

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, February 14, 2011, at 9:00 O'clock A.M.

MINUTES

- ITEM 1: CALL TO ORDER:
Chairman Dan DeLozier called the meeting to order at 9:01 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 Dan DeLozier, Commissioner Mike Helm and Commissioner Kirt Thacker were present and quorum established.
- ITEM 3: FLAG SALUTE:
Commissioner Thacker led the salute and Pledge of Allegiance to the American Flag.
- ITEM 4: PRAYER:
Commissioner Helm said a prayer.
- ITEM 5: APPROVAL OF MINUTES:
January 31, February 1, February 7 and February 8, 2011
Commissioner Helm made a motion to approve the minutes from January 31, 2011; February 1, 2011; February 7, 2011 and February 8, 2011, with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.
NOTENo regularly scheduled meeting was held on February 7, 2011, due to the courthouse being closed due to the weather/snow and an agenda not being posted***
- ITEM 6: UNFINISHED BUSINESS:
1. Award Bid #541 – Rubber-Tired 4-Wheel Drive Backhoe Loader – District #1
2. Award Bid #542 – Wheel Loader – District #1
Chairman DeLozier made a motion to table awarding of Bid #541 and Bid #542 for one week (February 22, 2011) to allow time to review the bids, since they had not been reviewed due to the weather/snow with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.
- ITEM 7: ZONING: None presented.
- 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:
1. District #2 General Fund Cemetery Account capital outlay to salaries \$9100.00
2. General Government travel to General Government Officer's travel - \$195.96
Commissioner Helm made a motion to approve Items 1 & 2 under transfer of funds as presented with Chairman DeLozier seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.
- ITEM 12: UTILITY PERMITS:
1. Rural Water District #5, Rogers County – boring to cross 305th East Avenue at a point 226.60 feet south of the East ¼ corner of Section 31, Township 20 North, Range 16 East of the I.B.&M., Rogers County – (D#2 Helm)
Commissioner Helm stated since this a boring only and in keeping with the requirements of the Board, made a motion to approve with Chairman DeLozier seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.
2. A T & T – starting at the NE/corner South ½ of Section 2, Township 20 North, Range 15 East, City of Verdigris, place buried fiber North from hand hole on Southwest corner of EW/540 Road and Hagar Road, across county road EW/540 to new hand hole then bore East under

driveway in from of school approximately 500 feet, then continue with trenching and boring of driveways approximately 3600 feet, place hand hole close to county road EW/540 and Fisher Road, then bore across Fisher Road and continue along driveway to existing cell site by turnpike for approximately 600 feet, cell site in the SW/4 of Section 1, Township 20 North, Range 15 East of the I.B.&M., Rogers County – (D#3 Thacker)

Commissioner Thacker made a motion to approve with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-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 –
 - R & S Auto Parts, \$500.00 – District #3
 - Claremore Expo Center, \$2,000.00 – Fair Board

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

2. Orders Exceeding Amount of Issuance – None presented.

ITEM 15: AGENDA ITEMS:

1. Discussion with possible action regarding Approval/Disapproval of Lease Purchase Agreement for Equipment by and between the County of County Commissioners of Rogers County, lessee, and Bruckner Truck Sales, lessor and Welch State Bank on behalf of District #2 on 2012 Mack CHU613 semi tractor, vin#1M1AN07Y1CM007988 with a monthly payment of \$1,593.26 – (D#2 Helm)

Commissioner Helm reported this lease-purchase agreement is in regards to Bid #539 on a pull-truck for District #2 awarded several months ago; District #2 will be making a one-time payment of \$70,000.00 to Welch State Bank; the unit price = \$106,910.00; lease purchase price of \$38,238.24 will be paid within 2 years at \$1,593.26 monthly. Commissioner Helm made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

2. Discussion with possible action on the placement of New Courthouse Building as it relates to the storm-water sewer system. (D#1 DeLozier)

Chairman DeLozier reported there was a committee meeting last week and Kim Reeve with BKL, Inc. has drawings to present in regards to the placement of the courthouse; whether to move it forward into the present Missouri Street location or move it back towards the existing jail and stay off the sewer line completely and get on the project; the county does not have the funding to move the courthouse into the street and do repairs to the sewer line; the City of Claremore is not interested, there may have been talks since then that I am not aware of, they are not going to pay for the repairs.

