

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, May 17, 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: May 10, 2010

Commissioner Helm made a motion to approve the minutes from May 10, 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 ODOT Claim form 324A request for payment #5 upon submittal of Final Plans on Bridge #98 over Elm Creek; Project #STP-166C(210)CO; State Job #25427(04) in the amount of \$2,560.00 – (D#2)

Commissioner Helm stated this was an invoice from Guy Engineering for the service on the final plans on Bridge #98 over Elm Creek on the STP project and the county will not be using any of our funds on this project. Commissioner Helm made a motion to approve 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: None presented.

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 April, 2010, in the amount of \$2526.00 – (Clerk)

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 – None presented.
2. Orders Exceeding Amount of Issuance – None presented.

ITEM 15: AGENDA ITEMS:

1. Presentation only by Bryan Bradley and Rosie Blanc with Tulsa Teachers Credit Union – (Comm. Office)

Bryan Bradley and Rosie Blanc, Business Development Director of Tulsa Teachers Credit Union, 3075 Medical Parkway, Suite 100, Claremore, Ok 74017, were present at the meeting and informed the Board Tulsa Teachers Credit Union (TTCU) is presenting an opportunity to

Rogers County and employees to become members of TTCU, which is a free service we provide and it doesn't cost the county a dime; no administration costs associated with it. The service allows all the employees with Rogers County to be immediately capable of being a member with TTCU; no contractual obligation, more of a partnership between the county and TTCU in allowing that service and the employees of Rogers County to participate with the credit union. Marketing material was presented explaining the benefits of TTCU and also explained was some type of association to be eligible to join TTCU; we are in 14 counties; serve all the teachers/educators, staff, their children in the community; we offer credit union services to businesses, associations all over the State of Oklahoma. You send a letter requesting to be in the field of membership and all Rogers County employees can be included. Once the letter is sent in, the Board of Directors meet monthly and vote on all the letters received for that month and everyone that works for Rogers County would be eligible to join TTCU. Presentation and discussion only, no action taken.

2. Discussion and possible action regarding Approval/Disapproval of Commercial Real Estate Purchase Agreement by and between The Board of County Commissioners for Rogers County, Oklahoma, (purchaser) and Clermont Properties, Inc., an Oklahoma corporation, (seller) on Lot 7 and Lot 8 in Block 129 of the City of Claremore, Oklahoma, according to the U.S. Government Plat thereof – (DA)

Assistant District Attorney, Barry Farbro, stated this agreement has been provided by the District Attorney's office and has been negotiated and revised a couple of times with the sellers of the property; they have signed the contract and I recommend the Board to sign the contract which does provide for the contract price as agreed previously; also provides for a closing on or before June 1, 2010, title work is being concluded; Land Title Closing Services will conduct the closing and perhaps a Commissioner could attend the closing with me. Chairman Thacker made a motion to approve with Commissioner Helm seconding the motion and adding that Chairman Thacker also be the Commissioner to attend the closing with Assistant District Attorney, Barry Farbro. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

3. Discussion and possible action regarding Approval/Disapproval of Commercial Real Estate Purchase Agreement by and between The Board of County Commissioners for Rogers County, Oklahoma, (purchaser) and Bill R. Scarth and Larry E. Rahmeier (seller) on the Northerly 20 feet of Lot 5, Less and Except the Westerly 72.5 feet thereof, and the Southerly 50 feet of Lot 6, Less and Except the Southerly 6.2 feet of the Westerly 72.5 feet thereof, all in Block 129 of the City of Claremore, Rogers County, Oklahoma, according to the U.S. Government Plat thereof – (DA)

Assistant District Attorney, Barry Farbro, explained this item was the same as the item above. Chairman Thacker made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

4. Discussion and possible action regarding Approval/Disapproval of Agreement A133 and General Conditions A201 for Construction Management At Risk between Rogers County and Flintco – (Comm. Office/DA)

Assistant District Attorney, Barry Farbro, stated he has spent several hours reviewing these documents, particularly document A133-2009; Farbro requested an opportunity to discuss questions he has and met with the architects and make sure they are okay with some of these provisions, because there are some obligations imposed upon the architects; and meet with a representative from Flintco, hopefully this week and Chairman Thacker accompany me to those meetings; request Board to pass this item for one week to allow time for these meetings. Commissioner DeLozier made a motion to table this item for one week (May 24th) with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

5. Open & Award Bid #534 – Crushing Concrete Materials – District #3 (Clerk)
12 bid packets were mailed with 1 being returned undeliverable and 3 responses received as follows: Tulsa Asphalt, LLC, for \$17,990.00; DT Specialized Services, Inc., for \$18,950.00 and Brakefield Equipment for \$31,500.00 – Chairman Thacker made a motion to table awarding of Bid #534 for one week (May 24th) to allow time to review the bids submitted with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

6. Open & Award Bid #535 – Motor Grader(s) – Purchase or Lease-Purchase for District #3 – (Clerk)

14 bid packets were mailed with 0 being returned undeliverable and 7 responses received as follows: "No Bids" from Frontier Equipment Sales, LLC; G. W. Van Keppel Company; Cummins Equipment/Construction; Kirby-Smith Machinery, Inc.; Northern Equipment Company; C.L. Boyd; 2 bids received from Keystone Equipment Company, New John Deere 872G motor grader for \$241,063.00 per machine and New 2010 John Deere 772G motor grader for \$221,017.00 per machine – Chairman Thacker made a motion to table awarding of this bid for one week (May 24th) to allow time to review the bids with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

