

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, April 16, 2012, at 9:00 O'clock A.M.

MINUTES

*****CONSIDERATION, DISCUSSION AND POSSIBLE ACTION TO 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: April 9, 2012

Commissioner Thacker made a motion to approve the minutes from April 9, 2012, as presented with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 6: UNFINISHED BUSINESS:

1. Cox Business Commercial Service Agreement – Non-Emergency communication services to the new dispatch center - from March 26, 2012– (D#1 DeLozier/Janet Hamilton)

Janet Hamilton, E911 Director, reported this agreement with Cox Business would allow permission for them to come onto the E911 property to do the installation; this document should have been a part of the original agreement the Board signed a couple of weeks ago; Hamilton recommends the Board's approval.

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: None presented.

ITEM 9: ROADS & BRIDGES: None presented.

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

None presented.

ITEM 11: TRANSFER OF FUNDS:

1. Dist. #3 One Cent Sales Tax – Out of M&O to Salaries - \$50,000.00

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:

1. S-BK Properties, LLC, - Boring & Open Cut – SW ¼ of Sec. 2 & NW ¼ of Sec. 11 Township 20 North, Range 15 East of the I.B.&N., Rogers County, Dist. #3 (D#3 Thacker) - ***NOTE***See Item #2 for Board action***

2. Rural Water Dist. #5, Rogers County – Trenching – NS 4140 Rd. approximately 3,200LF South of EW 530 Rd. parallel along westerly side of NS 414 Rd. for a distance of approximately 1,00LF In Sec. 6, Township 20 North, Range 16 East of the I.B.&M., Rogers County, in Dist. #3 (D#3 Thacker)

Commissioner Thacker reported he has reviewed both utility permits being presented today and made a motion to approve Items 1 & 2 under utility permits as presented with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 13: CLAIMS:

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

ITEM 14: BLANKET PURCHASE ORDERS:

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

- District #1 – O'Reilly Auto Parts - \$350.00
- District #3 – Harley Hollan Companies - \$1040.00
- Assessor's Office – District #3 Warehouse - \$400.00

Commissioner DeLozier 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: None presented.

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

1. Payment request for Appraisal Group in the amount of \$360.00 on a Restricted Appraisal Report on SE1/4, SE1/4 of Sec. 31, Township 22 North and Range 16 East of the I.B. & M. of Rogers County (County Clerk)

Peggy Armstrong, Rogers County Clerk, reported the Restricted Appraisal Report was placed in the agenda basket within the County Clerk's Office and was unclear as to had done it; no one was present at the meeting regarding this item.

Commissioner Thacker made a motion to strike this item from the agenda to be re-presented at the meeting at a later date if need be with Commissioner DeLozier 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 – B. J. Fay with Flintco reported they set the biggest pre-cast panel last Friday; will pour exit stairs this week; completing rough-ins; eight (8) days behind schedule right now and are currently under budget.

Kim Reeve with BKL, Inc., reported they are continuing to provide support to Flintco and project is moving along well; continuing to proceed with documents on E911 Center.

2. Presentation by Dave Burrows on the limitations of insurance coverage for Rogers County (D#2 Helm)

Dave Burrows with Burrows & Burrows Agency addressed the Board regarding Limitations of insurance coverage for Rogers County; within the current insurance contracts, this type of claim by Materials Services, there is a specific exclusion within the general liability – the taking of private property for public use “imminent domain” with diminishing of value and any inverse condemnation are excluded; many times within the insurance contract the exclusions that exist within general liability, some of those items can be bought back; for example, employment practices, employee benefits; this is an exclusion with the taking of private property that specifically addresses the diminishing of value of property, which is specifically to the inverse condemnation; is a common exclusion within general liability.

Discussions held regarding if there is any other insurance carrier that would provide this type of insurance services needed; Burrows will review for the upcoming fiscal year renewal of the insurance coverage for Rogers County.

Discussion and update only, no action taken.

3. Notice to property owners of a zoning change from AG to I-2 – A tract located in Sec. 28, Township 23 North, Range 15 East of the I.B. & M., Rogers County (Iski/County Clerk)

Presented to the Board for their review and discussions; acknowledged for public record, no action taken.

4. Contract by and between Rogers County Board of County Commissioners and Cintas Uniform Co. for Dist. #1 employee uniforms (D#1 DeLozier)

Commissioner DeLozier reported this agreement is for uniform and cleaning services for District #1 and made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

5. Lease Purchase Agreement for Equipment by and between Rogers County Board of County Commissioners and Caterpillar Financial Services Corp. (D#3 Thacker)

(Bid #551) – Commissioner Thacker reported this lease purchase is for a Caterpillar PS-150C compactor (pneumatic roller), sn#FPS01247 with a unit price of \$75,943.00; lease purchase price \$82,281.40 – Commissioner Thacker made a motion to approve with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

6. Equipment/Services Quote from Total Radio Inc. for Portable Radios W/GPS & Text, GPS mobile antennas, Street Trek GPS software, dedicated server installed & installation of mobiles (D#2 Helm/J Hamilton)

Janet Hamilton, E911 Director, presented to the Board three (3) quotes; one from Total Radio, Inc., for \$78,228.80; and two (2) from Motorola Solutions, Inc., for \$163,290.00 and \$174,165.29; Discussions held regarding which would be best from the Sheriff's Office and E911 Center; quotes are from vendors on state contract; discussions held regarding what funds to pay for these radios out of; Sheriff's Office does not have the funds to cover the costs of these radios; Hamilton reminded the Board the E911 fees being collected is for E911 use only, does not cover buying radios for the Sheriff's Office.

