

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: Tuesday, September 7, 2010, at 9:00 O'clock A.M.

MINUTES

- ITEM 1: CALL TO ORDER:
Chairman Thacker called the meeting to order at 9:02 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: August 30, 2010
Commissioner Helm made a motion to approve the minutes from August 30, 2010, as presented with Chairman Thacker 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 with possible action regarding Approval/Disapproval of CBRI Cash Fund Reimbursement Request for Transfer on Project #21491 Inola Creek in District 3 from Fund 105 CBRI in the amounts of \$3,300.00 and \$1,082.50 to District #3 maintenance and operation account – (D#3)
Commissioner DeLozier asked why were these funds not be paid out of the funds ODOT kept; the Board voted for ODOT to keep the funds for District #3, the money should be there; need to talk to James Pruett. Commissioner Helm stated ODOT is not going to do that any longer, money will be sent to the county. Chairman Thacker stated this request was on Inola Creek bridge replacement and District #3 needs to be reimbursed for. 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 with possible action regarding Approval/Disapproval of Independent Contract Agreement by and between Board of County Commissioners of Rogers County and Kellogg Engineering, Inc., for engineering services at Falcon Ridge, Deerfield Estates and Cedar Bluff detention facility improvements project for District #2, Rogers County – (D#2)
Commissioner Helm stated this agreement is for a detention study project for the listed subdivisions; they retain water and need to be cleaned out, mosquito issues; ask Mr. Kellogg to do an engineering study and inform us as to how much it would cost to do. 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:
1. Cellco Partnership, dba Verizon Wireless, 12223 State Farm Blvd., Tulsa, Ok 74146 – trenching and boring East Apache Verizon Site located in Section 24, Township 20 North, Range 15 East of the I.B.&M., Rogers County – (D#2) ***NOTE***this item was tabled from August 30, 2010, meeting to give Commissioner Mike Helm time to review the permit, originally the agenda stated the permit was in District #3***

Commissioner Helm made a motion to approve the permit with the understanding they are to put the ground back the way it was before they started trenching and boring process and provide sod for the covering 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. Detention/Transportation Claim FY2011 to State of Oklahoma, Office of Juvenile Affairs for July, 2010, in the amount of \$1,764.00 -

Commissioner Helm requested a copy of July 2010 and August 2010 Transportation of Juvenile to Secure Detention Logs be submitted for public record and what the county does for juvenile affairs and the money it takes out of the Sheriff's budget for transporting juveniles. Commissioner Helm made a motion to approve with Chairman Thacker 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: R & S Auto Parts, \$600.00; Tri-Star Roll-Offs, \$1,050.00 and District #3: Office Everything, \$200.00 – Chairman Thacker made a motion to approved 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 with possible action regarding Approval/Disapproval of Judge Sheila Condren as requisitioning officer for Fund 146 Adult Drug Court – (Clerk) ***NOTE***this item was tabled from August 23, 2010, meeting***

Letters were presented from Chief District Judge, Dynda Post; District Attorney, Gene Haynes and Associate District Judge Sheila A. Condren, pursuant to the Board's direction for their consideration of appointing Judge Condren as a requisitioning officer for Adult Drug Court. 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 with possible action regarding 2010-2011 fiscal year funding for Rogers County Industrial Development Authority – (D#3)

Mickey Thompson, Director of Rogers County Industrial Development Authority (RCIDA) located at 1503 North Lynn Riggs Blvd. in Claremore, gave a recap of the direction RCIDA is going; Rogers County is prime to do economic development; believes that is true in the best of times, but believes it is especially true in difficult times like we have now, because it is less expensive to do business here than it is elsewhere in our area and if we put our minds to it and our resources to it, we have an opportunity to make some significant advancement in our economic growth in Rogers County over the next two to three years; need to properly fund economic development by making investments that cause economic development to happen; in Rogers County we need to have some sights and be in the most marketable areas; we need to invest in land, invest in the development of that land, invest in the selling of that land, we need to be in a position to build buildings, lease those buildings, sell those buildings at competitive rates, incentives for relocations expenses or whatever else that needs to be done to make economic growth happen in Rogers County.

