

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 18, 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 all 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:

Commissioner Thacker said a prayer.

ITEM 5: APPROVAL OF MINUTES: May 11, 2009

Commissioner Thacker made a motion to approve the minutes from May 11, 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:

1. Discussion with possible action on EC 1232 Consultant Inspection Contracts for March 2009 to 2011 on local government bridge inspection contracts interview process with questions and score sheet through Oklahoma Department of Transportation -

Chairman Helm explained ODOT has to follow federal guidelines for all engineers to be rated for bridge inspections. All engineers can be found at the ODOT web site, the interview committee must consist of a minimum of three (3) people such as the county commissioners or their designated representatives; and a minimum of three (3) consultants must be interviewed and the selection process must be based on the ability of the consultant to meet your needs, not be based on cost. This item was discussed only, no action taken at this time.

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

None presented.

ITEM 11: TRANSFER OF FUNDS:

1. Election Board part-time salaries to travel - \$500.00

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

2. Sheriff's Service Fee (courthouse security) M&O to salaries - \$10,000.00 - *** see item #3***

3. Sheriff's general fund travel to vehicle maintenance - \$10,000.00

Chairman Helm made a motion to approve Items 2 & 3 under transfer of funds as presented with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 12: UTILITY PERMITS:

1. PSO – a permit to erect, construct and maintain a down guy anchor along, upon or across the hereinafter said highway(s) for the purpose of transporting, selling and using electric

power distribution parallel to U.S. Highway 266 approximately 0.14 miles North of Highway 167 and further described as 843.37 feet East/South of the Northwest corner of Section 7, Township 20 North, Range 15 East of the I.B.&M., Rogers County, Oklahoma, in District #2 -

Chairman Helm explained that this permit was for the Port of Catoosa and 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 – None presented.
2. Attendant Care – None presented.

ITEM 14: BLANKET PURCHASE ORDERS:

1. Materials, Supplies, Parts, Groceries & Prescriptions –
Emergency Management: Froman Oil Company, \$400.00; District #1: R & S Auto Parts, \$600.00; District #2: Foster Paint & Body Shop, \$7499.99 – 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. Approve/disapprove Lease Purchase Agreement for Equipment with Welch State Bank by and between Board of County Commissioners and Bruckner Truck Sales, Inc., on 2010 Mack GU713 truck, sn#1M2AX07C4AM007958 with 15 foot Ox Body Dump Bed, sn#M091704300240AL, unit price \$109,838.00, less trade-in \$63,000.00 with lease purchase price of \$52,012.80 for District #2 –

Chairman Helm explained that the bids had been let in November 2008 and made a motion to approve the lease purchase agreement as presented with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

2. Approve/disapprove Lease Purchase Agreement for Equipment with Welch State Bank by and between Board of County Commissioners and Bruckner Truck Sales, Inc., on 2010 Mack GU713 truck, sn#1M2AX07C6AM007959 with 15 foot Ox Body Dump Bed, sn#M091704300249AL, unit price \$109,838.00, less trade-in \$63,000.00 with lease purchase price of \$52,012.80 for District #2 –

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

3. Discussion with possible action on request of Board of County Commissioners to take legal action against Hall Manufacturing in Arkansas for not honoring warranty that they issued on three (3) pull-behind mowers that were a piece of junk and fell apart on behalf of District #3 –

Commissioner Thacker stated that District #3 bought three (3) mowers from Hall Manufacturing in Arkansas, off the state contract last year. The mowers fell apart and the company would not honor their warranty and wanted to charge the county for repairs that should have been covered in the warranty. Commissioner Thacker stated that he wants the company to fix the mowers and fix them right or he wants the money back. Chairman Helm made a motion to authorize the District Attorney's office to take legal action in this matter with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

4. Discussion with possible action on adoption by the Board an application for Rogers County Indigent Cremation to insure that individuals buried in Rogers County cemeteries are county residents and that they are truly indigent without means –

Chairman Helm stated that Jim Smith with Musgrove-Merriott-Smith Funeral Service & Crematory had contacted the county about the county adopting an application for Rogers County Indigent Cremation. Helm continued that Rogers County has paid for several cremations in the past and it was not determined that the person was indigent at the time. This application form would be signed by next of kin or person making the arrangements, instead of the county just taking their word for it.

Assistant District Attorney, Barry Farbro, stated that if a person doesn't die in Rogers County, then Rogers County should not be paying for the cost of their cremation. Farbro suggested the D.A.'s office develop a process for the Board to take action on.

