

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, January 11, 2010, at 9:00 O'clock A.M.

MINUTES

ITEM 1: CALL TO ORDER:

Chairman Thacker 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 Kirt Thacker, Commissioner Dan DeLozier and Commissioner Mike Helm 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 Helm said a prayer.

ITEM 5: APPROVAL OF MINUTES: January 4, 2010

Commissioner DeLozier made a motion to approve the minutes from January 4, 2010, as presented with Commissioner Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-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 Rescinding previous motion by the Board of County Commissioners on December 21, 2009, to deny 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 length in Rogers County, Oklahoma, AND Discussion with possible action on Approval/Disapproval of above named MOU - (D#3)

Cara Cowan Watts, Cherokee Nation Tribal Council, explained to the Board this MOU is annual and has to be provided to the federal government by the Cherokee Nation through the Indian Reservation Roads (IRR), so if there are any roads in Rogers County or any of the other respective counties, we require the MOU's in order to list routes that will be eligible for Indian Reservation Roads (IRR) inventory. This allows for separate federal funding which is brought into the Cherokee Nation and State of Oklahoma and Rogers County for road maintenance. Rogers County will retain maintenance responsibility for the roads. The MOU allows us to become a partner with Rogers County for any additional federal dollars.

Chairman Thacker inquired if any landowners that own land along this particular road, are they going to be affected in any way? Watts answered, only if there was normal construction to improve the road, but as far as ownership there was no ownership issues that she was aware of.

Conrad Purdom, 1502 North Choctaw Place, Claremore, Ok 74017, inquired how long the road is and is it on the property line? Chairman Thacker replied the county would own from Highway 20 to the north to the east/west road and as for the property line, the only way you would know for sure is to have it surveyed. Whatever the county easement is, we own from the center to the end of it.

Assistant District Attorney, Barry Farbro, stated he had earlier provided some materials and map to the Board when it was on the agenda a couple of weeks ago, and continued that he didn't think this particular road was a section line road, it is a special easement that was granted and the road is in the county road maintenance system. Farbro continued that he is sure there is an easement of record in the County Clerk's Office that would tell the length and width of the road. Farbro stated the he doesn't have any issues about the county's title today.

Mr. Purdom stated that the Cherokee Nation has not been a good neighbor to him in the past. Watts agreed to talk to Mr. Purdom after the meeting to discuss over his issues.

Chairman Thacker made a motion to rescind the previous motion on December 21, 2009, to deny and approve the MOU as presented with Commissioner DeLozier

seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-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: None presented.

ITEM 13: CLAIMS:  
1. Salaries – None presented.  
2. Attendant Care – None presented.

ITEM 14: BLANKET PURCHASE ORDERS:  
1. Materials, Supplies, Parts, Groceries & Prescriptions –  
Assessor: District #2 county warehouse, \$100.00 and District #1: R & S Auto Parts, \$600.00 – Chairman Thacker made a motion to approve the blanket purchase orders as presented with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.  
2. Orders Exceeding Amount of Issuance – None presented.

ITEM 15: AGENDA ITEMS:  
1. Discussion with possible action regarding Agreement for Architectural Services for Rogers County Courthouse and E911 Facility with BKL, Inc., 1623 East 6<sup>th</sup> Street, Tulsa, Ok 74120 - (DA) \*\*\*NOTE\*\*\*this item was tabled from December 21, 2009, meeting and December 28, 2009, meeting\*\*\*

Chairman Thacker made a motion to table this item until Tuesday, January 19, 2010, to allow further review and discussion regarding the design and cost and availability of funds for the construction of the new courthouse and E911 facility. Commissioner DeLozier seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

2. Discussion and possible action regarding appointment of a County Commissioner and/or legal counsel to initiate discussions with the landowners of Lots 7 and 8 and portions of Lots 5 and 6 in Block 129 of the City of Claremore, regarding acquisition of property for the site of the new Rogers County Courthouse – (DA)

Assistant District Attorney, Barry Farbro, stated he requested this item be placed on the agenda for discussions to be initiated with the land owners to find out what they think their property is worth. Farbro continued he feels one commissioner should be involved in the discussions with and/or legal counsel.

Chairman Thacker replied that Commissioner DeLozier has already spoken to the land owners a few months ago and recommended he continue the discussions. Commissioner DeLozier consented he would like to continue along with Mr. Farbro. Chairman Thacker made a motion to appoint Commissioner Dan DeLozier to initiate discussion with the land owners with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

3. Open & Award Bid #528 – Sheriff's Lighting and Equipment – (Clerk)  
8 bid packets were mailed with 0 being returned undeliverable and 4 responses received as follows: Bid #1 from Visual Force, Inc., \$12,735.25 completed project; Bid #2 from Visual Force, Inc., \$18,278.35 including graphics; Oklahoma Police Supply for \$16,000; and Fleet Distributors Express for \$29,314.45. Sheriff Scott Walton and Captain Mike McElhaney reviewed the bids and recommended to the Board to award Bid #2 from Visual Force, Inc., \$18,278.35 for completed project including graphics. Commissioner Helm made a motion to award the bid to Visual Force, Inc., bid #2 for \$18,278.35 with the recommendation of Sheriff Walton and Captain McElhaney and Commissioner DeLozier seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

