NOTICE OF SPECIAL MEETING

BOARD OF COUNTY COMMISSIONER'S FOR ROGERS COUNTY, OKLAHOMA

PLACE: City of Claremore – City Hall Council Chambers, 104 South Muskogee Avenue, Claremore, Ok 74017

DATE & TIME: Monday, June 21, 2010, at 6:00 O'clock P.M.

MINUTES

ITEM 1: CALL TO ORDER:
Chairman Thacker called the meeting to order at 6:00 P.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. District Attorney, Gene Haynes and County Clerk, Peggy Armstrong, were also present.

ITEM 3: AGENDA ITEMS:

1. Discussion with respect to the proposed Outer Loop Route Study to be performed by Bucher, Willis & Ratliff Corporation (BWR) –

Chairman Thacker explained Assistant District Attorney, Barry Farbro, gave a written opinion to the Board of County Commissioner's, and the list included several different criteria. The county has a Circuit Engineering District meeting on Thursday, June 24th at 10:00 A.M. and we intend to place this loop on our 5-year plan, which is something we have to do in order to get federal and state funding. Mayor Shallenburger asked, as you understand it, once the criteria has been met, the Board could put back on the agenda for approval and Chairman Thacker replied, yes, I believe we can; and am for the study and believe it will be very beneficial to all.

Don Myers, city councilman, stated you mentioned criteria, it is my understanding there is 2 to 3 criteria, do they all have to be met or just one or two? Haynes answered, there is 7 instances in which the county could participate in the engineering study and you do not have to meet all 7; and the county needs to select one of those and it appears Chairman Thacker is pursuing the one for the 5-year plan under Title 69 Section 601.3 and Section 654, however, that does require ODOT approval and federal highway approval on some. Chairman Thacker continued, typically when we place a project on the 5-year plan, if the federal dollars are there, they are usually approved. Myers asked, are the dollars you are asking for the study? Chairman Thacker replied, after, actual dollars to fund the project. Myers continued, did you know the firm who is going to do the study already mentioned that it is already within 80% project of federal and state funding and what they have done with other projects? Chairman Thacker replied, yes, I remember hearing that. Myers continued, so we would only need basically 20% of the funding, so why would you need approval if they have already approval with the study. Chairman Thacker replied, the criteria laid before us by the District Attorney's office, one of the criteria is to place it on the 5-year plan, which met the particular statute and I tell the engineer at the Circuit Engineering board we want it on the plan.

Myers asked about an article that was run in the Claremore Daily Progress about a detention pond in Inola; it mentioned a funding area that I have concerns over, we've been told by your legal counsel you can only fund streets, roads and bridges period; is there a state statute that allows you to go into a city and help fund, if it is under a certain population? Chairman Thacker replied, yes; and Myers asked do you remember what the population is? Chairman Thacker replied, 15,000, but there is a couple of different statutes, one is dealing with 15,000 population and another that has to do with 5,000 population; and there is also statutes that allow the county do work on public institutions of education, which includes Inola; and in Inola, the county takes care of all their streets, because of the population. Myers asked, so you could do work other than streets, roads and bridges within city limits that meet the criteria? Chairman Thacker replied, as long as it meets the criteria of the statute. Myers continued, the detention pond you did in conjunction with the town on school property, did that meet that criteria? Chairman Thacker replied, yes, the statute says I can. Myers continued, the city is wandering why the funding couldn't be, if the population is under 15,000, the last census for Claremore was 12,750; do you know why we wouldn't meet the criteria? Chairman Thacker stated, the last official number he received from former City Manager, Troy Powell, was 17,000 plus in the City of Claremore. Myers stated the last official census was done 10 years ago, is that what you build your criteria off of? Haynes replied, we would use the last census in 2000 to make the determination. Myers continued, if the last census in 2000 was around 12,500, why would the City of Claremore not qualify to be helped for funding on this loop? Chairman Thacker answered, that is a good question.

Myers asked Haynes to look into whether or not the City of Claremore's population would fit in the criteria and they would qualify, since we are under 15,000 population? Haynes replied he could give an answer to the Board of County Commissioner's by Monday.

Myers stated for the record, in response to Mr. Jim Smith's public comments about the loop and closing of Missouri Street being 2 separate issues, the City is handling them as 2 separate issues, that is the main issue that we are discussing tonight, and my concern is the loop study and that is why I brought it up. I have nothing about partnerships with Inola, but I have had people ask me how these small towns can get all this county money since we are also county taxpayers, and yet when the City of Claremore asks for help, we have a wall built up legally, that is why I brought up the census.

Bill Higgins, chairperson of the courthouse committee and E911 Center, is there any way we can get the council to agree, when we come back here in 45 days to close Missouri Street? Shallenburger stated he understood the question being asked, but he needed to clarify with the city attorney on how we should respond. Mick Webber, councilman, stated his thoughts it is too preliminary at this point to render a decision; and I would certainly like in term of what Don (Myers) is talking about, we get the participation by the county, county dollars and a full cooperation, that will move a long way.

