

NOTICE OF REGULAR MEETING

BOARD OF COUNTY COMMISSIONER'S FOR ROGERS COUNTY, OKLAHOMA

PLACE: Rogers County Courthouse, 219 South Missouri, Room 1-109, Claremore, Oklahoma

DATE & TIME: Monday, April 12, 2010, at 9:00 O'clock A.M.

MINUTES

ITEM 1: CALL TO ORDER:

Chairman Kirt Thacker called the meeting to order at 9:03 A.M.

ITEM 2: ROLL CALL TO ESTABLISH QUORUM:

Determine that Notice of Meeting and Agenda were properly posted in accordance with the Oklahoma Open Meeting Act.

Chairman Kirt Thacker, Commissioner Dan DeLozier and Commissioner Mike Helm were present and quorum established.

ITEM 3: FLAG SALUTE:

Commissioner DeLozier led the salute and Pledge of Allegiance to the American Flag.

ITEM 4: PRAYER:

Commissioner Helm said a prayer.

ITEM 5: APPROVAL OF MINUTES: April 5, 2010

Commissioner DeLozier made a motion to approve the minutes from April 5, 2010, as presented with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 6: UNFINISHED BUSINESS: None presented.

ITEM 7: ZONING: None presented.

ITEM 8: PLATS: None presented.

ITEM 9: ROADS AND BRIDGES:

1. Discussion and possible action regarding Approval/Disapproval of signing Cover Sheets of proposed County Bridge and Approach Plans for Rogers County, Federal Aid Project No. BRO-166D(140)CO; State Job No. 21491(04); BR #126 Inola Creek, to be submitted to State of Oklahoma, Department of Transportation for District #3 – (D#3)

Chairman Thacker stated this is the 2010 year bridge on BR#126 Inola Creek we have been working on. Chairman Thacker made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

2. Discussion and possible action regarding Approval/Disapproval of County Utility Relocation Agreement on Project No.: BRO-166D(139)CO; State Job No. 21490(04); Bridge #96 Tributary to Panther Creek made and entered into by and between the Board of County Commissioners of Rogers County and Verdigris Valley Electric Cooperative, Inc. P.O. Box 219, Collinsville, Ok 74021, in District #3 – (D#3)

Chairman Thacker indicated this project is being paid for out of CBRI funds and made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

3. Discussion and possible action regarding Approval/Disapproval of Right-of-Way, Public Utility and Encroachment Agreement and Resolution #2010-16 by and between the Department of Transportation, State of Oklahoma, and the Board of County Commissioners of Rogers County, Oklahoma, whereas, the county proposes construction of bridge and approaches over Inola Creek, 1.2 miles south and 1.1 miles west of Inola, according to plans designated as BRO-166D(140)CO; Job No. 21491(04) Const., (03) Util., (02) R/W which plans are by reference made a part of this agreement in District #3 – (D#3)

Chairman Thacker made a motion to approve with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

4. Discussion and possible action regarding what account are funds to be paid from Report of Commissioners in the District Court in and for Rogers County, State of Oklahoma, Board of County Commissioners for Rogers County, State of Oklahoma, plaintiff vs. John Stephen Jennings and Rosa L. Jennings, husband and wife; Bank of America, N.A.; City of Catoosa, Oklahoma; Oklahoma Natural Gas Company; Richard L. Smith and Ruby Smith, husband and wife; Rural Water District No. 5, Rogers County and City of Tulsa, Oklahoma – Case No. CJ-2006-684 in the amount of \$80,600.00 and Bill of Commissioners, Edward F. Truitt, \$3137.50; Kathy V. Geyer, \$3137.50 and Warren G. Morris, \$3625.00, in District #2 – (DA)

Commissioner Helm stated back in 2007 District Attorney, Gene Haynes, assisted in closing out the BR funds and closing out the contract with Kellogg Engineering Services,

Inc., that will all need to be reactivated and move these funds for payout to another payout. Commissioner Helm made a motion to table this item for one week (April 19th) with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 10: CASH FUND ESTIMATE OF NEEDS AND REQUEST FOR APPROPRIATIONS:
None presented.

