

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 13, 2012, at 9:00 O'clock A.M.

MINUTES

*****CONSIDERATION, DISCUSSION AND POSSIBLE ACTION WILL BE TAKEN ON THE FOLLOWING LISTED ITEMS ON THE AGENDA:**

ITEM 1: CALL TO ORDER:

Chairman Mike Helm 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 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: February 6, 2012

ITEM 6: UNFINISHED BUSINESS:

1. Courthouse Security Issues – Courthouse Security Committee

NOTEthis item was discussed at February 6, 2012, meeting***

Undersheriff Sappington reported a memo was put out requesting volunteers to serve on the Courthouse Security Committee; received responses from Judge O'Quin; Judge Post; Judge Steidley; District Attorney, Janice Steidley; Attorney Bill Higgins, Commissioner DeLozier and Undersheriff Jon Sappington.

Sheriff Walton expressed the goal is to have a meeting within the week.

Chairman Helm asked for a total of the Commissioner's salaries including benefits that come from general fund from the County Clerk's Office; Commissioners salaries could possibly be paid from one-cent sales tax fund since there is a D.A.'s opinion on that already; also an opportunity to free up some funds within general fund; requested information be provided to Courthouse Security Committee. Board recognized the committee as presented.

ITEM 7: ZONING: None presented.

ITEM 8: PLATS: None presented.

ITEM 9: ROADS & BRIDGES:

1. 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) ***NOTE***this item was tabled from January 30, 2012, meeting***

Project Coordinator at District #3, Robin LePage, reported this proposal came from a sign company, and not the railroad. Discussions held. Commissioner Thacker reported no action would be taken. Item stricken from the agenda.

2. Resolution #2012-16 vacating "stub" street located between Lot 1 Block 1 of Eastwood Lake Estates IV and Lot 5 Block 4 of Eastwood Lake Estates III, subdivisions located in Section 24, Township 21 North, Range 14 East of the I.B.&M., Rogers County – (D#2 Helm)

Attorney Mack Greever reported this request involves an un-open stub street that runs between two lots that runs into an open field; Eastwood Lake Estates sort of elbow around a ten-acre tract, which attaches to a one-hundred sixty acre tract; the two property owners on either side of the lot have asked for me to assist in vacating it; Greever has contacted all the utility holders, as required by law, have received letters back from everyone except A T & T; ONG did contact Greever and reported they do have a gas line that runs out there; in Resolution 2012-16, we have agreed to vacate it subject to the existence of any utilities that are out there; this will not affect ONG and ONG

has sent back a letter saying it is fine with them as long as we do a resolution that respects their line.

Greever continued, if the Board approves the resolution today, we will bring a lawsuit against the County, as we are required to do, to foreclose the right to re-open. The new subdivision regulations the County has does not permit this type of street anyway.

Chairman Helm inquired if anyone in opposition was present; no one in opposition was present. Chairman Helm made a motion to approve and close the "stub street" with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

3. Resolution #2012-17 – requesting BR #137 at old SH 33 and SH 88 be declared a priority project to be added to the HB1176 2017 program year – (D#3 Thacker)

Discussions held regarding request from Commissioner Thacker. Commissioner Thacker made a motion to approve 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: None presented.

ITEM 11: TRANSFER OF FUNDS:

1. District #3 One Cent Sales Tax M&O to salaries - \$25,000.00

Commissioner Thacker made a motion to approve with Chairman Helm 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.
3. Detention Transportation Claim for State of Oklahoma Office of Juvenile

Affairs – January 2012 – \$1,151.70 –

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

ITEM 14: BLANKET PURCHASE ORDERS:

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

District #2: Bruckner Truck Sales, Inc., \$3,000.00 and Fleet Service of Tulsa, Inc., \$7,500.00; Fair Board: Claremore Expo Center, \$2,000.00; District #1: R & S Auto Parts, \$600.00 – Chairman Helm made a motion to approve the blanket purchase orders as presented with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

2. Orders Exceeding Amount of Issuance – None presented.

ITEM 15: GRANTS:

1. REAP Contract #041-RP-2012 – Grand Gateway Economic Development Association - \$25,000.00 – District #3 –

Robin LePage, District #3 Projects Coordinator, reported District #3 has already been awarded this REAP grant; grant is for rail road crossing arms; the Board needs to accept the award. Commissioner Thacker made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

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

1. BKL, Inc., - Invoice #19 - \$20,810.00 – (overall payment request #50)

Billy Knowles with BKL, Inc., explained the payment request to the Board; discussions held. Commissioner Thacker made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

2. Flintco, Inc. – Application No. 00007 - \$949,809.38 – (overall payment request #51)

B. J. Fay with Flintco explained the payment request to the Board; right at 25.8%; discussions held. Commissioner DeLozier made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 17: AGENDA ITEMS:

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

Billy Knowles with BKL, Inc., updated the Board regarding the construction of the new Courthouse is going fine; regarding the E911 Center, there is a scheduled meeting today to review site locations BKL is proposing; working with Andy Armstrong to look for grant for Emergency Operations Center; Emergency Management is looking at items they can transfer over to the new E911 Center.

Item #20 was also included in the Update by BKL, Inc. and Flintco regarding Courthouse & E911 Center Projects. The list that BKL presented to the Board on January 30, 2012, was discussed in great length.

B. J. Fay with Flintco stated he would present a progress slide show next week.

Discussion only, no action taken.

