

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, October 11, 2010, at 9:00 O'clock A.M.

MINUTES

ITEM 1: CALL TO ORDER:

Chairman Kirt Thacker called the meeting to order at 9:00 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:

Commission Helm said a prayer.

ITEM 5: APPROVAL OF MINUTES: October 4, 2010

Commissioner DeLozier made a motion to approve the minutes from October 4, 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:

1. Set Hearing Date for Notice of Appeal filed by Mack Greever, Attorney for Gary Jr. and Donna Burger on Application for Change of Zoning from RS-60 residential to CH (C4) R.V. sales on a tract of land located within the South 660 feet of the W/2 of the E/2 of the SE/4 of the SW/4 of Section 2, Township 21 North, Range 14 East of the I.B.&M., Rogers County, Oklahoma –

Magan Green, Planning Commission Director, stated this item was sent back before the Planning Commission board on September 21st by the Board of County Commissioners; it was denied by a three (3) to three (3) vote and Green's recommendation was to deny.

Mack Greever, attorney for the Burger's was present at the meeting and stated the appeal was filed with the County Clerk's Office on October 5, 2010; and we are asking the hearing date be set before the Board of County Commissioners; we have been before the Planning Commission board twice now, with tie votes each time, if we could set the hearing anywhere from two weeks to four weeks that would give us an opportunity to have some meetings that we tried to get done last time, but didn't and hopefully we can resolve some of the issues.

Commissioner Helm stated in the spirit of good cooperation between the citizens and Rogers County, I make a motion to set the hearing date in four weeks (November 8th), so that Magan Green, Planning Commission Director; myself; and Brian Kellogg, engineer, can attend the meetings with Mr. Burger and the citizens so see what his plans are. Chairman Thacker seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 8: PLATS: None presented.

ITEM 9: ROADS AND BRIDGES: None presented.

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. Rural Water District #8, Rogers County – boring county road located at 22288 Rocky Ridge Lane being located in Section 20, Township 21 North, Range 17 East of the I.B.&M., Rogers County, 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.

2. Rural Water District #8, Rogers County – boring county road NS/417.8 located between county roads EW/520 and EW/523 in Section 35, Township 21 North, Range 16 East of the I.B.&M., Rogers County, in District #3 – (D#3)

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

3. Rural Water District #8, Rogers County – boring county road Riverbirch Road north of county road EW/540 in Section 2, Township 20 North, Range 16 East of the I.B.&M., Rogers County, in District #3 – (D#3)

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

4. A T & T – starting at the NE corner of Section 35, Township 21 North, Range 16 East at hand hole located in the SW corner of the intersection of Main and Highway 88; place aerial fiber East on South side of East Main approximately 330 feet following existing pole line, then South on West side of Highway 88 approximately 2259 feet, then cross South 4180 Meadow road approximately 191 feet to East side, then South approximately 1935 feet, then West back across South 4180 Meadow Road approximately 345 feet on county road EW/530 approximately another 6126 feet to new hand hole, then continue West buried along county road EW/530 approximately 800 feet to another new hand hole, then bore under county road EW/530 Road 32 feet at a depth of 36 inches placing an interdict conduit across from Kaizen in District #3 – (D#3)

Chairman Thacker asked Assistant District Attorney, Barry Farbro, the permit talks about going down Highway 88, the county has no jurisdiction and Farbro agreed. Chairman Thacker made a motion to approve only the county portion of the permit and A T & T would have to contact Oklahoma Department of Transportation for the Highway 88 portion with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 13: CLAIMS:

1. Salaries – Cathy Hollandsworth - \$318.00 – and Kristen Sutherland - \$89.90 and \$1431.72 comp time – Sheriff's Office

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

2. Attendant Care – None presented.

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. Discussion with possible action regarding 2010-2011 fiscal year funding for Rogers County Industrial Development Authority – (D#3) - ***NOTE***this item was tabled from September 7, 2010, meeting and September 13, 2010, meeting***

Chairman Thacker explained he put the item on the agenda because the money had been sent back from RCB Bank in the amount of \$191,412.65 and was approved on a cash fund estimate of need by the Board of County Commissioners on September 27, 2010 and by the Excise Board on September 30, 2010, and the money was placed in fund 005 Use Tax.