7. Discussion and possible action regarding Approval/Disapproval of Resolution for Disposing of Equipment for District #2 as follows: used coat tire machine, sn#29958, to be junked – (D#2)

Commissioner Helm explained this piece of equipment was getting old and broken down and afraid it would hurt somebody. Commissioner Helm made a motion to approve with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

8. Discussion with possible action regarding Approval/Disapproval of County Officers Monthly Reports for April 2010 – (Clerk)

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

9. Discussion and possible action regarding Approval/Disapproval of Reimbursement form as per Resolution #2009-76 directing County Treasurer to deposit funds from Rogers County Sheriff's Office for fuel reimbursement in the amount of \$3,257.65 into the one-cent sales tax fund for distribution for District #1 – (Comm. Office)

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

10. Discussion and possible action regarding Approval/Disapproval of Reimbursement form as per Resolution #2009-76 directing County Treasurer to deposit funds from Rogers County Sheriff's Office for fuel reimbursement in the amount of \$78.62 into the one-cent sales tax fund for distribution for District #2 – (Comm. Office)

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

11. Discussion and possible action regarding Approval/Disapproval of Reimbursement form as per Resolution #2009-76 directing County Treasurer to deposit funds from Rogers County Sheriff's Office for fuel reimbursement in the amount of \$6,462.75 into the one-cent sales tax fund for distribution for District #3 – (Comm. Office)

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

12. Discussion and possible action regarding Disaster Emergency Proclamation signed by Chairman Kirt Thacker of the Board of County Commissioners of Rogers County, on May 13, 2010, storms having occurred in Rogers County, Oklahoma, causing 0 known fatalities and 0 injuries, with considerable damage to public and private properties – (EM)

Bob Anderson, Emergency Management Director, reported in regards to the storms of Thursday, May 13, 2010, it was confirmed F2 tornado in the Catoosa area; Verdigris area and Inola area; need to see if the county will meet the threshold of \$152,000.00; public assistance; most individuals we evaluated has insurance, which will drop the individual assistance down; waiting on numbers to come in from district warehouses. Discussion only, no action taken.

13. Discussion and possible action to enter Executive Session for the purpose of discussing the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee, as authorized by Title 25 O.S. § 307(B)(1), Arthur Mathews, Maintenance Supervisor – (Comm. Office)

Chairman Thacker made a motion to adjourn Regular Session and enter Executive Session with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried and the Board adjourned Regular Session and entered Executive Session at 9:31 A.M. with Assistant District Attorney, Barry Farbro; County Clerk, Peggy Armstrong and Arthur Mathews, Maintenance Supervisor.

14. 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 10:11 A.M.

15. Discussion and possible action with respect to the employment, hiring, appointment, promotion, demotion, disciplining or resignation of Arthur Mathews, Maintenance Supervisor -

Chairman Thacker made a motion to accept the resignation of Arthur Mathews effective close of business on May 31, 2010, with Commissioner DeLozier 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 -

George Riddles, tenant of Clermont Properties, Inc. building discussed Item 15 Agenda Items #2, stated he submitted a claim several weeks ago; minutes from April 19th propose to Clermont Properties, Inc., \$1.2 million dollars and the price includes any amounts that may be claimed by his tenants for compensation related to termination of their tenancy and relocation of the premises; when mentioning to building owner he stated that only included by son, that is all we talked about in executive session; my question is, what was the wording on the amendment and final paperwork. Farbro stated the contract signed today provides that Clermont Properties will deliver possession of the premises and building free and clear of any claims from tenants. Todd Willhoite had a long-term written lease agreement and it is my understanding that Mr. Riddles lease agreement expired and he had a month-to-month tenancy; understanding Clermont Properties has given Mr. Riddles notice to vacate and quit his tenancy. Mr. Riddles has submitted a claim to the county that has not been addressed; doesn't feel like Mr. Riddles has standing to submit a claim to the county for compensation; if the Board feels that needs to be addressed we can do so in a future meeting; it would be recommendation to deny his claim; the contract signed today supersedes any amendments made to the previous contracts submitted for review. Discussion only, no action taken.

ITEM 17: ANNOUNCEMENTS:

Commissioner Helm announced he wants to place on the agenda for next Monday, May 24th, for all emergency agencies including fire districts, ambulance districts, Sheriff, police sign off on the E911 addressing Rogers County is doing and ask legal to draft a proclamation of Memorandum of Understanding to be approved.

Chairman Thacker reported the money is in the bank for the new courthouse project and 4.65% is the interest rate.

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, May 17, 2010*** Chairman Thacker made a motion to approve payment of all purchase orders submitted from all departments as presented with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 20: RECESS OR ADJOURNMENT:

Commissioner DeLozier made a motion to adjourn the meeting with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried and meeting adjourned at 11:31 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, May 13, 2010, , at 3:32 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.