

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, November 15, 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: November 8, 2010
Commissioner Helm made a motion to approve the minutes from November 8, 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 on Approval/Disapproval of Resolution #2010-83 regarding Letter of Choice for County Bridge Inspection Contracts concerning bridge inspection responsibility by local government for compliance with National Bridge Inspection Standards Bridge Inspection Contracts for April 2010 to March 2013 – (Comm. Office)
Commissioner Helm reported the Oklahoma Department of Transportation (ODOT) has prequalified consulting firms and circuit districts to perform Local Government bridge safety inspections based on qualifications mandated by the National Bridge Inspection Standards (NBIS); it is anticipated the new routine Local Government bridge inspection contracts will start in April 2011 and extend to March 2013.
Chairman Thacker commented he did not like the 4 year idea; should be done on a yearly basis.
Gene Haynes, District Attorney, stated he would review the item for the Board to see if they were required to do the 4 year term by law (April 2010 to March 2013) and would bring it back before the Board with an answer.
Commissioner Helm made a motion to table this item until further notice from the District Attorney's Office 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:
1. Court Fund Revolving M&O to salaries - \$100,000.00
Commissioner DeLozier made a motion to approve with Chairman Thacker seconding the motion. Commissioner Helm asked Marilyn Gibson, County Clerk 1st deputy, does this transfer cover everything that has been paid out of the account and Gibson replied, to the best of her knowledge, yes. Commissioner Helm asked, even the employee for Judge Condren and Gibson replied that is a totally separate. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
- ITEM 12: UTILITY PERMITS:
1. Rural Water District #3, Rogers County – parallel construction six (6) to fifteen (15) feet east of the west right-of-way line parallel to old State Highway 88 from a point 1985 feet

north to a point 2710 feet north of the south line of Section 24, Township 22 North, Range 15 East of the I.B.&M., Rogers County – (D#1)

2. Rural Water District #3, Rogers County – boring county road NS/4130 at a point 63 feet south of the northeast corner of Section 25, Township 22 North, Range 15 East of the I.B.&M., Rogers County – (D#1)

3. Rural Water District #3, Rogers County – boring county road EW/450 at a point 39 feet west of the southeast corner of Section 24, Township 22 North, Range 15 East of the I.B.&M., Rogers County – (D#1)

Commissioner DeLozier stated Items 1, 2 & 3 under utility permits was in District #1 and he had reviewed them previously. Commissioner DeLozier made a motion to approve Items 1, 2 & 3 under utility permits since they were boring only, as presented 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.

ITEM 14: BLANKET PURCHASE ORDERS:

1. Materials, Supplies, Parts, Groceries & Prescriptions –
Assessor's Office: Imperial, Inc., \$250.00 – Chairman Thacker made a motion to approve the only blanket purchase order 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 Approval/Disapproval of Design Development on new Courthouse project and signing of necessary documents associated with the Design Development – (Comm. Office)

Kim Reeve with BKL, Inc., stated we are presenting the design development documents for the courthouse for approval today; have reviewed the documents individually with each Commissioner so you would be familiar with it before today's meeting; to let everybody know, we are basically proceeding with the construction documents on the courthouse; this design development set essentially is a snapshot in time on where we are right now, so the documents in front of you show the architectural plans, they also show mechanical, electrical, plumbing, where we are at and how the systems work; show the structural system and how we are approaching that; shows interior finishes, ceiling finishes, floor finishes and interior elevations; essentially at the end of design development we've made the decisions on all the major systems that go into the courthouse and what we ask for approval on design development is for us to finalize the construction documents so we can go out for bid.

With us today is Construction Manager, Bart Boatwright and Evan Anderson from Flintco and as we continue down this road we will keep meeting with all the individual county offices; we have met with them and designed in detail their office space, more to do, in the future will be talking about phone data outlets and finalizing a lot of details in the individual offices.

Chairman Thacker asked, if a change needs to be made, even though we are approving design development documents today, can that still happen? Reeve answered, yes sir, obviously we would like to avoid any major changes; if some things need to be tweaked, yes, the problem we get into is if we redesign an area it affects structural plans, mechanical, electrical, plumbing, interior plans, all of those would have to change, so we would like to minimize any changes; but that is our job to make sure you fully understand everything when you approve it and each of the county offices understand in fully when the approve it so that we don't have to back up.

