

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 19, 2010, at 9:00 O'clock A.M.

MINUTES

ITEM 1: CALL TO ORDER:

Chairman Kirt Thacker called the meeting to order at 9:01 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.

The Board observed a moment of silence at 9:02 A.M. in observance of the 15th Anniversary of the Oklahoma City Bombing.

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 12, 2010

Commissioner Helm made a motion to approve the minutes from April 12, 2010, as presented with Commissioner DeLozier 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 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)

NOTEthis item was tabled from April 12, 2010, meeting***

Commissioner Helm explained all the BR funding for this project was used to pay Kellogg Engineering Inc., for the services performed. Helm continued he will be using funds from Emergency & Transportation Revolving Funds (ETR) that have been deposited into T-highway account.

Assistant District Attorney, Barry Farbro, explained these funds are to be deposited into the District Court Clerk's Office under case #CJ-2006-684, by way of issuing purchase orders from that account and the D.A.'s office will draft an order when the funds are to be disbursed.

Commissioner Helm made a motion that funds from the Emergency & Transportation Revolving Fund (ETR) are to pay for the court orders as listed with Commissioner DeLozier 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:

1. District #3 T-Highway Unrestricted capital outlay to M&O - \$5,000.00
2. Sheriffs General Travel to General M&O \$10,000.00 & Vehicle Maintenance \$20,000.00
3. Dist. #3 1 Cent Sales Tax M&O \$53,000.00 & Capital Outlay \$18,887.85 to 1 Cent Sales Tax Salaries- \$71,887.85.
4. Dist. #3 T-Highway Unrestricted Salaries to T-Highway Unrestricted M&O - \$10,000.00

Chairman Thacker made a motion to approve transfer of funds 1, 2, 3 & 4 as presented with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

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)
NOTEthis item was tabled from April 12, 2010, meeting***

Commissioner DeLozier stated he had reviewed the permit and made a motion to approve with Chairman Thacker 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.
3. Claim to State of Oklahoma, Office of Juvenile Affairs for Alternatives to Detention/Transportation Claim for March 2010 in the amount of \$1,745.00 -

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

ITEM 14: BLANKET PURCHASE ORDERS:

1. Materials, Supplies, Parts, Groceries & Prescriptions –
District #1: County Building Center, \$100.00 and R & S Auto Parts, Chelsea, \$600.00 and District #3: R & S Auto Parts, \$500.00 – Chairman Thacker made a motion to approve the blanket purchase orders as presented with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
2. Orders Exceeding Amount of Issuance – None presented.

ITEM 15: AGENDA ITEMS:

1. Discussion and possible action regarding the selection of a construction manager at risk company for the new Rogers County Courthouse and E911 Facility Project -
NOTEthis item was tabled from April 12, 2010, meeting***

Assistant District Attorney, Barry Farbro, presented the Board with copies of litigation history of civil litigation on each company for the Board to review. Chairman Thacker commented this was a very hard choice to make because all three companies were very experienced and very good at what they do. Chairman Thacker made a motion to select Flintco, Inc., contingent upon a mutual contract being signed and negotiations of costs and fees be agreed upon, and if the Board is not happy with the negotiations the item will come back before the Board for further discussion and review and Commissioner DeLozier seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

Commissioner DeLozier made a motion to appoint Assistant District Attorney, Barry Farbro and Commissioner Kirt Thacker to negotiate the costs and fees with Flintco, Inc. on behalf of Rogers County with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

2. Discussion and possible action regarding Approval/Disapproval of an FY 2010 CDBG Citizen Participation Plan and conducting a special public hearing to consider future community development needs – (Clerk)

Andy Armstrong with INCOG explained annually Rogers County presents a CDBG application to Oklahoma Department of Commerce and to implement this, a citizen participation program for the 2010 application has to accomplish these objectives: provide for an encourage citizen participation, particularly by low and moderate income persons who reside in areas where Community Development Block Grant (CDBG) funds are proposed to be used; ensure that citizens will be given reasonable and timely access to local meetings, information and records relating to proposed and actual use of funds; and providing a minimum of two (2) public hearings and requirement of notices to be posted seven to ten days in advance of the hearing.

Armstrong continued that the public hearing notice was posted at the Rogers County Courthouse on April 9, 2010 and also at Rural Water District #3, Rogers County, where a proposed project to develop a waterline replacement project near Rock Crusher Road and Owalla where a pipeline has broke and monies need to be appropriated to repair the line. Rick Stull, manager of Rural Water District #3, Rogers County, explained they keep having problems with the line and when the line has to be shut down it effects approximately 1650 customers in the Foyil area. Due to blasting taking place at the APAC rock crusher, the line has become weak and insufficient over the years. This is a \$300,000.00 project of which Rural Water District #3, Rogers County, will come up with 50% of the project monies.

