

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, MARCH 9, 2009, AT 9:00 O'CLOCK A.M.

Notice of said meeting was filed in the Office of the County Clerk on Thursday, March 5, 2009, at 2:56 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; on the Wheelchair Ramp Door; and on the county web site.

- 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:
Commissioner Thacker said a prayer.
- ITEM 5: APPROVAL OF MINUTES: March 2, 2009
Commissioner Thacker made a motion to approve the minutes from March 2, 2009, as presented with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.
- ITEM 6: UNFINISHED BUSINESS:
1. Award Bid #507 – Snack Shop food vendor for Courthouse Basement – Vendor, Steve Becker with Steve's Snack Shop was present at the meeting. Commissioner DeLozier stated that it was his understanding that any expenses to be done downstairs would be the cost of the vendor and the bid states there is a \$5000 limit. Mr. Becker stated that amount was stipulated in the bid as an out just in case the remodel was going to cost around \$20,000/\$30,000. Commissioner DeLozier stated that he personally does not want to get into a \$20,000/\$30,000 remodel expenses either. Arthur Mathews, maintenance supervisor, explained that the drain for the snack shop would join the janitor's closet to make it less expensive. Chairman Helm inquired about the vending machines from the vendor, would the public have access to the vending machines at all time during regular business hours? Mr. Becker replied that he would probably put in a combination machine that would have pop and sandwiches and would be accessible to the public at all times. Commissioner DeLozier commented that the bid doesn't specify vending machines. Chairman Helm stated that the bid was mailed to the current vending machine vendor and they chose not to bid. Commissioner DeLozier further commented that the current vending machine vendor did not want to put in a snack shop. Marilyn Gibson, Purchasing Agent, stated that we did not bid vending machines. Chairman Helm continued, so we didn't limit anybody nor did we request anybody not too. Chairman Helm stated that he could only go from his experience with Pepsi and Coke, when we did contracts we didn't bid the vending machines separately. Chairman Helm made a motion to approve the only bid received on the snack shop from Steve's Snack Shack. Commissioner Thacker seconded the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-nay. 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: None presented.
- ITEM 11: TRANSFER OF FUNDS:
1. District #2 Unrestricted Highway M&O to capital outlay - \$50,000.00

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

2. District #3 Unrestricted Highway M&O to capital outlay - \$37,000.00

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

3. General Government District #2 Officers travel to Commissioner's Office travel - \$715.00

Chairman Helm stated that there was no travel put in the Commissioner's office travel account at budget time and there needs to be some. Chairman Helm made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 12: UTILITY PERMITS:

1. 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 126th Street North to North 145th East Avenue, to bury a 72 fiber cable in District #2 – (**note**this item was tabled from February 23, 2009, meeting, to allow time for a representative from A T & T to attend the meeting, to March 9, 2009**) -

Chairman Helm made a motion to table this item until further notice and give A T & T the opportunity to contact the Board as we have requested and have a representative attend the meeting so we can inform them of Rogers County's policy. Commissioner Thacker seconded the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 13: CLAIMS:

1. Salaries – None presented.
2. Attendant Care – None presented.
3. Tort Claim of Kalen Sitler – tie rod worn prematurely on 2000 Cadillac Deville due to striking large pothole located on Lynn Lane (177th) between Admiral and Pine - \$200.00

District Attorney, Gene Haynes, stated that the District Attorney's office recommends the claim be denied. Chairman Helm made a motion to deny 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 –
District #1: R & S Auto Parts, \$600.00; Sheriff's jail vehicle maintenance: Froman Oil Company, \$500.00; Sheriff's general fund account vehicle maintenance: Froman Oil Company, \$3500.00; Speedy Lube, \$400.00 – Commissioner DeLozier made a motion to approve the blanket purchase orders as presented with Commissioner Thacker seconding the motion. 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 request from Karol L. May, Executive Director of Community Action, the re-appointment of Clarice Doyle to the Community Action Board of Directors – (**note**this item was tabled from February 23, 2009, meeting and March 2, 2009, meeting**)

