

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, DECEMBER 29, 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 Tuesday, December 23, 2008, at 3:14 P.M. and posted on the Courthouse Bulletin Board; Outside the Commissioner's Meeting Room; on the Exterior Window at the Southeast Entrance and the Front Door Entrance to the Courthouse and on the Wheelchair Ramp Door.

ITEM 1: CALL TO ORDER:

Chairman Dan DeLozier called the meeting to order at 9:00 A.M.

ITEM 2: ROLL CALL:

Chairman Dan DeLozier, Commissioner Mike Helm and Commissioner Kirt Thacker were all present.

ITEM 3: FLAG SALUTE:

Commissioner Helm led the salute and Pledge of Allegiance to the American Flag.

ITEM 4: PRAYER:

Commissioner Thacker said a prayer.

ITEM 5: APPROVAL OF MINUTES: December 22, 2008

Commissioner Helm made a motion to approve the minutes from December 22, 2008, as presented. Commissioner Thacker seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 6: UNFINISHED BUSINESS:

1. Award Bid #495 – Dump Truck(s) with Snow Plows for District #2

Commissioner Helm stated that Ted Mardis, District #2 shop mechanic and Brian Hickok had reviewed the bids and presented a letter to the Board to be made a matter of the official minutes. Their recommendation was to accept the Mack Truck bids. (see letter) Commissioner Helm stated that 2 vendors bid the Mack Trucks, one being Mack Truck Sales of Tulsa and the other being Bruckner Truck Sales in Oklahoma City. Mack Truck Sales of Tulsa did not bid with a trade-in price. Bruckner Truck Sales bid was \$72,150.00 with trade-in. Commissioner Helm made a motion to accept the bid of Bruckner Truck Sales based upon the recommendation of District #2 county warehouse workers and the trade-in value. Commissioner Thacker seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

2. Award Bid #496 – Dump Truck(s) for District #2 –

Ted Mardis, District #2 shop mechanic read a letter of recommendation to the Board to accept the Mack truck bids. Commissioner Helm stated that the Mack trucks out perform everyone else. We have 2 bids; one from Mack Truck Sales of Tulsa for \$106,650.78 without trade-in and the other with Bruckner Truck Sales for \$46,900.00 with trade-in. Commissioner Helm made a motion to accept the bid of Bruckner Truck Sales for \$46,900 with trade-in based upon the recommendation from District #2 warehouse workers and trade-in value. Commissioner Thacker seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

3. Award Bid #497 – Pull Truck(s) for District #2

Ted Mardis, District #2 shop mechanic read a letter of recommendation to the Board to accept the Mack Truck bids. Commissioner Helm stated that he consulted with the District Attorney about this bid which was received from Tulsa Freightliner-Sterling-Western Star for \$78,215.00 plus wet kit installation, was the lowest bid. But Sterling is a model that is no longer in business, and the equipment is now considered obsolete and the parts would not be accessible, so it would not be feasible to go with the lowest bidder. Commissioner Helm, Brian & Ted visited personally with Erick Fairchild at Tulsa Freightliner last week and they told us that they wouldn't be able to get the door panels or the doors and that the warranty would have to come from outside Freightliner. Commissioner Helm made a motion to accept the bid of Bruckner Truck Sales, Inc., for \$92,230.00 without trade-in, and the wet-line kit prices is included in the price, based upon his conversation with the District Attorney and the recommendation from District #2 warehouse workers. Chairman DeLozier inquired, so the District Attorney said you could call the Sterling obsolete?

Commissioner Helm replied that it is obsolete. Commissioner Thacker seconded the motion. Ray Sizemore with Mack Truck Sales of Tulsa, commented that in the other 18 counties that he deals with, trades are always listed by serial number and description within the bid, so that everyone has a fair shot in knowing what to bid. I did not bid a trade-in because it did not say specifically that a trade-in was going to be done. If I had know that was going to be the specific points on the bid, obviously we're the Mack dealer closest to here, we do the service work for your trucks now, and we would have enjoyed doing the service work now and in the future and it has no effect on if we get the bid or not. I did beat Bruckner's bid on the two other bids, however I did not offer a trade, because there was no specific trade mentioned. Also, \$134,000 for a new truck with snowplow with the trucks being just 2 years old, was there any need to trade those trucks when they still have a lot of life left in them for the money being spent and the economy the way it is. Commissioner Helm informed Marilyn Gibson, Purchasing Agent, next time a bid is put out to place any and all requests possible that any vendor makes in the bid. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

4. Award Bid #498 – Spreaders – Installed for District #3

Commissioner Thacker stated that 7 bid packets were mailed with 1 being returned undeliverable and 2 responses being received and one being a "No Bid" from Trux Trailer/Tractor Repair, Inc., from Springfield, Missouri. Southwest Trailers & Equipment Truck Equipment from Oklahoma City, bud 10 foot spreader(s) installed for \$10,823.00 and the hydraulics for spreader(s) at \$3669.00. We bid the spreaders a few weeks back, but only received one bid, and Southwest Trailers did not bid at that time. The bid that we received I felt was too high, that is why we re-bid it and we did receive a lower bid this time. Commissioner Thacker made a motion to accept the only bid received from Southwest Trailers. Chairman DeLozier seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 7: ZONING: None presented.

