

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, December 7, 2009, at 9:00 O'clock A.M.

MINUTES

ITEM 1: CALL TO ORDER:  
Chairman Mike Helm called the meeting to order at 9:01 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 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.

\*\*\*Chairman Helm excused himself from the meeting at 9:02 A.M. to attend District Court\*\*\*

ITEM 5: APPROVAL OF MINUTES: November 30, 2009  
Commissioner DeLozier made a motion to approve the minutes from November 30, 2009, as presented with Commissioner Thacker seconding the motion. Roll Call: 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 Approval/Disapproval of Memorandum of Understanding (MOU) between Rogers County and the Cherokee Nation, whereas, part of the Cherokee Nation's annual road inventory update process with the Bureau of Indian Affairs this MOU is a requirement so that the listed routes will be eligible for Indian Reservation Roads (IRR) funding on BIA Region/Agency/Reservation GT905; Route Number 0521; Route Name Will Rogers Downs Drive; Length 0.40 in Rogers County, Oklahoma – (D#2) -  
Commissioner Thacker stated he was not aware of what this MOU was and made a motion to table for one week (December 14<sup>th</sup>) to allow for further review with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye. Motion carried.

ITEM 10: CASH FUND ESTIMATE OF NEEDS AND REQUEST FOR APPROPRIATIONS:  
None presented.

ITEM 11: TRANSFER OF FUNDS: None presented.

ITEM 12: UTILITY PERMITS:  
1. A T & T – trenching & boring starting at the SE/4 of the NE/4 of Section 20, Township 20 North, Range 15 East of the I.B.&M., cross North 225<sup>th</sup> East Avenue to east side of road of SW/4 of the NW/4 of Section 21, Township 20 North, Range 15 East of the I.B.&M., Rogers County, Oklahoma, add one 25pr copper to existing crossing in District #2 – (D#2)  
Commissioner DeLozier made a motion to approve since it was a trenching/boring only with Commissioner Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye. Motion carried.

ITEM 13: CLAIMS:  
1. Salaries – None presented.  
2. Attendant Care – Nick Epperson, Homebound Detention for \$315.00  
Commissioner DeLozier made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: 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 Approval/Disapproval of Resolutions for Disposing of Equipment for District #3 as follows: 430D Caterpillar Backhoe, sn# BNK 4459 and 430D Caterpillar Backhoe, sn# BNK 4458, to be declared as surplus property and sold at public auction – (D#3) - \*\*\*NOTE\*\*\*this item was tabled from November 16, 2009, meeting; November 23, 2009, meeting and November 30, 2009, meeting\*\*\*

Commissioner Thacker stated the reason the resolutions had been previously tabled was because he was waiting for a pay-off amount from the bank and a purchase order needed to be issued for the pay-off amount first as per recommendation from the District Attorney's office. Commissioner Thacker made a motion to approve so they can be sold at the next CED auction with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye. Motion carried.

2. Discussion with possible action on Resolution for Disposing of Equipment for the Rogers County Sheriff's Office to be declared as surplus property and sold by sealed bid at a date to be determined later, as follows: Colt Frontier Scout 22LR, sn#53655P; Colt Trooper 111 357 Mag, sn#55597J; High Standard Sentinel Deluxe 22LR, sn#2120604; Jennings J-22 22LR, sn#208079; Jennings J-22 22LR, sn#128552; Jennings J-22 22LR, sn#122524; Lorcin L25, sn#10020; Marlin 444, sn#70-65248; Mauser VZ24 7MM, sn#9082E3; Mossberg 500 A 12GA, sn#K077637; Remington 870 12 GA, sn#A098801M; Remington 870 12 GA, sn#V510730V; Remington 870 12 GA, sn#V760645V; Remington 870 12 GA, sn#V528787V; Remington 870 12GA, barrel only; Revelation 99 22LR, sn#1527063; Ruger Mini 14 223, sn#183-02360; Ruger Mini 14 223, sn#181-65114; Ruger Mini 14 223, sn#195-63734; Ruger Mini 14 223, sn#186-72181; Ruger Mini 14 223, sn#183-02716; Ruger Mini 14 223, sn#181-73527; Ruger Mark 11 22LR, sn#19-45071; Ruger Mark 11 22LR, sn#213-08721; Ruger Blackhawk 22 LR, sn#46608; Ruger Mark 1 22LR, sn#15-74652; Ruger Bearcat 22LR, sn#91-34986; Ruger Security Six 357 MAG, sn#153-10621; Ruger Mini 14 223, sn#196-32736; Ruger Mini 14 223, sn#181-70125; Ruger Mini 14 223, sn#182-99442; Ruger Mini 14 223, sn#196-42923; Ruger Mini 14 223, sn#186-58747; Ruger Mini 14 223, sn#196-29743; Ruger Mini 14 223, sn#196-29825; Ruger Mini 14 223, sn#186-72237; Ruger Mini 14 223, sn#182-85210; Ruger Mini 14 223, sn#186-24442; S & W 3000 12 GA, sn#FB94517; S & W 28-2 357 MAG, sn#S287163; S & W 39-2 357 MAG, sn#A528909; S & W 66 357 MAG, sn#2K31205/61979; S & W MOD 19 357 MAG, sn#TK89237; S & W SNUB 38, sn#445853; S & W 4586 45 ACP, sn#THC3333; S & W 4586 45 ACP, sn#TFK8204; S & W 4586 45ACP, sn#TFK8315; S & W 457 45 ACP, sn#VZE5315; S & W 4586 45 ACP, sn#THA5004; S & W 4586 45 ACP, sn#TFK8201; S & W 4586 45 ACP, sn#THA5208; S & W 4586 45 ACP, sn#THC3417; S & W 4586 45ACP, sn#THC3178; S & W 4586 45 ACP, sn#THC3191; S & W 4586 45 ACP, sn#THC2167; S & W 4586 45 ACP, sn#THA5241; S & W 4586 45 ACP, sn#TFK8145; S & W 4586 45 ACP, sn#TFK8129; S & W 4586 45 ACP, sn#THA5209 S & W 457 45, sn#VZE58895; S & W 4586 45 ACP, sn#THC2125; S & W 457 45 ACP, sn#V2E7008; Savage 110 30-06, sn#B595878; Springfield 67 12 GA, sn#A964144 – \*\*\*NOTE\*\*\*this item was tabled from November 30, 2009, meeting\*\*\*

