

## 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, June 13, 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 and determined that Notice of Meeting and Agenda were properly posted in accordance with the Oklahoma Open Meeting Act.

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: June 6, 2011

Commissioner Thacker made a motion to approve the minutes from June 6, 2011, as presented with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 6: UNFINISHED BUSINESS:

1. Discussion with possible action regarding the recommendation of the Courthouse/E-911 Committee to approve supplemental funding for the new Rogers County Courthouse and E-911 Center. (Commissioners) \*\*\*NOTE\*\*\* item discussed and tabled at June 6, 2011 meeting.

Greg Nieto, financial adviser, presented the Board with a spreadsheet of sales tax collections and use tax collections since 2003/2004; updated amortization schedule; looked at the existing debt, then looked at the amount necessary to complete the project; a net of approximately \$2.6 million; have gone back to the original underwriter of the first bond issue and discussed with them what the possibilities would be and options available.

Commissioner Helm expressed concerns over unforeseen costs involved and where would the county come up with more money if this should happen.

Commissioner Helm made a motion to solicit additional funding for the new Rogers County Courthouse and E911 Center with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

2. Discussion with possible action for Flintco LLC Contract Amendment for Guaranteed Maximum price for Rogers County Courthouse Project. (Commissioners) \*\*\*NOTE\*\*\* item discussed and tabled at June 6, 2011 meeting.

Assistant District Attorney, David Iski, reported he had reviewed the Contract and was ready for the Board's consideration. Chairman DeLozier made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

3. Discussion with possible action regarding Approval/Disapproval of Contract for Sale of Land between Claremore Land, LLC, an Oklahoma limited liability company, whose address is % John Williams, Managing Member, 25825 South Highway 66, Claremore, Ok 74019, seller, and the Board of County Commissioners for Rogers County, State of Oklahoma, on a tract of land containing four (4.0) acres of land, described as follows: "the South 270.69 feet of the North 765.69 feet of the E/2 of the SE/4 of the SE/4 of Section 31, Township 22 North, Range 16 East of the I.B.&M., containing four (4.0) acres, Rogers County, Oklahoma – (D#1 DeLozier) - \*\*\*NOTE\*\*\*item discussed at March 28, 2011, meeting; and tabled from May 23, 2011, meeting and May 31, 2011 meeting

Chairman DeLozier reported this item was being brought back before the Board, because the waterline issues changed from the original agreement on where it was going to be located; originally informed Board the waterline would be coming down Highway 88 and the cost to John Williams was approximately \$15,000.00; and the county would install the waterline. The waterline installation has changed and will come down Lowry Road; will cost approximately \$21,000.00 and engineering fees for the project; Williams stated he would pay \$20,000.00 of the waterline.

Chairman DeLozier made a motion to approve with Commissioner

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

4. Discussion with possible action regarding Approval/Disapproval of ODOT Invoice #21490(04) in the amount of \$502,482.00 for BRO-166D(139)CO, Bridge and Approach over Dog Creek (AKA Panther Creek) apprx. 0.6 mile South and 3.2 mile East of SH20/I-44 Junction, with \$175,869.00 Federal BRO and \$326,613.00 Local Funds. (District #3) \*\*\*NOTE\*\*\* item discussed and tabled at June 6, 2011 meeting.

John Blickensderfer with Guy Engineering Services Inc., reported BR projects require matching funds; Board has agreement in place whatever District receives the BR money for that year, would also receive that year's allocation of CBRI funds; at this time to move this project forward for letting, ODOT has invoiced the county for their matching dollars of \$326,613.00.

The issue that arises is, this project was originally going to be in a future year; the CED starting in 2012 is kicking in CIRB monies to help match your BR projects.

Chairman DeLozier asked, District #3 does have some CIRB monies coming this year on another project for engineering, could he use those funds on this bridge? Blickensderfer answered, no, but suggested next year you do have approximately \$200,000.00 CIRB funds allocated to Rogers County; with the possibility of District #1 Dog Creek Bridge Project being funded by the Cherokee Nation and Spunky Creek Project would move up to 2012 and it should not need the full \$225,000.00 allocation, so we could petition the CED District to move some of that money into 2011 and fund early and leave the balance there for the Spunky Creek Project.