Commissioner Helm stated in looking at the dollar amounts collected for July, August and September, made a motion to appropriate \$143,716.80 to RCIDA and leave at least one month's receipts in the fund at all times with Chairman Thacker seconding the motion. Commissioner DeLozier stated hopefully next month, what it is going to take and how much, if any, we can fund them monthly. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

Assistant District Attorney, Barry Farbro, asked if the county budget should be amended, because it was his understanding under the Projects Agreement, the money coming back from RCB Bank was to be deposited into general fund, not the use tax fund. Chairman Thacker stated he does not believe it does. Commissioner Helm asked if it was a line item on the budget, and Farbro answered, I don't know, that is why I'm asking. Marilyn Gibson, 1st Deputy County Clerk, stated it was her understanding the budget would not have to be amended because the use tax is a separate cash account and is not included in the county budget. Farbro stated he would look into it and get back with the Board.

2. Discussion with possible action regarding Notice of CDBG Project Performance Hearing on 13263 CDBG 08 Project Activities; authorize the Chairman to sign and submit Close-Out Documents for FY 05 CDBG Water Pump Station Project for Rural Water District #8 (13263 CDBG 08); accept the Final Engineering Inspection Report on the Rural Water District #8 CDBG Water Pump Station Project and Request #4 for Payment of Contract Funds in the amount of \$4,000.00 – (INCOG)

Andy Armstrong with INCOG stated this CDBG is for Rural Water District #8 pump station project that the construction activities have been completed and we are trying to close out the project; the work was completed approximately two months ago, and we are trying now to get the funds back from the Department of Commerce to reimburse the district; these close out documents are necessary when the funds are received to close out the project. There is a requirement for a performance hearing at the end of the CDBG project, which was posted on Monday, October 4, 2010, by the County Clerk's Office; the Board needs to reserve some time here during the meeting to accept any comments on the performance of the county and Rural Water District #8; if you recall they

divided that work up between two or three sub-contractors and see if the contractors worked up to the district's satisfaction and the engineers satisfaction, and presented a hand-written release from the engineer. Chairman Thacker asked the audience if there were any public comments on the CDBG project and there was no response from the audience.

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

Commissioner DeLozier thanked Andy Armstrong for his many years of hard work on behalf of the county and wished him well in his retirement with Chairman Thacker and Commissioner Helm thanking him and wishing him well also.

3. Discussion with possible action regarding Approval/Disapproval of Interlocal Cooperation Agreement by and between the Board of County Commissioners of Rogers County and Rural Water District #3, Rogers County – (INCOG)

Any Armstrong with INCOG explained this agreement is in conjunction with the new project the county received about a month ago, another water line project with Rural Water District #3; the Department of Commerce awarded a grant in the amount of \$159,950.00 and the execution of the construction and the engineering go to Rural Water District #3 for their project; the interlocal agreement is how the county has always put the money on the table and made it available, but you are also insuring that the obligations and the contract duties that are imposed on the county by the Oklahoma Department of Commerce flows forward to the water district; Armstrong recommended the Board approve. 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 with possible action regarding recommendation of the E911 Subcommittee members land to purchase for the new E911 Center – (D#1)

Commissioner DeLozier stated he was presenting the recommendation from the sub-committee members: Police Chief Mickey Perry, Assistant Police Chief Stan Brown, Kelly Deal with OTEMS representing the ambulance districts, Bob Anderson, Emergency Management Director, representing the fire departments, Sheriff Scott Walton, representing local law enforcement and Dan DeLozier, representing the Commissioners, the committee has looked at a lot of sights and not every sight we have looked at is on the list, we have received a lot of phone calls from individuals interested and offering some of their land for sale; the committee has looked at a lot of the sights from digging back into the side of a hill to possibly put the center mostly underground, and different areas had some good locations, but the committee kept coming back to the E911 center being centrally located; the committee agreed in being able to move Emergency Management in a central location would be best, in case of such an emergency as the courthouse could possibly be destroyed; the sight the committee determined to be best for everybody involved, the less amount of towers we have to put up, the better; the land owners is John Williams located north on Highway 88 and Lowery Road, outside the city limits; an exact dollar figure cannot be reached until the board approves it and the recommendation be presented to the board.

Chairman Thacker asked if the main issue for the E911 Center was to be centrally located? Bob Anderson, Emergency Management Director, answered the other points of interests were utilities coming into the sight, elevation, hazard mitigations of staying away from railroads and the central hubs coming in and out for safety and security; if you do down the checklist for a central sight, when the county does suffer another disaster, it will be a lot more easier of getting everybody into a more central location; some of the other sights had bad markings when looking at hazard mitigation from flooding issues, places to get to, utility contractors to provide the service, amount of towers needed, economics and cost effectiveness; what is the services going to cost us coming into it and what is it going to cost all the emergency services coming out.

