

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 31, 2011, at 9:00 O'clock A.M.

MINUTES

ITEM 1: CALL TO ORDER:

Chairman Dan DeLozier called the meeting to order at 9:00 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: PLEDGE OF ALLEGIANCE:

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

ITEM 4: INVOCATION:

Commissioner Helm said a prayer.

ITEM 5: APPROVE/DISAPPROVE MINUTES: October 24, 2011

Commissioner Thacker made a motion to approve the minutes from October 24, 2011, as presented with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried

ITEM 6; UNFINISHED BUSINESS:

Consider, Discuss and take Appropriate Action on the following:

1. Vickie Bratton, Housing Administrator for the Delaware Tribe Housing Program to discuss the Cooperation and PILOT (Payment in Lieu of Taxes) Agreements for Rogers County – (D#1 DeLozier) ***NOTE***this item was tabled from October 24, 2011, meeting***

Assistant District Attorney, David Iski, has reviewed the agreements, but was needing to review the legal descriptions with Rogers County Assessor, Scott Marsh; Iski recommended tabling this item until further notice.

Chairman DeLozier made a motion to table this item until further notice with Commissioner Thacker 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 & BRIDGES: None presented.

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

1. 005 – Use Tax – None presented.
2. 006 – Rogers County Courthouse & E911 Facility – None presented.
3. 101 – Unrestricted Highway - \$275,391.46
4. 105 – County Bridge & Road Improvement Fund (CBRIF) - \$29,908.46
5. 140 – Wireless Pre-Pay (Jan. 2011) - \$1,858.72
6. 141 – Cellular Phone Usage - \$24,061.34
7. 142 – E911- \$17,718.62
8. 145 – Attendant Care – None presented.

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

ITEM 11: TRANSFER OF FUNDS: None presented.

ITEM 12: UTILITY PERMITS:

1. A T & T – mechanical trenching & boring – paralleling North Lynn Lane Avenue (North 177th East Avenue) for 750 feet; boring under I-44 bridge with a 6 inch casing E/W 300 PR buried cable; boring under North Lynn Lane Avenue approximately 200 feet North of East

Archer Street in the SW/4 of Section 35, Township 20 North, Range 14 East to the SE/4 of Section 34, Township 20 North Range 14 East of the I.B.&M., in District #3 – (D#3 Thacker)

Commissioner Thacker reported this permit request lies within the city limits of City of Catoosa, is not for the county to approve.

Commissioner Thacker made a motion to send the utility permit back to A T & T and inform them to make their request with the City of Catoosa with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 13: CLAIMS:

1. Salaries – Susie Rains – 80 hours vacation = \$1,384.00 and 14 hours comp time = \$242.20 – Commissioner Helm made a motion to approve 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: Lowe's, \$300.00; Emergency Management: Comdata MasterCard, \$300.00; & Froman Oil, \$200.00; E911 Addressing: Froman Oil, \$200.00 – Chairman DeLozier made a motion to approve the blanket purchase orders as presented 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: GRANTS: None presented.

ITEM 16: PAYMENT REQUISITION – CONSTRUCTION FUND – RCB BANK, TRUSTEE: None presented.

ITEM 17: AGENDA ITEMS:

A. Consider, Discuss and take Appropriation Action on the following:

1. Update by BKL, Inc., and Flintco regarding Courthouse and E911 Center Projects –

B. J. Fay with Flintco updated the Board on the last week of pouring grade beams; all foundation and concrete will be completed this week.

Kim Reeve with BKL, Inc., updated the Board on the E911 Center, on having a program prepared and needing to review the preliminary design; discussions on holding a special meeting later in the week to review; discussions only, no action taken.

2. Independent Contractors Agreement By and Between: The Rogers County Board of County Commissioners and BKL Inc. for Professional Services for Architect & Engineering Design of the Geothermal System for New Courthouse. - (Iski)

Iski reported in discussions with Kim Reeve with BKL, Inc., regarding the closing of the geothermal system, the Board never formalized the contract; an Independent Contract Agreement has been drafted for the Board to review and to be effective July 1, 2011, as start date.

Discussions held regarding where were the funds to be paid from? Iski reminded is a part of the new Courthouse Project; that is a decision for the Board to discuss and decide where to pay from. Discussions held regarding how much funds were in the Owner's Contingency? Approximately \$220,000.00; discussions held as to where to pay the invoices from.