Commissioner DeLozier spoke of the few changes we talked about when you talked to each of us individually, we need to make those. Chairman Thacker asked, after this approved today, how long before actual construction will begin? Boatwright answered, what we would like to do with these documents, is we will put a budget on this set of documents so BKL knows that they are aiming 100% down the right direction for your budget; then adjusts can be made in the construction documents if necessary and will be brought forward to the Board and let you know that it is on budget and on track; after we get construction documents we will get busy and go out for bids; we are ready to go. Reeve stated it is our intent to have them ready by the end of January, 2011.

Commissioner Helm 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 Authorization and Certificate of Authorized Representative Authority and Form of Requisition to be sent to RCB Bank for payment of Invoice No. Seven (7) 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 \$155,100.00 – (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.

3. Discussion and possible action for Rogers County to enter into a contract with the City of Catoosa for the establishment of a Tax Increment District (TIF) pursuant to the Local Development Act, Title 62, O.S. § 850, et al – (DA)

District Attorney, Gene Haynes, stated and he and Commissioner Mike Helm attended a meeting of a statutory committee in Catoosa; Commissioner Helm was on the committee and asked me to attend the meeting with him; as a result of that we were asked to have a meeting with Commissioner Helm to go over the effect of such a district on the county; after Commissioner Helm had the meeting, it was decided that a presentation needed to be made to the Board, because ultimately it would be up to the Board to decide whether to enter into such a contract; that is why it is on the agenda today; Commissioner Helm and myself have met to go over the effects of this on Rogers County, and each other Commissioner may likewise want to have a meeting, depending on if you have any questions after today.

Scott Marsh, Rogers County Assessor; Superintendent of Catoosa Schools, Rick Kibbe; Pat Reeder, Rogers County Health Department board member; Dean Miller, Catoosa Public Schools school board member and Dan McMahan, attorney, who is familiar with these types of projects and represents the City of Catoosa, Catoosa Economic Development Authority, were present in the audience today.

Mr. McMahan presented before the Board a chart and to discuss with you a request had been made by the developer, Catoosa Hills, LLC, regarding the creation of a tax increment district in the City of Catoosa; this increment district that is being proposed will be just north of I-44 and just to the west of Highway 66; the developer is proposing to attract two large big box stores, one of which would be a major discount department store along the lines of a Wal-Mart, K-Mart or Target; and the other a Warren Theatre, this is a type of theatre that is considered a destination theatre, which will be approximately eighteen screens; there is a Warren Theatre in Moore, Oklahoma; very well known for the high quality of movie experience that they provide; Warren Theatre folks were in Catoosa last week to give a presentation to the review committee; the development would also include between seven and ten out lots for casual dining; approximately 32,000 square feet additional retail property for small shops; just north of the Warren Theatre would be reserved for office and medical facilities that would serve not only the patrons and employees of this development, but also the Hard Rock Casino & Hotel that sits just to the west of this sight.

The developer has asked the City of Catoosa for developing financing assistance; originally the request was for \$35 million dollars and that has been pared down today to \$23.7 million dollars; the City of Catoosa is considering providing that that kind of financing assistance by issuing under the statutes tax apportionment bonds; they are going to use increases in public tax revenues generated just within the confines of this district to pay principal and interest on the bonds; because the district so greatly benefits the retail tax base for both the city and county; the city has proposed including 2/3rd of the county sales tax (1 cent of the 1-1/2 cent) as part of this district, that would be apportioned along with 100% of the city sales tax, 100% of the ad valorem tax; when we do the math, we had a 3rd party consultant provide us with projections of what he might think the estimated revenues would be, we just barely have enough revenue to make this work at \$23.7 million dollars; and for that reason we are forced to ask the county for some help; if the City could do this without the county, they certainly would; good reason for county also to participate in, there will be substantial excess revenues generated from the project over the expected 20-year term, the county's excess revenue share would be approximately \$20 million dollars; this is very much a business proposition; the Warren Theatre alone is projected to attract 1.1 million tickets purchases per year; presented the Board with Catoosa Hills Increment District analysis of incremental tax revenues, projected net debt service and excess revenues for tax and bond year 2011 thru 2030, along with Project Plan relating to Increment District Number One, City of Catoosa, Oklahoma, (Catoosa Hills Increment District) prepared by City of Catoosa, Oklahoma, and the Catoosa Economic Development Authority, dated November 1, 2010.

Superintendent Rick Kibbe and school board member, Dean Miller, stated they were 100% behind this project and are aware how it will affect the ad valorem taxes they usually get; the developer has informed the school they will give them \$300,000.00 up front and \$1 million dollars to the City of Catoosa; feels this project is very visionary for the school and community and very huge for the area; could possibly bring anywhere from 700 to 1000 jobs.

