

MINUTES OF REGULAR SCHEDULED MEETING OF THE BOARD OF  
COUNTY COMMISSIONERS, ROGERS COUNTY COURTHOUSE, 219  
SOUTH MISSOURI, COMMISSIONER'S MEETING ROOM 1-109,  
CLAREMORE, OKLAHOMA, MONDAY, JULY 28, 2008, AT 9:00 O'CLOCK A.M.

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Notice of said meeting was filed in the Office of the County Clerk on Thursday,  
July 24, 2008, at 3:23 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 Entrance to the Courthouse and on the Wheelchair Ramp Door.

- ITEM 1: CALL TO ORDER:  
Chairman Dan DeLozier called the meeting to order at 9:04 A.M.
- ITEM 2: ROLL CALL:  
Chairman Dan DeLozier, Commissioner Mike Helm and Commissioner Kirt Thacker were all present.
- ITEM 3: FLAG SALUTE:  
Commissioner Thacker led the salute and Pledge of Allegiance to the American Flag.
- ITEM 4: PRAYER:  
Commissioner Helm said a prayer.
- ITEM 5: APPROVAL OF MINUTES: July 21, 2008  
Commissioner Helm made a motion to approve the minutes from July 21, 2008, as presented. Commissioner Thacker seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.
- ITEM 6: UNFINISHED BUSINESS: None presented.
- ITEM 7: ZONING: None presented.
- ITEM 8: PLATS: None presented.
- ITEM 9: ROADS AND BRIDGES:  
1. Approve/disapprove Resolution #2008-50 to request Programming of Tulsa Urbanized Area Surface Transportation Funds for North 161<sup>st</sup> East Avenue from Tiger Switch Road to I-44 with the engineer's preliminary estimate cost of \$900,000 -  
Commissioner Helm stated that this is through the Oklahoma Department of Commerce which was originally through the State Auditor's Office. This request is simply asking ODOC to help with an industrial access road from I-44 to Tiger Switch Road that would encompass DMI. Anytime DMI adds on extra employees, they have an opportunity to go through ODOC to get funding for the road. This money does not come out of CBRI funds and wouldn't change any of the funding we already have in place. We are simply asking ODOC to help fund it. Commissioner Helm made a motion to approve. Commissioner Thacker seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.
- ITEM 10: CASH FUND ESTIMATE OF NEEDS AND REQUEST FOR APPROPRIATIONS:  
1. 005 Use Tax - \$55,795.05  
2. 101 Unrestricted Highway - \$521,032.45  
3. 141 Cellular Phone Usage - \$21,193.09  
4. 142 E-911 - \$12,178.80  
5. 145 Attendant Care - \$1170.00  
6. 162 RWD#8 Wastewater Management - \$75,000.00  
Chairman DeLozier made a motion to approve the cash fund estimate of needs as presented. Commissioner Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.
- ITEM 11: TRANSFER OF FUNDS: None presented.
- ITEM 12: UTILITY PERMITS:  
1. Rural Water District #3, Rogers County – boring 121<sup>st</sup> Street North west of 207<sup>th</sup> East Avenue for Lot 10 Block 5 of Rolling Meadows Park in Section 6, Township 21 North, Range 15 East of the I.B.&M., Rogers County in District #2 - \*\*\*see action taken under #4\*\*\*

2. Rural Water District #3, Rogers County – boring county road EW/445 (aka Corley Road) on a tract of land located in the S/2 of the SE/4 of the NW/4 of Section 19, Township 22 North, Range 16 East of the I.B.&M., Rogers County in District #1 - \*\*\*see action taken under #4\*\*\*

3. A T & T – starting at the SW corner of Section 1, Township 22 North, Range 14 East, thence go North approximately 700 feet to existing site for placement of a new electronic equipment cabinet –\*\*\*see action taken under #4\*\*\*

4. A T & T – starting at the SW corner of Section 35, Township 23 North, Range 14 East for placement of a new electronic equipment cabinet –