Commissioner Helm made a motion to pay all invoices for geothermal system to be paid from the Owner's Contingency on the Courthouse Project with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

Commissioner Helm made a motion to approve the Independent Contractor's Agreement as presented with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

3. Commercial Lease Agreement by and between Tom and Nedra Williams Properties, LLC, Neely Insurance Agency, Inc., and Tracy G. Row and John W. Row, Jr., husband and wife (Landlord) and Board of County Commissioners (Tenant) – (Iski)

Iski reported this agreement is to secure some additional parking for the courthouse; has had several meetings with Tom Williams; discussions held regarding how many inches of gravel and how deep; how many inches of asphalt. Discussions held regarding who is the contact person(s) Brian Kellogg and Chairman DeLozier.

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

4. Request from Verizon to lease County property for the purpose of building a cell tower – (D#2 Helm)

Lila Burns with Sabre Industries Turnkey Solutions, expressed that Verizon wants to build a 150 foot monopole tower in Claremore and would like to submit the tract of land that the county is currently using as overflow parking as a candidate for Verizon's consideration; propose \$4800.00 annual rental with 2% annual increases; the proposed ground space is 50' x 50' area with an indoor equipment shelter; has to meet City of Claremore requirements because it lies within the City; but County needs to show they are interested; discussions held regarding what would happen if it ceased to exist for cell tower use; discussions held on continuing to use as further parking lot.

Commissioner Helm made a motion for Lila Burns to draft a design and scope-of-work with Chairman DeLozier and bring back before the Board at a later date with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

5. Request from Rogers County Sheriff's Office the purchase of handheld radios that are narrow band capable with the ability for digital upgrade – (Iski)

Captain Jerry Smittle with the Rogers County Sheriff's Office requested to purchase 30 each radios with microphones and LED display at a cost of \$600.00 each; current handhelds are eleven years old and are not narrow bandable; Motorola vendor recommends going with Motorola because the receiver is the same brand; discussions held on microphones being equipped with or without cameras/videos; discussions on items needing to be bid; discussions held on keeping secured and protection of the Sheriff's Office internal safety controls; discussions held regarding where would funding come from. Iski is willing to review how other agencies handle their radio issues.

Chairman DeLozier made a motion to find funding from the county to pay for the handheld radios and bid with cameras and without cameras with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

6. Confirmation of Reappointment of Mr. Stephen J. Kisse to Tulsa's Port of Catoosa Facilities Authority for a five-year term effective November 1, 2011 – (D#3 Thacker)

Commissioner Thacker commended Kisse for his years of service and recommended he be confirmed for the re-appointment. Commissioner Thacker made a motion to approve with Chairman DeLozier seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

7. Resolution for Disposing of Equipment for County Clerk: Nobilus 128M Pro Computer Towers described as F-236.27 and F-236.28 to be junked – not cost effective to repair - (Clerk)

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

8. Resolution #2011-88 and Reimbursement Form directing County Treasurer to deposit funds from County of Ottawa in the amount of \$485.00 into One-Cent Sales Tax Fund for distribution for District #1 – (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.

9. Motion and Vote to enter Executive Session for the purpose of discussing the employment, hiring and appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee, as authorized by Title 25 O.S. § 307 (B) (1), to-wit: E911 Administrator – (D#2 Helm)

Commissioner Helm made a motion to adjourn Regular Session and enter Executive Session with Chairman DeLozier seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried and the Board adjourned Regular Session and entered Executive Session at 9:44 a.m. with Assistant District Attorney, David Iski and County Clerk, Peggy Armstrong.

NOTECommissioner Helm excused himself from the meeting at 10:04 a.m.***

10. Motion and Vote to Adjourn Executive Session and enter Regular Session – Chairman DeLozier made a motion to adjourn Executive Session and enter Regular Session WITH Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Thacker-aye. Motion carried and the Board adjourned Executive Session and entered Regular Session at 10:05 a.m.