Scott Marsh, Rogers County Assessor, stated from an ad valorem standpoint the Assessor really doesn't have a say on other than, because it is voted on by a board that does not include the Assessor; the county does not loose monies from these TIF districts, the base value is set and has to be done within ninety (90) days and the base value will stay the same; any valuation increases will go to TIF district; this is a rather small TIF district compared in size, because it does not take in a lot of residential area and does not take in multiple school districts, fire districts, etc.

Chairman Thacker asked, how does it affect the tax base for the county? Marsh answered, county will get their portion based upon base value set, any increase in valuation will go to the TIF district for the length of the TIF. Chairman Thacker continued, if a TIF is formed, taxpayers dollars will go to pay for this TIF district, correct? McMahan answered, it will go to pay for principal and interest on the bonds and the developer will receive the net proceeds from the bond issued in the amount of \$23.7 million dollars, in order to do all of this work, yes, that is correct. McMahan spoke of the TIF district in southwest Tulsa known as "Tulsa Hills" has been a wonderful project for the City of Tulsa in helping them preserve their sales tax base.

Commissioner DeLozier stated he feels this is an excellent project, but would like to learn more about it and have a few meetings with the necessary parties in order to get more informed about it. Commissioner DeLozier made a motion to table this item for three (3) weeks (December 6, 2010) with Commissioner Helm seconding the motion.

Commissioner Helm reminded that the City of Catoosa, being a municipality, has already gone ahead and voted to use the ad valorem tax, because this project lies within the jurisdiction of the City of Catoosa and the county has no say so over the ad valorem tax; what we are here for today, is the Board of County Commissioners are to decide if the county sales tax increases; and there would be a base established on what the sales tax is now and any increase in sales tax within this district would go for these bonds and the county does have a say so whether your sales tax are used for this project.

McMahan continued, he may left the wrong impression with the Board that the City of Catoosa has already approved this; the City of Catoosa has not approved this, they have simply referred it to a review committee and the review committee has been meeting the last three (3) weeks and expect tomorrow the review committee will conclude its work; if it all goes well we would expect the review committee to recommend this to the City of Catoosa; at that point the City of Catoosa has to hold two (2) public hearings, two (2) weeks apart and only after the second public hearing can they consider establishing the TIF district; we would ask the county consider this also, feels the City of Catoosa would not want to go forward until the county has had a chance to look at it and be given an answer to it; if the county cannot participate in this proposal, we will have to drop this proposal and go back to square one; the City of Catoosa would not want to take any action until they know the county's answer.

Haynes asked to make sure everyone understood, all improvement of utilities within this TIF district are being paid for by the developer, such as storm sewer, sanitation type sewer, all street improvements, drainage? McMahan replied, yes, then they will be dedicated to the public at some point.

Marsh inquired if a legal description had been defined for the TIF district yet, so it could be known this is what the TIF district is? McMahan answered, when we talked last week, the review committee did not address this question, since then we have talked to the review committee had determined that the boundaries you see here will be the boundaries of the district; includes Walgreens, Taco Bueno, the Hampton Inn.

Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

4. Discussion with possible action regarding Approval/Disapproval of Reimbursement form as per Resolution #2010-36 directing County Treasurer to deposit funds from Town of Oologah in the amount of \$700.77 and Oologah Municipal Authority in the amount of \$59.07 for fuel reimbursement 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.

5. Discussion with possible action regarding Approval/Disapproval of Resolution for Disposing of Equipment for District #1 as follows: 2003 Dodge 4x4 ¾ ton pickup, sn#307KU28D33G747680, to be transferred to Chelsea Public Schools, Chelsea, Oklahoma – (D#1)

Commissioner DeLozier reported this is an old used 2003 Dodge pickup that Chelsea Schools will be using for maintenance purposes and 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 signing of Delta Dental Plan Documents for the dental plan renewal effective January 1, 2011 - ***NOTE***Delta Dental Plan was approved by the Board on November 1, 2010, Plan Documents were not presented at that time for signing***

Commissioner Helm made a motion to approve with Chairman Thacker 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 -

Nathan Arnold with OTEMS asked about Item 15 Agenda Item #2: does this include the E911 Center? Commissioner DeLozier and Chairman Thacker answered, they will, the documents today were only on the courthouse.

ITEM 17: ANNOUNCEMENTS:

Commissioner DeLozier announced Friday, November 19th from 11:00 a.m. to 1:00 p.m. there will be a United Way fundraiser of fresh, cooked hamburger with chips and soda for \$5.00; invited everyone to come out and help support United Way.

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, November 15, 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
Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye.
Motion carried and the meeting adjourned at 10:55 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 Wednesday, November 10, 2010, at 3:56 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.