Higgins continued, going back to what Jim (Smith) said, that these are different issues; it seems to me that there is nothing going to be gained by the City if you refuse to close Missouri Street; 78% of the people who voted in the election on the courthouse, voted within the city limits voted for the bond issue; they are city constituents and Rogers County constituents. Webber replied, it is too preliminary at this point, we don't know the impact of shutting down the street and what that will do to traffic flow.

Shallenburger stated his only concern is the cost to the City of Claremore, if the cost to the city is nill, then it is a worthy project; 78% of the people voted for it and I can only assume they don't want to walk across a street and take a chance of getting hit by a car just to go to court. And my understanding on the storm sewer, there would be no cost to the city and there has been talk about a request for a traffic light, and probably would not be able to support that particular issue; when the people voted for that particular project, they expected it to be paid for by the funds that they voted for, and given that, as long as it can be paid for out of that money that is set aside from that particular vote, I don't have a problem with it.

Higgins asked, what expenses does the city feel they can contribute? Shallenburger replied, the only ones he has heard of deals with the sewer lines, any movement of utilities and a new traffic light at the corner of the courthouse and your attorney's offices, those are the costs that I have heard and if they are paid for out of the courthouse building fund monies, I don't have a problem with those projects; those costs should not be absorbed by the city. Webber echoed the same, however, I can assure you or anybody here, we are not in a position to bare any costs based upon our current finances, we made that clear from day one and that has not changed.

Myers stated he had a discussion today with city employees about doing a traffic count on Missouri Street to actually see how much traffic and since we have 45 days left, to see what the impact would be on Cherokee Street and a possible request for a traffic light at the intersection of Cherokee and 1st Street, because of the additional traffic, that is going to be an additional expense to the city also. Webber stated the bottom line is, we don't know for sure exactly what the committee or the Commissioner's are asking for in terms of shutting down Missouri Street, what are the costs associated with doing that, if the city doesn't bare the cost we talk, but if we are expected to pay anywhere from $750,000.00 to $3,000,000.00, which my understanding was to be paid for by the city, right then the conversation is over, because we are not in a position to do it.

Tim Miller, interim city manger, stated the sewer line is what those costs were associated with. Shallenbuger continued, it was my understanding those costs were to be paid from the courthouse building project anyway. Miller answered correct, and since then we have had meetings with Commissioner Dan DeLozier and our storm water study states we are not required to move that line. The numbers Mick (Webber) is talking about, numbers were thrown around preliminary in the study when this all started, that potentially that study was going to say we needed to move those storm sewer lines; then Dan (DeLozier) let us know that there was a possibility the county would ask the city to pay to move those lines, even after the study said it didn't need to be done for the new entryway to the new courthouse; at this point, what I have talked about with Dan (DeLozier) and the architects is and it is my understanding it has been agreed to by everyone as much as you can agree without a vote; that the storm sewer lines don't need to be moved; and there is 1 line that possibly needs to be moved for the new entryway and if it is requested to be moved it would be paid for by the county, that is my understanding of how things stand and hopefully explains the numbers Mick (Webber) was coming up with. Commissioner DeLozier stated that has all been in discussions only, no formal action has been taken on this, just informal meetings.

Haynes stated the county would be seeking would be an ordinance from the City of Claremore to vote to close Missouri Street, but before you can do that, there is notices of publication requirements and that is what is being processed at this time and upon there being that 30 day notice, then the council will be free to vote to close the street, if it should be your desire to do that; and expect that to take 45 days approximately.

2. Discussion with respect to closing that portion of Missouri Street between 1st Street and Patti Page Boulevard (2nd Street) for use by Rogers County in connection with the construction, location, and operation of the new Rogers County Courthouse –

Mick Webber, city councilman, stated it was his understanding we are 45 days out before we get all the legal requirements met, is that correct? Haynes replied, yes, that is

correct; we have been provided a copy of a 1974 ordinance by the City and it requires before you can vote, there has to be a 30-day notice to all franchise holders (companies who have easements) and also property owners within 100 feet; that is being determined as to who they are and it has been assigned and is being worked on in the D.A.'s office at this time; we also have a meeting scheduled for tomorrow with the architect and registered surveyor's so that we know where the locations of everything specifically are; so that is in the works to answer the question and 45 days is approximately how far away we are before the City can officially close. Discussion only, no action taken.

3. Discussion with respect to the operational, staffing and administrative costs of the E911 facility and central dispatching center after construction is completed –

No discussion held, no action taken.

4. Discussion with respect to status and condition of the storm water sewer facilities under the current courthouse property and Missouri Street –

No discussion held, no action taken.

ITEM 4: RECESS OR ADJOURNMENT:

Commissioner Helm made a motion to adjourn the meeting with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried and the meeting adjourned at 7:13 P.M.

BOARD OF COUNTY COMMISSIONERS
ROGERS COUNTY, OKLAHOMA
By:_____
(SEAL) Peggy Armstrong, Rogers County Clerk

Notice of said meeting was filed in the Office of the County Clerk on Tuesday, June 16, 2010, at 11:06 A.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; on the county web site and outside the City of Claremore, City Hall Council Chambers..