Karol May from Community Action was present at the meeting and presented the Board with a packet of information and services that C.A.R.D. offers. Ms. May also presented the Board with a copy of a letter dated March 22, 2006, and signed by Gerry Payne as Commissioner of District #1 recommending Clarice Doyle for the position. May and Doyle have come up with a solution in making sure the Board is provided information and kept informed on matters concerning Rogers County. Commissioner DeLozier stated that he appreciated the time that Ms. May has put in by coming to our meetings. DeLozier continued that he sits on the FEMA board with Ms. May and appreciates everything that she does and everything that Ms. Doyle does also. Commissioner DeLozier made a motion to approve with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

2. Open & Award Bid #204 – Laid Asphalt for March, April, May & June 2009-
16 bid packets were mailed with 1 being returned undeliverable and 5 responses being received as follows: Apac-Oklahoma, Inc., \$52.00 per ton; A & A Asphalt, Inc., in Broken Arrow, \$58.00 per ton; Lobo Holding, Inc., dba Lobo Asphalt, District #1 \$65.80 per ton; District #2 \$60.55 per ton; District #3 \$62.30 per ton; Becco Contractors, Inc., \$65.00 per ton; Dunham's Asphalt Services, Inc., \$69.78 per ton. Chairman Helm made a motion to award the bid closest to the work region and first available and Commissioner Thacker seconded the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

3. Discussion with possible action on increasing insurance coverage on the Election Board Annex building located at 415 West 1st Street in Claremore, Oklahoma –

Dave Burrow with Burrows and Burrows Insurance was present at the meeting and stated that he has toured the new Election Board office since it has been completed. Currently there is about 4,570 square feet in that building. When the county bought that building it was put on for the purchase price of \$280,000. Burrows continued that he used \$75.00 per square foot as replacement value. Burrows just wanted to make sure that if the county suffered a loss on the building that they be covered enough.

Chairman Helm inquired about the old election board office, which the D.A.'s office will be moving into, will we need to increase that value also? Burrows stated that no, not necessarily, he feels the value is good on the old election board office. The new election board office has more space in it now, because the back of the building was not being utilized at first, and now it is finished out. It would be approximately a \$76,000 increase from \$280,000 to \$356,000, which \$45,000 of that figure is for materials.

Commissioner Thacker made a motion to approve with Commissioner DeLozier seconding the motion. Chairman Helm inquired as to where would the money come from to pay this increase in insurance, since it was not budgeted for in last years budget, could it come out of the building improvements account? Commissioner Thacker and Commissioner DeLozier agreed to pay for the expense out of the building improvement account. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

4. Discussion with possible action on identifying a central point of contact in each county that will work with Kimball Consulting to coordinate the collection process of information to complete an analysis of safety communications at all levels of government in the State of Oklahoma Office of Homeland Security –

Commissioner DeLozier stated that he placed this item on the agenda, because he had recently received a letter from State of Oklahoma, Office of Homeland Security, requesting that a single point of contact be appointed within the county so this collection process of information could begin. DeLozier continued that he and Mickey Perry have been working on county wide dispatching and the Assistant Police Chief, Stan Brown, is familiar with the electronics part of this, he is very good at what he does and has been helping us a lot. Commissioner DeLozier explained what they want to know is what type and umbers of radios in use in each public safety agency, frequencies used by each agency, location of communication system infrastructure (towers), age and condition of existing communications systems, interoperable communications capabilities, interoperable communications operating procedures and individual agency readiness for upcoming Federal Communications Commission Narrow-Banding requirements. Commissioner DeLozier made a motion to appoint Stan Brown as the county point of contact and Bob Anderson, Emergency Management Director to assist him in any way. Chairman Helm seconded the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

5. Discussion with possible action on Approval of Notice to Proceed and Certificate of Authorized Signatures on REAP Project Inola FFA/4H, Contract #079-SH-09 grant amount of \$50,000 –

Commissioner Thacker stated that this paperwork was to finalize the project and made a motion to approve with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

6. Discussion with possible action on Ted King addressing the smoking ban at the Rogers County Courthouse – (**note**this item was tabled from March 2, 2009, meeting**)

Chairman Helm informed Mr. King that he had three (3) minutes to speak. Mr. King stated that he had concerns about the smoking ban that the Board adopted a few weeks back. He has no problem with the entrances being a smoke free zone, but feels the Resolution that the Board adopted goes too far not allowing smoking in cars on county property. Commissioner Thacker stated he would take his comments under advisement. Comments only, no action taken.

