALONG THE SOUTH LINE OF SAID SE/4 SW/4 A DISTANCE OF 87.24 FEET; THENCE LEAVING SAID SOUTH LINE, N07°16'14"E A DISTANCE OF 440.39 FEET; THENCE N89°51'21"W A DISTANCE OF 299.78 FEET; THENCE N00°08'39"E A DISTANCE OF 541.08 FEET; THENCE N01°41'16"W A DISTANCE OF 341.56 FEET TO THE POINT OF BEGINNING. CONTAINING 22.00 ACRES, MORE OR LESS.

Tract B: A TRACT OF LAND BEING A PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE/4 SW/4) OF SECTION 25, TOWNSHIP 23 NORTH, RANGE 14 EAST OF THE INDIAN MERIDIAN, ROGERS COUNTY, OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SE/4 SW/4; THENCE S89°53'12"E ALONG THE NORTH LINE OF SAID SE/4 SW/4 A DISTANCE OF 1267.59 FEET; THENCE LEAVING SAID NORTH LINE, S32°22'56"W A DISTANCE OF 998.06 FEET; THENCE S81°51'59"W A DISTANCE OF 30.82 FEET; THENCE S31°57'47"W A DISTANCE OF 226.85 FEET; THENCE S56°52'26"W A DISTANCE OF 238.28 FEET; THENCE S16°11'04"W A DISTANCE OF 154.01 FEET TO THE SOUTH LINE SAID SE/4 SW/4; THENCE N89°51'21"W ALONG THE SOUTH LINE OF SAID SE/4 SW/4 A DISTANCE OF 87.24 FEET TO THE POINT

OF BEGINNING; THENCE LEAVING SAID SOUTH LINE, N07°16'14"E A DISTANCE OF 440.39 FEET; THENCE N89°51'21"W A DISTANCE OF 299.78 FEET; THENCE S00°08'39"W A DISTANCE OF 436.99 FEET TO THE SOUTH LINE OF SAID SE/4 SW/4; THENCE S89°51'21"E ALONG SAID SOUTH LINE A DISTANCE OF 245.15 FEET TO THE POINT OF BEGINNING. CONTAINING 2.73 ACRES, MORE OR LESS.
Board Vote 6-0

Hendrix motioned to open Public Hearing, second Burrows; Roll call – DeLozier-aye, Hendrix-aye, Burrows-aye – Motion carried to open Public Hearing at 9:21am.

Brittany Senters presented – no one in opposition present

Hendrix motioned to close Public Hearing, second Burrows; Roll call – DeLozier-aye, Hendrix-aye, Burrows-aye – Motion carried to close Public Hearing at 9:22am

Hendrix motioned to approve zoning change, second Burrows; Roll call – DeLozier-aye, Hendrix-aye, Burrows-aye – motion carried

4. District 2

Public hearing with discussion and possible action on the request for a ZONING CHANGE from AG (Agricultural) to AR (Agriculture-Residential) on a +/- 4.588-acre tract ONLY. That the intended use of the property, after rezoning, is for a Residential Lot Split, contingent on the approval of the Board of County Commissioners.

CASE # 2350

APPLICANT: Dustin Mitchell

LOCATION: 12921 S. 4060 Road, Oologah, OK 74053

LEGAL DESCRIPTION: Parent Tract: The SE/4 of SW/4 and the SW/4 of SE/4 and the SW/4 of SW/4 of SW/4 of Section 36, Township 23N, Range 14E of the I.B.&M., Rogers County, Oklahoma, according to the U.S. Government Survey thereof.

Tract 1: A tract of land located in the Southwest Quarter (SW/4) of Section Thirty-six (36) in 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, State of Oklahoma; being more particularly described as follows: Beginning at the SW corner of the SW/4 of Sec. 36, T-23-N, R-14-E, I.B.&M.; Thence N 88°41'18" E along the south line of said SW/4 a distance of 659.00 feet; Thence N 09°08'58" W a distance of 316.46 feet; Thence S 88°41'18" W a distance of 616.04 feet to the west line of said SW/4; Thence S 01°20'53" E a distance of 313.50 feet to the Point of Beginning, and containing 4.588 acres, more or less.

