

NOTICE OF REGULAR MEETING

BOARD OF COUNTY COMMISSIONER'S FOR ROGERS COUNTY, OKLAHOMA

PLACE: Rogers County Courthouse, 219 South Missouri, Room 1-109, Claremore, Oklahoma

DATE & TIME: Monday, May 11, 2009, at 9:00 O'clock A.M.

MINUTES

ITEM 1: CALL TO ORDER:

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

ITEM 2: ROLL CALL TO ESTABLISH QUORUM:

Determine that Notice of Meeting and Agenda were properly posted in accordance with the Oklahoma Open Meeting Act.

Chairman Mike Helm, Commissioner Kirt Thacker and Commissioner Dan DeLozier were present and quorum was established.

ITEM 3: FLAG SALUTE:

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

ITEM 4: PRAYER:

Sheriff Scott Walton said a prayer.

ITEM 5: APPROVAL OF MINUTES: May 4, 2009

Commissioner Thacker made a motion to approve the minutes from May 4, 2009, as presented with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 6: UNFINISHED BUSINESS: None presented.

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 One Cent Sales Tax M&O to Lease/Purchase - \$3318.13

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

ITEM 12: UTILITY PERMITS:

1. Discussion with possible action on request of J.D. Basler for clarification of proper depths and any other requirements of Rogers County pertaining to the utility permit form – J. D. Basler, a developer and homebuilder, expressed his concerns over contractors not burying their lines deep enough for installing fiber optics. He, as a developer has cut lines in the past and the installer charges us a very steep price for cutting the lines. Basler continued that he feels the county should have fees for permitting and then inspect the lines once they have been buried to make sure they are deep enough. Basler requested the board to pass a resolution that any lines installed without permits and not meeting specifications, will be the responsibility of the installer and person having the lines put in. Take the responsibility back to where it belongs.

Discussion continued about utility easements that are not on county easements, that the county could not enforce those because the county would not have jurisdiction over. Most problems arise with telephone lines or cable lines.

Commissioner Thacker stated that he will ask for a legal opinion if the county can charge fees and fines. Commissioner DeLozier made a recommendation that we contact Craig Cromley with A T & T and discuss these issues we are having.

Chairman Helm made a motion to table this item for three (3) weeks (June 1, 2009) and ask Commissioner Thacker to take the lead and contact all the utility companies come

before the board on June 1, 2009. We have kicked this around for four (4) months with legal counsel and it's time to move ahead without legal counsel and we'll go ahead from here. In current legislation, it is being worked on to where the county can hire outside legal counsel and this is a great reason right here, because it could be a gas line and someone could get killed. Commissioner Thacker seconded the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

2. Rural Water District #3, Rogers County – boring county road E/410 lying between county roads S/4190 and S/4200 in Section 31, Township 23 North, Range 17 East of the I.B.&M., Rogers County, Oklahoma, in District #1 –

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

ITEM 13: CLAIMS:

1. Salaries – Melba Pope - \$864.00

Sheriff Walton recommended to the Board they approve the salary claim of Melba Pope in the amount of \$864.00 as submitted. Commissioner Thacker made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

2. Attendant Care – None presented.

ITEM 14: BLANKET PURCHASE ORDERS:

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

Sheriff's jail account vehicle maintenance: Froman Oil Company, \$500.00; Sheriff's general fund vehicle maintenance: Froman Oil Company, \$3000.00 and Speedy Lube, \$400.00 – Commissioner Thacker made a motion to approve the blanket purchase orders as presented with Commissioner DeLozier 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 approving a Contract between the Rogers County Sheriff's Office and First Vehicle Services for fleet maintenance – (\*\*note\*\*this item was tabled from May 4, 2009, meeting\*\*)

Sheriff Walton stated that the District Attorney's office had not reviewed the contract yet and suggested to the Board that this item not be placed back on the agenda until the D.A. had approved. Chairman Helm made a motion to table this item until the District Attorney's office is ready to place on the agenda with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

2. Discussion with possible action by Rogers County Health Department in conjunction with Oklahoma State Health Department staff will be conducting a local warehouse training to train 15-20 volunteers willing to activate during local health emergency in which the Strategic National Stockpile would be used –

Chairman Helm explained that the Rogers County Health Department in conjunction with Oklahoma State Health Department staff will be conducting a local warehouse training and the objective is to train 15-20 volunteers willing to activate during a local health emergency in which the Strategic National Stockpile would be used. Discussion only, no action taken.

