

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, DECMEBER 8, 2008, AT 9:00 O'CLOCK A.M.

Notice of said meeting was filed in the Office of the County Clerk on Thursday, December 4, 2008, at 3:31 P.M. and posted on the Courthouse Bulletin Board; Outside the Commissioner's Meeting Room; on the Exterior Window at the Southeast Entrance to the Courthouse 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 9:02 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: December 1, 2008
Commissioner Helm made a motion to approve the minutes from December 1, 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. Discussion with possible action on the Board choosing options concerning Bridge Inspection Responsibility by Local Government for Compliance with National Bridge Inspections Standards (NBIS) and choosing an engineer from the "*qualified consultants*" list, as the engineer responsible for county bridge inspections as approved by the Oklahoma Department of Transportation **and** approve/disapprove Resolution #2008-67 adopting Letter of Choice for County Bridge Inspection Contracts -
Commissioner Helm explained that the county had received a letter from Oklahoma Department of Transportation, these are federal funds given to ODOT and regulated by them. ODOT has pre-qualified consulting firms and circuit districts to perform Local Government bridge safety inspections based on qualifications mandated by the National Bridge Inspection Standards (NBIS). A list of 22 pre-qualified inspection firms was provided by ODOT. The county may select one of the consulting firms on the list or choose a Circuit District, if one is available in your area. Commissioner Helm stated that he didn't know any of the engineers listed, except Guy Engineering and they do most of our engineering now.
Commissioner Helm made a motion to approve Guy Engineering, Inc., to contract with and choose option #2 (select one of ODOT's pre-qualified engineering firms; bear 20% of the total bridge inspection cost with an 80% federal match). 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: None presented.
- ITEM 11: TRANSFER OF FUNDS:
1. District #3 Unrestricted Highway M&O to salaries - \$50,000.00
Commissioner Thacker made a motion to approve. Commissioner Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 12: UTILITY PERMITS:

1. Chelsea Gas Authority – boring only county road EW/440 approximately 1340 feet west of county road NS/4220 road, lying between Sections 16 and 21 of Township 22 North, Range 17 East of the I.B.&M., Rogers County, in District #1 -

Chairman DeLozier stated that he was familiar with this permit and since it was a boring only, made a motion to approve. Commissioner Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 13: CLAIMS:

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

ITEM 14: BLANKET PURCHASE ORDERS:

1. Materials, Supplies, Parts, Groceries & Prescriptions –
Sheriff general fund vehicle maintenance: Speedy Lube, \$250.00 and Froman Oil Company, \$3500.00; Sheriff's jail account vehicle maintenance: Froman Oil Company, \$700.00 – Commissioner Thacker 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 –
P.O. #902922 issued by Sheriff's jail account to Simplex Grinnell in the original amount of \$2500.00 to be paid over by \$458.50 for a total of the purchase order \$2958.50 and P.O. #902216 issued by District #2 to Rush Truck Center in the original amount of \$7501.00 to be paid over by \$4891.70 for a total of the purchase order to be \$12,392.70. Chairman DeLozier made a motion to approve the purchase orders exceeding amount of issuance as presented. Commissioner Thacker seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 15: AGENDA ITEMS:

1. Discussion with possible action on Approval/disapproval of changing from Corporate Advantage to Immediate Care for drug screening pre-employment provider for Rogers County – (**note**tabled from December 1, 2008, meeting***)

Debbie Hendrix, employed by Immediate Care, stated that Corporate Advantage closed their doors on Friday, December 5th. Immediate Care provides pre-employment physicals and drug screens. Chairman DeLozier inquired about the prices. Hendrix replied that the prices for drug screens and breath alcohols are the same, but the ODOT physicals are \$5.00 more. Commissioner Thacker made a motion to approve. Chairman DeLozier seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

2. Discussion with possible action on Approval of Resolution #2008-68 authorizing and directing the calling and holding of a Special Election in the Oologah-Talala Emergency Medical Services District for the purpose of submitting to the registered, qualified voters of said district the question of the issuance of the bonds of said district in a sum not to exceed One Million Dollars (\$1,000,000.00) to provide the funds for the purpose of refunding certain obligations of the district and acquiring emergency vehicles and other equipment and maintaining and housing the same and levying and collecting a Special Annual Tax in such district no to exceed one and nine-tenths (1.9) mills on the dollar of the taxable real property and taxable personal property in such district for the payment of the principal and interest on said bonds; providing ballot title; providing for Notice to Rogers County Election Board; Polling Places and Conduct of such Election –

Mark Ramsey, Attorney for Oologah-Talala Emergency Medical Services (OTEMS), stated that the district came to the Commissioner's earlier this year and asked for permission to hold a bond election in the district. The Commissioner's agreed and a resolution was passed. The measure also passed by a vote of the people. The problem was, when the bond counsel was going through the approval process prior to issuing the bonds, they found a notice had not been given that needed to be given. And rather than risk having the bond issue invalidated at a later time, which would have caused great difficulty, the board of the district chose to ask the Commissioner's for another vote. And that is why we are here today. Mr. Ramsey, continued, that it was his opinion and bond counsels opinion, that this is the best approach.