Tract 2: A tract of land located in the Southwest Quarter (SW/4) of Section Thirty-six (36) in 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, State of Oklahoma; being more particularly described as follows: Commencing at the SW corner of the SW/4 of Sec. 36, T-23-N, R-14-E, I.B.&M.; Thence N 88°41'18" E along the south line of said SW/4 a distance of 659.00 feet to the Point of Beginning; Thence N 09°08'58" W a distance of 316.46 feet; Thence S 88°41'18" W a distance of 616.04 feet to the west line of said SW/4; Thence N 01°20'53" W a distance of 346.19 feet to the NW corner of the SW/4 SW/4 of said SW/4; Thence N 88°42'27" E a distance of 1987.76 feet to the NE corner of the SW/4 SE/4 of said SW/4; Thence S 01°21'33" E a distance of 659.03 feet to the SE corner of said SW/4 SE/4 SW/4; Thence S 88°41'18" W a distance of 1328.89 feet to the Point of Beginning, and containing 25.501 acres, more or less.

Board Vote 6-0

Hendrix motioned to open Public Hearing, second Burrows; Roll call – DeLozier-aye, Hendrix-aye, Burrows-aye – Motion carried to open Public Hearing at 9:23am.

Brittany Senters presented – no one in opposition present

Hendrix motioned to close Public Hearing, second Burrows; Roll call – DeLozier-aye, Hendrix-aye, Burrows-aye – Motion carried to close Public Hearing at 9:26am

Hendrix motioned to approve zoning change from AG to AR on a 2.73 acre tract only, second Burrows; Roll call – DeLozier-aye, Hendrix-aye, Burrows-aye – motion carried

5. District 2

Discussion and possible action on a Partial Vacation of Plat of Lot Twenty-Two (22), Block One (1), of Keetonville Ridge Subdivision, to modify the northern platted 40' Building Setback Line to a 15' Building Setback Line.

Board Vote 6-0

Brittany Senters presented – no one in opposition present

Hendrix motioned to approve, second Burrows; Roll call – DeLozier-aye, Hendrix-aye, Burrows-aye – motion carried

UTILITY PERMITS:

1. District 3

ONG - To Cross County Highway or Local Road E. 520 Rd. approximately 1.70 miles N & 2.96 miles E of Will Rogers Turnpike & SH-266 and further described as: 1,068 feet E. of the SW/NW Corner of Section 28/33, Township 21N, Range 16E. Rogers County. U21-16

Burrows motioned to approve, second Hendrix; Roll call – DeLozier-aye, Hendrix-aye, Burrows-aye – Motion carried

ROADS & BRIDGES:

1. Discussion and possible action regarding claims for the acquisition of right-of-way for the Flint Road right-of-way project (Burrows)

No action

SURPLUS/DISPOSAL OF COUNTY OWNED EQUIPMENT:

Surplus	Disposal	Department	Item	Inventory #	Serial #	Purchase Date	Purchase
2021-138	2021-138A	Planning	Microsoft Laptop	218-13	14471402157	6/23/2020	\$ 1,826.18
2021-145	2021-145A	Sheriff	2015 Dodge Durango	B-331-41	C4RDJFG8FC931505		\$ 28,000.00
	2021-145B	Sheriff	2009 Dodge Charger	B-331-6	B3LA43T39H598487		\$ 16,600.00
	2021-145C	Sheriff	2007 Crown Vic	B-331-58	AHP71WO7X152842		\$ 4,000.00

DeLozier motioned to approve, second Burrows; Roll call – DeLozier-aye, Hendrix-aye, Burrows-aye – Motion carried

CASH FUND ESTIMATE OF NEEDS AND REQUEST FOR APPROPRIATIONS: March Collections

Burrows motioned to approve, second Hendrix; Roll call – DeLozier-aye, Hendrix-aye, Burrows-aye – Motion carried

TRANSFER OF FUNDS:

1. From General Fund Planning Commission Part-time Salaries (0001-1-3200-1130) into General Fund Planning Commission Salaries (0001-1-3200-1110) in the amount of \$15,500.00 to meet payroll through June 2021

Burrows motioned to approve, second Hendrix; Roll call – DeLozier-aye, Hendrix-aye, Burrows-aye – Motion carried

2. From General Fund Planning Commission Maintenance & Operations (0001-1-3200-2005) into General Fund Planning Commission Salaries (0001-1-3200-1110) in the amount of \$3,000.00 to meet payroll through June 2021

Burrows motioned to approve, second Hendrix; Roll call – DeLozier-aye, Hendrix-aye, Burrows-aye – Motion carried

3. From Emergency Management M & O (1212-2-2700-2005) to Planning & Zoning Fee M & O (1219-1-3200-2005) in the amount of \$250.00 to correct error due to typo