ITEM 11: TRANSFER OF FUNDS: None presented.

ITEM 12: UTILITY PERMITS:

1. A T & T – at approximately 1320 feet east of SW/corner of Section 23, Township 22 North, Range 16 East, trench east along north side of county road EW/450 approximately 50 feet; then place fiber aerial along north side of county road EW/450 approximately 8600 feet, then bury across county road EW/450, then aerial approximately 2300 feet, then bury across county road NS/4900, then aerial approximately 3000 feet, then bury across county road EW/450 north along east side of county road NS/4200 to easement in District #1 – (D#1)

Commissioner DeLozier commented he has some questions about the permit and was not able to get in touch with anyone last week from A T & T. Commissioner DeLozier made a motion to table this item for one week (April 19th) with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 13: CLAIMS:

1. Salaries – None presented.
2. Attendant Care – None presented.

ITEM 14: BLANKET PURCHASE ORDERS:

1. Materials, Supplies, Parts, Groceries & Prescriptions – None presented.
2. Orders Exceeding Amount of Issuance – purchase order #6066 issued to Sysco Foods in the original amount of \$7100.00 by the Sheriff's Office will need to be paid at \$7103.00 (over by \$3.00). Commissioner DeLozier made a motion to approve with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 15: AGENDA ITEMS:

1. Discussion with possible action for the Board of County Commissioner's to set a special meeting date to open sealed bids on surplus guns to be sold by the Rogers County Sheriff's Office – (Sheriff) ***NOTE***this item was tabled from April 5, 2010, meeting***

Assistant District Attorney, Barry Farbro, commented he has copied statutes for Jim Rush, jail evidence officer, and is not satisfied that all legal requirements have been met for the sale of these firearms. Also, sealed bids may not be opened at a special meeting, it must be at a regular meeting. Farbro continued before any further action is taken would like to visit with Rush and make sure all legal requirements are being met and the sale is conducted properly. Farbro recommended taking no action be taken. No action taken by the Board.

2. Discussion and possible action with respect to conducting interviews and engaging the services of a construction manager at risk company for the new county courthouse and E911 facility construction project. Companies to be interviewed and considered are Flintco, Inc.; Crossland Construction Company; and Key Construction, Inc., per recommendation from the Rogers County Courthouse and E911 Facility Project Committee – (Comm. Office)

Kim Reeve with BKL, Inc., and John Baker and Larry Mallory, members of the courthouse committee were present at the meeting. The companies/firms voluntarily left the meeting while the other company/firm was making their presentation. The companies/firms being interviewed in order were: Crossland Construction Company; Key Construction, Inc., and Flintco, Inc. All companies/firms were asked the following questions: (1.) do you as company follow the provisions set for in HB1804? (2.) do you as a company comply with back ground checks on your subcontractor's employees? (3.) do you as a company comply with credit checks on all your subcontractors? (4.) do you as a company do random checks for drugs on all personnel on the work site? (5.) do you as a company follow the guidelines set forth by the Labor Commissioner, Lloyd Fields? (6.) are all the fees for construction of the E911 Center and Courthouse handled by your company? (7.) will you as a company and your subcontractors have a problem with providing for the Board a copy of worker's compensation insurance, insurance and local drivers licenses and insurance? (8.) once you are selected, is this a turn-key job or will we (the county) be inundated with change orders? (9.) how did your budget finish versus bid and what was your timing on finish and how much did you over-run on time?

Assistant District Attorney, Barry Farbro recommended tabling the selection for one week (April 19th) to allow time to do background checks. Commissioner DeLozier made a motion to table the selection for one week (April 19th) with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

3. Discussion and possible action regarding Lisa DeLozier remaining as 1st Deputy of the Rogers County Assessor's Office for the remainder of fiscal year 2009-2010 – (Assessor)

Chairman Thacker made a motion to approve with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier- recuse himself, Helm-aye. Motion carried.