7. Discussion with possible action with Rogers County Fire Chiefs Association on possibly extending the county burn ban for Rogers County and adoption of Rogers County Burn Ban Resolution #2009-16 –

Bob Anderson, Emergency Management Director, stated that the following list of fire departments were in favor of the burn ban being extended: Catoosa, Claremore, Chelsea, Collinsville, Foyil, Inola, Limestone, Northwest, Oak Grove, Owasso, Tiawah, Verdigris. Tri-District and Alluwe were not in favor of extending the burn ban. Anderson stated that Tri-District voted no because the control burn is working well in his district. Commissioner Thacker inquired about the Sheriff's fire call log being kept from week February 23 through March 1, 2009. Captain Mike McElhane explained the call log.

Chairman Helm stated that with the recommendation of 12 of the 14 fire departments in agreement to extend the county burn ban for another week, made a motion to approve extending the county burn ban with the exception of agricultural burns to be done through their local

fire department evaluating the situation and issuing permits as they see fit and that ag burning is considered branches/trees, which are natural resources, with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

8. Discussion with possible action to enter Executive Session for the purpose of discussing the employment of the following salaries public employees as authorized by Title 25 O.S. § 307(B)(1):

Bob Anderson
Brett Williston
Megan Green
Arthur Mathews
Vicki Atchley

Chairman Helm made a motion for the Board to enter Executive Session and adjourn regular session with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried and the Board entered Executive Session at 9:38 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 with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried and the Board adjourned Executive Session and entered Regular Session at 12:22 P.M.

10. Discussion and possible action with respect to any matter considered during Executive Session – ***NOTE***see minutes from recessed meeting of March 10, 2009, at 9:00 A.M. to continue discussing Agenda Item #8***

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, March 9, 2009***Commissioner Thacker made a motion to approve payment of all purchase orders from all departments as presented with Commissioner DeLozier seconding the motion. 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 DeLozier made a motion to recess the meeting until Tuesday, March 10, 2009, to continue discussing Agenda Item #8 with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried. Meeting was adjourned at 1:17 P.M.

MINUTES OF RECESSED MEETING OF THE BOARD OF COUNTY COMMISSIONERS, ROGERS COUNTY COURTHOUSE, 219 SOUTH MISSOURI, COMMISSIONER'S MEETING ROOM 1-109, CLAREMORE, OKLAHOMA, TUESDAY, MARCH 10, 2009, AT 9:00 O'CLOCK A.M.

ITEM 15: AGENDA ITEMS:

8. Discussion and possible action to enter Executive Session for the purpose of discussing the employment of the following individual salaried public employees as authorized by Title 25 O.S. § 307 (B)(1):

Bob Anderson
Brett Williston
Megan Green
Arthur Mathews
Vicki Atchley

Chairman Helm called the recessed meeting to order at 9:11 A.M. Chairman Mike Helm, Commissioner Kirt Thacker and Commissioner Dan DeLozier were all present.

Commissioner Thacker made a motion to adjourn regular session and enter Executive Session to continue discussing Agenda Item #8 with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried and the Board entered Executive Session at 9:12 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 with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried and the Board entered regular session at 11:04 A.M.

10. Discussion and possible action with respect to any matter considered during Executive Session – No action taken.

ITEM 19: RECESS OR ADJOURNMENT:

Chairman Helm 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 11:06 A.M.

BOARD OF COUNTY COMMISSIONERS
ROGERS COUNTY, OKLAHOMA

By: _____
Peggy Armstrong, Rogers County Clerk

(SEAL)