ITEM 8: PLATS: None presented.

ITEM 9: ROADS AND BRIDGES: None presented.

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

1. 005 Use Tax - \$ 54,411.88
2. 101 Unrestricted Highway – Addendum, \$79,966.63 and \$456,881.63
3. 141 Cellular Phone Usage - \$44,562.18
4. 142 E-911 - \$23,015.87
5. 145 Attendant Care - \$360.00

Commissioner Helm made a motion to approve the cash fund estimate of needs as presented. Commissioner Thacker seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 11: TRANSFER OF FUNDS:

1. Commissioner's general government M&O to capital outlay - \$818.00

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

ITEM 12: UTILITY PERMITS:

1. AEP/Public Service Company of Oklahoma – to erect, construct and maintain an electric line overhead parallel, beginning the East 10 feet of the East 16.5 feet of the South 1980 feet of the SW/4 of Section 28, Township 23 North, Range 15 East of the I.B.&M., Rogers County, in District #2 – (\*\*note\*\* this item was tabled from December 22, 2008, meeting\*\*)

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

2. Allied Operating, LLC, 12752 South Highway 169, Oologah, Ok 74053  
a.) road crossing across EW/480 Road, 178 feet West of Intersection with NS/4092 Road –  
b.) road crossing 60 feet under the Junction of EW/480 Road and NS/4094 Road, running from SE/corner to the NW/corner – c.) 630 feet East in the North borrow ditch on NS/4094 Extension and then turn North at the corner in the West borrow ditch for 435 feet approximately – d.) and a road bore under NS/4094 Extension (4095?) EW approximately 210 feet from the corner lying in Sections 4 and 9 of Township 21 North, Range 15 East of the I.B.&M., Rogers County, in District #2 –\*\*see Item #8\*\*

3. Allied Operating, LLC, 12752 South Highway 169, Oologah, Ok 74053 – road crossing across EW/480 Road West of Intersection with NS/4092 Road in Sections 4 and 9 of Township 21 North, Range 15 East of the I.B.&M., Rogers County, in District #2 –\*\*see Item

#8\*\*\*

4. Allied Operating, LLC, 12752 South Highway 169, Oologah, Ok 74053 – 630 feet approximately East in the borrow ditch on NS/4094 Road Extension and then turn North at the corner in the West borrow ditch for 435 feet approximately in Sections 4 and 9 of Township 21 North, Range 15 East of the I.B.&M., Rogers County, in District #2 –\*\*\*see Item #8\*\*\*

5. Allied Operating, LLC, 12752 South Highway 169, Oologah, Ok 74053 – road bore under NS/4094 Road Extension (4095?) EW approximately 210 feet from the corner in Sections 4 and 9 of Township 21 North, Range 15 East of the I.B.&M., Rogers County, in District #2 – \*\*\*see Item #8\*\*\*

6. Allied Operating, LLC, 12752 South Highway 169, Oologah, Ok 74053 – road crossing 60 feet under the Junction of EW/480 Road and South 4094 Road running from the southeast corner to the northwest corner in Sections 4 and 9 in Township 21 North, Range 15 East of the I.B.&M., Rogers County, in District #2 – \*\*\*see Item #8\*\*\*

7. Rural Water District #5, Mayes County – boring NS/429 Road between county roads EW/33 and EW/34 starting at the NE/4 of Section 27 and to the NW/4 of Section 26 in Township 24 North, Range 18 East of the I.B.&M., Rogers County, in District #1, to serve Ted Foster- \*\*\*see Item #8\*\*\*

8. Rural Water District #5, Mayes County – boring NS/424 Road between county roads EW/295 and EW/296 starting at the NE/4 of Section 2 and to the NW/4 of Section 1 in Township 24 North, Range 17 East of the I.B.&M., Rogers County, in District #1, to serve Else Berg-

Commissioner Helm stated that utility permits #2 thru #6 have met all his requirements and know to put the right-of-way back the way they found it, which includes adding sod, etc. if need be. Chairman DeLozier made a motion to approve Items 2 thru 8 under utility permits as presented. Commissioner Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 13: CLAIMS:

1. Salaries – December 2008

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

2. Attendant Care – None presented.

3. Claim for Damages from Southwestern Bell Telephone Company, dba A T & T Oklahoma, location of damages: 18600 north 177<sup>th</sup> East Avenue or EW410 Road and NS4106 Road east side, Collinsville, Ok, in the amount of \$2619.27 – (\*\*\*)note(\*\*\*)original tort claim voucher was on November 24, 2008, meeting's agenda(\*\*\*) - Commissioner Helm recommended sending on to the District Attorney's office. No action taken.