3. Discussion only on presentation by Larry Cale of Boynton and Williams Engineering firm –

Commissioner Thacker stated that he placed this item on the agenda because contractors and engineers are calling all the time to discuss the building of a new courthouse since the judges are always talking about it in the newspaper, etc.

J. T. Boynton with Boynton-Williams & Associates did a 15-minute presentation to the Board and explained that they do mostly new construction, renovations and additions. Builds schools, health care facilities, churches, fire stations and mostly on a referral basis with 40+ employees that practice architecture. Discussion only, no action taken.

\*\*\*NOTE\*\*\*U.S. Congressman Dan Boren was touring the courthouse and stopped by the Commissioner's meeting\*\*\*

4. Discussion and demonstration by Scott Canfield on cable organizers -

Chairman Helm made a motion to table this item until further notice from the vendor with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

5. Discussion with possible action on parking situation for the Rogers County Sheriff's Office – (parking on the south end of the building has become very hazardous for on-duty deputies and backing out into traffic have had several close calls with oncoming traffic) -

Captain Mike McElheney with the Rogers County Sheriff's office stated that they are experiencing safety issues on parking on the south end of the Sheriff's office building when deputies backing out into traffic have had several close calls with oncoming traffic. Captain McElheney has devised a plan with Sheriff Walton's blessing and is requesting the Board to adopt. The first six (6) lots on the west side of building on the south end (marked #10 thru #15 on the diagram) be marked for on-duty patrol vehicles only; and the south parking lots (marked #1 thru #9 on the diagram) be marked for Sheriff, Undersheriff, and investigators who will no be leaving the building in an emergency manner; and the Sheriff's office would be willing to give up the other eleven (11) parking spaces on the west side by the D.A.'s Bogus Checks Division, except the two (2) parking spaces on the east side of the "No Parking" sign by the dumpster, we would like to park the transport vans there and everybody else, except actual deputies, Sheriff & Undersheriff would park on the east side of the building.

Commissioner DeLozier made a motion to approve the map diagram designed by the Sheriff's office for parking spaces with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

Commissioner Thacker made a motion to recess the meeting and take a 10-minute break with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried and the meeting was recessed at 10:27 P.M.

Chairman Helm called the recessed meeting back to order at 10:43 A.M. with Commissioner Thacker and Commissioner DeLozier being present and quorum established.

6. Open & Award Bid #508 – Chip Lock – District #1 *and Rogers County*

15 bid packets were mailed with 0 being returned undeliverable and 1 response being received from Donelson Construction Company, LLC (see complete bid for prices) Commissioner DeLozier made a motion to accept the only bid received with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried. \*\*\*NOTE\*\*\*Vendor was present at the meeting, therefore, we did not send a letter to them informing them of the awarding of the bid\*\*\*

7. Open & Award Bid #509 – Micro-Surfacing – District #1 *and Rogers County*

15 bid packets were mailed with 0 being returned undeliverable and 1 response being received from Donelson Construction Company, LLC (see complete bid for prices) Chairman Helm made a motion to accept the only bid received with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried. \*\*\*NOTE\*\*\*Vendor was present at the meeting, therefore, a letter was not sent to them informing them of the awarding of the bid\*\*\*

8. Open & Award Bid #510 – Crack Sealant – District #1 *and Rogers County*

15 bid packets were mailed with 0 being returned undeliverable and 1 response being received from Donelson Construction Co., LLC (see complete bid for prices) Chairman Helm made a motion to accept the only bid received with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried. \*\*\*NOTE\*\*\*Vendor was present at the meeting, therefore, a letter was not sent to them informing them of the awarding of the bid\*\*\*

9. Open & Award Bid #511 – Clean Air System – Rogers County Jail

6 bid packets were mailed with 0 being returned undeliverable with 1 response being received from Intertech Filtration Systems as a "No Bid". Chairman Helm advised Captain Mike McElheney that they could solicit bids by doing three (3) phone quotes. No action taken.

