

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, January 30, 2012, at 9:00 O'clock A.M.

MINUTES

ITEM 1: CALL TO ORDER:

Chairman Mike Helm called the meeting to order at 9:04 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 Mike Helm, Commissioner Kirt Thacker and Commissioner Dan DeLozier 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 DeLozier led the salute and Pledge of Allegiance to the American Flag.

ITEM 4: INVOCATION:

Commissioner Thacker said a prayer.

ITEM 5: APPROVE/DISAPPROVE MINUTES: January 23, 2012

Commissioner Thacker made a motion to approve the minutes from January 23, 2012, as presented with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 6: UNFINISHED BUSINESS:

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

1. Independent Contractor's Agreement by and between the Board of County Commissioners of Rogers County and Thomas H. Williams Law Office, P.L.L.C., for reading abstract and render title opinion for E911 Center and Invoice #803606 for \$300.00 – (Iski)

Assistant District Attorney, David Iski, reported the Board had approved for Attorney Tom Williams to do a title opinion on the abstract for the E911 Center property; Williams made several requirements in the opinion for the Board to review, mortgage on property that would need to be released; property would need lot split approval from the Planning Commission; existing easements; ownership of mineral rights and/or as to leases. The opinion from Williams did not include mineral right opinion; discussions held regarding mineral rights; discussions held regarding value of the Claremore Land, LLC, property being donated to the County and the use for tax purposes; discussions held regarding requesting Claremore Land, LLC, for a title opinion on the mineral rights; discussions held regarding authorizing Iski to prepare a letter on behalf of the Board to be sent to Claremore Land, LLC, asking for a title opinion on the mineral rights.

Commissioner DeLozier made a motion to approve the Independent Contractor's Agreement and payment of Invoice #80360 for \$300.00 and authorize Assistant District Attorney, David Iski, to prepare a letter to be sent to Claremore Land, LLC, regarding a title opinion on the mineral rights of the property for the E911 Center with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

2. Independent Contractor's Agreement by and between Board of County Commissioners and Kellogg Engineering, Inc., for research of existing right-of-way and prepare an exhibit for the County's use of East 96th Street North from North 177th East Avenue to North 193rd East Avenue – propose to stake the centerline of the section and stake right-of-way easements at increments of every 250 feet – (D#2 Helm) ***NOTE***this item was tabled from January 23, 2012, meeting***

Brian Kellogg with Kellogg Engineering explained the engineering services request; discussions held. Chairman Helm made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 7: ZONING: None presented.

ITEM 8: PLATS:

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

1. Final Plat – Twin Creeks at Stone Canyon Phase I, being located in a part of the NE/4 of Section 1, Township 20 North, Range 14 East of the I.B.&M., Rogers County – (D#2 Helm)

Brian Kellogg with Kellogg Engineering reported this plat is being presented for approval only today, in order for the St. Jude's home being donated to charity; the County will not

be accepting the roads in Twin Creeks at Stone Canyon Phase I, at this time; all infrastructure required by Rogers County in order to complete all public improvements in the Twin Creeks subdivision will be completed in accordance with Rogers County Rules and Regulations; Kellogg recommended approval of the plat only.

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

2. Final Plat – Greystone at Stone Canyon Phase III, being located in a part of the S/2 of Section 36, Township 21 North, Range 14 East of the I.B.&M., Rogers County – (D#2 Helm)

Brian Kellogg with Kellogg Engineering presented to the Board letter to Planning Commission Director, Magan Green, for final inspection; letter from District #2 Assistant Road Foreman, inspection letter; field density tests results and maintenance bond for roads; Kellogg recommended approval by the Board.

Chairman Helm made a motion to approve the plat as presented and accept the roads within Greystone at Stone Canyon Phase III into the County road maintenance system with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 9: ROADS & BRIDGES:

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

1. Federal-Aid Project Agreement – Project No. BRF-166D(219)CI – State Job No. 25744(04) between Oklahoma Department of Transportation and Rogers County – county bridge over Dog Creek on EW 45 approximately 1.9 miles East of State Highway 66 – (D#1 DeLozier)

Commissioner DeLozier reported in this project Oklahoma Department of Transportation agrees 80% of the construction and supervision costs up to a maximum of \$182,000 in federal funds; and the County agrees that local and CIRB funds shall be used to provide their obligation of the construction costs; first with CIRB funds in the maximum amount of \$112,875 and the balance estimated to be \$1,145,697 to be funded with local funds for a total estimated cost of \$1,440,572; \$1 million has been agreed upon by the Cherokee Nation on this project.