Burrows motioned to approve, second Hendrix; Roll call – DeLozier-aye, Hendrix-aye, Burrows-aye – Motion carried

4. From COPS Hiring Grant (1226-2-0410-1110) in the amount of \$34.16 to Sheriff Salaries (0001-2-0400-1110) in the amount of \$26.91 and Visual Inspection Salaries (0001-1-1700-1110) in the amount of \$7.25 to correct \$25.00 Longevity Pay plus the associated county benefit matching paid from the wrong account due to clerical error

Burrows motioned to approve, second Hendrix; Roll call – DeLozier-aye, Hendrix-aye, Burrows-aye – Motion carried

5. From Treasurer Rentals and Leases (0001-1-0600-2040) to Treasurer M & O (0001-1-0600-2005) in the amount of \$5,930.50 to pay for equipment costs

Burrows motioned to approve, second Hendrix; Roll call – DeLozier-aye, Hendrix-aye, Burrows-aye – Motion carried

6. From General Government M & O (0001-1-2000-2005) to General Unemployment Compensation (0001-1-2000-1233) in the amount of \$5,041.79 to pay 1st Quarter Unemployment

Burrows motioned to approve, second Hendrix; Roll call – DeLozier-aye, Hendrix-aye, Burrows-aye – Motion carried

BLANKET PURCHASE ORDERS

1. Materials, Supplies, Parts, Groceries & Prescriptions

Burrows motioned to approve 18 Blanket Purchase Orders totaling \$44,275, second Hendrix; Roll call – DeLozier-aye, Hendrix-aye, Burrows-aye – Motion carried

2. Orders Exceeding

- a. PO #21-04567 encumbered 02-22-21 in the amount of \$1,500 to Office Everything – amount exceeded \$814.36 – Sheriff – Explanation letter attached

Burrows motioned to approve, second DeLozier; Roll call – DeLozier-aye, Hendrix-aye, Burrows-aye – Motion carried

- b. PO #21-04554 encumbered 02-22-21 in the amount of \$3,000 to Visa – amount exceeded \$2503.74 – Sheriff – Explanation letter attached

Burrows motioned to approve, second DeLozier; Roll call – DeLozier-aye, Hendrix-aye, Burrows-aye – Motion carried

- c. PO #21-04556 encumbered 02-22-21 in the amount of \$1,000 to O'Reilly – amount exceeded \$181.98 – Sheriff – Explanation letter attached

Burrows motioned to approve, second DeLozier; Roll call – DeLozier-aye, Hendrix-aye, Burrows-aye – Motion carried

AGENDA ITEMS:

1. Discussion/possible action and presentation from Oklahoma Works (DeLozier)

No action

2. Discussion/possible action regarding Commercial Services Agreement dated 4/7/21 between CoxCom, LLC and Rogers County for phone services at the Rogers County Courthouse (DeLozier)

Burrows motioned to approve, second Hendrix; Roll call – DeLozier-aye, Hendrix-aye, Burrows-aye – Motion carried

3. Resolution #2021-139 to direct the Rogers County Treasurer to deposit reimbursed funds from OMES for refund of overpayment in the amount of \$18.84 to be deposited into the 0001-1-2000-1252 account

Burrows motioned to approve, second DeLozier; Roll call – DeLozier-aye, Hendrix-aye, Burrows-aye – Motion carried

4. Discussion/possible action regarding agreement between Rogers County and Bidadoo Auctions (Burrows)

Burrows motioned to approve, second DeLozier; Roll call – DeLozier-aye, Hendrix-aye, Burrows-aye – Motion carried

PAYMENT OF PURCHASE ORDERS FROM ALL DEPARTMENTS: Resolution 2021-144

Burrows motioned to approve, second Hendrix; Roll call – DeLozier-aye, Hendrix-aye, Burrows-aye – Motion carried

Hendrix motioned to adjourn, second Burrows; Roll call – DeLozier-aye, Hendrix-aye, Burrows-aye – Motion carried to adjourn at 9:51 am

BOARD OF COUNTY COMMISSIONERS
ROGERS COUNTY, OKLAHOMA

Dan DeLozier, Chairman

Steve Hendrix, Commissioner

Ron Burrows, Commissioner

SEAL

Jeanne M. Heidlage, Rogers County Clerk

Audio available at:

<https://rogerscounty.org/coclerk/Minutes%20Archive/>