Commissioner Helm made a motion to approve Items 1, 2, 3 & 4 under utility permits as presented and the applicants were to leave the property as they found it, which means replacing the top soil and to always have the permit on them when the county comes by for inspections. Commissioner Thacker seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 13: CLAIMS:

1. Salaries – July 2008

Commissioner Helm made a motion to approve the July 2008 salary claims as presented. Commissioner Thacker seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

2. Attendant Care – None presented.

ITEM 14: BLANKET PURCHASE ORDERS:

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

District #1: County Building Center, \$100.00 and R & S Auto Parts, Chelsea, \$600.00; Sheriff's jail account vehicle maintenance: Froman Oil Company, \$450.00; Sheriff's jail account medical: Diamond Medical Services, \$200.00; Diamond Pharmacy, \$6000.00; Sheriff's jail account Board of Prisoners: Farmers Bros. Coffee, \$600.00; Sheriff's jail account medical: PHS Mobile X-Ray, \$600.00; Sheriff's jail account Board of Prisoners: Sysco Foods, \$2200.00; Sysco Foods, \$6500.00; Warehouse Market, \$250.00; Bimbo Bakeries, \$1200.00; and Sheriff's general fund account vehicle maintenance: Froman Oil Company, \$4500.00 – Chairman DeLozier made a motion to approve the blanket purchase orders as presented. Commissioner Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

2. Orders Exceeding Amount of Issuance – None presented.

ITEM 15: AGENDA ITEMS:

1. Discussion with possible action on Update on 2008-2009 Budget preparations of revenue and expenditures from Turner & Associates, Inc. CPA –

Mr. Turner explained to the Board about the handout reflecting the revenues expenses. The estimates for 2008-2009 are up from \$15,949,172.53 as in 2007-20098 to \$17,504,815.95. The sales tax is also up and at this point in time is still within general fund budget. That is up about \$300,000 plus and ad valorem tax was up about \$400,000. At this point we have not done anything on actual vs. estimates, because we don't know about yet. The only thing budgeted on the one cent is sales tax only. All the excess money is just sitting there. If we take the requests now we are about \$188,000 over excess monies available. Melissa Anderson, Rogers County Assessor, pointed out that on the requests, some of the offices don't include their carry-over monies. Mr. Turner stated that he just did what was on their requests, in other counties the carry-over is just automatically placed in next year. But the Board will need to tell me how they want to do that. Commissioner Helm inquired about 29D on the handout. Mr. Turner explained that we had \$7,426,847.30 was the beginning balance on sales tax on what they anticipated the budget to be last year and we added roughly another \$3million to that based on collections and what was actually spent was \$8,647,424.51. The total of \$8,761,479.04 is based upon 90% of the budget which includes carry-over. Discussion only on this item no action taken.

2. Approve/disapprove Customer Service Maintenance Agreement for Emergency Management's yearly maintenance agreement on Ricoh Aficio 350 copier, sn#2B18840453 - (\*\*note\*\*tabled from July 21, 2008 meeting\*\*) Chairman DeLozier made a motion to table for one more week to allow the District Attorney's office time to review the agreement. Commissioner Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

3. Open & Award Bid #485 – Micro-Surfacing

15 bid packets were mailed with 0 being returned undeliverable and 2 responses being received as follows: Apac-Oklahoma, Inc. "No Bid" and Donelson Construction Company, LLC on rural roads \$2.75 per square yard and residential roads \$3.23 per square yard. Commissioner Helm made a motion to accept the only bid received from Donelson Construction Company, LLC. Commissioner Thacker seconded the motion. Roll Call: DeLozier-aye, Helm-aye,

Thacker-aye. Motion carried.

