

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, April 5, 2010, at 9:00 O'clock A.M.

MINUTES

ITEM 1: CALL TO ORDER:

Chairman Kirt 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: March 29, 2010, and April 1, 2010

Commissioner DeLozier made a motion to approve the minutes from March 29, 2010 and April 1, 2010, as presented with Commissioner Helm 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 and possible action to affirm, revive and ratify the County Bridge and Road Improvement Fund Engineering Contract with Wingfield Engineering, LLC, for State Project No. ER-STP-166C(243)ER, State Job/Piece No. 25524(06), Winganon Road EW/300, and approve and consent to the assignment of the Contract from Wingfield Engineering, LLC to Alexander Engineering Company, Inc., 708 West Freeport, Broken Arrow, OK 74012 – (D#1)

Commissioner DeLozier explained this is the ongoing project in District #1 on the Winganon Road; Wingfield Engineering, LLC, has been let go and the project has been re-assigned to Alexander Engineering Company, Inc. in Broken Arrow. Commissioner DeLozier made a motion to approve with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

NOTEthere was no document signed for this item***

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

None presented.

ITEM 11: TRANSFER OF FUNDS:

1. District #2 One Cent Capital Outlay to M&O = \$120,000.00

Commissioner Helm explained the money was being transferred to cover expenses for roads and bridges for the remaining fiscal year. Commissioner Helm made a motion to approve with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

2. Election Board M&O to capital outlay - \$2,000.00

Rebecca Dealy, Election Board Secretary, explained this transfer was for needed office furniture and computer equipment. Chairman Thacker made a motion to approve with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 12: UTILITY PERMITS:

1. Rural Water District No. 2, Mayes County – boring a gravel roadway surface beginning at the SE/4 of Section 31, Township 19 North, Range 17 East of the I.B.&M., Rogers County, 40 feet north of the intersection of county roads NS/419 and EW/65 in District #3 – (D#3)

2. Rural Water District No. 2, Mayes County – boring a gravel roadway surface beginning at the SE/4 of Section 31, Township 19 North, Range 17 East of the I.B.&M., Rogers County, 2000 feet east of the intersection of county roads NS/419 and EW/65 in District #3 – (D#3)

3. Rural Water District #3, Rogers County – boring 106th Street North east of 193rd East Avenue in the W/2 of Lot 13, Block 3 of Rolling Meadows Extended in Section 7, Township 21 North, Range 15 East of the I.B.&M., Rogers County, Oklahoma, in District #2 – (D#2)

4. Rural Water District No. 5, Rogers County – boring county road NS/4090 on the south side of the intersection of NS/4090 and EW/525 between Sections 32 & 33 of Township 21 North, Range 15 East of the I.B.&M., Rogers County – (D#3)

5. Rural Water District #3, Rogers County – boring North 191st East Place (Mock Turtle Lane) located between Lot 20 Block 5 and Lot 3 Block 6 of Looking Glass Estates being in Section 1, Township 21 North, Range 14 East of the I.B.&M., Rogers County – (D#2)

Chairman Thacker made a motion to approve Items 1, 2, 3, 4 & 5 under utility permits as presented with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 13: CLAIMS:

1. Salaries – Eric Schader - \$2680.11 comp time & \$523.80 vacation

Commissioner Helm questioned if Schader was entitled to comp time and felt he should be exempt because of him being a sergeant. Captain Mike McElhaney with the Sheriff's Office explained Schader was a field deputy. Assistant District Attorney, Barry Farbro, stated he is entitled to be paid for annual leave and comp time. Chairman Thacker made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

2. Attendant Care – None presented.

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 for the Board to set a special meeting date to open sealed bids on surplus guns by the Rogers County Sheriff's Office – (Sheriff)

Jim Rush, jail evidence officer, explained on Saturday, April 24, 2010, the Rogers County Sheriff's Office would be offering approximately 104 firearms for sale to holders of at least a Class 1 Federal Firearms Permit with a copy to be presented before bids will be accepted. The guns will be available for viewing on Saturday, April 24, 2010, from 8:00 A.M. until 12 Noon with four different lots of firearms offered for sale and bids to be accepted from 12 Noon to 1:00 P.M. at the Rogers County Sheriff's Office, 201 South Cherokee, Claremore, Oklahoma. The sealed bids will be opened at 1:30 P.M. on Saturday, April 24th and the individual lots will be awarded to the highest bidder of each lot with all sales final with being sold as is with no warranty given with any item. The buyer agrees to hold harmless the Rogers County Sheriff's Office.

Chairman Thacker asked if it was a law that only persons that can bid on the guns have a Class 1 Federal Firearm Permit or is that a preference by the Sheriff's Office? Rush replied it is a preference because Rogers County will not have to conduct all the background checks, the Class 1 Federal Firearm Permit holder will do all that. Rogers County can track the guns if only sold to Class 1 Federal Firearms permit holders.