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

3. Discussion and possible action regarding Approval/Disapproval of Request for

Payment #1 of Contract Funds to Oklahoma Department of Commerce Community Development on Contract #13376 CDBG ED 08 in the amount of \$100,000.00 for grant recipient Rogers County, Port of Catoosa/ARC Rail Spur Infrastructure – (Clerk)

Andy Armstrong with INCOG explained this request of payment of contract of funds is a reimbursement to the Port of Catoosa/ARC Rail Spur infrastructure for a railroad salvage and restoration for rail trackage started in September 2008. 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 Approval/Disapproval of Detention Services Agreement by and between Sac and Fox Nation and the Board of County Commissioners of Rogers County, Oklahoma, for fiscal year 2010-2011 effective until June 30, 2011 – (Clerk)

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

5. Discussion and possible action regarding Approval/Disapproval of County Officers Monthly Reports for March 2010 - (Clerk)

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

6. Discussion with possible action on a unattainable lien wavier with Legal Description E 270' S 295' N 445' & S 50' N 445' E 390 OF NW/4 SW/4 NW/4 Section 30, Township 22N Range 17E of the I.B.&M., Rogers County, Oklahoma.(Dist. #1) BRF-166C(219)CO; J/P: 25744(04)

Commissioner DeLozier explained this was for buying an easement for bridge on county road E450 and made a motion to approve with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

7. 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 – (Comm. Office)

Chairman Thacker made a motion to adjourn regular session and enter Executive Session upon the advice of legal counsel, Assistant District Attorney, Barry Farbro, 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 9:33 A.M. with Assistant District Attorney, Barry Farbro, and County Clerk, Peggy Armstrong.

8. 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 Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried and the Board adjourned Executive Session and entered Regular Session at 10:32 A.M.

9. 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 – (Comm. Office)

Chairman Thacker stated it was discussed at length in Executive Session about making offers to both property owners of Scarth & Rahmeier and John Willhoite. Chairman Thacker made a motion to offer John Willhoite \$1,200,000.00 to purchase the lands owned by Clermont Properties, Inc. located in Block 129 of the City of Claremore, subject to the availability and appropriation of funds through the issuance of sales tax revenue bonds and subject to additional terms and conditions of a formal written contract for sale of real estate, including the county's right to possession of the property by August 1, 2010, and the price includes any amounts that may be claimed by his tenants for compensation related to the termination of their tenancy and relocation to other premises. Commissioner DeLozier seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

Chairman Thacker made a motion to accept the counteroffer of \$560,000.00 from Bill R. Scarth & Larry E. Rahmeier to purchase lands owned by Scarth & Rahmeier located in Block 129 of the City of Claremore, subject to the availability and appropriation of funds through the issuance of sales tax revenue bonds and subject to additional terms and conditions of a formal written contract for sale of real estate, including the county's right to possession of the property by August 1, 2010. Commissioner Helm seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

Assistant District Attorney, Barry Farbro, stated he would send letters to both property owners and evidence their acceptance of these initial terms of sale by signing and returning an executed copy of the letter to the District Attorney's Office and upon receipt thereof, their office will draft and submit a Contract for their review.

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 -

Joy Hampton with the Claremore Daily Progress inquired about Item 15
Agenda Items #9.

ITEM 17: ANNOUNCEMENTS:

Chairman Thacker announced before the meeting started today he talked to Greg Nieto, financial adviser, and he stated Rogers County was accepted for insurance on the bonding, which brought us from an A rating to a AAA rating, which could lower our interest rate approximately ¼ of a percent, in turn can give us almost \$2.million dollars more for construction of the facilities.

Commissioner Helm announced Trash-Off is still going on at District #2 and will continue to accept tire and trash at the county warehouse. District #2 Open House is April 23rd from 10:00 A.M. to 2:00 P.M. to celebrate County Government Week and remind everyone to complete their census survey and mail it back in; completed bridge located at county roads EW/400 and NS/450; notification going out today about 911 Addressing in the Owasso area located between 145th over to 177th and between 149th down to 96th Street North, approximately 300 person(s) addresses will be changing.

Commissioner DeLozier announced Trash-Off at District #1 went very well, 17 dumpsters were filled and took in over 1000 tires. The tires are sent to LaFarge by all three districts and they burn them for fuel.

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 19, 2010***
Commissioner Helm made a motion to approve payment of all purchase orders presented from all departments with Commissioner DeLozier seconding 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 11:22 A.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 15, 2010, at 3:46 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.