Chairman Thacker commented, being centrally located weighs heavy on the decision, that is very, very important, correct? Commissioner DeLozier replied, yes, it is to me, the one thing I was when the county had the ice storm in 2007 and everybody came into the courthouse in the basement and a lot of big decisions had to be made on the emergency services, the emergency services were set up downstairs in the basement; it was in a central location to where everybody came to.

Chairman Thacker asked, the land Mr. Williams has is for sale? Commissioner DeLozier replied, yes, it is for sale, we have talked about the sale of the land with him, but we have not come up with a final price, it will be in the \$50,000.00 range.

Kim Reeve, architect with BKL, Inc., explained the recommended standard from the federal government a requirement of 150 feet for a buffer and to achieve that you would need approximately four acres.

Chairman Thacker asked, how did the sub-committee members come to a final sights, did you vote, was there a consensus? Commissioner DeLozier answered, there was a unanimous consensus by the committee members.

Commissioner Helm asked, Bob Anderson, Emergency Management Director, if he contacted all the fire departments? Anderson replied, he informed the fire departments of the locations, but did not discuss an actual sight, because the committee needed to make the recommendation to the Board first; in talking with the fire departments, 99% was in agreement to the area location. David Pucket, Northwest Fire Protection District Fire Chief, concurred.

Commissioner Helm asked, the D.A. was looking into the land the Rogers County Fair Board owns out by the race track, have we looked at that? Farbro replied, he believes the county does not own that land anymore, his recollection was there was a deed to the county or county

Fairboard that had a reversionary clause that if the property ever ceased being used for county fair purposes it would revert back to the grantor and the current land owner is Cherokee Nation and several years ago as a title curative measure granted by Quit Claim Deed that property to the Cherokee Nation, leaving the county with no interest in the land.

Commissioner Helm recommended the title work and appraisals be done on the land before the Board enters into any agreement. Commissioner DeLozier agreed and continued he would like to be the one to deal with Mr. Williams on the property and get the appraisals and try to reach a final price to bring back before the board. Mr. Williams is wanting to discuss some form of tax relief, but at the same time help the county.

Commissioner DeLozier made a motion to appoint himself to be the one to negotiate with Mr. John Williams on a price and bring it back to the board with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

Commissioner DeLozier stated he has been in touch with the Cherokee Nation to see if they possibly have some funding to help with project.

Chairman Thacker stated do not send to any abstract company until the board reaches a final decision on the price; the board will decide what abstract company to use at a later date. Farbro commented the seller has the obligation to provide an abstract and that decision may be at the seller's option, because the seller will be paying for it, which is what is typically done in a commercial or residential transaction provides the abstract at the seller's expense, which was not the case with the courthouse purchases.

5. Discussion with possible action regarding Approval/Disapproval of Authorization and Certificate of Authorized Representative Authority and Form of Requisition to be sent to RCB Bank for payment on Invoice #6 from BKL, Inc., on design development phase of the Rogers County Courthouse and 911 Facility project, in accordance with agreement dated January 19, 2010, in the amount of \$126,900.00 – (Comm. Office)

Kim Reeve with BKL, Inc., reported to the Board we are in the design development phase, which we take the preliminary design and we look hard at all the systems; we've been working with Flintco with our mechanical and electrical engineers to make decisions on structural systems and mechanical systems on how the building goes together; we are working on getting the construction documents and our intent to wrap up the design development phase by the end of the month; and the intent to have construction documents ready by the end of the year.

Commissioner DeLozier asked, when will Terracon be doing the borings? Reeve replied, as soon as we can schedule them, hopefully sometime this week. Chairman Thacker asked, when can we expect holes and concrete to be poured? Reeve replied, the intent is, if we can get the construction documents by the end of the year, we should go out for bid in January and expect to begin very early in February, 2011.

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 with possible action regarding Approval/Disapproval of annual Membership dues to NACO (National Association of Counties) in the amount of \$1,309.00 - (D#1)

Commissioner Helm reported the county received the participation and membership benefits report from NACO, which provides a detailed summary of services and dollars Rogers County has received as a direct benefit from being a member of NACO; helps with prescription card for any citizen in Rogers County amounting to 28 % to 30% savings off prescriptions with a total saved by residents \$6,997.92; also allowed Rogers County to help secure an energy grant in the amount of \$339,800.00 because Rogers County was a member of NACO; being a member of NACO has probably provided between \$500,000.00 to \$700,000.00 back to the community.