Barry Farbro, Assistant District Attorney, was present at the meeting and was asked by Chairman DeLozier if he had any comments. Farbro replied, no, he has no comment on it. He has talked with Mr. Ramsey about it. There is no reason not to approve the resolution today calling for that election and I would encourage you to do so.

Commissioner Thacker asked, who pays for the election? Mr. Ramsey replied, the Election Board will bill the district for the cost of the election. It's possible that other matters that are on the same ballot, that the amount will be split between more than one entity.

Mr. Ramsey continued, as he understands it currently, the election that we are talking about is February 11, 2009, which is the school board elections and school board elections do not share the costs with anybody. At this point, it will fall on the district. Mr. Sweet from the district's board is here today, and the district is contemplating asking to have this amount reimbursed by the county rather than by the district, at this time it is on the district.

Commissioner Helm inquired from Election Board Secretary, Terri Thomas, if the scheduling of the election was okay with the Election Board office? Thomas replied, yes, the deadline is Thursday, December 11, 2008, to ask for a February 10, 2009, election. Thomas continued, that it is correct as far as expenses when the county calls an election and the schools have an election the same day, the school does not split the costs. The cost is all on the county and then we would re-bill OTEMS district the amount. Initially it comes out of our budget.

Commissioner Thacker asked, what is the reason that the notice was not given? Mr. Ramsey replied, just an oversight. Commissioner Thacker asked, on whose part? Mr. Ramsey answered, I don't think that it serves any purpose to point fingers. The problem is the constitutional provision that provides for this kind of election is not specific. It doesn't say whose responsibility it is. So in one way it's nobody's responsibility and another way it's everyone's responsibility and nobody did it.

Commissioner Helm made a motion to approve. Chairman DeLozier seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.
notesee additional comments Commissioner Helm added to this item under Public Comments Item #16 under Agenda Items***

3. Discussion with possible action on Approval of Contract for Sale of Real Property between Chelsea Economic Development Authority, having a notice address of 637 Olive Street, P.O. Box 8, Chelsea, Oklahoma, 74016, "Seller" and Board of County Commissioners of Rogers County, State of Oklahoma, having a notice address of Rogers County Courthouse, 219 South Missouri, Room 1-109, Claremore, Oklahoma, 74017, "Buyer" certain real property situated in Rogers County, Oklahoma, containing approximately 4.56 acres of land, more or less, described as follows, to wit:

Lot 13 in Block 2 of the Chelsea Industrial/Business Park, an addition to the Town of Chelsea, Rogers County, Oklahoma, according to the recorded Plat Thereof

Chairman DeLozier stated that Commissioner Payne, a few years ago bought approximately 4 acres in the Chelsea Industrial park to build a new county warehouse and storage area and this 4.56 acres is next to it that we are going to acquire. This will give me room to stock-pile all my materials and build a new county warehouse in the future. Chairman DeLozier made a motion to approve. Commissioner Thacker seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

Commissioner Helm made a motion to recess the meeting until 1:00 P.M. today, to allow for everyone to attend the funeral of long time Equalization/Excise Board member Sham Coppinger. Motion was seconded by Chairman DeLozier. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried. Meeting was recessed at 9:24 A.M. until 1:00 P.M.

Chairman DeLozier called the recessed meeting back to order at 1:03 P.M. Chairman DeLozier, Commissioner Helm and Commissioner Thacker were all present.

4. Open & Award Bids as follows:

a. Bid #0012 – Rock

18 bid packets were mailed with 1 being returned undeliverable and 4 responses being received as follows: Anchor Stone Company; Apac-Oklahoma, Inc.; Pryor Stone, Inc. and Material Service of Oklahoma, Inc. – Commissioner Thacker made a motion to accept all bids closest to the job site and first available. Commissioner Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

b. Bid #0013 – HMHL

15 bid packets were mailed with 1 being returned undeliverable and 2 responses being received as follows: Apac-Oklahoma, Inc. and Lobo Holding, Inc., dba Lobo Asphalt – Commissioner Thacker made a motion to accept all bids closest to the job site and first available. Commissioner Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

c. Bid #0014 – Liquid Asphalt

13 bid packets were mailed with 1 being returned undeliverable and 2 responses being received as follows: Coastal Energy Corporation and Vance Brothers, Inc. – Commissioner Thacker made a motion to accept the bid of Coastal Energy Corporation because they bid every item listed and Vance Brothers, Inc., only bid on SS-1. Commissioner Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion

carried.