Discussions held regarding whether or not a Commissioner's district warehouse could pay for the radios now and work out the finances later; discussions held regarding checking into lease purchase option also.

Commissioner DeLozier made a motion to table this item for one week (April 23rd) to allow time to review for funding with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

7. Resolution #2012-30 – to direct the Rogers County Treasurer, Cathy Pinkerton-Baker to deposit Funds from Julie Dermody, in the amount of \$162.00 into the General Fund for distribution into Election Board Travel Account for reimbursement of lodging paid by the

State of Oklahoma. (County Clerk)

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 #2012-31– to direct the Rogers County Treasurer, Cathy Pinkerton-Baker to deposit Funds from Grand Gateway Economic Development Association in the amount of \$25,000.00 to be deposited into the One Cent Sales Tax M&O account for distribution into Dist. #3 (C. Day)

Commissioner Thacker reported these funds are from a railroad crossing grant and made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

9. Resolution #2011-36 to direct the Rogers County Treasurer, Cathy Pinkerton-Baker to Deposit funds from reimbursement of fuel in the amount of \$564.12 from County Sheriff Scott Walton, into the One Cent Sales Tax Fund for distribution into the M&O Account for Dist. #2 (C. Day)

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

10. Resolution #2011-36 to direct the Rogers County Treasurer, Cathy Pinkerton-Baker to Deposit funds from reimbursement of fuel in the amount of \$1,532.28 from County Sheriff Scott Walton, into the One Cent Sales Tax Fund for distribution into the M&O Account for Dist. #1 (C. Day)

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

11. Resolution #2011-36 to direct the Rogers County Treasurer, Cathy Pinkerton-Baker to Deposit funds from reimbursement of fuel in the amount of \$377.21 from County Assessor Scott Marsh, into the One Cent Sales Tax Fund for distribution into the M&O Account for Dist. #2 (C. Day)

NOTEcorrected to read for District #3***

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

Discussions held regarding the reimbursement for \$377.21 should be for District #3, not District #2 as the agenda reads. Commissioner Thacker made a motion to rescind his motion to approve with Commissioner DeLozier rescinding his second of the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

Commissioner Thacker made a motion to approve with the correction of being deposited into District #3 instead of District #2 with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

12. Public Hearing & Possible Action by the Board– Oklahoma Department of Commerce Project closeout of the following:

- A. 9250 Ed 99 - \$250,000.00 – An Industrial Park Development Loan
- B. 11149 ED 03 - \$750,000/Wellman Product Group
- C. 13376 ED 08 - \$100,000/Advanced Research Chemicals

Andy Armstrong addressed the Board regarding the authorization given by the Board last week to hold a close-out hearing today on three (3) Port of Catoosa CDBG projects as listed on the agenda; the purpose of the hearing is to receive comments on the performance of the County on Community Development Block Grant funds received by Rogers County to provide infrastructure improvements to the list of Economic Development Infrastructure Financing Projects located at the City of Tulsa- Rogers County Port of Catoosa.

Julie Miner with INCOG was also present at the meeting. There were no comments from the public. Commissioner DeLozier made a motion to close Public Hearing at 10:17 a.m. and move forward with the closing of projects with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

13. Closeout Documents for 13376 CDBG ED 08 – Advanced Research Chemicals Port of Catoosa (Andy Armstrong)

Julie Miner with INCOG and Andy Armstrong recommended the Board approve the close-out documents for 13376 CDBG ED 08 as presented. 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.

14. FY 2012 CDBG Citizen Participation Plan (Andy Armstrong)

Andy Armstrong addressed the Board, whereas, Rogers County intends to implement a citizen participation program for its 2012 application process to accomplish objectives; one of the prerequisites of making an application is to approve a citizen participation plan; the Board does this annually; the citizen participation plans is in conjunction with the below listed application; Armstrong recommended the Boards approval.

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

15. Application for current years Community Development Block Grant (CDBG) 2012 Water and Wastewater Construction and a resolution requesting assistance from ODOC and authorizing the Chairman to sign and electronically submit related CDBG Applications Documents to ODOC (Andy Armstrong)

Rural Water District #3 is requesting an application for 1.7 miles of 12-inch water line further south on Highway 88 to help support the E911 Center; application will be submitted electronically to OKGrants if the Board approves today.

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

16. Resolution #2012-32 – Proclaiming April as Fair Housing Month (Andy Armstrong)

Andy Armstrong explained the County is required to proclaim April as Fair Housing Month in order to participate in Community Development Block Grants; is done annually. 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.