ITEM 14: BLANKET PURCHASE ORDERS:

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

Sheriff: Bimbo Bakeries, \$1200.00; Farmers Bros. Coffee, \$600.00; Sysco Foods, \$2200.00; Sysco Foods, \$6500.00; Warehouse Market, \$250.00; PHS Mobile X-Ray, \$600.00; St. Francis Lab, \$600.00; Diamond Drugs, Inc., \$6000.00; Diamond Medical Supply, \$200.00; Correctional Dental Services, \$2000.00; Froman Oil Company, \$500.00 and Froman Oil Company, \$3500.00 and Emergency Management: Froman Oil Company, \$400.00 – Commissioner Thacker inquired if the jail bid their food items? Commissioner Helm replied that it is the elected officials business to handle their own funds and be accountable to the citizens. Commissioner Helm made a motion to approve. Chairman DeLozier seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

2. Orders Exceeding Amount of Issuance –

Chairman DeLozier made a motion to approve purchase order #902921 issued October 20, 2008, for \$60.00 to R & S Auto Parts in Chelsea, to be paid over by \$56.42 for a grand total of \$656.42. Commissioner Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

\ Chairman DeLozier made a motion to amend his first motion to include purchase order #903898 issued on November 24, 2008, for \$600.00 to St. Francis Lab, to be paid over by \$311.00 for a grand total of \$911.00. Commissioner Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 15: AGENDA ITEMS:

1. Discussion with possible action on adopting 911 Emergency Medical Services boundaries for Rogers County –

Vicki Atchley with 911 Department for Rogers County and Tulsa County, stated that on Wednesday, December 10, 2008, Oologah-Talala EMS, Pafford EMS, Collinsville EMS, Owasso EMS and Commissioner DeLozier along with herself met with the State Health

Department at INCOG and participated in a meeting to agree upon and finalize 911 Primary Response Boundaries. All agencies agreed, but Owasso has not signed off on it yet. The other 3 agencies have. (see letters) Boundaries changed for Oologah-Talala EMS because of the close of one of their stations on Owalla and they also took in the Tacora Hills area. Atchley reminded the Board that this was only covering the EMS boundaries, not the fire districts and once Owasso signs off on it, it will come before the Board again for final approval. Chairman DeLozier made a motion to approve with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

2. Discussion with possible action on reappointment of Magan DeLozier as the Rogers County representative to INCOG Board of Directors for 2009 –

Magan DeLozier, Planning Commission Director, started to the Board that with the INCOG meetings being held on Thursdays, that is also the day that she has to get her Planning Commission agendas and minutes ready for the upcoming meeting. And she has not been able to attend the INCOG meetings lately for that reason. DeLozier recommended seeing if the new incoming Sheriff would be interested in serving on the board. Chairman DeLozier made a motion to table this item for 2 weeks (January 12, 2009), to give time to ask the new Sheriff if he would be interested in serving. Commissioner Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

3. Discussion with possible action on Approval of Citation to Jerry Prather, Sheriff of Rogers County, for his 12 year term serving as Sheriff of Rogers County –

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

4. Acknowledgment for public record only, receipt of check #1240 from Grand Gateway Economic Development Association E-911 for E-911 service fees for October 2008 in the amount of \$21,350.32 – Acknowledged for public record only, 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 -

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, December 29, 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: DeLozier-aye, 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 Thacker informed the Board that he would be asking for a list of all patrol deputies that are CLEET certified from the Sheriff's office.

Commissioner Helm inquired of the inventory list of vehicles from all departments and County Clerk, Peggy Armstrong, stated that her office did not have time last week to copy the records because of the holidays and employees being on vacation.

Commissioner Helm also inquired about the problem with the surveyors digging holes in the newly asphalted roads and asked Chairman DeLozier where the county is on that. Chairman DeLozier stated that he spoke with some one from the Oklahoma Society of Land Surveyors, but he couldn't remember his name and the information about refilling the holes would be added to their website right after the holidays, so we can take a look at it then.

Commissioner Helm stated that Rogers County is getting a lot of heavy truck traffic from oil and gas field equipment and it is tearing up newly asphalted or paved roads. He has been visiting with the Corporation Commission about getting a list of roads made up that the county would draft that they can travel down in order to get to their destinations without going all over the county and tearing up the roads. The county would adopt a resolution designating the roads for them to use and the Corporation Commission would permit them. Discussion only, no action taken, this item will be decided at a later date.

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 10:27 A.M.

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Commissioner's Proceedings  
December 29, 2008

BOARD OF COUNTY COMMISSIONERS  
ROGERS COUNTY, OKLAHOMA

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

(SEAL)