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

7. Discussion with possible action regarding Approval/Disapproval of Maintenance Agreement by and between the Board of County Commissioners on behalf of the Rogers County Treasurer and OMECorp., L.L.C., on mailer folder/inserter – (Treas.)

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

8. Discussion with possible action regarding Approval of Resolution #2010-78 and Reimbursement form directing County Treasurer to deposit funds from Cherokee Nations in the amount of \$142,818.00 for Oologah road overlays 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.

9. Discussion with possible action regarding Approval of Resolution #2010-79 and Reimbursement form directing County Treasurer to deposit funds from District Attorney's Council in the amount of \$9,270.00 (grant) into general funds for the Rogers County Sheriff's Office – (Clerk)

Captain Mike McElhaney with the Sheriff's Office explained these monies were from a 09 Recovery Act Justice Assistance Grant-Local Law Enforcement grant applied for by the Sheriff's Office to purchase 16 shotguns for \$9,520.00. Chairman Thacker made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

10. Discussion with possible action regarding Removal of Kit Kelley as receiving agent for the Rogers County Clerk's Office and appointment of David Harper as receiving agent for the Rogers County Clerk's Office – (Clerk)

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

11. Acknowledgment for public record receipt of Certificate of Liability Insurance on Guy Engineering Services, 10759 East Admiral Place, Tulsa, Ok 74116 – (D#2)

Commissioner Helm stated District #2 has three (3) projects they are working on with Guy Engineering Services, Inc., and wanted it made a matter of public record receipt of the Certificate of Liability Insurance as required by law. Acknowledged 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 Stoycoff, staff writer with the Claremore Daily Progress asked about 15 Agenda Item #1 on RCIDA funding and 15 Agenda Item #4, possibly funding from the Cherokee Nation on the E911 Center.

ITEM 17: ANNOUNCEMENTS:

Commissioner Helm requested a copy of the September 2010, Transportation of Juvenile to Secure Detention Log be made a matter of public record, so the public could see the costs the county is incurring for transports of juveniles and the hours it takes and the miles traveled by the Sheriff's deputies to go to the detention center, pick up the transport and bring them back to Rogers County for court dates, doctor visits, etc.; they travel to Leflore County; Osage County; Craig County; Tulsa County; and some months Woodward County; Rogers County is incurring the costs of these transports and the State of Oklahoma is not helping nor is the Supreme Court; this is so the public can see what the deputies are having to do every day.

Captain Mike McElhaney with the Sheriff's Office explained if Claremore Police Department picks up a juvenile on Friday evening, then juvenile services calls around the state to find a detention facility and the only bed that might be available is in Woodward County, the deputies have to go to Claremore Police Department to pick up the juvenile, transport them to Woodward County and the Judge usually sets their court hearing date for a Monday morning; then we have to go back on Monday morning to have the juvenile here in time for their court date; and if the Judge orders them back to a detention facility, we have to take them back again.

Chairman Thacker asked why does Rogers County not have a juvenile detention facility in Rogers County? Commissioner DeLozier commented Herb McSpadden with the Rogers County Youth Services has been working on that for the past couple of years; if Craig County can build a new facility, Rogers County should be able to do so. Captain McElhaney stated anytime you call Craig County, they are always full.

Commissioner Helm reported the State of Oklahoma sent to Rogers County a check in the amount of \$567,725.59 on our CBRI funds, this item needs to be placed on next week's agenda so we can make sure the money is being used in the proper projects.

Assistant District Attorney, Barry Farbro, had a question about Item 15 Agenda Item #1; the allocation to RCIDA, is that not for not just this month, but for the fiscal year beginning July 1st through today, because they have not received any allocations, correct? Chairman Thacker replied, no, they have not. Farbro continued, so it really wasn't a one month allocation, it is a one-time allocation today that really covers from July 1st thru present time. Chairman Thacker stated we are going to do a monthly allocation after today, rather than just a blanket amount; the county has better oversight over the money, in my opinion.

Farbro stated he still has questions about the funding mechanism and seriously thinks the money should be deposited into general fund once RCB Bank sends it back to the county, feels that was the intent and wants to confer with bond counsel, Tom Hilborne, about the matter. Chairman Thacker asked Marilyn Gibson, 1st Deputy County Clerk, to contact the state auditor's office and ask them their opinion on this matter and Gibson replied she would and would report back to the Board the answer she received.

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, October 11, 2010***Chairman Thacker made a motion to approve payment of all purchase orders 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 the meeting adjourned at 10:46 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, October 7, 2010, at 3:10 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.