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

2. County Bridge and Road Improvement Fund Engineering Contract Supplemental and Modification Agreement – State Project Number: STP-166C(244)CO – State Job/Piece Number: 26988(04) – by and between Guy Engineering Services, Inc., and Board of County Commissioners of Rogers County – (D#2 Helm)

Chairman Helm reported this agreement is regarding STP grant that the County applied for in 2005 and the project is for re-alignment of Nichols Hills; design changes are due to the County's request of an alternate alignment for Phase 1 other than the original alignment for Phase 1 previously chosen by the County and studied by the Engineer from an eastern connection to US 266 to 0.2 miles south of 66th Street North; the new alignment to be designed for Phase 1 will begin at a southern connection of US 266 (Port Road) and end 0.6 miles south of 66th Street North.

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

3. Grade Crossing Warning Sign Installation Agreement by and between Rogers County and BNSF Railway Company – ODOT No. 668559K – Fisher Road @ SH 66, MP 402.85, LS 1003 and ODOT No. 668562T - CR 540/Franklin Road @ SH 66, MP 404.5, LS 1003 – (D#3 Thacker)

Commissioner Thacker reported this is a request by BNSF for installation of LED enhanced "Do Not Stop on Track" signs; BNSF wants the County to install and maintain the signs. Commissioner Thacker stated he does not feel should be County's responsibility to pay for costs of maintaining and any possible liabilities on the County.

Commissioner Thacker made a motion to table this item for two (2) weeks (February 13, 2012) to allow Assistant District Attorney, David Iski, to do further reviews with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

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

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

1. 101 – Unrestricted Highway - \$271,164.92
2. 105 – County Bridge & Road Improvement Fund – (CBRIF) - \$23,692.15

Commissioner DeLozier made a motion to approve Items 1 & 2 under Cash Fund Estimate of Needs as presented with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 11: TRANSFER OF FUNDS:

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

1. Sheriff Civil Fees capital outlay to M&O - \$1,000.00

Chairman Helm made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-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. Material, Supplies, Parts, Groceries & Prescriptions –
District #3: Lowe's \$300.00 and Harley Holland Companies, \$1040.00;
District #1: County Building Center, \$100.00; and Sheriff's Jail account: Bimbo Bakeries, \$1400.00;
Farmers Bros. Coffee, \$300.00; Sysco Foods, \$7,000.00; Sysco Foods, \$3,300.00; Warehouse
Market, \$250.00; Correctional Dental Services, \$2,000.00; Diamond Drugs, Inc., \$8,000.00;
Diamond Medical Supply, \$500.00; PHS Mobile X-Ray, \$600.00; St. Francis Lab, \$1,200.00;
Medical Compliance Specialty, Inc., 400.00; Froman Oil Company, \$1,000.00; Speedy Lube,
\$500.00; Comdata MasterCard, \$14,000.00; District #1 Warehouse, \$3,000.00; District #2
Warehouse, \$1,000.00 –

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

Assessor's Office: District #3 Warehouse, \$400.00 – Commissioner Thacker made a motion to approve the blanket purchase order as presented with Chairman DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

2. Orders Exceeding Amount of Issuance -
Purchase order #202513 issued to Diamond Drugs, Inc., originally encumbered for \$6,000.00; invoice over by \$2,289.03; total payment = \$8,289.03; purchase order #204031 issued to Diamond Drugs, Inc., originally encumbered for \$6,000.00; invoice over by \$3,270.97; total payment = \$9,270.97 – Discussions held regarding how come purchase orders were over by so much; letters of explanation were provided on each purchase order; suggestions of finding out where arrestee came from; recommendations Sheriff's Office keep better track of when a blanket purchase order is about to come full and open up a new one when blanket is getting close to being full.

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

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 Appropriate Action on the following:
1. Update by BKL, Inc., and Flintco regarding Courthouse and E911 Center Projects –

Billy Knowles with BKL, Inc., presented a handout regarding the new Rogers County Courthouse & E911 Center on project bids/allowances/other costs review & available funds dated September 15, 2011; also presented handout regarding action items on new Rogers County Courthouse & E911 Center regarding projects; items; responsibility or contract person; funding source; company contacts; in depth discussions were held; recommendations of having this as an agenda item weekly or monthly with Judges, elected officials and department heads, so everyone involved would know what was going on and who is responsible for what.