Chairman Thacker asked what projects are you currently working on? Thompson answered, hopefully the development of the Summerlin Industrial Park in Inola, we got to have a \$1 million dollar investment that we need to make there and that is assuming we can get various kinds of leverage with grants and assistance from the Commissioners; we need to build at least one or two buildings in the Chelsea area and Oologah area and those are the primary investments we need to make; have a couple of real nice size businesses looking at coming to Rogers County, both are 250 employee type plants with both paying nice wages; both make nice investments, one is \$10 million and the other does something like \$40 million; we need to do what we have to do to compete with other locations, we can be successful; still have incubators and we invest some of our efforts in trying to help entrepreneurs get established and create new ventures.

Commissioner Helm asked Thompson to explain about the Cherokee Industrial Park located in Tulsa County and how it came to have Whirlpool and Memorex Telex. Thompson explained Tulsa decided that they needed to help Owasso all that they could so we put the Cherokee Industrial Park up there so they could take advantage of it. Commissioner Helm continued, when you are looking for a business, how much time do you have to make a decision when a company tells you they want to come? Thompson replied, depends on incentives we can offer, how we can help to assist them in expansion of their company and depends on how fast you get their problems solved for them to feel comfortable.

Angela Owens, deputy County Treasurer, explained to the Board she sends every cent from the 1/6 of a cent sales tax and use tax monies collected to RCB Bank per instructions from Tom Hilborne; Karen Keigley at RCB Bank is who I deal directly with at RCB Bank. Chairman Thacker asked, how do we find out how much money they are suppose to be sending back the

amount that was not used for the month from the use tax monies to pay the monthly bond indebtedness and Owens recommend talking to Keigley at RCB Bank. Owens continued, she sent all the monies to RCB Bank on June 9, 2010, that was collected up to that date out of both accounts (use tax and 1/6 cent) and at that time when we had our meeting with RCB Bank, it was agreed that she would send only what was needed for the payment \$117,523.28 monthly; which left \$14,000 in the account that we kept here; received an e-mail from Assistant District Attorney, Barry Farbro, informing her she was suppose to send everything from both accounts over to RCB Bank and they would send back what was not needed and these were instructions Farbro received from Tom Hilborne, bond counsel; Keigley was going to contact Tom Hilborne, bond counsel or Greg Nieto, financial adviser and see what she was suppose to do with the left over money and she has not contacted me to let me know.

Chairman Thacker made a motion to table this item for one week (September 13, 2010) to allow time to contact Tom Hilborne, Greg Nieto and Karen Keigley, to see where we are on the account with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

3. Discussion only in regards of entities to administer operations of the E911 Center – (D#1)

Commissioner DeLozier stated the 911 Committee has talked and always been expressed the operations of the E911 Center could run through the Rogers County Criminal Justice Authority, made up of the 3 Commissioner's, Catoosa Mayor, Chelsea Mayor, Inola Mayor, Claremore Mayor and Oologah Mayor; and would also include representatives from the fire departments and ambulance services along with the Sheriff's Office; was hoping District Attorney, Gene Haynes, would be present at today's meeting, but he is in Craig County, so he could explain to you the discussion he and I had the other day so everyone involved knows what is going on; DeLozier continued he is hopeful to establish a trust to where everybody has a say, instead of the 3 Commissioner's making all the decisions on 911; DeLozier and E911 Committee members want the operations ran by a trust.

Chairman Thacker commented he understood we could not use the Criminal Justice Authority for this particular operations; a new trust would have to be formed; needs to be an agenda item next week to vote to form a trust or not. City of Claremore Flo Guthrie expressed she felt the trust was a great idea.

Commissioner Helm stated his feelings were, before we establish a trust, he would like to know and have Haynes or Farbro draft an agreement for everyone to sign they are opting in or opting out; either they are in with us as the county carrying the water or they're out; and we have all the on board first before we move forward with a trust. Commissioner Helm continued, several times this Board has been accused of not doing things right and these are some of the questions that have to be asked, which are whose in, whose out and with the county carrying the water and the E911 Administrator being employed by the Board of County Commissioners, what their job qualities are, that were pushed by the E911 Committee, but at the same time the final piece as far as being paid for, what has already been done and the hundreds of thousands of dollars that we have spent on towers and we have approved with INCOG to make sure this all comes together, so we do not have misrepresentation of this Board again.

Commissioner DeLozier commented for many years this has been talked about and this has been tried; we are closer than we have ever been in getting a E911 Center to handle all the operations in this county; urge everybody to stay on board, because we've got a good going for Rogers County that will work.

