

**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, July 25, 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 Notice of Meeting and Agenda were properly posted in accordance with the Oklahoma Open Meeting Act.

ITEM 3: PLEDGE OF ALLEGIANCE:

Commissioner Helm led the salute and Pledge of Allegiance to the American Flag.

ITEM 4: INVOCATION:

Commissioner Thacker said a prayer.

ITEM 5: APPROVE/DISAPPROVE MINUTES: July 18, 2011

Commissioner Helm made a motion to approve the minutes from July 18, 2011, as presented with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 6: UNFINISHED BUSINESS: None presented.

ITEM 7: ZONING: None presented.

ITEM 8: PLATS:

1. Discussion with possible action regarding Preliminary Plat of Bella Vita, a subdivision located in a part of the SW/4 of Section 26, Township 21 North, Range 14 East of the I.B.&M., Rogers County, in District #2 –

Magan Green, Planning Commission Director, reported the preliminary plat of Bella Vita went before the Planning Commission Board on July 6, 2011, and was approved by a seven to zero vote; met all requirements of the Planning Commission before becoming a plat; a unique cul-de-sac being fifty-five feet long and subdivision regulations call for sixty feet long.

Brian Kellogg with Kellogg Engineering, Inc., reported this is the first time in Rogers County a developer is proposing curbs and guttering and per the new subdivision regulations it calls for sixty feet, but we have asked and received from the Planning Commission a variance; with curb & guttering it will be fifty-five feet long instead of sixty.

Commissioner Helm made a motion to approve with the recommendation of the Planning Commission Director and Chairman DeLozier seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 9: ROADS AND BRIDGES:

1. Discussion with possible action regarding following listed item:

**A. Corrected** CED #1 (Circuit Engineering District) Materials Request Form on behalf of District #2 – (D#2 Helm) \*\*\*NOTE\*\*\*this item was originally approved on July 18, 2011 \*\*\*

Commissioner Helm explained last week the form was completed for all three Commissioner's districts; CED requires each Commission district to complete one individually; cannot have all three districts on one form.

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

**B.** Resolution #2011-60 Approve/Disapprove County Commissioner District Boundaries – (D#2 Helm) \*\*\*NOTE\*\*\*this item was tabled from July 18, 2011, meeting\*\*\*

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

**C.** Resolution #2011-65 Board providing Notice of the cross town beams from Oklahoma Department of Transportation to transfer surplus bridge beams to local governments (Comm. Office)

Discussions on what size beams are available and is unknown at this time;

will be addressed Thursday, July 28<sup>th</sup> at the CED meeting and each Commissioner needs to be present if they want to participate.

Chairman DeLozier made a motion to table this item for one week (August 1<sup>st</sup>) with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 10: CASH FUND ESTIMATE OF NEEDS AND REQUEST FOR APPROPRIATIONS:

1. Discussion with possible action regarding the following listed cash fund estimate of needs as presented:

- A. 005 – Use Tax – None presented.
- B. 006 – Rogers County Courthouse & E911 Facility – None presented.
- C. 101 – Unrestricted Highway - \$344,135.24
- D. 105 – County Bridge & Road Improvement Fund (CBRIF) - \$35,986.61
- E. 140 – Wireless Pre-Pay – (Jan. 2011) - \$1,819.01
- F. 141 – Cellular Phone Usage – None presented.
- G. 142 – E911- \$8,381.21
- H. 145 – Attendant Care – None presented.

Chairman DeLozier made a motion to approve items c, d, e & g under cash fund estimate of needs as presented with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 11: TRANSFER OF FUNDS:

- A. District #3 Unrestricted Highway M&O to capital outlay - \$10,000.00

Commissioner Thacker reported this transfer was for building expansion at District #3 warehouse and made a motion to approve with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 12: UTILITY PERMITS:

1. A T & T – trenching & boring – starting approximately 1330 feet north of the SE/corner of Section 14, Township 21 North, Range 15 East; bore from Section 14 into Section 13, Township 21 North, Range 15 East; thence south approximately 70 feet; thence east into “The Woodlands at Westin Park” in District #3 - \*\*\*NOTE\*\*\*this item was tabled from July 18, 2011, meeting\*\*\*

Discussions held regarding the new subdivision “The Woodlands at Westin Park”; preliminary plat has been approved; the final plat was submitted and Brian Kellogg initially started reviewing it and then opted out of it; Valerie Rogers is now reviewing it and has sent back numerous comments about the plat and those comments were forwarded onto Charles Howard who is the engineer on the project; Howard has not re-submitted a final plan and the final plat has not been submitted to the Planning Commission or approved.; construction plans are usually approved first before any boring or trenching would happen; construction plans have not been approved; concerns expressed over county not having plans and possibly shutting down construction because of not having final plat; utility permit with A T & T is not really an issue; discussions regarding new subdivision regulations.

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 – July 2011

Discussions held regarding resignation of Brandon Hill and Susie Jones from the Sheriff’s Office regarding any vacation time owed, comp time owed and if exit conferences were held with each employee; county insurance ends for each employee at the end of the day and discussions on OPERS.

Commissioner Helm made a motion to approve the salary claims for July 2011 as presented with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

- 2. Attendant Care – None presented.

ITEM 14: BLANKET PURCHASE ORDERS:

- 1. Material, Supplies, Parts, Groceries & Prescriptions –

District #3: R & S Auto Parts, \$500.00; Sheriff: Speedy Lube, \$500.00 – Commissioner Thacker made a motion to approve the blanket purchase orders as submitted with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

- 2. Orders Exceeding Amount of Issuance – None presented.