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

ITEM 7: ZONING: None presented.

ITEM 8: PLATS:

1. Discussion with possible action regarding Approval/Disapproval of Final Plat of Oologah United Methodist Church, A part of the NE/4 of Section 5, Township 22 North, Range 15 East, an addition to the Town of Oologah, Rogers County Oklahoma, Lot 1, Block 1, 15.00 Acre Tract Zoned-AG. (District #2-Kellogg Engineering)

Planning Commission Director, Megan Green, reported this item was approved by the Planning Commission Board on May 3, 2011, by a five to zero vote; with a recommendation from the director to approve.

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

ITEM 9: ROADS AND BRIDGES:

1. Discussion with possible action regarding Approval/Disapproval of Resolution #2011-44, whereas, Rogers County Board of County Commissioners have entered into a Contract Agreement(s) with the Oklahoma Cooperative Circuit Engineering Districts Board for certain road and bridge construction projects, and the expiration date of the Contract Agreement(s) is the 30<sup>th</sup> day of June, 2011, unless it is renewed in the manner provided in the said Contract Agreement(s), and it is the desire of the Board of County Commissioners to extend the Contract Agreement(s) until the 30<sup>th</sup> day of June, 2012 for the following described project(s) and reasons(s):  
Project Number: ETRCR1-66-3(01)10 –

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

ITEM 10: CASH FUND ESTIMATE OF NEEDS AND REQUEST FOR APPROPRIATIONS:  
None presented.

ITEM 11: TRANSFER OF FUNDS:

1. Unrestricted T Highway District #3 – M & O to Salaries \$15,000.00  
Commissioner Thacker made a motion to approve with Chairman DeLozier seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 12: UTILITY PERMITS: None presented.

ITEM 13: CLAIMS:

1. Salaries – None presented.
2. Attendant Care – None presented.

ITEM 14: BLANKET PURCHASE ORDERS:

1. Materials, Supplies, Parts, Groceries & Prescriptions –  
Assessor: District #3 Warehouse, \$400.00 and Sheriff's medical: Correctional Dental Services, \$2,000.00 – Commissioner Thacker made a motion to approve with blanket purchase orders as submitted with Chairman DeLozier seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

2. Orders Exceeding Amount of Issuance –  
Emergency Management issued purchase order #107713 to Comdata Mastercard for fuel for \$200.00; invoice is over by \$33.21; request payment of \$233.21 by Board.  
Commissioner Thacker made a motion to approve with Chairman

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

ITEM 15: GRANTS: None presented.

ITEM 16: AGENDA ITEMS:

1. Discussion with possible action regarding Approval/Disapproval of offer by the Oklahoma House of Representatives to provide assistance to local government entities in Oklahoma with technical support for redistricting County District boundaries based upon the 2010 Census as required under 19 O.S., SS 321-

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

2. Discussion with possible action regarding Approval/Disapproval of Review of additional benefits due to previous employee George C. Bohl under the Oklahoma Public Employees Retirement System –

Iski explained this is the paperwork for the county to take care of the obligations for unused sick leave on retirement benefits for Bohl; county handbook is a totally separate issue regarding county not paying for sick leave; this is a retirement benefit pursuant to Section 913(B)(7) of Title 74 of Oklahoma statutes.

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

3. Discussion with possible action regarding Approval/Disapproval of Agreement for Enhanced Emergency Number (E-911) Service between Oklahoma Communications Systems, Inc., an Oklahoma Corporation (TDS) and the Board of County Commissioners of Rogers County, to have TDS, in conjunction with AT & T Oklahoma f/k/a Southwestern Bell Telephone Company, provide Enhanced Emergency Number Service (E9-1-1) on the behalf of Rogers County in its provision of E9-1-1 service.(Commissioners)

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

4. Discussion with possible action regarding Approval/Disapproval of specifications of materials and scope of work for repairing Election Board building roof. (Maintenance)

Earl Hensley, Maintenance Supervisor, reported two weeks ago he presented the Board with three quotes for repairs to the Election Board building roof; however, specs were not done on materials to be used; contacted the same three vendors again including specs for materials to be used; recommends going with low bidder of S & S Constructors.