Chairman Helm made a motion to table this item and send to the District Attorney's office for legal representation and the item be placed back on the agenda at the discretion of the District Attorney's office once an application has been created and a process for the Board to follow has been developed. Commissioner DeLozier seconded the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

5. Discussion with possible action on Inmate Telephone Agreement with AGM

Telecom Corporation, dated and approved by the Board of County Commissioners on October 17, 2005 –

Sheriff Walton stated that this is the old contract for the inmate telephone agreement that was approved on October 17, 2005, and he would like to enter into a new contract with City Tele-Coin where the Sheriff's office would retain 52% commission. A new contract has been presented to the Criminal Justice Authority, but we are waiting approval by the District Attorney's office. Chairman Helm made a motion to table this item for one week (May 26th) to all the District Attorney's office time to review the new contract and Commissioner Thacker seconded the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

6. Discussion with possible action on choosing options for requirement by the State of Oklahoma, as well as ASME A17.1 (elevator code), that every periodic safety test be witnessed by a QEI (Qualified Elevator Inspector) registered with the State of Oklahoma while a licensed elevator company performs the annual/five year test with KONE, Inc. –

Chairman Helm explained that effective November 1, 2008, the State of Oklahoma Department of Labor began enforcing a portion of the Elevator Safety Act which affects every elevator owner. KONE, Inc, that does the elevator maintenance for the county has three (3) options to choose from. Commissioner Thacker and Commissioner DeLozier stated that they had not seen the letter and recommended tabling this item for one (1) week. Commissioner Thacker made a motion to table this item for one (1) week (May 26th) with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

7. Open & Award Bid #512 – Skid Steer

18 bid packets were mailed with 0 being returned undeliverable and 8 responses being received as follows: "No Bids" from Frontier Equipment Sales, LLC; C.L. Boyd Company, Inc.; Northern Equipment Company; Kirby-Smith Machinery, Inc.; and Van Keppel. Bids were received from Warren Cat, Keystone Equipment Company and OCT Equipment. Commissioner Thacker made a motion to table awarding of the bid for one (1) week to allow the Board time to review the bids and Commissioner DeLozier seconded the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

8. Open & Award Bid #513 – HMHL

14 bid packets were mailed with 0 being returned undeliverable and 2 responses being received as follows: Apac-Oklahoma, Inc., and Lobo Holdings, Inc., dba Lobo Asphalt (see complete bid list for prices) Commissioner Thacker made a motion to accept both bids closet to work region and first available with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

9. Discussion with possible action on approval of Resolutions for Disposing of Equipment for District #3 as follows: 5500 Watt Troybilt portable generator, sn#1013622172 and 5500 Watt Troybilt portable generator, sn#1013597116, to be declared surplus and transfer to Tiawah Fire Department –

Commissioner Thacker stated that these generators were bought during the ice storm and he feels that the citizens would much better served with Tiawah Fire Department having the generators than the county, because they would know where the need was. Commissioner Thacker made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

10. Discussion with possible action on presentation by Scott Canfield to demonstrate cable organizers – (**note**this item was tabled from 5-11-09 agenda)

Scott Canfield, SPC, 10850 South 4080 Road, Oologah, Ok 74053, did a demonstration of how the cable organizers work. Canfield presented the Board with a price list of small cable kit \$10.00; small extension \$5.00; large cable kit \$15.00; and large extension \$10.00 and if 10 or more were ordered there would be a 10% discount. Presentation and discussion only, no action taken.

11. Discussion with possible action on presentation by John Miggins/Standard Renewable Energy –

John Miggins with Standard Renewable Energy talked about changing the way people use energy, energy efficient means using less energy, renewable energy is clean energy, leading the energy revolution and the power to think green. Presentation and discussion only, no action taken.

12. Approve/Disapprove contract agreement by and between Rogers County Board of County Commissioners and Muskogee County Regional Juvenile Detention Center for fiscal year 2009-2010 ending June 30, 2010.

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

13. Approve/Disapprove contract agreement by and between Rogers County Board of County Commissioners and Osage County Detention Center agreement for fiscal year 2009-2010 ending June 30, 2010.

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

14. Acknowledgement only of two Checks's from CMC Recycling for Dist. #3 Check #208-124891 \$76.75 & 208-124878 \$131.43 – Acknowledged for public record only, no action taken.

15. Approve/Disapprove Rogers County Officers Monthly Reports for April 2009. Commissioner DeLozier made a motion to approve with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

16. Approve/Disapprove Claim for reimbursement for additional homestead exemption allowed certain classes of taxpayers in the amount of \$86,758.91 – Chairman Helm suggested contacting the schools and have them address letters that could be attached to the claim and sent to the Oklahoma Tax Commission along with the claim form. Chairman Helm made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

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 18, 2009***Chairman Helm made a motion to approve payment of all purchase orders from all departments as presented with Commissioner Thacker 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 –

City of Claremore Police Chief Mickey Perry and Assistant Police Chief Stan Brown were present at the meeting and asked the Board to consider under new business the approval of interlocal agreements between the City of Claremore and Rogers County; and City of Catoosa and Rogers County for Justice Assistance (JAG) Program Award and the deadline for having the agreements turned in was 7:00 P.M. on Monday, May 18th. Assistant District Attorney, Barry Farbro, had already signed both agreements as to form and legality.

Gene Haynes, District Attorney, gave his approval for the Board to hear this item under new business since the deadline was fast approaching and left it up to the Board if they so choose to hear it. Commissioner Thacker made a motion to approve the interlocal agreements as presented with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

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 and the meeting was adjourned at 10:54 A.M.

BOARD OF COUNTY COMMISSIONERS
ROGERS COUNTY, OKLAHOMA

By: _____
Peggy Armstrong, Rogers County Clerk

(SEAL)

Notice of said meeting was filed in the Office of the County Clerk on Friday, _____, 2009, at _____ 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