2. Environmental Review Record for 14693 CDBG 11 State Highway 88 and Waterline Infrastructure – **a.)** designate the County’s Chief Executive Officer, the Chairman, as the certifying officer under the National Environmental Policy Act of 1969 to assume overall responsibility for the environmental review process – **b.)** Make a Finding of No Significant Effect on the Environment for the 14693 CDBG 11 State Highway 88 Water Line Infrastructure Program – **c.)** Authorize the Chairman to sign the CDBG Certification of Leverage, Environmental Certification and Request for Release of Funds – **d.)** Approve an Anti-Displacement Plan for the CDBG State Highway 88 Water Line Infrastructure Program – (Andy Armstrong)

Andy Armstrong reported as part of the requirements of the CDBG Community Development Project, the Board must show that it has met environmental regulations by preparing an Environmental Review Record; Armstrong has prepared the Environmental Review Record for the project and makes a recommendation that the project will have no significant effect on the environment. Discussions held.

Chairman Helm made a motion to approve Item 2a with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

Chairman Helm made a motion to approve Item 2b with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

Commissioner DeLozier made a motion to approve Item 2c with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

Chairman Helm made a motion to approve Items 2d with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

NOTECommissioner DeLozier excused himself from the meeting at 9:53 a.m. ***

3. Appointment of Trustee to Rogers County Public Facilities Authority – resignation of M. B. “Buddy” Robertson – David Merriman appointed to replace Buddy Robertson for the 1 year remaining on his term which runs through December 31, 2012 – (Comm. Office)

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

NOTECommissioner DeLozier returned to the meeting at 9:57 a.m. ***

4. Letter of Withdrawal from the February 2012 Rogers County Fair Board Election for District #2 – Richard Gebhart – (Clerk’s Office)

Discussions held regarding Letter of Withdrawal received by the County Clerk’s office from Richard Gebhart; discussions held regarding District #2 to hold the election on Saturday, February 18, 2012, at 10:00 a.m. at District #2 warehouse, because of there not being enough time to publish cancellation notice in the newspapers. Chairman Helm made a motion to accept the Letter of Withdrawal as presented with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

5. IKON Office Solutions, Inc. – Contract to upgrade existing three copiers at Rogers County Health Department building – (Health Dept.)

Assistant District Attorney, David Iski, commented the obligated party on this contract is the Health Department as opposed to the Board; the only action on the Board’s behalf would be to accept it and file it; under State Statutes, it is the Excise Board that has the responsibility of the budget of the Health Department; the equipment is not the Board’s, it is the Health Departments; feels the contract should be re-written to the obligor, the Health Department.

NOTECommissioner DeLozier left the meeting at 10:00 a.m.***

Chairman Helm made a motion to table this item until Assistant District Attorney, David Iski, places back on the agenda with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye. Motion carried.

6. U. S. Cellular Service Agreement – Human Resources – (Comm. Office)
County Clerk, Peggy Armstrong, pointed out the Service Agreement was a copy, not an original; Iski recommended the Board have an original; this contract is signed by Christine Willhoite-Day, not the Board; it is up to the Board if they want to approve.

NOTECommissioner DeLozier returned to the meeting at 10:02 a.m.

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

7. Resolution #2012-14 and Reimbursement Form – Restitution funds - \$520.00 – into Cemetery salaries for District #1 – (Comm. Office)

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

8. Resolution #2012-15 and Reimbursement Form – Cherokee Nation - \$15,000.00 – Bridge #87 & Crossing – into One Cent Sales Tax M&O for District #1 – (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.

9. Reimbursement Form as per Resolution #2011-36 – Sheriff’s fuel reimbursement - \$128.95 and \$105.50 – into One Cent Sales Tax fund for District #2 – (Comm. Office)

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

ITEM 18: ACKNOWLEDGE RECEIPT OF THE FOLLOWING: None presented.

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 REGARDING COUNTY EVENTS AND STATUS UPDATES FOR COMMENTS AND DISCUSSION FROM COUNTY DEPARTMENTS AND ELECTED OFFICIALS, AS FOLLOWS:
a.) 911 Administrator – b.) Assessor – c.) Building Operations/Maintenance
d.) County Clerk – e.) Court Clerk – f.) District Attorney – g.) Election Board
h.) Emergency Management – i.) Human Resources – j.) Information Technology
k.) Inspections – l.) Judicial – m.) OSU Extension – n.) Planning Commission –
o.) Sheriff – p.) Treasurer –

NOTEItem 20 was handled under Item 17 Agenda Items #1: Update by BKL, Inc., and Flintco regarding Courthouse and E911 Center Projects***

ITEM 21: ANNOUNCEMENTS:
Special Meeting to be held on Wednesday, February 22, 2012, at 10:00 a.m. at the County Building located at 416 South Brady (also West Highway 20), Claremore, Oklahoma, for discussion with possible action regarding Emergency Medical Services in Rogers County.

ITEM 22: NEW BUSINESS:
1. Consideration and possible action with respect to any other matters not known about or which could not have been reasonably foreseen prior to posting the agenda -
Chairman Helm reported District #2 received funds from Oklahoma Department of Emergency Management on 1754-DR in the amount of \$1,556,335.50 and \$259,389.25; the funds in the amount of \$1,556,335.50 needs to be deposited into the One Cent Sales Tax fund for District #2 and a Reimbursement form presented to the Board today for approval. Chairman Helm made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.
Chairman Helm reported the \$259,389.25 was deposited into T-Highway fund, therefore, a reimbursement form was not needed.

ITEM 23: PAYMENT OF PURCHASE ORDERS FROM ALL DEPARTMENTS:
(Materials, Supplies, Parts, Groceries & Prescriptions) ***NOTE***see attached list of all claims submitted for payment from all departments and approved for payment by the Board on Monday, February 13, 2012***Chairman Helm made a motion to approve payment of all purchase orders submitted for payment from all departments as presented with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 24: RECESS OR ADJOURNMENT:
Commissioner DeLozier made a motion to adjourn the meeting with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-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 6, 2012, at 2:49 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.