Assistant District Attorney, Barry Farbro, commented there is a statute for selling surplus weapons and has not researched it at this time. Farbro recommended tabling this item until he has had time to visit with District Attorney, Gene Haynes, about the matter.

Chairman Thacker commented that he feels the taxpayers of Rogers County should also have an opportunity to bid on the guns, especially since it is not a law, only a preference by the Sheriff's Office, not fair to the public or taxpayers. Farbro replied that Jim Rush has several years of law enforcement experience, the idea is to shift liability to a licensed gun dealer as opposed to the Sheriff making a direct sale to a non-licensed user.

Commissioner Helm made a motion to table this item for one week (April 12th) to allow legal counsel time to review the statutes and visit with District Attorney, Gene Haynes, with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

2. Open & Award Bid #204 – Laid Asphalt

18 bids packets were mailed with 1 being returned undeliverable and 4 responses received as follows: A & A Asphalt, Inc., P.O. Box 1323, Broken Arrow, OK 74013-1323; Tulsa Asphalt, LLC, P.O. Box 9159, Tulsa, Ok 74157; Apac-Central, Inc., P.O. Box 128, Dewey, Ok 74029; and Dunham's Asphalt Services, Inc., 6213 South 103rd West Avenue, Sapulpa, Ok 74066 – Chairman Thacker made a motion to accept all bids based upon closest to work region and first available with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

3. Open & Award Bid #532 – Chip-Lock

18 bid packets were mailed with 1 being returned undeliverable and 2 responses received as follows: Apac-Central, Inc. "No Bid" and Donelson Construction Co., LLC – Chairman Thacker inquired about Donelson installing the hot rubber crack-fill as necessary in preparation for the chip-lock material. Lance Cartwright with Donelson Construction Co., LLC, explained the county could ignore the crack-fill pricing and it will cost so much per gallon for the chip-lock installed for rural roads and residential roads. The crack-fill is a separate price.

Commissioner Helm inquired as to why the county has to provide the water for dilution of sealant and water applied to road surface if required for severe dust conditions. Cartwright explained from past history the county we are working for provides the water and it holds the cost down for the county if the county hauls the water, because we have to truck the water. Commissioner Helm continued at District #2 they do not want to provide the water, it should be a complete job provided by the vendor. Chairman Thacker stated he does not have a problem with supplying the water at District #3.

Commissioner DeLozier commented the bid did not include the rubber crack-fill and that should be a separate bid, we only sent out a bid for chip-lock. Commissioner Helm recommended striking the water and installation of crack-fill from the bid. Commissioner DeLozier pointed out if the water gets stricken from the bid the price will go up, their bid is with the assumption that the county will provide the water.

Farbro recommended re-bidding the chip-lock with the water as an option. Commissioner DeLozier made a motion to re-bid the chip-lock bid with the water as an option with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

NOTEThere was discussion after opening of Bid #533 micro-surfacing as to whether Donelson Construction Co., LLC, was a single source vendor. Commissioner DeLozier made a motion to rescind his previous motion to re-bid the chip-lock and wait until the District Attorney's office provides the Board with information on single source vendors and Commissioner Helm seconded rescinding his previous second. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

3. Open & Award Bid #533 – Micro-surfacing

18 bid packets were mailed with 1 being returned undeliverable and 2 responses received as follows: "No Bid" from Apac-Central, Inc., and bid from Donelson Construction Co., LLC. Commissioner Helm noted the bid reflects the count is to provide the water and the prices assume that Donelson Construction will install hot-rubber crack-fill as necessary in preparation for the micro-surfacing.

Chairman Thacker made a motion to re-bid the micro-surfacing with the water listed as an option with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

NOTEThere was discussion after opening of Bid #533 micro-surfacing as to whether Donelson Construction Co., LLC, was a single source vendor. Chairman Thacker made a motion to rescind his previous motion to re-bid the micro-surfacing and wait until the District Attorney's office provides the Board with information on single source vendors and Commissioner DeLozier seconded rescinding his previous second. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

NOTEChairman Thacker explained to Assistant District Attorney, Barry Farbro, part of the issue is the Commissioner's are not aware of any other company that can do this type of work, except for Donelson Construction Co., LLC. Farbro explained if they are a legitimate single source for that product the Board could waive the bidding process. Lance Cartwright with Donelson Construction Co., LLC, stated they do have a patent and all the documentation to prove they are a sole source. We have approached the county on this matter before, but they have preferred to bid it. Chairman Thacker stated he preferred to bid it to make sure there was no one out there that could do the work. Cartwright stated they provide MODOT a single source affidavit, but at this time they do not in Oklahoma. Farbro stated he would provide the Board with a memorandum about sole source contractors and if the Board determines it is a sole source, it would not have to be bid. Commissioner Helm inquired of Mike Shore with Apac-Central, Inc., if he was aware of any other company that could provide these services and Shore answered he was unaware of anyone.