4. Discussion and possible action regarding Rogers County Assessor, Scott D. Marsh and Lisa DeLozier being requisitioning officers for the Rogers County Assessor's Office for the remainder of fiscal year 2009-2010 – (Assessor)

Chairman Thacker made a motion to approve with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier- recuse himself, Helm-aye. Motion carried.

5. Discussion and possible action regarding Esther Henson and Debbie Morrison remaining as receiving agents for the remainder of fiscal year 2009-2010 for the Rogers County Assessor's Office – (Assessor)

Commissioner DeLozier made a motion to approve with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

6. Discussion and possible action regarding removal of Melissa Anderson, former Rogers County Assessor as receiving agent for the Information Technology Department and appointing Lisa DeLozier, 1st Deputy Rogers County Assessor's Office and Christine Day, County Commissioner's Secretary as receiving agents for the Information Technology Department (IT)

Chairman Thacker made a motion to approve with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier- recuse himself; Helm-aye. Motion carried.

7. Acknowledgement for public record whereas on behalf of the U.S. Department of Energy, Rogers County has been awarded the Energy Efficiency & Conservation Block Grant (EECBG Grant DE-SC0004068) effective April 6, 2010, in the amount of \$339,800.00 – (D#2)

Commissioner Helm praised Robin Anderson for her work on the grant. Anderson explained she has been working on this grant since March of 2009 and an e-mail was received from Jerry Edwards III, grants specialist with LeGacy Resources Group for Department of Energy reading: on behalf of the U.S. Department of Energy, I am pleased to inform you that the subject EECBG Grant DE-SC0004068 has been awarded to Rogers County effective April 6, 2010. You may access FedConnect and pull the grant using the grant number. Please acknowledge receipt by completing blocks, 22, 23 and 24 returning the signed assistance agreement via FedConnect. Also, please e-mail a copy to my at my e-mail address and I will insure that it is properly loaded into our system.

Anderson continued as of this morning the money is not in the account, but we are working on it, there are several steps to take. The \$339,800.00 is for a new geothermal unit for the new courthouse. Chairman Thacker and Commissioner DeLozier commended Anderson for her work. Anderson reminded the Board that \$3,475.00 is owed to the grant writer that was hired back in the fall that helped complete the grant. Discussion only, no action taken.

8. Discussion and possible action to enter Executive Session for the purpose of discussing the purchase or appraisal of real property, as authorized by Title 25 O.S. § 307(3), with respect to the Scarth & Rahmeier property and Clermont Properties, Inc., (Willhoite) property located in Block 129 of the City of Claremore, Oklahoma, according to the U.S. Government Plat thereof, also known as 214 South Missouri and 415-425 West Patti Page Boulevard, Claremore, Oklahoma, respectively – (DA)

Chairman Thacker made a motion to adjourn regular session and enter Executive Session with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried and the Board adjourned regular session and entered Executive Session at 10:58 A.M. with Assistant District Attorney, Barry Farbro and Peggy Armstrong, Rogers County Clerk.

9. Motion and vote to adjourn Executive Session and enter Regular Session –

Chairman Thacker made a motion to adjourn Executive Session and enter Regular Session with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried and the Board adjourned Executive Session and entered Regular Session at 11:32 A.M.

10. Discussion and possible action with respect to the purchase or appraisal of the Scarth & Rahmeier property and Clermont Properties, Inc., (Willhoite) property located in Block 129 of the City of Claremore, Oklahoma, according to the U.S. Government Plat thereof, also known as 214 South Missouri and 415-425 West Patti Page Boulevard, Claremore, Oklahoma, respectively – (DA)

Chairman Thacker stated the appraisal of the Willhoite property came in at \$922,400.00 and a written offer was made to them last week. There were discussions in Executive Session as to what the counter-offer could possibly be for the county to be able to purchase said property. There has been no counter offer from Scarth & Rahmeier at this time. The county did receive a counter-offer from Clermont Properties, Inc. (Willhoite) and they offered to sale the property for \$1,350,000.00 and they would be allowed to occupy the building through August, 2010. Farbro pointed out the county could address the occupancy requirement. Chairman Thacker stated he was not prepared to discuss the occupancy requirement at this time. Commissioner DeLozier agreed and stated we should wait and see where the counter-offer comes back and the occupancy requirement can be discussed then. Chairman Thacker made a motion to offer an additional 10% to the original offer of \$922,400.00 which would make the offer at \$1,014,640.00 with continued occupancy to be negotiated upon agreement of purchase price with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