Bill Higgins, chairperson of the courthouse committee reported, there was committee meeting last week and the present place to build the new courthouse is impacted by one of the storm sewers is located under the current location for the new courthouse; we had initially talked with the City of Claremore about this and based upon the discussions Kim (Reeve) had with the City, the storm sewer as it presently exists is applicable and apparently the City is planning on doing some work north of there, which they believe will take care of any problems they've got. So, therefore, it leaves it basically on the county; if we want to have the present placement of the courthouse, we would have to go ahead and move the storm sewer and there is just no funds available to do so; the county is recommending, based upon Kim's (Reeve) recommendation is the new courthouse be moved back; it would be approximately 30 feet from the sally-port and 50 feet from the existing jail; Kim (Reeve) says it does not have any impact on elevation; the committee is recommending the Board consider moving it back so we can go ahead and get started on the project.

Reeve presented 2 different drawings to the Board for their review; one moving the building forward and one moving the building back toward the jail; basically we are losing the parking on the east side and any future possible expansion in that direction.

Chairman DeLozier reported he was for leaving the courthouse out, but there is not funds available to fix the storm sewer problem; the only other problem is it will cost more, because the contractor will have to pad the street above the old 80 foot storm sewer; in the future it will be located right in front of the courthouse and when the old storm sewer deteriorates the whole front of the new courthouse will have to be dug up; that was one of the reasons I was for trying to find the funding to replace the sewer line; it's not going to happen.

Commissioner Thacker asked, who pays for the future expansion of the storm water sewer, when they have to come in and dig up the new courthouse parking lot and memorial garden? Does the City of Claremore have an engineer's report saying that is adequate storm water sewer?

Reeve with BKL, Inc., stated we met with the engineers hired by the City of Claremore and discussed the issue sometime back and at that time they had not finalized the master plan for the city; but we were told the city had no plans to improve the size or putting in a new sewer at this location; it was not a part of their master plan, their master plan is to intercept some of the water up stream or take it around, thus making this currently in place, adequate; the City's position is the storm sewer is functioning now and was in good enough condition that it does not need addressing.

Commissioner Thacker asked, if the sewer line is adequate in size, how come the courthouse basement floods when it rains very much? Reeve replied, it's not currently adequate, but the plans to repair that are different than putting in a new storm sewer; we offered the possibility of putting in a large storm sewer across our property, which they could then in the future add onto on both ends, and the City said we couldn't make it large enough to solve the issue and they discouraged us for doing so.

Flo Guthrie, Mayor of the City of Claremore, inquired if there had been a recent meeting with City Manager, Daryl Golbek? Reeve answered, the last time we met was the meeting you were in attendance. Guthrie continued, at that time we discussed meeting with Daryl in the future to discuss this issue and I don't remember Daryl coming back before the council and reporting he met with someone from the county on this issue. Commissioner Thacker stated he did not remember it being discussed about having a meeting with Golbek.

Commissioner Helm asked, depending on what the Board decides today, when can we break ground and get started? Reeve replied, originally we intended to have the documents to the Board within two weeks, the snow storms have pushed us back a little; within a few weeks we will have the documents and Flintco will be putting bid packages together and expect that to happen sometime in March and be able to break ground around 1st part of April.

Commissioner Helm made a motion to approve moving back the placement of the new courthouse.

Commissioner Thacker stated, before we go on any further, for the record, in the future when the new courthouse parking lot and memorial mall has to be dug up; I want to know is the City of Claremore going to pay replace sidewalks, memorial mall, parking lots, etc., because it will be going right through the front door entrances to the courthouse; who is going to pay to replace all of this area?

David Iski, Assistant District Attorney, believes the City of Claremore would be responsible, because statutes of the State of Oklahoma reserve the authority and responsibility for storm water sewers for municipalities; and the county's position would be sound to hold the City to all the costs for repair and/or re-building should there be some damage.

Chairman DeLozier wanted it made very clear, we as a Board is not saying any of this because we are at odds with the City of Claremore in any way; we are good with the city and have a good working relationship and want to continue working with the city; these are items that have to be taken care of to make this courthouse go; we can't wait any longer; if the city's position is to put a new line in during the courthouse construction, that would be fine, but if not, we have to move forward and the Board has to make a decision today as to whether to move the courthouse back or forward in the construction plans; need to get started on courthouse, we have waited and discussed this long enough.

Commissioner Thacker asked, if we decide today to move the courthouse back, all this heavy equipment is going to be driving over and sitting upon this sewer line; the bids to build this are going to be higher in cost when this is damaged from construction and I don't see how on any level that there won't be damage, will that be covered in the bids for whomever is building the building or contractor or sub-contractor, if they damage the sewer line, are they the ones who will be paying for the repairs and who would be responsible, if in the meantime we should have flooding, who is responsible and liable for clearing any clogs that may occur?

Chairman DeLozier expressed the sewer line opening will have to be monitored during the construction to make sure there has not been a cave-in and anytime during any kind of rain storms.