17. Resolution #2012-33 – Approving Participation in the Tulsa County Home Consortium and Authorizing the Chairman to Execute a Home Investment Partnership Act Consortium Agreement (Iski/County Clerk)

Julie Miner with INCOG addressed the Board regarding time to re-new the extension of HOME Consortium Agreement; the HOME Investment Partnership Program provides federal funds to states and population-eligible local governments for affordable housing programs; the HOME Investment Partnership Act allows contiguous local governments to form a Consortium to qualify as a participating jurisdiction for its own allocation of funds; in 1994, the Metropolitan Tulsa HOME Consortium, with 19 participating jurisdictions, was designated by HUD for a three (3) year period; FY 1995-1997, with Tulsa County acting as the “lead entity”; continuation of the Tulsa County HOME Consortium has subsequently been authorized for six (6) succeeding three-year periods from FY 1998 to FY 2012; there are now twenty-four (24) participating local governments; Rogers County and the other twenty-three (23) jurisdictions enter into a cooperative agreement for each three (3) year period; a listing of current jurisdictions is provided.

Assistant District Attorney, David Iski, reviewed all documents submitted.

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.

18. Schedule of Federal Expenditures for FY 2010-2011 with a grand total of \$575,080.62 (County Clerk)

Marilynn Gibson, 1st Deputy County Clerk, reported the Schedule of Federal expenditures for fiscal year 2010-2011 has been completed and is ready for the Board to review and approve; grand total amount is \$575,080.62. 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.

Commissioner Thacker made a motion to recess for a five-minute break with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried and the meeting recessed at 10:33 a.m.

Chairman Helm called the recessed meeting back to order at 10:38 a.m. with Commissioner Thacker and Commissioner DeLozier present and quorum established.

ITEM 18: 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/Planning Commission – l.) Judicial – m.) OSU Extension – n.) Sheriff
- o.) Treasurer p.) Public Information Officer –

a.) Janet Hamilton, E911 Director, reported a meeting is scheduled for Wednesday, April 18th with local law enforcement entities to discuss the E911 trust indenture.

c.) Commissioner DeLozier reported Ryan Baze is the new facilities manager starts work today and a Meet “N” Greet is scheduled for 3:30 p.m. in the Commissioner’s meeting room.

f.) preparing for trial cycle in two (2) weeks.

h.) Emergency Management Director, Bob Anderson, reported the “Kids Fair” was a huge success; new OSHA representative came in; plans are to schedule safety meetings with all County warehouse this week.

i.) Human Resources Director, Jenny Bentley, reported less than twenty (20) people left to sign up for direct deposit; currently working with Community Care regarding training for County employees on sexual harassment; will be re-submitting another memo reminder regarding campaigning of County employees during working hours and the use of County equipment, etc.

j.) Brett Williston, I.T., reported met with construction crews last week; network installation is just weeks away; Treasurer’s Office wants own data network, therefore, vendor Presidio is on hold for now until all issues are resolved.

l.) Judicial: Judge Dynda Post; Judge Dwayne Steidley; Judge Terrell Crosson and Judge Erin O’Quin were present at the meeting; discussions held regarding costs of housing inmate population within the jail and DOC prisoner transportation costs; discussions held regarding Court’s expedience or lack thereof in the disposition of cases; discussions on having better communications between the Judicial, Sheriff’s Office, District Attorney’s Office and Board of County Commissioners.

o.) Cathy Baker, Treasurer and John Westrope with TM Consulting, software provider for the Treasurer’s Office spoke about Baker wanting to keep the Treasurer’s Office as a stand-alone with the networking; wants to keep as it currently is today; any additional costs involving being a stand-alone office with the networking would be the burden of the Treasurer’s Office, not on the County; Westrope spoke of the support and functionality.

p.) Kristen Bergman, Public Information Officer, spoke of the newspaper article in the Oologah Lake Leader regarding upcoming sales tax vote; April is E911 education month, will be sending a letter out today on the matter; visited District #2 warehouse last week; newsletter template is expected to be done this week.

ITEM 19: ACKNOWLEDGEMENT RECEIPT OF THE FOLLOWING ITEMS:

- 1. Maintenance bonds for Twin Creeks I & II projects (D#2 Helm)
Acknowledged for public record only, no action taken.

ITEM 20: 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 21: ANNOUNCEMENTS:

Commissioner Thacker reported he has finalized the negotiations on the property he has been trying to buy in Inola for District #3; item will be on next Monday's agenda.

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 presented warrant #101594676 from State of Oklahoma, State Treasury, Department of Civil Emergency Management for PA-1754 PW937 ADV B50 #2285 in the amount of \$1,943,443.08.

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, April 19, 2012***Commissioner Thacker made a motion to approve payment of all purchase orders submitted from all departments with the exception of purchase order #207606 issued to Brooks-Jeffrey Marketing, Inc., for \$647.50 by the Sheriff's Office to be sent back for further review and explanation with Commissioner DeLozier 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 12:45 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, April 12, 2012, at 3:04PM** 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.*