

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, FEBRUARY 23, 2009, 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, February 19, 2009, at 1:55 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 Door Entrances to the Courthouse and on the Wheelchair Ramp Door.

ITEM 1: CALL TO ORDER:

Chairman Mike Helm called the meeting to order at 9:00 A.M.

ITEM 2: ROLL CALL:

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

ITEM 3: FLAG SALUTE:

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

ITEM 4: PRAYER:

Chairman Helm said a prayer.

ITEM 5: APPROVAL OF MINUTES: February 17, 2009

Commissioner DeLozier made a motion to approve the minutes from February 17, 2009, as presented with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 6: UNFINISHED BUSINESS:

1. Award Bid #503 – Crack Sealant for District #3

Commissioner Thacker stated that District #3 needs more time to review the bids and made a motion to table for one more week (March 2, 2009). Commissioner DeLozier seconded the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

2. Award Bid #504 – 4-Wheel Loader for District #2

Chairman Helm stated that District #2 Assistant Foreman, Benny King and shop mechanic, Ted Mardis had done a weight scale on this bid. King stated after reviewing each weight scale \, we recommend awarding of the bid to Keystone Equipment Company on a new 2009 John Deere 724K loader and also purchasing of the options listed on the bid. (see weight scale sheets) We also looked at the horsepower ratings, compared what was exactly on the bid sheets, and we also looked at the warranty options, along with options included on the bids. The Case 821E, Cat 962H and Komatsu 430, did not meet the minimum horsepower rating as listed on the bid sheet. The Volvo L150F did meet the horsepower, but the total price including 5 year full machine warranty was \$272,882.00; the Case 921EXR, the did not list a 5 year machine warranty and total price was \$241,077.12; the John Deere total cost was \$228,946.19, which includes 1 5 year full machine warranty with travel time and mileage included, z-bar hylift, hydraulic coupler on front, 4.75 yard bucket and 60" forks. King continued that this was the reason on the weight scale as to why they chose John Deere 724K.

Chairman Helm clarified that we can only look at what is listed in each vendors bid, no additional phone calls accepted or no add-ons after opening of the bids. Chairman Helm made a motion based upon the recommendation of the assistant foreman and shop foreman and their weight scale to award the bid to Keystone Equipment Company with the lease-purchase option and Commissioner Thacker seconded 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 AND BRIDGES: None presented.

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

1. 005 Use Tax – \$228,946.72

2. 101 Unrestricted Highway – \$280,451.97
3. 141 Cellular Phone Usage –\$23,094.52
4. 142 E-911 - \$28,381.11
5. 145 Attendant Care - \$1680.00

Commissioner DeLozier made a motion to approve Items 1, 2, 3, 4 & 5 under cash fund estimate of needs as presented with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 11: TRANSFER OF FUNDS: None presented.

ITEM 12: UTILITY PERMITS:

1. Oklahoma Natural Gas Company – **boring** -crossing county road EW/590, 2020 feet East of its intersection with the centerline of county road NS/4190 located in the NE/4 of Section 1, Township 19 North, Range 16 East of the I.B.&M., Rogers County in District #3 –

Commissioner Thacker stated that he wanted the minutes to show that the utility permit was for boring only and since it was for boring only, made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

2. A T & T – trenching and boring beginning at the NE corner of Section 3, Township 21 North, Range 14 East, then proceed west on south side of East 126<sup>th</sup> Street North to North 145<sup>th</sup> East Avenue, to bury a 72 fiber cable in District #2 –

Chairman Helm stated that since we have been dealing with Cox and A T & T on their utility permits and we have hit their lines and they send us tort claims against the county, we ask them to come before the Board so we can visit with them about their utility permits. Chairman Helm made a motion to table for 2 weeks (March 9, 2009) to allow Peggy Armstrong, County Clerk, time to contact A T & T and ask them to be present at the meeting in two weeks with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 13: CLAIMS:

