

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, November 26, 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: November 19, 2012

Commissioner DeLozier made a motion to approve the minutes from November 19, 2012, as presented with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 6: ANNOUNCEMENTS: None presented.\

ITEM 7: UNFINISHED BUSINESS: None presented.

ITEM 8: ZONING: None presented.

ITEM 9: PLATS: None presented.

ITEM 10: ROADS & BRIDGES:

1. Oklahoma Department of Transportation – Letter of Choice for County Bridge Inspection Contracts and Resolution #2012-107 – (D#2 Helm) ***NOTE***this item was tabled from October 22, 2012, meeting***

Commissioner DeLozier reported he had reviewed the list of Qualified Consultants and recommended the Board choose Cobb Engineering Company; EST, Inc., and Guy Engineering Services and conduct the interviews in an open Commissioner's meeting at a later date.

Chairman Helm made a motion to approve Cobb Engineering Company; EST, Inc., and Guy Engineering Services from the Qualified Consultant List as submitted by Oklahoma Department of Transportation with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 11: CASH FUND ESTIMATE OF NEEDS & REQUEST FOR APPROPRIATIONS:

1. 101 T-Highway - \$624,535.98
2. 105 – County Bridge & Road Improvement Fund – (CBRIF) - \$19,623.93

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

ITEM 12: TRANSFER OF FUNDS:

1. 141 Wireless Services part-time salaries to salaries - \$22,225.35
141 Wireless Services travel to M&O - \$2,287.20

911 Administrator, Janet Hamilton, reported there are no longer part-time employees within dispatching and these transfers are moving part-time salary accounts to the other accounts; all dispatchers are full time now; recommends approval by the Board.

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

2. 142 E911 Addressing part-time salaries to salaries - \$3,499.00
142 E911 Addressing travel to M&O - \$721.06

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

ITEM 13: UTILITY PERMITS: None presented.

ITEM 14: CLAIMS:

1. Salaries – November 2012 & Internal Transfers & Payroll Changes
Maintenance – Veta Underwood – retirement
Sheriff – Nate Reed – resignation
Jail – Stacie Kortz – resignation
Jail – Michael Seely – termination
District #1 – Larena Joy Steidley – seasonal
District #1 – Danny Bradshaw – seasonal
District #1 – Robert McCamish – seasonal
County Clerk – William C. “Kit” Kelley – resignation
County Clerk – Mary Elizabeth Kelley – resignation

NOTEsee attached letters for internal transfers & payroll changes***

Chairman Helm made a motion to approve the salaries for November 2012, as presented with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

2. Attendant Care – None presented.
3. Detention Transportation Claim – State of Oklahoma, Office of Juvenile Affairs –

October 2012 - \$672.59 –

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: BLANKET PURCHASE ORDERS:

1. Material, Supplies, Parts, Groceries & Prescriptions –
District #3:

- Pixley Lumber Company - \$300.00
- Lowe's - \$300.00
- Wal-Mart - \$100.00

District #2:

- Fleet Service of Tulsa, Inc. - \$28,342.08

Sheriff:

- Comdata MasterCard - \$17,000.00
- Rogers County District #1 - \$3,000.00
- Rogers County District #2 - \$1,000.00

Jail:

- St. Francis Outreach Services, LLC - \$1,200.00
- Froman Oil Company - \$1,000.00
- Westwood Pharmacy - \$6,000.00
- Correctional Dental Services - \$2,000.00
- PHS Mobile X-Ray - \$600.00
- Medical Compliance Specialty, Inc. - \$400.00
- Warehouse Market - \$200.00
- Farmers Bros. Coffee - \$200.00
- Bimbo Bakeries - \$1,450.00
- Performance Food Group - \$6,400.00
- Sysco Foods - \$4,000.00

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

2. Orders Exceeding Amount of Issuance – None presented.

ITEM 16: GRANTS:

1. Accept/Decline – Contract #036-ED-2013 – Grand Gateway Economic Development Association REAP Grant - \$50,000.00 – 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.

ITEM 17: PAYMENT REQUISITION – CONSTRUCTION FUND – RCB BANK, TRUSTEE: None presented.

ITEM 18: AGENDA ITEMS:

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

B. J. Fay with Flintco reported they are currently building some of the Judge's benches for the 3rd floor; putting a lot of the millwork in throughout the new Courthouse; installing Terrazzo flooring & ceilings; also put out a bid for signage & Courtroom pews to be opened on Wednesday, December 12, 2012, at the Flintco Job Office building at 421 West Patti Page Blvd. Discussions only & update, no action taken.

2. Environmental Review Record for the Construction of a New Rail Spur serving TMK/IPSCO at the Tulsa Port of Catoosa – 15221 CDBG ED 12 –

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 Impact on the Environment for the TMK/IPSCO ED Rail Spur Infrastructure Project (15221 CDBG ED 12) –

c.) Authorize the Chairman to sign the Environmental Certification and Request for Release of Funds –

d.) Approve/Disapprove the Anti-Displacement Plan for the above referenced CDBG Project –

Andy Armstrong reported as a part of the requirements of a CDBG Economic Development Project, the Board must show that it has met environmental regulations by preparing an Environmental Review Record; Andy Armstrong Consulting has prepared the Environmental Review Record for the above referenced project and has determined that the project will have no significant effect on the environment; recommends approval by the Board.