ITEM 15: GRANTS:

1. Resolution #2011-64 authorizing Application for Financial Assistance from the Rural Economic Development Action Plan Fund to assist the City of Tulsa-Rogers County Port Authority in seeking funding for an Economic/Community Development Project – (D#2 Helm)

Andy Armstrong, an independent grant consultant, explained this is Grand Gateway's REAP program in which their applications are due in the middle of August; have been working with the Port regarding an exercise trail within the Port; \$40,000.00 request.

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

ITEM 16: PAYMENT REQUISITION – CONSTRUCTION FUND – RCB BANK, TRUSTEE

1. The Burrows Agency - \$28,047.00- Builders Risk Insurance Policy for Courthouse – (Comm. Office)

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

ITEM 17: AGENDA ITEMS:

1. Consider, Discuss and take Appropriate Action on the following:

A. Audio/Video System Contract with recommendation by Flintco of qualifying bid for Rogers County Courthouse Project – (Comm. Office)

Assistant District Attorney, David Iski, reported he had not seen any documents regarding this request; Kirby Crowe with PMg has not reviewed either; Crowe explained there should be a recommendation of award from the architect on these kind of items; that item was not included in the guaranteed maximum price (gmp) computation by my initial review and is not included in the allowances; unsure where it stands as far as awarding goes.

Chairman DeLozier made a motion to table this item for one week (August 1<sup>st</sup>) with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

B. Resolution #2011-63 to join and approve an Interlocal Cooperative Agreement with the Circuit Engineering District – (Comm. Office)

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

C. New Employee Coversheet and Data Form – (Clerk)

Iski reported he had approved the new employee data sheets for the Board to review. Chairman DeLozier made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried

Iski recommended making sure all offices and departments received the updated version of the new employee coversheet and data form.

D. KellPro Software License and Service Agreement on behalf of Rogers County Sheriff's Office 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.

E. Landmark Business Systems Customer Service Maintenance Agreement on behalf of Emergency Management for Ricoh Aficio 350 copier and Gestetner GDSC25SPF color copier 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.

F. Management services proposed by Program Management Group, LLC, (PMg) for Courthouse and E911 Center projects –

Kirby Crowe with PMg was present at the meeting; discussions held regarding what does PMg for Rogers County to save the tax payer's dollars? Their role is advise the Board independently from someone whose recommendations are not contingent on the action being taken at hand; look for holes in contracts executed regarding architect and construction managers; PMg is the eyes and ears for the Board of County Commissioners; PMg does not charge the county for storing of the plans & spec documents; PMg has a desire to save the public funds without adversely impacting the project; discussions regarding current issues in Craig County and Mayes County with their new courthouses; discussion only, no action taken.

ITEM 18: ACKNOWLEDGEMENT RECEIPT OF THE FOLLOWING:

1. Bulletin 2011-01 from Oklahoma State Auditor & Inspector regarding mileage reimbursement, effective July 1, 2011; the Internal Revenue Service in A-2011-40 has set for the rate of 55.5 cents per mile – Acknowledged for public record only, no action taken.

ITEM 19: 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 –

B. J Fay with Flintco addressed Item 17 Agenda Items #1A, the audio/video system contract as to where the dollars are coming from and was this item in the original recommendation made by Flintco to the Board.

Fay reported this bid was read out loud in the bid opening meeting held at the county building; the bid was a proper bid; the reason that it was not included in the original letter with the other bidders, was because there was some discrepancy between the dollar amounts; we gathered the low bidder and the engineer together in a meeting to discuss the scope of work; the meeting only happened last week; the current amount of \$202,000.00 is currently in the budget and will not reduce

the amount of funds we have in contingency; this dollar amount has always been carried, we (Flintco) wanted to make sure the bidder had the scope covered before we signed off on the project; the amount is included in the guaranteed maximum price.

Iski recommended before the Board approve, get the recommendation of PMg and have the architect make recommendations to the Board in the future.

Discussion only, no action taken.

ITEM 20: ANNOUNCEMENTS:

Commissioner Helm announced Newton, Kansas located within Harvard County Kansas and their Board of County Commissioners have entered in to an agreement with the Port of Catoosa to transfer all their industrial holdings to the Port, which the Port of Catoosa now covers the central plains of the nation.

ITEM 21: 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 –

Chairman DeLozier reported a Burn Ban was issued on Friday morning, July 22, 2011; all the criteria has been met in order for Rogers County to call for a burn ban; discussions occurred regarding imposing fines on someone who does not follow the burn ban; Title 2 Okl.St. Ann. § 16-26(B)(6) provides that any person convicted of violating the provisions of this subsection shall be guilty of a misdemeanor and shall be subject to a fine of not more than Five Hundred Dollars (\$500.00), to imprisonment for not more than one (1) year, or to both such fine and imprisonment; local law enforcement will enforce the burn ban either by warnings or possibly fining.

Chairman DeLozier made a motion to accept Resolution #2011-66 into the public records with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 22: PAYMENT OF PURCHASE ORDERS FROM ALL DEPARTMENTS:

(Materials, Supplies, Parts, Groceries & Prescriptions)\*\*\*NOTE\*\*\* see attached list of all claims paid for Monday, July 25, 2011\*\*\*

Commissioner Thacker made a motion to approve payment of all purchase orders submitted from all departments with the exception of purchase order #108184 issued to Eason Collision for \$1,000.00, to be sent back to requisitioning office for further review with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 23: RECESS OR ADJOURNMENT:

Chairman DeLozier made a motion to adjourn the meeting with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried and meeting adjourned at 11:37 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, July 21, 2011, at 1:18 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.*