Commissioner Thacker excused himself from the meeting at 10:08 a.m.

Chairman Helm made a motion to recess the meeting for five minutes with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, DeLozier-aye. Motion carried and meeting recessed at 10:09 a.m.

Chairman Helm called the recessed meeting back to order at 10:19 a.m. with Commissioner Kirt Thacker and Commissioner Dan DeLozier present and quorum established.

Discussions continued on update from Billy Knowles with BKL, Inc., Discussions held regarding size of E911 Center; any additional grants for emergency operations available thru FEMA; Rogers County now has two (2) additional months of overhead involving E911 Center; discussions involving moving costs or expenses; discussions on what agencies and/or entities have returned their Memorandum of Understanding to Janet Hamilton, E911 Administrator.

B. J. Fay with Flintco reported will be completing decking on 2nd floor and beginning 3rd floor decking.

Discussions and update only, no action taken.

2. CDBG Closeout Hearing – Rural Water District #3 Owalla Road Project (14322 CDBG 10) –

Andy Armstrong with Andy Armstrong Consulting, LLC, was present at the meeting. The Board opened the public hearing at 10:49 a.m. The hearing will be for the purpose of receiving comments on the CDBG Rural Water District #3 Owalla Road Project (14322 CDBG 10)

recently completed by Rural Water District #3: the Board will be submitting closeout documents to the Oklahoma Department of Commerce within thirty (30) days; citizens are requested to participate in the hearing to express their views on the performance of the County and Rural Water District #3 in regard to the completion of this community development project; total project budget was \$330,283.00; CDBG grant portion was \$159,950.00; project has been completed, took approximately 4 ½ months to complete; grant runs through August 2012; will close out early.

There were no questions from the audience.

Armstrong informed the Board the deadline for 2012 CDBG grants is May 4, 2012; Rural Water District #3 will be applying for another grant.

Public hearing was closed at 10:54 a.m.

3. Approval/disapproval of Closeout Documents for (14322 CDBG 10) Rural Water District #3 Owalla Road Waterline Project – (Andy Armstrong)

Commissioner DeLozier made a motion to approve the Closeout Documents for (14322 CDBG 10) Rural Water District #3 Owalla Road Waterline Project as presented with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

4. OKGRANTS Enrollment Process for FY 12 CDBG Application Process- (Andy Armstrong)

Andy Armstrong reported to the Board that the Oklahoma Department of Commerce (ODOC) has initiated the OKGRANTS Application process for the FY12 CDBG Application cycle; this process will gradually be expanded to include other ODOC applications and also serve as the vehicle for ordering and accounting for grant funds, etc.; there is documentation that describes how local units of government can enroll in the OKGRANTS program; this program will also take the place of the Authorized Signatures form that the County has been submitting for several years. Under "Organization Members" several categories of new users have been identified; Armstrong recommended: Agency Administrator-Peggy Armstrong, Rogers County Clerk; Authorized Official-Mike Helm, Rogers County Chairman; Financial Officer-Marilynn Gibson, 1st Deputy County Clerk; Grant Writer-Andy Armstrong and Viewer-Christine Willhoite-Day, Executive Administrative Assistant to the Board of County Commissioners.

Chairman Helm made a motion to accept Andy Armstrong's recommendations with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

5. Resolution #2012-12 regarding Request for Representative to Service on City of Claremore Development Project Plan Review Committee for Creation of Tax Increment Finance Districts - (D#1 DeLozier)

Commissioner DeLozier reported he received a letter from Mickey Thompson, Executive Director of Claremore Industrial & Economic Development Authority (CIEDA); on December 19, 2011, by resolution, the City Council of Claremore directed CIEDA to cause the development of a proposed project plan in compliance with the Local Development Act; the City Council created a Tax Increment Finance District Review Committee required by the Local Development Act; the Council resolved that it shall be represented on the Review Committee by Mayor Mickey Perry, who shall also serve as Chairman of the Committee and he shall prepare a slate of at-large members to be presented at the first meeting of the Review Committee for selection of three to serve on the Committee; the City Council also directed the Executive Director of CIEDA to seek representatives from affected taxing jurisdictions to serve on the Review Committee; discussions held.