4. Open & Award Bid #486 – Chiplock

15 bid packets were mailed with 0 being returned undeliverable and 2 responses being received as follows: “No Bid” from Apac-Oklahoma, Inc. and bid from Donelson Construction Company, LLC on \$2.76 per gallon of concentrate plus installation fee as follows: “rural roads \$0.50 per square yard and residential roads \$0.84 per square yard. Commissioner Helm made a motion to accept the only bid received of Donelson Construction Company, LLC. Commissioner Thacker seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

5. Approve/disapprove Resolution for Disposing of Equipment for Assessor's Office as follows: Gateway CPU 2.6 GHZ, 40GB, 256 Ram computer, sn#1098339663 to be junked- Commissioner Helm made a motion to approve. Commissioner Thacker seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

6. Acknowledgement for public record check #1203 from Grand Gateway Economic Development Association E-911 for May 2008 E-911 service fees in the amount of \$21,193.09 – Acknowledged for public record only, no action taken.

7. Approve/disapprove Resolution #2008-51 authorizing application for Financial Assistance through Grand Gateway EDA's Rural Economic Action Plan Fund on behalf of the Inola Public Schools -

Virgil Best at Inola explained that the request was for an agricultural barn at Inola Public Schools, which is for the kids and the city. This would provide a show-barn for local shows and a meeting place for any organization. This grant would help up finance this situation. Right now Inola Public Schools is bond indebted to it limit. I have a resolution from the Board of Education where they are totally behind this particular project. Commissioner Thacker stated that they have gone through extensive planning for the last three (3) years and there is a lot of community support behind it and they are asking us to sponsor this REAP grant. Commissioner Thacker made a motion to approve. Commissioner Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

8. Discussion and possible action to enter Executive Session for the purpose of confidential communications between a public body and its attorney concerning the pending claim or action in CJ-2004-234, Material Service Corp. v. Rogers County Commissioners, including but not limited to discussion and review of mediation session presented by John Rothman with Oklahoma Mediation Service, 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 pending litigation or proceeding in the public interest, as authorized by Title 25 O.S. § 307(4);

Barry Farbro, Assistant District Attorney, recommended the Board enter Executive Session. Commissioner Helm made a motion to enter Executive Session with Chairman DeLozier seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried and the Board entered Executive Session at 9:17 A.M.

9. Motion and vote to adjourn Executive Session and enter Regular Session –

Commissioner Thacker made a motion to adjourn Executive Session and enter Regular Session and Commissioner Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried and the Board adjourned Executive Session and entered Regular Session at 11:01 A.M.

10. Discussion and possible action with respect to matters considered during Executive Session regarding the pending claim or action in CJ-2004-234, Material Service Corp. v. Rogers County Commissioners – No action taken.

ITEM 16: 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 –

\*\*\*NOTE\*\*\*Chairman Dan DeLozier left the meeting at 11:54 A.M.\*\*\*

ITEM 17: PAYMENT OF PURCHASE ORDERS FROM ALL DEPARTMENTS:  
(Materials, Supplies, Parts, Groceries & Prescriptions)\*\*\*NOTE\*\*\*see attached list of all claims that were approved for payment on Monday, July 28, 2008\*\*\*Commissioner Helm made a motion to approve payment of all purchase orders from all departments as presented. Commissioner Thacker seconded the motion. Roll Call: Helm-aye, Thacker-aye. Motion carried.

ITEM 18: 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 –

Commissioner Helm stated that he had received a request from St. John Health System in Oologah about the flooding that recently took place asking for the county to clear the creek located on the south side of the building. St. John Health System is a non-profit 501(C)3 and under FEMA guidelines so that the county can go into the ditch and clear the creek to help alleviate the problem and maybe there won't be any flooding again. This request is being made a matter of public record for the minutes to reflect in the records and a License Agreement prepared by the District Attorney's office needs to be completed and mailed back to the county by St. John Health System. Discussion only, no action taken.

ITEM 19: RECESS OR ADJOURNMENT:

Commissioner Thacker made a motion to adjourn the meeting.  
Commissioner Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried. Meeting was adjourned at 12:21 P.M.

BOARD OF COUNTY COMMISSIONERS  
ROGERS COUNTY, OKLAHOMA

By: \_\_\_\_\_  
Peggy Armstrong, Rogers County Clerk

(SEAL)