

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 18, 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: October 11, 2010
Commissioner Helm made a motion to approve the minutes from October 11, 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 accounting procedures on CBRI funds received from Oklahoma Department of Transportation in the amount of \$567,725.59 with financial summary for CBRI Projects in Rogers County – (Comm. Office/D#2)
Commissioner Helm stated he placed this item on the agenda to make it a matter of public record, this is money that comes out of the fund that was originally dictated by Oklahoma Department of Transportation; those funds are all projects up to April 22, 2010; these monies are not new, they are dedicated funding sources; not additional money coming in that can be spent. Discussion only, no action taken.
- ITEM 10: CASH FUND ESTIMATE OF NEEDS AND REQUEST FOR APPROPRIATIONS:
None presented.
- ITEM 11: TRANSFER OF FUNDS:
1. District #3 Unrestricted Highway M&O to travel - \$1,000.00
Chairman Thacker made a motion to approve with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
- ITEM 12: UTILITY PERMITS:
1. Chelsea Gas Authority – boring EW/330 road on the north side approximately 982 feet with main line and EW/330 road approximately 330 feet east of Oak Street at the city limits of Town of Chelsea, located in Section 30, Township 24 North, Range 18 East of the I.B.&M., Rogers County in District #1 – (D#1)
Commissioner DeLozier made a motion to approve with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
2. Chelsea Economic Development Authority – boring EW/330 road starting at 6th Street and Oak Street at the city limits of Chelsea, Oklahoma, boring across and going east on EW/330 road on the north side 982 feet in Section 30, Township 24 North, Range 18 East of the I.B.&M., Rogers County in District #1 – (D#1)
Commissioner DeLozier made a motion to approve with Commissioner Helm 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. Tort Claim – Cox Communications, Inc. - \$1,301.19 – hit aerial mainline while laying new asphalt at 11409 North 177th East Avenue, Owasso, Ok – (Clerk)

Commissioner Helm commented he conferred this item to legal counsel for review. Farbro stated he reviewed the claim, but needed to know if the county was responsible for the damages or not. Commissioner Helm stated District 2 is not accepting responsibility for the damages, because Cox Communications did not conform to the requirement of applying for a utility permit, no utility permit had been approved. Farbro recommended denying the claim based upon Commissioner Helm's statement.

Commissioner Helm made a motion to deny based upon legal counsel's recommendation with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

Commissioner Helm requested County Clerk, Peggy Armstrong, to send a blank copy of the utility permit form the county uses along with the letter informing Cox Communications the county denied the claim.

ITEM 14: BLANKET PURCHASE ORDERS:

1. Materials, Supplies, Parts, Groceries & Prescriptions –

District #3: R & S Auto Parts, \$500.00 and Sheriff: Froman Oil Company, \$500.00 – Chairman Thacker made a motion to approve the blanket purchase orders as presented with Commissioner Helm 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 Mutual Nondisclosure Agreement State of Oklahoma, OERSSIRF (ID#1000004684) Grant by and between Interact Public Safety, a Silk Road Technology, Inc., corporation and Rogers County, Oklahoma – (E911 & D#1)

Commissioner DeLozier explained Vicki Atchley could not be present at the meeting today to explain the agreement. Commissioner DeLozier made a motion to table this item for one week (October 25th) with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

2. Discussion with possible action regarding Approval/Disapproval of payment of INCOG membership dues for fiscal year 2010-2011 in the amount of \$30,427.00 – (Clerk)

County Clerk, Peggy Armstrong, explained purchase order #100931 was encumbered on August 2, 2010, for the 1st quarter membership dues to INCOG for fiscal year 2010-2011; Board requested purchase order not be paid until we were certain Rogers County Industrial Development Authority (RCIDA) would be paying three of the quarterly payments, otherwise, the full amount of the dues would need to be paid by the county. RCIDA has paid the 2nd quarter dues of \$7,606.25 on October 11, 2010.

Commissioner Helm made a motion to pay the remainder of the membership dues \$15,212.50 from the money sent back by RCB Bank with Chairman Thacker seconding the motion. Farbro inquired as to which appropriation account was purchase order #100931 encumbered? Armstrong replied, general fund, in the past years general fund has paid the 1st quarter dues.