Chairman DeLozier made a motion to accept the low bid quote of S & S Constructors for \$2,260.00 with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

5. Discussion with possible action regarding Approval/Disapproval of contract between the Sac and Fox Nation Juvenile Detention Center, and the Board of County Commissioners of Rogers County for juvenile detention services in the amount of \$21.11 per child per day, fiscal Year 2011-12 – (Commissioners)

\*\*\*See Item #8 for Board action\*\*\*

6. Discussion with possible action regarding Approval/Disapproval of contract between the Pottawatomie County Public Safety Center and the Board of County Commissioners of Rogers County for juvenile detention services in the amount of \$30.00 per child per day, fiscal Year 2011-12 – (Commissioners)

\*\*\*See Item #8 for Board action\*\*\*

7. Discussion with possible action regarding Approval/Disapproval of contract between the Osage County Juvenile Detention Center and the Board of County Commissioners of Rogers County for juvenile detention services in the amount of \$27.05 per child per day, fiscal Year 2011-12 – (Commissioners)

\*\*\*See Item #8 for Board action\*\*\*

8. Discussion with possible action regarding Approval/Disapproval of contract between ROCMND Area Youth Services, Inc., operating the Craig County Juvenile Detention Center and the Board of County Commissioners of Rogers County for juvenile detention services in the amount of \$17.02 per child per day, fiscal Year 2011-12 – (Commissioners)

Chairman DeLozier made a motion to approve Items 5, 6, 7 & 8 under Agenda Items #15 as presented with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

9. Discussion only regarding the Rogers County Sheriff being designated as being in charge of administration of the E911 Center. (District #2 Helm)

Commissioner Helm explained he placed this item on the agenda for discussion only to make it clear as to where the money could or could not come from regarding E911 wireless service fees; possibly hiring a consultant to administer E911 Center and use those E911 wireless service fees for their payroll; Sheriff being elected official being in charge of E911 Center; discussions on pros and cons of designing a building with an E911 Administrator; un-officially agencies involved have agreed and they know they will have to buy-in; but are waiting for \$ amount before each agency can take back before their Board; discussions on pros and cons of trust authority for E911 Center; Discussion only, no action taken.

10. Discussion with possible action regarding Approval/Disapproval

of Worker's Compensation offered through Association of County Commissioner of Oklahoma Self Insurance Fund (Worker's Compensation Program) **and** signing of Resolution #2011-33 **and** Intent to Participate in ACCO-SIF form for policy term July 1, 2011, through June 30, 2012 – (Clerk)

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

11. Discussion with possible action regarding Approval/Disapproval of May 2011 Monthly Report of Officers – (Treas/Clerk)

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

12: Discussion with possible action regarding Approval/Disapproval of Rogers County Free Fair Association's request for a continuance of last fiscal year's .00023 millage for the 2011-2012 fiscal year budget used for operation of the Fall County Fair and Spring Livestock Show. (Clerk)

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

13. Discussion with possible action regarding Approval/Disapproval of Resolution #2011-34 to allow Rogers County Clerk Peggy Armstrong to continue microfilming Land Records as per Bid #404 awarded 7-28-2003 as per the bid contract until completion of project, renewing for the fiscal year 2011-2012. (Clerk)

Iski recommended the Board table this item to allow him time to review the contract involving the bid. Chairman DeLozier made a motion to table this item for one week (June 20, 2011) with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

14. Discussion with possible action regarding Approval/Disapproval of Resolution #2011-35 for the Court Clerk to make regular deposits from the Court Fund Account and the Court Clerk Revolving Fund in to the County General Fund for payroll expenses relating to the Court Fund Employees, renewing for the fiscal year 2011-2012. (Clerk) –