Captain Mike McElhaney presented the Board with a revised list and the rifles that are on there that we talked about last week, Sheriff Walton has decided to pull them off the list and be re-issued instead of sold. So all the Ruger Mini 14's listed previously have been pulled off. The rest of the weapons are seized thru court, non ownership affidavit.

Assistant District Attorney, Barry Farbrow, informed the Board that District Attorney, Gene Haynes, was going to speak to Sheriff Walton on legal issues involving this matter and that has not occurred yet. Farbrow recommended tabling or striking from the agenda.

Commissioner Thacker made a motion to table this item indefinitely with the recommendation of the D.A.'s office with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye. Motion carried.

3. Open & Award Bid #526 – Mold remediation, repair & restoration of Courthouse Offices –

12 bid packets were mailed with 0 being returned undeliverable and 7 responses received as follows: (1.) Property Damage Solutions, LLC for \$17,865.30; (2.) Burggraf Services \$17,668.86; (3.) Renovation RX, LLC, \$30,808.33; (4.) Worldwide Restoration, Inc., \$17,457.95; (5.) Fleming Building Co., \$7670.00; (6.) TRC Disaster Solutions, \$41,590.67; and (7.) PCC Cleaning & Restoration was not turned in prior to the 4:30 p.m. cut-off. Commissioner Thacker made a motion to table awarding of the bid for one week (December 14<sup>th</sup>) to allow time to review the bids with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye. Motion carried.

4. Discussion with possible action on Opinion issued by Gene Haynes, District Attorney, on Claims for Travel Allowance of Election Board Secretary –

Commissioner Thacker read the opinion from District Attorney, Gene Haynes on the claim for travel allowance of Election Board Secretary. No action taken.

5. Discussion with possible action on Approval/Disapproval of County Clerk's Cash Book & Summary Report to the Board of County Commissioner's for November, 2009 –

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

6. Discussion with possible action on Approval/Disapproval of Cooperative Extension Services Agreement Between THE OKLAHOMA STATE UNIVERSITY ACTING FOR AND ON BEHALF OF IT COOPERATIVE EXTENSION SERVICE AND THE UNITED STATES DEPARTMENT OF AGRICULTURE and THE BOARD OF COUNTY COMMISSIONERS for the period July 1, 2009 through June 30, 2010 –

Vernon L. Scogin, OSU Director, explained to the Board this was a standard operating agreement used for contractual purposes between Oklahoma State University Cooperative Extension Service and each participating county of Oklahoma since 1999 and agreement had been submitted to the D.A.'s office for their approval. Commissioner Thacker made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye. Motion carried.

7. Discussion with possible action on Approval/Disapproval of Independent Contractor Agreement, by and between Board of County Commissioners of Rogers County and James Scarbrough, Contractor – (D#3)

Commissioner Thacker stated this agreement was for hiring an Mr. Scarbrough to do contract labor work on adding an addition to District #3 county warehouse. Commissioner Thacker made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye. Motion carried.

8. Acknowledgement from Vision Financial, providing billing for Fidelity Life Lifetime Benefit Term for payroll deductions to start with December, 2009 payroll for the Policy period beginning January 1<sup>st</sup>, 2010 – (Clerk)

Marilynn Gibson, County Clerk 1<sup>st</sup> Deputy and Purchasing Agent, reported to the Board that deductions will be taken monthly, 12x per year and deductions are taken the last day of each month with the first deduction to be taken on December 31, 2009, because the first premiums will be due on January 1, 2010. Commissioner Thacker made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye. Motion carried.

9. Discussion with possible action on request of Grand Gateway Economic Development Association for support of grant proposal under the Energy Efficiency and Conservation Block Grant to be used for new CNG new and upgraded fueling stations for Pelivan – (D#3) –

Commissioner Thacker stated Grand Gateway was asking for a letter of support from the Board to apply for a Energy Efficiency & Conservation Block Grant and made a motion to approve signing of the letter of support with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye. Motion carried.

10. Discussion with possible action on Approval/Disapproval of resolution to quit claim to the public the following described property – A piece of land 66' in width through and across the north 30 acres of the NE ¼ of the NE ¼ of Section 28, Township 23 North, Range 15 East of the I. B. & M, Rogers County Oklahoma, according to the U. S. Government Survey thereof – (DA)

Jim Tanner, Attorney, explained to the Board he had a client who owns property that needs a resolution and Quit Claim Deed signed by the Board in order to clear their title. Tanner had visited with Gene Haynes, District Attorney about the request and Assistant District Attorney, Barry Farbro, signed off on both documents. Commissioner DeLozier made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: 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 -

\*\*\*NOTE\*\*\*Chairman Mike Helm arrived back to the meeting at 9:44 A.M.\*\*\*

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, December 7, 2009\*\*\*Commissioner Thacker made a motion to approve payment of all purchase orders presented for payment with the exception of purchase order #004097 issued to Dollar General in the amount of \$37.58 for District #2 to be sent to D.A. for an opinion 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 adjourn the meeting with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried and the meeting was adjourned at 10:27 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, December 3, 2009, at 3:19 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.*