

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, September 21, 2009, at 9:00 O'clock A.M.

AMENDED MINTUES

\*\*\*To correct Board action under Unfinished Business #3 – Award Bid #519 – Telephone System for Rogers County Health Dept. – Error when typing minutes the motion and vote was not typed\*\*\*

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 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: September 14, 2009 and September 15, 2009  
Commissioner DeLozier made a motion to approve the minutes from September 14, 2009, and September 15, 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 #517 – Guardrails for District #1  
Commissioner DeLozier made a motion to table for one more week (September 28, 2009) to allow him more time to review the bids and retrieve e-mails from his computer with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.
2. Award Bid #518 – Fencing for District #1  
Commissioner DeLozier made a motion to award the bid to the lowest bidder of Collins & Hermmann, Inc., from St. Louis Missouri (see bid attached) with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.
3. Award Bid #519 – Telephone System for Rogers County Health Dept.  
Renee Wantland with Rogers County Health Department shared the memo from Mary Beth Murray, Administrator of Rogers County Health Department, where they are requesting bid #519 be awarded to Choice Technology, the 2<sup>nd</sup> lowest bid, in the amount of \$28,211.00 because Washington County has an Avaya telephone system and have been extremely pleased with it and Washington and Rogers County has many shared staff between them and it is advantageous to have the same telephone system in both counties and they don't feel the \$7922.00 difference in the lowest bid warrants the additional staff and training time that would be required with a totally new system platform. Commissioner Thacker made a motion to award the bid to the 2<sup>nd</sup> lowest bid with the recommendation of the Health Department with Commissioner DeLozier seconding 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:  
None presented.

ITEM 11: TRANSFER OF FUNDS:

1. Rogers County Health Department - \$460.35 from travel to M&O –  
\*\*\*NOTE\*\*\*to correct purchase orders #1006 and #1007 paid from Wrong account\*\*\*  
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: None present

ITEM 13: CLAIMS:

1. Salaries – None presented.
2. Attendant Care – Nick Epperson, \$180.00

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

ITEM 14: BLANKET PURCHASE ORDERS:

1. Materials, Supplies, Parts, Groceries & Prescriptions – None presented.
2. Orders Exceeding Amount of Issuance – None presented.

ITEM 15: AGENDA ITEMS:

1. Discussion with possible action on keeping 11-person Rogers County Courthouse, County-Wide 911 and Jail Committee seated through possible Courthouse, 911 Center and Jail Expansion Bond Issue and Building Project through it's completion –

Commissioner Thacker stated he felt this was a great idea, they have all been invaluable to the decision making process and personally would like to see the committee kept together through the duration. Commissioner Thacker made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

\*\*\*NOTE\*\*\*Chairman Helm requested that Commissioner Thacker give a monthly update to the Board when the committee meets.\*\*\*

2. Discussion with possible action on Approval of 2009 Oklahoma Bar Foundation District & Appellate Court Grant Application –

Judge Erin O'Quinn stated the judges are requesting permission from the Board to submit a grant to the Oklahoma Bar Foundation. In years past, the judges have always been approved for funding for 999 hours at \$7.00 per hour for part-time help for each of the judges. Those hours were cut to 250 hours this year and basically it has taken away our part-time help from 20 to 30 hours per week to 2 to 4 hours per week. Commissioner DeLozier made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

3. Open & Award Bid #520 – Courthouse Windows – Repairs/Replacements  
9 bid packets were mailed with 0 being returned undeliverable and 0 responses. Chairman Helm explained this bid was put out at the request of Judge Price whose windows look like they have mold growing on them and some windows need replaced. Chairman Helm stated since no bids were received to have Arthur (Mathews) call to get 3 telephone quotes and go from there. No action taken.

4. Discussion with possible action on payment of dues to INCOG for fiscal year 2010 in the amount of \$30,009.00 - \*\*\*NOTE\*\*\*this item was tabled from August 17, 2009, meeting\*\*\*

County Clerk, Peggy Armstrong, reminded the Board that Rogers County Industrial Development Authority (RCIDA) had been contacted at the Board's request, to see if they would continue paying  $\frac{3}{4}$  of the costs and the county paying the other  $\frac{1}{4}$ . RCIDA met on August 20<sup>th</sup> and agreed to pay \$22,506.75 of the costs. Chairman Helm made a motion for the county to pay  $\frac{1}{4}$  of the cost which is \$7502.25. Commissioner DeLozier seconded the motion. Commissioner Thacker inquired as to what exactly does INCOG do for Rogers County and is it feasible to pay \$30,009.00 in dues? Commissioner DeLozier replied help companies at the Port of Catoosa and water districts get CDBG grants; Darita Huckabee helps with all the 911 services and fees collected and keeps up with the legislation for counties, along with help in writing and drafting legislation and grants. They also work on the transportation committee. Chairman Helm stated they are invaluable with the information and legislation they do for counties and the data collecting. Claremore Police Chief, Mickey Perry, added they also help negotiate for new 911 equipment. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

5. Discussion with possible action on removal of Herb McSpadden from the Rogers County Public Health Facilities Trust Authority and appointing Commissioner Kirt Thacker to the Rogers County Public Health Facilities Trust Authority Board –