Reeve answered, any construction project has issues and problems of this type; contractors are responsible for repairing for what damages they might do; the contractor will be made aware of this issue and it will be very clear on our contract documents, which will include the age of the storm sewer; but, how much money they put into the project because it is anybody's guess what kind of damages are going to be done; there will be some dollars set aside in these contracts for this kind of repair; these issues will be discussed in detail with Flintco's construction manager.

Iski addressed the liability question Commissioner Thacker asked earlier, if there is damage at some point or any point during construction or after construction, the county is always going to face some exposure where someone can name the county as a defendant; construction documents can be written to help protect the county; county has been very diligent in looking at every possibility of what you can do to work around this issue and solve the issue.

Commissioner Thacker seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

3. Discussion with possible action with the City of Catoosa regarding E911 Addressing, alignment, funding the sharing of information – (D#1 DeLozier)
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Vicki Atchley, E911 Addressing coordinator and Denus Benton, Catoosa Fire Chief were present at the meeting. Atchley explained City of Catoosa has three address grids, Tulsa, Catoosa and Rogers County; Catoosa Fire and Catoosa Police dispatched by Tulsa; Pafford Ambulance is dispatched by MESTA in Mayes County; landline 911 calls go to Tulsa; wireless 911 calls are split between Tulsa, Wagoner County and Rogers County; Catoosa Fire Department is outside Catoosa corporate limits; 911 calls go to Rogers County Sheriff's Office; several City of Catoosa entities are assigning addresses; no one is responsible for maintaining and collecting address points; all wireless and landline 911 funds are being sent to Tulsa; no address point data available; City of Tulsa is no longer addressing; recommends leaving addresses as is and put on Rogers County grid.

Benton stated we used to have someone at the City of Tulsa take care of this problem for us, but she is no longer employed there; City of Tulsa doesn't have anyone working there now that wants to deal with the Tulsa addressing and the county addressing, because our fire district is larger than our city limits; we are currently having lots of problems with addressing numbers not being consecutive, need someone to keep it unified; especially for emergency responders; current contract we have with City of Tulsa is for dispatching only, does not include addressing and they have stated to us they do not want to do addressing for the City of Catoosa; believes funds are still going to Tulsa County that should be coming to Rogers County; hopefully, sometime in the near future, we want to move over to the Rogers County 911 dispatching.

Commissioner Helm asked Assistant District Attorney, David Iski, if Rogers County could ask City of Tulsa for those funds back and to make sure future funding come to Rogers County.

Iski suggested asking City of Catoosa's legal department to also look into it and requested any supporting documents be provided to him for his review and to discuss this matter in depth with Atchley after the meeting.

Discussion only, no action taken.

4. Discussion with possible action regarding Certificate of Authorized Signatures Form through active Oklahoma Department of Commerce Contracts – (Clerk)

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

5. Discussion with possible action regarding Approval/Disapproval of Resolutions for Disposing of Equipment for District #2 as follows: 2005 Ford one-ton crew cab, vin #1FTWW31575EB82763 and 2007 Chevy Silverado 4x4 Crew Cab pickup, vin #1GCHK23197F191366 – to be sold at 2011 Elk City Auction – (D#2 Helm)

Commissioner Helm explained these two vehicles will be taken to the CED Auction for this year; the one-ton Chevy is almost approaching 100,000 miles; the 2007 Silverado Chevy is a diesel truck, and Jim Glover Chevrolet had to look into it, because of our warranty, and we do not want to have it as a part of our vehicle fleet at District #2. Commissioner Helm made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

6. Discussion with possible action regarding Approval/Disapproval of County Clerk's Cash Book and Summary Report for January 2011 – (Clerk)

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

7. Notification of Fair Board Election Results for District #1 – (Clerk)
NOTE District #2 and District #3 did not have to hold a Fair Board Election because only received one filing per district***

Chairman DeLozier stated District #1 held their Fair Board election on Saturday, February 12, 2011, at 10:00 A.M. and turned results into the County Clerk's Office.

Peggy Armstrong, Rogers County Clerk, reported District #1 had two candidates file as Fair Board member: Ronnie Joe Watkins and Mark McClurg; Watkins received 17 votes and McClurg received 2 votes; Districts 2 & 3 did not hold an election, because only one candidate filed for each respectively; Mark H. Robertson in District #2 and Duane Stout in District #3. Presentation 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 – None presented.

ITEM 17: ANNOUNCEMENTS: None presented.

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
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of all claims that were approved for payment on Monday, February 14, 2011***Commissioner Helm made a motion to approve payment of all purchase orders submitted from all departments with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 20: RECESS OR ADJOURNMENT:

Chairman DeLozier made a motion to adjourn the meeting with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-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, February 10, 2011 , at 2:52 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.