d. Bid #0015 – Grader Blades

10 bid packets were mailed with 0 being returned undeliverable and 5 responses being received as follows: Kirby-Smith Machinery; Dub Ross Company, Inc.; Keystone Equipment Company; Warren CAT; Lacial Equipment, Inc. – Commissioner Thacker made a motion to accept all bids based upon first availability. Commissioner Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

e. Bid #0016 – New Pipe

15 bid packets were mailed with 0 being returned undeliverable and 3 responses being received as follows: Water Products of Oklahoma, Inc.; Wheeler Metals and a “No Bid” from The Railroad Yard, Inc. – Commissioner Thacker made a motion to accept all bids closest to work site and first available. Commissioner Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

f. Bid #0016A – Used Pipe

15 bid packets were mailed with 0 being returned undeliverable and 4 responses being received as follows: Wheeler Metals; The Railroad Yard, Inc.; Sunbelt Equipment & Supply; and a “No Bid” from Water Products of Oklahoma, Inc. – Commissioner Thacker made a motion to accept all bids based upon availability. Commissioner Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

g. Bid #292 – Galvanized Posts

13 bid packets were mailed with 0 being returned undeliverable and 4 responses being received as follows: Xcessories Squared Development & Mfg., Inc.; Barco Municipal Products, Inc.; Advanced Workzone Services and Custom Products Corp. – Commissioner Thacker made a motion to accept the low bid of Xcessories Squared and Commissioner Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

h. Bid #0321 – Traffic Marking Paint

16 bid packets were mailed with 1 being returned undeliverable and 4 responses being received as follows: Ennis, Paint, Inc.; The Sherwin-Williams Company; Paving Maintenance Supply, Inc. and Anchor Paint Mfg. Co. – Commissioner Thacker made a motion to accept the low bid of Sherwin-Williams in Tulsa because of minimum quantity requirement of 1 each 55 gallon drum. Commissioner Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

i. Bid #0426 – Glass Reflective Beads

13 bid packets were mailed with 0 being returned undeliverable and 6 responses being received as follows: Ennis Paint, Inc.; Swarco Reflex, Inc.; Paving Maintenance Supply, Inc.; Direct Traffic Control, Inc.; Advanced Workzone Services and Potters Industries, Inc. – Chairman DeLozier made a motion to accept the low bid of Ennis Paint, Inc. with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

5. Open & Award Bid #492 – Dump Truck Body for District #2 –

Commissioner Helm stated that this bid would not be opened today because it was his fault all the materials and equipment had not been made a part of the bid as needed. The bid is not complete and therefore, we will not open it today, because it should have said dump trucks and not dump truck body. No action taken.

6. Open & Award Bid #493 – Emulsion Storage Tank for District #3 –

15 bid packets were mailed with 3 being returned undeliverable and 3 responses being received as follows: “No Bid” Kirby-Smith Machinery, Inc.; G. W. Van Keppel Co.; and Jo-Co Equipment – Commissioner Thacker made a motion to table for one week (December 15, 2008) to allow him time to look over the bids. Commissioner Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

7. Open & Award Bid #494 – Guardrails for District #2 –

14 bid packets were mailed with 1 being returned undeliverable and 2 responses being received as follows: Time Striping, Inc. and JLT Contracting, LLC – Commissioner Helm made a motion to accept the low bid of Time Striping, Inc. with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

8. Acknowledgement for public record only, receipt of check #104052496 from State of Oklahoma, Department of Wildlife Conservation's Beaver Control and Abatement Program in the amount of \$134.82 – Acknowledged for public record only, no action taken.

9. Acknowledgement for public record only, receipt of check #101056507 issued on 11-14-2008 in the amount of \$82,386.98 on PW 852, 853, 921 and 924 **and** check #101055738 issued on 11-13-2008 in the amount of \$51,150.13 on PW 766, 850 and 851 – all to be deposited into T-highway account as follows: warrant #101056507 \$30,205.50 into District #2 and \$50,181.48 into

District #3 and warrant #101055738 \$38,106.16 into District #2 and \$13,043.97 into District #3 –
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 -

Commissioner Helm stated that he had a public comment about Item 15 Agenda Items #2 and asked that the following be added to it: The Board of County Commissioners did call for the election, but the Board of County Commissioners will not be held harmful by calling for said election and that the cost of said election would be upon the Oologah-Talala Ambulance District, not the Board of County Commissioner or the county.

Commissioner Thacker left the meeting at 2:38 P.M. to attend a meeting in Tulsa at 3:00 P.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, December 8, 2008***Commissioner Helm made a motion to approve payment of all purchase orders from all departments as presented. Chairman DeLozier seconded the motion. Roll Call: DeLozier-aye, Helm-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 – None presented.

ITEM 19: RECESS OR ADJOURNMENT:

Chairman DeLozier made a motion to adjourn the meeting with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye. Motion carried. Meeting was adjourned at 3:03 P.M.

BOARD OF COUNTY COMMISSIONERS
ROGERS COUNTY, OKLAHOMA

By: _____
Peggy Armstrong, Rogers County Clerk

(SEAL)