NOTECommissioner Helm returned to the meeting at 10:06 a.m.***

11. Discussion with possible action with respect to the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee, as authorized by Title 25 O.S. § 307 (B) (1), to-wit: E911 Administrator –

Chairman DeLozier made a motion to authorize Assistant District Attorney, David Iski to continue negotiations with Janet Hamilton with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 18: ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

1. Grand Gateway Economic Development Association for August 2011 in the amount of \$24,061.34 –

2. Notice to Property Owners – public hearing on Application for Change of Zoning from AG (Agricultural) to I-2 (Industrial Purposes) – Property Owners, Jerry M. & Janice K. Holland – Legal: The W/2 of the SW/4 of Section 28, Township 23 North, Range 15 East – General Location: County Barn Road & 409 Road, Oologah, OK

3. Notice to Property Owners – public hearing on Application for Change of Zoning from RST-40 to CG (C-2) Commercial (Wedding Chapel/Restaurant) – Property Owners: Randel R & Susan K. Hisel and Brett & Leslie J. Grubbs – Legal: a tract of land in the SE/4 of the SW/4 of the SE/4 of Section 31, Township 21 North, Range 15 East – Address: 4883 East Highway 266, Catoosa, Ok

4. James P. Tanner, Attorney at Law – Proposed Ordinances which will be Presented to the City Council of the City of Catoosa for the purpose of vacating certain easement and right-of-way on November 21, 2011, at 6:00 p.m. at 214 South Cherokee, Catoosa, OK

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 – None presented.

ITEM 20: ANNOUNCEMENTS: None presented.

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 –

John Williams, Managing Member of Claremore Land, LLC, along with members John Williams, Jr. and Robbie Nees were present at the meeting.

Commissioner Helm reported John Williams, Jr. and Robbie Nees, members of Claremore Land, LLC, met with him last Friday, October 28, 2011, along with Assistant District Attorney, David Iski, at District #2 warehouse, regarding them re-considering the action the Board took on Monday, October 24th for District #2 to purchase the land being considered for the E911 Center; Williams and Nees reconsidered and want to donate the land to Rogers County only for the purpose of an E911 Center; Williams and Nees offered Commissioner Helm a different tract of land right next to the property proposed for the E911 Center.

Discussions held regarding E911 Center being responsible for installation of water line to the E911 Center; Rural Water District #3 is willing to bring waterline to site. Discussions held regarding tower issues, sewer issues, and needing to get water issues answered and fending issues and bring back before the Board next Monday, November 7th.

Commissioner Helm presented e-mails received from Denus Benton, City of Catoosa Fire Chief regarding 911 Center guidelines, to be made a matter of public record in the minutes.

Discussions held with Lila Burns with Sabre Industries Turnkey Solutions for informational purposes on towers; discussions held regarding alternative locations for towers.

Commissioner Thacker reminded the Board that timing is critical.

ITEM 22: PAYMENT OF PURCHASE ORDERS FROM ALL DEPARTMENTS:

(Materials, Supplies, Parts, Groceries & Prescriptions)***NOTE***see attached list of all claims submitted for payment for all departments and approved for payment by the Board on Monday, October 31, 2011***Commissioner Helm made a motion to approve payment of all purchase orders submitted from all departments with Chairman DeLozier seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 23: The Board of County Commissioners will be attending the Rogers County Excise Board's regular scheduled meeting regarding presentation of Amended Estimate of Needs (budget) for 2011-2012 for Excise Board approval on Monday, October 31, 2011, at 1:00 o'clock pm. C.S.T. in the Commissioner's Meeting Room 1-109, located on the 1st Floor of the Rogers County Courthouse, 219 South Missouri, Claremore, Oklahoma, 74017 -

ITEM 24: RECESS OR ADJOURNMENT:

Chairman DeLozier made a motion to recess the meeting in order to attend the Excise Board's regular scheduled meeting at 1:00 p.m. with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried and meeting recessed at 11:01 a.m. until 1:00 p.m.

Chairman DeLozier called the recessed meeting back to order at 1:00 p.m. with Commissioner Helm present and quorum established. Commissioner Thacker was absent.

Chairman DeLozier reported to the Excise Board the budget needed to be amended in order to correct Visual Inspection under Contract Appraisers and no additional funds were asked for on the request, but on the temporary appropriation \$5,500.00 has already been spent; funds were taken from M&O within Visual Inspection and placed in Contract Appraisers; bottom line stays the same on the budget; secondly Emergency Management requested travel, but was erroneously left off the budget; funds will come from M&O within Emergency Management, so bottom line will stay the same; needed \$1.00 placed in some accounts in order to keep the account open for the fiscal year; District #3 needed salaries in cemetery account.

Chairman DeLozier made a motion to adjourn the meeting with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye. Motion carried and meeting adjourned at 1:06 p.m.

BOARD OF COUNTY COMMISSIONERS
ROGERS COUNTY, OKLAHOMA

By: _____
Peggy Armstrong, Rogers County Clerk

(SEAL)