In regards to the claim submitted by J. Todd Willhoite, attorney at law, counsel recommends the Board could take action on this item as the agenda is written. Farbro stated the county received a claim for compensation from J. Todd Willhoite, attorney at law, who has been a

long term tenant in the Clermont Properties, Inc., building. His total claim for compensation is \$27,150.00 ; has been an occupant for eighteen years; has a long-term lease that expires at the end of 2012. Farbro continued that the county also received a claim for compensation from George J. Riddles, LPC, and has not had time to review it and believes that Mr. Riddle does not have reasonable expectation to compensation with his month to month tenancy.

Commissioner DeLozier stated he feels comfortable with the \$7,000.00 for increased rent over lease agreement and moving company expenses of \$1,500.00 and that is all. Commissioner DeLozier made a motion to offer J. Todd Willhoite, attorney at law, \$7,000.00 for increased rent over lease agreement and \$1,500.00 for moving company expenses for a grand total of \$8,500.00 with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 16: 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 – None presented.

ITEM 17: ANNOUNCEMENTS:

Commissioner Helm announced an Open House at District #2 warehouse in Oologah for April 23rd from 10:00 A.M. to 2:00 P.M. in coordination with National County Government Month; April 15, 16 & 17 Trash-Off Day at District #2 warehouse including tires and used appliances; CED #1 will be holding their monthly meeting on Thursday, April 29, 2010, at the Northeast Technology Center in Claremore.

Commissioner DeLozier announced April 15, 16 & 17 as Trash-Off Days in District #1 with four locations as follows: Sageeyah Baptist Church on Highway 88; Andy Payne Park in Foyil; Tri-District Fire Department located on county road 4180 between county roads EW/450 and EW/460 (Sequoyah area) and District #1 county warehouse in Chelsea from 7:00 A.M. to 3:30 P.M.

Chairman Thacker announced District #3 also will have Trash-Off Days on April 15, 16 & 17 and in order to better to serve the public, we do it year-round at District #3. April 15, 16 & 17 are special days in coordination with the State of Oklahoma's Trash-Off Days and will be located at the Inola yard and District #3 warehouse south of Claremore.

ITEM 18: NEW BUSINESS:

1. Consideration and possible action with respect to any other matters not know about or which could not have been reasonably foreseen prior to posting the agenda - None presented.

ITEM 19: PAYMENT OF PURCHASE ORDERS FROM ALL DEPARTMENTS:

(Materials, Supplies, Parts, Groceries & Prescriptions)***NOTE***see attached list of all claims that were approved for payment on Monday, April 12, 2010***Chairman Thacker made a motion to approve payment of all purchase orders from all departments as presented with the exception of purchase order #6983 from the Rogers County Health Department dated March 29, 2010, in the amount of \$5000.00 to Wylie Communications, Inc., at the request of Commissioner Helm, be sent to the District Attorney's office for a legal opinion on whether it is a legal expenditure that can be paid. Commissioner Helm seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 20: RECESS OR ADJOURNMENT:

Chairman Thacker made a motion to adjourn the meeting with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried and the meeting adjourned at 12:23 P.M.

BOARD OF COUNTY COMMISSIONERS
ROGERS COUNTY, OKLAHOMA

By: _____
Peggy Armstrong, Rogers County Clerk

(SEAL)

Notice of said meting was filed in the Office of the County Clerk on Thursday, April 8, 2010, at 2:52 P.M. and posted on the Courthouse Bulletin Board; Outside the Commissioner's Meeting Room; on the Exterior Window at the Southeast Entrance and Front Door Entrances to the Courthouse; on the wheelchair ramp door; and on the county web site.