10. Approve/disapprove Resolution for Disposing of Equipment for District #2: 777 Max Z-trac John Deere lawn mower, sn#TC0777B0402515, to be traded-in –

Chairman Helm stated that he would be trading this gasoline powered mower in for a diesel powered mower. Chairman Helm made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

11. Acknowledgement for public record only receipt of check #1374018631 from Farmers Insurance Company, Inc., in the amount of \$448.50 from insured Loy Brown for property damage on April 12, 2009 – Chairman Helm explained that this check was for damages to a guardrail in District #2. Acknowledgement only for public record, no action taken.

12. Discussion with possible action on feasibility for inter-local agreements with fire and ambulance districts in/outside Rogers County through Rogers County Emergency Management –

Chairman Helm read a letter from Emergency Management Director, Bob Anderson, resulting from a commercial building fire on Wednesday, April 29, 2009, located at 18905 South 4150 Road. Chairman Helm inquired if the county needs inter-local agreements or mutual aid agreements with everybody or do we already have those in place? Anderson replied that for the State of Oklahoma, all emergency services involving fire and law enforcement, we have automatic mutual aid and if you do not want to participate in it, you can opt out by sending a letter into the state and your local county government representative stating that you do not want to participate in a mutual aid agreement.

Anderson continued, that it is his job to ask in an emergency, what do you need and it's my job to get the resources there if they are available. Anderson also explained that ambulance services are different because of the statutes they have to follow.

Chairman Helm inquired what do we need to do to handle this? Anderson replied he would meet with their boards respectively. Chairman Helm inquired if OTEMS was NIMS compliant, and Jackie Custer replied they were. Anderson said he would check with Pafford EMS to see if they are NIMS compliant.

Commissioner DeLozier stated that these issues can be discussed in the monthly E911 meetings currently being held in the Emergency Management offices downstairs. Discussion 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, May 11, 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 -

Commissioner Thacker stated that he had visited with Assistant District Attorney, Barry Farbro, on Friday, May 8, 2009, about declaring an emergency for Rogers County due to the flooding that took place in District #3 that washed out a bridge on county road E/600 between S/418 and S/419 in the Inola area. Farbro sent him an e-mail about how to declare it.

\*\*\*NOTE\*\*\*a Special Meeting has been called for Wednesday, May 13, 2009, at 4:00 o'clock P.M. for the Board to take action on\*\*\*

2<sup>nd</sup> item for Commissioner Thacker was to place this item on the agenda for Monday, May 18<sup>th</sup>, to bring a lawsuit against Hall Manufacturing in Arkansas for three (3) pull-behind mowers that are a piece of junk and the vendor will not honor the warranties they issued on them.

Chairman Helm presented items that need to be placed on next Monday, May 18<sup>th</sup>, agenda for the Board to review and/or approve as follows: 1.) requirement by the State of Oklahoma, as well as ASME A17.1 (elevator code), that have periodic safety tests to be witnessed by a QEI (Qualified Elevator Inspector); Application from Jim Smith with Musgrove-Smith Funeral Home an application for Rogers County Indigent Cremation; Local Government Bridge Inspection Contracts Interview Process and Questions and Score Sheet by Oklahoma Department of Transportation; Lease/Purchase Agreements for District #2 with Welch State Bank; and Inmate Telephone Agreement dated October 17, 2005, with AGM Telecom Corporation -

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 and the meeting was adjourned at 12:14 P.M.

BOARD OF COUNTY COMMISSIONERS  
ROGERS COUNTY, OKLAHOMA

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

(SEAL)