1. Salaries – February 2009
2. Attendant Care – None presented.
3. Alternatives to Detention/Transportation Claim to State of Oklahoma Office of Juvenile Affairs for January 2009 in the amount of \$2991.95 -

Commissioner DeLozier made a motion to approve Items 1 & 3 under claims as presented with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 14: BLANKET PURCHASE ORDERS:

1. Materials, Supplies, Parts, Groceries & Prescriptions –
  - 1.) Emergency Management: Froman Oil Company, \$400.00; 2.) Sheriff's General fund vehicle maintenance: Froman Oil Company, \$3500.00; 3.) Sheriff's jail account vehicle maintenance: Froman Oil Company, \$500.00; 4.) Sheriff's jail Board of Prisoners: Bimbo Bakeries, \$1200.00; 5.) Farmers Bros. Coffee, \$400.00; 6.) Sysco Foods, \$2400.00; 7.) Sysco Foods, \$6500.00; 8.) Warehouse Market, \$250.00; Sheriff's jail medical account: 9.) Diamond Medical Supply, \$400.00; 10.) Diamond Drugs, Inc., \$6000.00; 11.) St. Francis Lab, \$600.00; 12.) PHS Mobile X-Ray, \$600.00; 13.) Correctional Dental Services, \$2000.00 –

Commissioner DeLozier made a motion to approve the blanket purchase orders as presented with Commissioner Thacker seconding the motion. Commissioner Thacker stated that he felt the Board needed to be brought up to date on purchase orders that have had credits issued on them in the past, Diamond Pharmacy, so the Board will know that all bills have been paid. Chairman Helm stated that he would have Commissioner Thacker be in charge on this matter and bring this matter back to the Board on March 23, 2009. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

2. Orders Exceeding Amount of Issuance – None presented.

ITEM 15: AGENDA ITEMS:

1. Discussion with possible action on appointment of Rogers County representative to INCOG Board of Directors for 2009 - **\*\*\*note\*\*\***this item was tabled from February 17, 2009, meeting**\*\*\***

Chairman Helm stated that Commissioner Thacker is the county's representative for INCOG Board of Directors and stated that no action needed to be taken.

2. Discussion with possible action on Approval of Lease Purchase Agreement for Equipment with Welch State Bank for lessor Bruckner Truck Sales on 2008 Mack Truck, vin #1M1AN07Y08N003013 for District #3 at 60 months lease and \$1700.97 monthly payments -

Commissioner Thacker stated that this lease purchase agreement was on a pull truck that he recently bought from Bruckner's. Sherri Mount with Welch State Bank was present at the meeting and made the presentation to the Board. Commissioner Thacker made a motion to approve with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

3. Discussion with possible action with Rogers County Fire Chiefs Association on possibly re-instating the county burn for Rogers County and adoption of Rogers County Burn Ban Resolution #2009-14 -

Bob Anderson, Emergency Management Director, presented a list of fire departments for the burn ban as follows: Catoosa, Claremore, Chelsea, Foyil, Northwest, Limestone, Inola, Tiawah, Verdigris, Collinsville, Owasso and Tri-District. Anderson couldn't get a response from Alluwe and Oak Grove. Anderson continued that most of the problems over the weekend were people burning trash, which is illegal in the first place. Then when fire departments did make runs, their trucks were getting stuck. They spent a lot of time pulling out trucks. Most educated persons called the Sheriff's office or their individual fire department or Claremore Police Department before burning brush, etc. Anderson continued that in March is when farmers want to do their controlled burns of their pastures and suggested that maybe fire departments could assist by issuing permits in their respective districts.