Don Myers, Claremore councilman and citizen expressed concerns over the budget that was approved for the courthouse and the E911 Center at the last Commissioner's meeting for the building costs; since we voted on this from the very beginning and it was sold to the public that there would be \$2 million dollars available to build a first-rate, top-notch E911 Center and noticing in the minutes, you only approved \$1.5 million dollars, which was reduced by 25%; also read in the newspaper Commissioner Helm made some good comments regarding if we would get a piece of land, we will have to invest in infrastructure; you are spending \$500,000.00 just for courthouse sewer; my question is, what happened to the original \$2 million dollars?

Chairman Thacker responded, the numbers presented last week came in less than originally proposed, so we had to make some cuts in different areas; what we approved last week was the schematic design of the courthouse and those numbers presented were what the architects said would build the E911 Center. Myers continued, he read in the paper the Board approved Option #1 for \$1.5 million dollars for the E911 Center, we were never given any plans or anything, everything quoted was square footage and what it would cost to build the new courthouse, I've never seen a schematic or plans on the E911 Center, we've seen a lot about the new courthouse and that was sold equally to the public, so you can see where my concerns are.

Commissioner DeLozier stated his recollection was, originally the \$2 million dollars was a figure we came up with, to build the building was approximately \$1.4 million and between \$400,000.00 to \$600,000.00 was estimated for equipment; the \$2 million dollars was never the cost to build the E911 Center. Myers continued, it was the total package we sold to the citizens.

Police Chief Mickey Perry asked Commissioner Helm for clarification if the other entities were are in or out with a trust or the county? Commissioner Helm stated, before we would establish a trust, we would find out who is in with us and who is out, either opt in or opt out. Perry stated part of that would depend upon whether it is the county or the trust. Commissioner Helm

asked, why would that matter, it would be a county employee running the E911 Center, that has already been established. Perry countered, why are we talking about a trust? Commissioner Helm continued, for him it would be the E911 Administrator would be a county employee and therefore, they would report to the Board of County Commissioners; I don't see the D.A. would be able to work around that; the Criminal Justice Authority Trust we have now, the Sheriff does not sit on the board, he is just a part of it, he reports back to the trust. Perry stated, he understood, but if it is going to be an all county thing, then it needs to be known and if it is going to be a trust, it needs to be known. Commissioner Helm continued, he was under the impression it was always an all county package. Commissioner DeLozier stated, it has been discussed as being done through a trust, that was something that has always been brought out that we were looking into a trust, we've discussed that at Criminal Justice Authority meetings. Chairman Thacker commented, just like the Criminal Justice Authority, they make decisions, but it's the Sheriff's jail, he runs it, he operates it and is responsible for it and reports back to the Authority. Myers commented Claremore Industrial Development Authority have a board and the city has no control over, they chose who their director is, why couldn't your board or authority also be managed that way. Chairman Thacker stated it all depends on how the trust would be established and set up. Discussion only, no action taken.

4. Discussion with possible action regarding Approval/Disapproval of Authorization and Certificate of Authorized Representative of Authority and Form of Requisition to be sent to RCB Bank for Invoice #5 from BKL., Inc. for schematic design phase of \$24,700.00 and design development phase of \$42,300.00 for a total of \$67,000.00 – (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.

NOTECommissioner Helm excused himself from the meeting for about five minutes***

5. Discussion with possible action regarding Re-Approval/Disapproval of CDBG Monthly Expenditure Reports for contractor Rural Water District #8 on 13263 CDBG 08 for May, June and August, 2010 – (Clerk)

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

6. Discussion with possible action regarding Approval/Disapproval of County Clerk's Monthly Report to the Board of County Commissioners for August 2010 – (Clerk)

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

7. Acknowledgement for public record receipt of August 2010 Activity Report of Rogers County Industrial Development Authority – (Clerk)

Acknowledged for public record only, no action taken.

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 -

Zack Stycoff with the Claremore Daily Progress inquired about Item 15

Agenda Items #2.

ITEM 17: ANNOUNCEMENTS: None

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.

NOTECommissioner Helm returned to the meeting***

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, September 7, 2010***Commissioner DeLozier made a motion to approve payment of all purchase orders submitted from all departments with Commissioner Helm 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 Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried and the meeting adjourned at 10:34 A.M.

BOARD OF COUNTY COMMISSIONERS
ROGERS COUNTY, OKLAHOMA

By: _____
Peggy Armstrong, Rogers County Clerk

(SEAL)

Notice of said meeting was filed in the Office of the County Clerk on Thursday September 2, 2010, at 3:19 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.