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

3. Presentation of a P.S. Gordon "Original" 50" x 40" oil on canvas portrait of Jack E. Gordon to be donated by Jack, Mike & Todd Gordon – (D#1 DeLozier)

Attorney Jack Gordon, Jr., presented the original P.S. Gordon portrait of Jack E. Gordon. Commissioner Thacker made a motion to approve signing of the tax deduction forms as presented by Jack E. Gordon, Jr., with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

4. Resolution #2012-117 – Declare Salvage – 2006 Mack 10 Wheeler Dump Truck, sn#1M2AG11C76MO48722, acquired on 11-28-2005, from Mack Trucks of Tulsa for a price of \$91,963.82 (D#3 Thacker)

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

5. Payroll Deduction for Oklahoma College Savings Plan – (County Clerk)

Peggy Armstrong, Rogers County Clerk, reported this item was placed on the agenda because the County Clerk's Office had received a request from an employee to set up a payroll deduction for Oklahoma College Savings Plan; Armstrong continued she didn't feel that was a decision the County Clerk's Office should make; should be a Board of County Commissioner's decision. Discussions held regarding whether or not this could possibly create liability on the County.

Commissioner DeLozier made a motion to table this item for two (2) weeks (December 10th) to allow time to review with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

6. Reimbursement Form as per Resolution #2012-57 – deposit Election funds into General Fund M&O - \$36.00 – (Election Board)

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

7. Reimbursement Form as per Resolution #2012-106 – deposit funds from reimbursement of travel and transports on behalf of Sheriff's Office – Walter Armstrong – into Sheriff's General Fund for distribution in the amount of \$36.00 – (Sheriff Walton)

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

8. Monthly Report of Officers for October 2012 – (County Clerk/Treasurer)

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

9. Discussion and possible action to enter Executive Session pursuant to Oklahoma State Statutes Annotated Title 25 § 307 (B) (4), for the purpose of confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest, to-wit: Melton Land Co., LLC vs. City of Claremore, *et al.*, Rogers County Case No. CJ-2012-651 – (ADA Iski)

Chairman Helm made a motion to adjourn Regular Session and enter Executive Session on the advice of Assistant District Attorney, David Iski, 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 9:42 a.m. with Assistant District Attorney, David Iski and County Clerk, Peggy Armstrong.

10. Motion and Vote to Adjourn Executive Session and enter Regular Session –

Commissioner DeLozier made a motion to adjourn Executive Session and enter Regular Session with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried and the Board adjourned Executive Session and entered Regular Session at 9:51 a.m.

11. Discussion with possible action pursuant to Oklahoma State Statutes Annotated Title 25 § 307 (B) (4) regarding Melton Land Co., LLC vs. City of Claremore, *et al.*, Rogers County Case No. CJ-2012-651 –

Chairman Helm made a motion for the County to waive any objection to with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 19: 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

a.) 911 Administrator, Janet Hamilton, reported last Tuesday, November 20th, was the first Trust Indenture Board meeting; plans are to meet on the 3rd Thursday of every month for regular meetings;

dispatchers have gone to a lot of training; as of today, November 26th, there are eight (8) operators that are public safety telecommunicator certified; four (4) operators that are ACCO fire certified; nine (9) operators that are FEMA/NIMS compliance certified.

c.) Maintenance Director, Ryan Baze, reported they will be hosting a retirement party for Veta Underwood on Friday, November 30th from 10:00 a.m. to 11:00 a.m. in the Commissioner's Meeting Room 1-109; still has a part-time cleaning position open; Judge Post has requested that no one goes into any of the Judge's offices for trash detail, etc. without a Judge being present; feels it is a security issue.

d.) County Clerk, Peggy Armstrong, reminded the Board a Special Meeting will have to be set up on Wednesday, December 12, 2012, at 2:00 p.m. at the Flintco Job Office at 421 West Will Rogers Blvd. to open and read aloud bids for signage and Courtroom pews.

k.) Planning Commission Director, Larry Curtis, reported Planning Commission held their regular scheduled meeting on Tuesday, November 20th and two (2) zoning items were approved by the Board and will be brought before the BOCC next Monday; one zoning item was denied and the applicant has filed a Notice of Zoning Appeal and will be on the BOCC agenda for next Monday; final plats of Twin Creeks Phase III and Claremore Village Phase I were approved; Board of Adjustment met on Tuesday, November 20th, and currently four (4) Board members are serving; still needing an additional Board member from the City of Claremore.

ITEM 20: ACKNOWLEDGEMENT RECEIPT OF THE FOLLOWING ITEMS:
None presented.

ITEM 21: 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 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 – None presented.

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, November 26, 2012***Commissioner Thacker made a motion to approve payment of all purchase orders submitted from all departments with Chairman Helm 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 10:40 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 **Wednesday, November 21, 2012, at 7:55 a.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.*