Commissioner DeLozier made a motion to rescind his previous motion to re-bid the chip-lock (Bid #532) and wait until the D.A.'s office provides the Board with a memorandum about sole source contractors with Commissioner Helm seconding rescinding his previous second. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

Chairman Thacker made a motion to rescind his previous motion to re-bid the micro-surfacing (Bid #533) and wait until the D.A.'s office provides the Board with a memorandum about sole source contractors with Commissioner DeLozier seconded rescinding his previous second. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

5. Discussion with possible action regarding Approval/Disapproval of Reimbursement form as per Resolution #2009-76 directing County Treasurer to deposit funds from Rogers County Sheriff for fuel reimbursement in the amount of \$5,969.90 and Rogers County Assessor's Office for fuel reimbursement in the amount of \$379.39 into the one-cent sales tax fund for distribution for District #3 – (Comm. Office)

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

6. Discussion with possible action regarding Approval/Disapproval of Reimbursement form as per Resolution #2009-76 directing County Treasurer to deposit funds from Rogers County Sheriff's Office for fuel reimbursement in the amount of \$369.88 into the one-cent sales tax fund for distribution for District #2 – (Comm. Office)

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

7. Discussion with possible action regarding Approval/Disapproval of County Clerks' Cash Book & Summary Report to the Board of County Commissioners for March, 2010 – (Clerk)

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

8. Discussion and possible action to enter Executive Session for the purpose of discussing the purchase or appraisal of real property, as authorized by Title 25 O.S. § 307(3), with respect to the Scarth & Rahmeier property and Clermont Properties, Inc., (Willhoite) property located in Block 129 of the City of Claremore, Oklahoma, according to the U.S. Government Plat thereof, also known as 214 South Missouri and 415-425 West Patti Page Boulevard, Claremore, Oklahoma, respectively – (Comm. Office)

Chairman Thacker made a motion to adjourn regular session and enter Executive Session with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried and the Board adjourned regular session and entered Executive Session at 9:47 A.M. with Assistant District Attorney, Barry Farbro, County Clerk, Peggy Armstrong, Don Wilson with Don Wilson Appraisal Group and Bill Higgins, chair of the Rogers County Courthouse and County-Wide E911 Committee.

9. Motion and vote to adjourn Executive Session and enter Regular Session –

Chairman Thacker made a motion to adjourn Executive Session and enter Regular Session with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried and the Board adjourned Executive Session and entered Regular Session at 10:44A.M.

10. Discussion and possible action with respect to the purchase or appraisal of the Scarth & Rahmeier property and Clermont Properties, Inc. (Willhoite) property located in Block 129 of the City of Claremore, Oklahoma, according to the U.S. Government Plat thereof, also known as 214 South Missouri and 415-425 West Patti Page Boulevard, Claremore, Oklahoma, respectively – (Comm. Office)

Chairman Thacker made a motion authorizing the District Attorney's office to make a written offer to the property owners Scarth & Rahmeier, located at 214 South Missouri, Claremore, Ok, the sum of \$484,200.00; and Clermont Properties, Inc. (Willhoite property), located at 415-425 West Patti Page Blvd, Claremore, Ok, the sum of \$922,400.00, based upon the opinion of value by Donald W. Wilson, Certified General Appraiser #10612CGA, as set forth in his Appraisal Report No. 1002021 as of February 25, 2010, with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-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 – None presented.

ITEM 17: NEW BUSINESS:

1. Consideration and possible action with respect to any other matters not know about or which could not have been reasonably foreseen prior to posting the agenda -

Commissioner Helm announced that District #2 will be hosting an "Open House" on Friday, April 23, 2010, from 10:00 A.M. to 2:00 P.M. for county government day.

Chairman Thacker announced for next Monday (April 12th) Commissioner's agenda discussion and possible action regarding interviewing of prospective construction manager at risk companies for the new county courthouse and E911 facility project, to wit: Crossland Construction Company, Inc., Flintco, Inc., and Key Construction, Inc.

Commissioner Dan DeLozier excused himself from the meeting at 10:58 A.M.

ITEM 18: 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, April 5, 2010***Chairman Thacker 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, Helm-aye. Motion carried.

ITEM 19: RECESS OR ADJOURNMENT:

Chairman Thacker made a motion to adjourn the meeting with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, Helm-aye. Motion carried and the meeting adjourned at 11:21 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 Wednesday, March 31, 2010, at 3:47 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.