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

15. Discussion with possible action regarding Approval/Disapproval of Resolution #2011-36 to direct Rogers County Treasurer Cathy Pinkerton-Baker to deposit funds from reimbursement of fuel from Scott Walton, Sheriff and Scott Marsh, Assessor into the 1 Cent Sales Tax Fund distribution into the Maintenance and Operations Account for each district as expended for fiscal year 2011-2012 - (Clerk)

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

16. Discussion with possible action regarding Approval/Disapproval of Resolution #2011-37 to direct Rogers County Treasurer Cathy Pinkerton-Baker to deposit funds from FEMA Reimbursements into the 1 Cent Sales Tax Fund for distribution into each district as expended for fiscal year 2011-2012. (Clerk)

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

17. Discussion with possible action regarding Approval/Disapproval of Resolution #2011-38 to direct Rogers County Treasurer Cathy Pinkerton-Baker to deposit funds from Town of Oologah and Oologah Municipal Authority into the One Cent Sales Tax Fund for distribution into District #2, Maintenance and Operations for fiscal year 2011-2012.(Clerk)

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

18. Discussion with possible action regarding Approval/Disapproval of Resolution #2011-39 to direct Rogers County Treasurer Cathy Pinkerton-Baker to deposit funds from Town of Talala into the One Cent Sales Tax Fund for distribution into District #2, Maintenance and Operations for fiscal year 2011-2012.(Clerk)

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

19. Discussion with possible action regarding Approval/Disapproval of Resolution #2011-40 to direct Rogers County Treasurer Cathy Pinkerton-Baker to deposit funds from various entities for which election expenses have been held, for reimbursement to the Election Board General Fund for fiscal year 2011-2012.(Clerk)

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

20. Discussion with possible action regarding Approval/Disapproval of Resolution #2011-41 Full Warranty Lease Rental Agreement for Equipment by and between the Board of County Commissioners, and The Empire Companies, Bank of Nichols Hill, Welch State Bank and Oklahoma Department of Transportation, to renew, extend and revitalize said lease(s) and all its terms and provisions for the period expiring June 30<sup>th</sup>, 2012. (Clerk)

Commissioner Thacker made a motion to approve with Commissioner Helm seconding the motion. Iski recommended the Board table this item until further notice to give time to review the lease rental agreements.

Commissioner Thacker rescinded his motion with Commissioner Helm rescinding his seconding of the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye.

Motion carried.

Commissioner Helm made a motion to strike this item from the agenda with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

21. Discussion with possible action regarding Approval/Disapproval of Resolution #2011-42 and Reimbursement form to direct Rogers County Treasurer Cathy Pinkerton-Baker to deposit funds from Cummings Southern Plains in the amount of \$156.88 to be deposited into the One Cent Sales Tax Fund for distribution into District #1, Maintenance and Operations - (Clerk)

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

22. Discussion with possible action regarding Approval/Disapproval of Assessor's Office fuel reimbursement into District #3 M & O in the amount of \$429.63- (Clerk)

Commissioner Thacker made a motion to approve with the correction being made to reflect fuel reimbursement from the Assessor's Office, instead of Sheriff's Office, with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

23. Discussion with possible action regarding Approval/Disapproval of Resolution #2011-43, whereas, it is the opinion of the Board of County Commissioners for Rogers County, State of Oklahoma, to hereby elect to contribute to the Oklahoma Public Employees Retirement System (OPERS) an amount equal to 15.5% (employer's share) of the allowable compensation for each employee and each employee member shall contribute 4.5% (employees share) for a total contribution of 20% as required by 74 O.S. § 920a, as hereinafter amended; and the aforementioned amounts will be contributed from the time period beginning July 1, 2011, until changed by the governing body – (District #2-Helm)

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

ITEM 17: 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 asked regarding Item 6 Unfinished Business Item #3.

ITEM 18: ANNOUNCEMENTS: None presented.

ITEM 19: 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 20: 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, June 13, 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 21: 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 11:33 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, June 9<sup>th</sup>, 2011 @4:51PM 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.*