Commissioner Thacker explained that he attended a trust meeting last Monday, (September 14<sup>th</sup>) and Mr. McSpadden was not there and the 2 other trustees, John Tabor and Jim Farley, asked if I would serve on the board. Thacker continued that he received an e-mail from Assistant District Attorney, Barry Farbrow, stating it is his opinion that the appointment of Kirt Thacker to the Trust Authority would be an impermissible conflict of interest. McSpadden explained to me earlier that he also talked to Farbrow and stated to him it was a conflict for him to serve also. Thacker continued that he has not received an e-mail or been contacted by the D.A.'s office that it is a conflict for McSpadden to serve. Thacker continued, all they are trying to do is to finish up the business of paying off the bonds in March 2010. But since the D.A.'s office feels it is a conflict of interest, Thacker will withdraw his name from consideration. There will be a quorum with just 2 trustee members. Chairman Helm inquired if McSpadden withdrew his name? Thacker replied, no, I spoke with him on Tuesday, and he said he just dropped the ball and didn't make it to the meeting and he actually still wanted to be on the board, but because the D.A.'s office pointed out that a successor

was not appointed within 30 days following the certification of the vacancy, the power of appointment of a successor Trustee shall be vested in the remaining incumbent Trustees. Chairman Helm inquired if the D.A.'s office gave a legal opinion stating that McSpadden could not serve due to a conflict of interest? Commissioner Thacker replied no, he does not have anything in writing. Renee Wantland with the Health Department, stated that she received an e-mail from McSpadden stating he was not interested in serving because he felt it was a conflict of interest. Commissioner Thacker continued, that he told me Tuesday that he was interested in serving and he has not contacted me since then to let me know that he is not interested in serving. Wantland stated we welcomed McSpadden to the trustee meeting and told him when the meeting was and he did say he would be there, I have no problem with him serving.

Chairman Helm made a motion to leave Herb McSpadden on the Rogers County Public Health Facilities Trust Authority at the recommendation of the Board and Commissioner Thacker until the District Attorney's office gives us in writing that he cannot serve. Commissioner Thacker seconded the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

6. Discussion with possible action on Approval of Resolution #2009-79 and Reimbursement form directing County Treasurer to deposit funds from Cherokee Nations Cemeteries Grant in the amount of \$1000 into the General Fund, District #1 Cemeteries M&O account for distribution –

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

7. Discussion with possible action on Approval of Reimbursement form as per Resolution #2009-76 directing County Treasurer to deposit funds from Sheriff's Office for fuel reimbursement in the amount of \$475.17 into the one-cent sales tax fund for distribution for District #2 –

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

8. Discussion with possible action on Approval of Reimbursement form as per Resolution #2009-76 directing County Treasurer to deposit funds from Sheriff's Office for fuel reimbursement in the amount of \$4923.33 and \$582.54 into the one-cent sales tax fund for distribution for District #3 –

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

9. Discussion with possible action on Approval of Reimbursement form as per Resolution #2009-77 directing County Treasurer to deposit funds from Court Fund Revolving Fund in the amount of \$794.03 into county general fund for distribution –

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 Approval of County Officer's Monthly Reports for August 2009 –

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

11. Discussion with possible action on Approval of Resolution #2009-80, whereas, record owners have requested that the Board of County Commissioners by resolution, pursuant to Title 69 Oklahoma State Statutes § 646, vacate the road right(s) of way described as follows:

*A strip of land 50 feet in width through the SE part of the E/2 of the NE/4 of NW/4 Of Section 11, Township 23, North, Range 17 East;*

*Also a strip of land 50 feet in width through the W/2 of the SE/4 of the NW/4 of Section 11, Township 23 North, Range 17 East;*

*Also a strip of land 50 feet in width through the NE/4 of NW/4 of SW/4 of Section 11, Township 23 North, Range 17 East;*

*Also a strip of land 50 feet in width through the SE part of SW/4 of NW/4 of SW/4 Of Section 11, Township 23 North, Range 17 East;*

*The strip of land hereby conveyed being on the West side of and adjacent to the Right-of-way of the St. Louis and San Francisco R.R.-*

In the Warranty deed from Walter F. Beck and Lelia A. Beck to Rogers County, Oklahoma, dated December 22, 1923 and recorded in Book 171 at Page 475 of the records of the County Clerk of Rogers County, Oklahoma –

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

12. Discussion with possible action on acceptance of *resignation* of Rebecca Muratet as office secretary to the County Commissioner's Office –

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

13. Discussion with possible action on Wal-Mart Business account for the Rogers County Election Board – Acknowledged for public record only, no action taken.

14. Discussion with possible action on Lease Purchase Agreement For Equipment with Welch State Bank on a 2009 Etnyre Hydraulic Tail Trailer Serial #Q30372 with a Lease Purchase Price of \$69,875.04 purchased from G. W. Van Keppel Company -

No one from Welch State Bank was present at the meeting to present the lease-purchase agreements for approval. Commissioner DeLozier made a motion to table this item until further notice 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, September 21, 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 that required Board action.

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 meeting was adjourned at 11:12 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 Thursday, September 17, 2009, at 3:09 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.*