Chairman Helm stated that in order for that to be allowed it would have to be passed by the legislature first. Helm suggested that the District Attorney could declare it an emergency. Helm asked Commissioner DeLozier if he would take the lead on this matter, be the liaison, and ask the D.A. to declare it an emergency, if needed by the fire districts and help assist the fire chiefs in any way they needed to get it declared an emergency. DeLozier agreed. DeLozier made a motion to approve the burn ban for another 7 days with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

4. Open & Award Bid #505 - Overhead Garage Doors for District #2

13 bid packets mailed with 0 being undeliverable and 6 responses being received as follows: Wildwood Construction, \$18,800.00; Brewer Construction Company of Eastern Oklahoma, Inc., \$26,988.00; Overhaed Door Specialist, LLC, \$21,999.00; Tulsa Overhead Door, LLC, \$16,983.00; American Overhead Door, Inc., \$26,780.00; Aztec NE Overhead Door, Inc., \$26,485.00 - Chairman Helm made a motion to table awarding of this bid for one week (March 2, 2009) to allow District #2 time to review the bids as submitted with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

5. Open & Award Bid #506 - Spreaders for Districts 1, 2 & 3 -

7 bid packets were mailed with 1 being returned undeliverable and 3 responses received as follows: "No Bids" from Frontier Equipment Sales, LLC and Trux Trailer & Tractors Repairs. Southwest Trailers & Equipment, LLC in Oklahoma City was the sole bidder of \$23,123.00. Commissioner Helm made a motion to accept the sole bid of Southwest Trailer & Equipment, LLC as submitted with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

6. Open & Award Bid #507 - Snack Shop food vendor for Courthouse Basement -

9 bid packets were mailed with 1 being returned undeliverable and 1 response received as follows: Campbeck, LLC, (Steve's Snack Shop) 9016 South Erie Avenue, Tulsa, Oklahoma, Steve Becker, contact person. Bid reads that Steve's Snack Shop is prepared to pay all necessary costs related to improvements to the courthouse not to exceed \$5000.00 (see bid for complete list). Commissioner DeLozier inquired as to what would happen to the vending machines currently located downstairs in the basement? Chairman Helm stated that the county currently doesn't make any money on the vending machines downstairs and that the vendor awarded the bid would put it his own vending machines. Commissioner DeLozier asked, are we not going to give the current vending machine vendors an opportunity to keep his machines downstairs? Chairman Helm replied, no. Commissioner DeLozier made a motion to table this item for 2 weeks (March 9, 2009) to allow him time to review the bid with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

7. Discussion with possible action on request from Karol L. May, Executive Director of Community Action the Re-appointment of Clarice Doyle to the Community Action Board of Directors -

Commissioner Thacker made a motion to table this item for one week, (March 2, 2009), to allow someone from Community Action to come before the Board to make this request. Chairman Helm seconded the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

8. Presentation of Official Certificate of Votes for the Special Election of Oologah-Talala Emergency Medical Services District held on February 10, 2009 –  
Peggy Armstrong, Rogers County Clerk, reported to the Board that the yes votes for the proposition were 592 and the no votes for the proposition were 359. Presentation only, no action taken.

9. Approve/disapprove County Officers Monthly Reports for January 2009 –  
Commissioner Thacker made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

10. Acknowledgement for public record receipt of check #208-123670 from CMC Recycling in the amount of \$44.00 for sheet iron #2 in District #2 – Acknowledged only for public record, no action taken.

11. Pursuant to Title 19 O.S. § 444 – Publication of Proceedings Mandatory – acknowledgement of Rogers County employees calendar year 2008 salaries –

Peggy Armstrong, Rogers County Clerk, reported to the Board that the publication of the 2008 annual wages was ready and Oologah Lake Leader had the monthly publication of Commissioner's proceedings and that the report would be sent to be posted on the web site. Presentation only, no action taken by the Board.

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\*\*\*Commissioner Thacker made a motion to approve payment of all purchase orders from all departments as presented with Commissioner DeLozier seconding the motion. On purchase order #905113, Chairman Helm requested that the County Clerk's office visit with Sheriff Walton about the use of the Visa card. Roll Call: Helm-aye, Thacker-aye, DeLozier-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:

Commissioner Thacker made a motion to adjourn the meeting with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried. Meeting was adjourned at 10:37 A.M.

BOARD OF COUNTY COMMISSIONERS  
ROGERS COUNTY, OKLAHOMA

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

(SEAL)