4. Open & Award Bid #529 – Road/Traffic Striping – (Clerk)  
7 bid packets were mailed with 1 being returned undeliverable and 3 responses received as follows: Action Safety Supply Co. for \$.09 price per linear foot for stripe; Advanced Workzone Services, LLC, for \$.09 price per linear foot for stripe; and Time Striping, Inc. for \$.065 price per linear foot for stripe. Commissioner Helm made a motion to award the bid to the lowest bidder of Time Striping, Inc. at \$.065 price per linear foot for strip including options with Commissioner Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

5. Discussion and possible action regarding termination of the VEHICLE MAINTENANCE AND REPAIR SERVICES CONTRACT between the Board of County Commissioners for Rogers County, State of Oklahoma, for the benefit of the Rogers County Sheriff, the "Client" and FIRST VEHICLE SERVICES, INC., an Ohio corporation, 600 Vine Street, Suite 1400, Cincinnati, Ohio 45202, the "Contractor", pursuant to Paragraph 5, which states "Either party may terminate this Contract by no less than thirty (30) days written notification thereof to the other party", with additional notice thereof to the City of Claremore, Oklahoma – (DA)

Assistant District Attorney, Barry Farbro, stated he requested this item be placed on the agenda, because there had been a couple of blanket purchase orders issued lately to

Jiffy Lube and made me suspect the Sheriff's Office was not having their vehicles maintained at the city garage according to the vehicle maintenance and repair services agreement. E-mails were sent to the Sheriff's Office and asked if they wanted to discontinue agreement and the indication I got was yes, they want to terminate the agreement.

Sheriff Scott Walton explained that the Sheriff's Office tried doing this and some problems arose. Maybe when we get a healthier fleet of cars, it will work, but for the time being we were dipping way into our vehicle maintenance budget with just the first few cars that we sent down there. They were probably trying to do the right thing in fixing these vehicles, but these are some vehicle we will be retiring and rather than deplete our budget we decided to go back to the way we were doing it by rotating around to local vendors for maintenance and repairs, which is working real good for right now. Eventually we will probably have to do this again. There has also been some discussion about doing repairs and maintenance at county warehouses. Sheriff Walton stated at this time he would like to terminate the contract/agreement.

Commissioner DeLozier made a motion terminate the contract with Chairman Thacker seconding the motion. Farbro stated he would prepare the letter (written notification) for the Chairman's signature. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

6. Discussion with possible action regarding Annual Preventative Maintenance by Morrow Mechanical, 11362 East 60<sup>th</sup> Place, Tulsa, Ok 74146, on courthouse heating/cooling unit – (D#3)

Arthur Mathews, maintenance supervisor, reported it is time to have Morrow Mechanical to do the annual preventative maintenance on the heating/cooling unit at the courthouse which is necessary and the cost will not go over \$1800.00.

Assistant District Attorney, Barry Farbro, stated they need a contract and proof of insurance submitted to the Board of County Commissioner's and if the vendor does not have a contract form to present before the Board, Farbro recommended using the independent contractor's form.

Chairman Thacker made a motion to approve based upon getting an independent contractor's agreement signed and proof of insurance. Farbro stated it would need to come back before the Board to approve the independent contractor's agreement and proof of insurance to be attached and because the amount is under \$2,500 it does not require any type of bidding. Commissioner DeLozier seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

7. Discussion with possible action on Approval/Disapproval of Agreement for Enhanced Emergency Number (E-911) Service by and between Cox Oklahoma Telcom, LLC, d/b/a Cox Communications ("Company), a Delaware Corporation, having its principal place of business as 6301 Waterford Blvd., Suite 200, Oklahoma City, Ok 73118 and the Board of County Commissioners, ("County") having its principal place of business at 219 South Missouri, Claremore, Ok 74017 – (D#1)

Bob Anderson, Emergency Management Director, reported the E-911 agreement between Cox Oklahoma Telcom, LLC and Rogers County expired on June 30, 2003. The ball was dropped in Atlanta and Atlanta assumed Oklahoma was seeing this contract was being signed every year. That has not happened and in talking with the representative out of Oklahoma City, Leon Pfeifer, Director, Government Affairs. The information we provide to A T & T goes back to Cox Communications, because people are wanting services from them and the collections of the fees back to the county goes through A T & T. This contract is annually and they know the contract will end June 30, 2010, and a new contract will be submitted for 2011. Leon Pfeifer will take over as representative for Oklahoma. There are several other counties that do not have their agreements up to date. Commissioner DeLozier made a motion to approve with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

8. Discussion with possible action regarding appointment or reappointment of county representatives to the Grand Gateway Board of Directors for 2010 – (D#3)

Chairman Thacker made a motion to appoint Commissioner Dan DeLozier and Commissioner Mike Helm to represent Rogers County on the Board of Directors for Grand Gateway Economic Development Association to serve for a period of one (1) year, with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

9. Acknowledgement that the county now owns this property for the purchase of Public Highway Easements on J/P 25427(04); STP-166C(210)CO; Parcel No. 8 & 9 – Gary M & Janine Kaye Tremel – 9203 North 161<sup>st</sup> West Avenue – Owasso, Ok 74055 – (D#2)

Commissioner Helm stated this was for acknowledgement only to keep the public informed. 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 -

Joy Hampton with the Claremore Daily Progress inquired about Item 15 Agenda Items #4 open & award Bid #529 – Road/Traffic Striping.

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, January 11, 2010\*\*\*Commissioner DeLozier made a motion to approve payment of all purchase orders from all departments as presented with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-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 Helm made a motion to adjourn the meeting with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried and the meeting was adjourned at 10:25 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, January 7, 2010, at 3:07 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.*