Farbro expressed concerns over the excise tax refund money coming back from RCB Bank being deposited into the use tax fund; feels the money should be deposited into general fund instead; to put the money back into the account into which it was deposited by the Oklahoma Tax Commission; the use tax account is a cash account and is not included in the budget; the money is available for any lawful purpose; Farbro's reservation is 100% of the use tax is dedicated for the county's bond payment and once we make that payment we have complied with our agreement; my concern is if it goes back into the use tax account, it reclaims that use tax nature; if the money comes back from RCB Bank and is deposited into general fund, it's available for whatever lawful purpose and currently we do not have an agreement or contract with RCIDA and there is no obligation; any money to be paid by RCIDA during this fiscal year was going to come out of general fund. Commissioner Helm stated, we approved payment of \$143,716.80 last week. Farbro continued, they were paid with monies returned by RCB Bank that was deposited into the use tax fund; prefer once the county has complied with the terms of the projects agreement by paying 100% of the collected use tax to RCB Bank and once it is returned to us feels the money should go back into general fund, because at that point it has lost its excise tax characterization; and to make a payment to RCIDA with that money, the budget needs to be amended.

Commissioner Helm rescinded his previous motion and Chairman Thacker rescinded seconding the motion.

Armstrong explained the purchase order the County Clerk's Office encumbered from the use tax fund in the amount of \$143,716.80 has been put on hold until a decision can be made per instructions from Farbro. Farbro reminded this particular payment to INCOG for \$7,606.25 has already been encumbered out of general fund and does not see any reason why the Board could not approve this payment today.

Commissioner Helm made a motion to pay the 1st quarter membership dues for fiscal year 2010-2011 to INCOG from general fund on purchase order #100931 and legal counsel

to provide a written opinion on the money being returned from RCB Bank being deposited into the use tax fund with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

3. Discussion with possible action regarding appointment of a representative of the Board of County Commissioners to serve on the "City of Catoosa Local Development Act Review Committee" in regards to the creation of a Tax Increment Financing District for economic development in the City of Catoosa area – (Clerk)

Chairman Thacker stated since this is located within District #2, made a motion to appoint Commissioner Mike Helm to the City of Catoosa Local Development Act Review Committee with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

Commissioner Helm asked Assistant District Attorney, Barry Farbro, to attend those meetings with him as legal representation for the Board of County Commissioners and Farbro agreed; Farbro recommended inviting Rogers County Assessor, Scott Marsh, to attend those meetings as well, because of the potential of lost revenue to the county.

4. Discussion with possible action regarding Approval/Disapproval of Resolution #2010-80 authorizing application for Financial Assistance from the Rural Economic Action Plan Fund through Grand Gateway on behalf of Chelsea Public Schools, 401 Redbud Lane, Chelsea, Ok 74016, for 375 feet of CL 900 6 inch water line/SDR 35 8 inch sewer line for new addition to Art Goad Middle School in the amount of \$9,800.00 in District #1 – (D#1)

Commissioner DeLozier Chelsea Schools are applying for a REAP Grant through Grand Gateway with the school paying 50% of the project and made a motion to approve with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

5. Discussion with possible action on Approval/Disapproval reimbursement forms directing County Treasurer to deposit funds into one-cent sales tax fund for distribution as follows:

- a) Sheriff fuel reimbursement into District #1 for \$2,802.32
- b) Town of Oologah fuel reimbursement for \$722.74 and Oologah Municipal Authority for \$27.78 into District #2 -
- c) State of Oklahoma FEMA PA-1883 PW878 B100(99) #1784 for \$68,006.56 into District #2 – ***total amount of check = \$88,006.56***
- d) State of Oklahoma FEMA PA-1876 PW694 B69(69) #1773 for \$63,634.40 into District #2 – ***total amount of check = \$78,634.40***
- e) Town of Talala fuel reimbursement for \$384.66 into District #2

Commissioner Helm 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 County Officers Monthly Reports for September 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.

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 with the Claremore Daily Progress inquired about Item 15 Agenda Item #2 and asked if the 1st payment of INCOG dues was being paid out of general fund and Chairman Thacker replied, yes.

ITEM 17: ANNOUNCEMENTS:

Commissioner Helm announced District #2 has a purchase order being presented for approval of payment today in the amount of \$62,443.96 on purchase order #102893 to Oklahoma Department of Transportation (ODOT); last month a payment was made to ODOT in the amount of \$254,995.00 for the county bridge of Elm Creek through an STP Grant, the letting of the bid is done by ODOT, bid was let and the bid was over by \$62,443.96; purchase order has been made for that amount out of District 2 one cent funds and with the CBRI funds that have been sent to the county's from ODOT, I didn't wait for those funds, just made the purchase order for \$62,443.96 to come out of one cent and it will be divided once John Blickensderfer with Guy Engineering Services has the other portion decided.

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 18, 2010***Commissioner DeLozier made a motion to approve payment of all purchase orders from all departments as presented 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 recess the meeting with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried and the meeting recessed at 10:24 A.M.

Chairman Thacker called the meeting back to order at 11:02 A.M. with Commissioner DeLozier and Commissioner Helm present and quorum established.

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 11:03 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 14, 2010, at 3:42 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.