Chairman Helm made a motion to appoint Commissioner Dan DeLozier as representative from the Board of County Commissioners to the Review Committee with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

6. Purchase Contract whereas, the Oklahoma Department of Transportation has received a request from Rogers County to Lease/Purchase road machinery or equipment through the County Road Machinery and Equipment Revolving Fund - District #1 – Caterpillar Pneumatic Compactor PS150C to vendor Warren Cat \$75,643.00 on Bid #551 dated 9-8-11 – (D#1 DeLozier)

Commissioner DeLozier reported this is a grant application all counties can apply for annually. Commissioner DeLozier made a motion to approve with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

7. Rogers County Public Facilities Authority, dba Heritage Hills Golf Course – recommendation of Appointment for John Bivins for 3-year term beginning January 1, 2012 - *NOTE***replacing Quinton Draeger resigned at end of his term*** (Comm. Office)**

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

8. Appointment of Christine Willhoite-Day as receiving agent for Emergency Management and E911 – (Bob Anderson, E.M. Director)

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

9. Publication of County employees annual salaries paid in calendar year 2011, pursuant to Title 19 O.S. § 444 – to be published annually in the month of February for the preceding calendar year – (Clerk)

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

10. Monthly Update from Earl Hensley, Maintenance Director – (Comm. Office)

Hensley reported last week had a pressure leak on boiler & has now been replaced; the remodel of the Human Resources office is now complete and ready for occupancy; requested carpet cleaning for Courthouse and County Building; Update only, no action taken.

11. Motion and Vote to enter Executive Session for the purpose of discussing 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: Maintenance Director, Earl Hensley – (D#2 Helm)

Chairman Helm made a motion to adjourn Regular Session and enter Executive Session with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried and the Board adjourned Regular Session and entered Executive Session at 11:07 a.m. with Assistant District Attorney, David Iski and County Clerk, Peggy Armstrong.

Commissioner Thacker made a motion to recess Executive Session and enter Regular Session with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried and the Board recessed Executive Session.

Commissioner DeLozier made a motion to enter Regular Session with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried and the Board entered Regular Session at 11:29 a.m.

Chairman Helm made a motion recess Regular Session to attend a Special Meeting of the Rogers County Educational Facilities Authority at 11:30 a.m. with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried and the Board recessed Regular Session at 11:30 a.m.

Chairman Helm called the recessed meeting back to order at 12:12 p.m. with Commissioner Kirt Thacker and Commissioner Dan DeLozier present and quorum established.

Chairman Helm made a motion to enter the recessed Executive Session with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried and the Board adjourned Regular Session and entered recessed Executive Session at 12:13 p.m. with Assistant District Attorney, David Iski and County Clerk, Peggy Armstrong.

12. Motion and Vote to Adjourn Executive Session and Enter Regular Session –

Commissioner Thacker made a motion to adjourn Executive Session and enter Regular Session with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried and the Board adjourned Executive Session and entered Regular Session at 12:47 p.m.

13. Possible action regarding 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: Maintenance Director, Earl Hensley –
No action taken.

Commissioner Thacker made a motion to recess the meeting for lunch with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried and the Board recessed the meeting at 12:48 p.m.

Chairman Helm called the recessed meeting back to order at 2:05 p.m. with Commissioner Dan DeLozier present and quorum established.

Commissioner Kirt Thacker arrived the meeting at 2:16 p.m.

Commissioner Dan DeLozier excused himself from the meeting at 2:17 p.m. to attend a scheduled E911 meeting.

ITEM 18: ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

1. Grand Gateway E911 Service Fees for November 2011 - \$24,010.85 – 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 – None presented.

ITEM 22: PAYMENT OF PURCHASE ORDERS FROM ALL DEPARTMENTS:

(Materials, Supplies, Parts, Groceries & Prescriptions)***see attached list of all claims submitted for payment from all departments and approved for payment by the Board on Monday, January 30, 2012***Commissioner Thacker made a motion to approve payment of all purchase orders submitted from all departments with the exception of purchase order #205351 and #205468 to be sent back for further review by legal counsel with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye. Motion carried.

Commissioner Thacker made a motion to deny payment of purchase order #205277 and be sent back to the Election Board Office with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye. Motion carried.

ITEM 23: RECESS OR ADJOURNMENT:

Chairman Helm made a motion to adjourn the meeting with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye. Motion carried and the meeting adjourned at 3:20 p.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, January 26, 2012, at 1:34 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.*