

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 10, 2010, at 9:00 O'clock A.M.

MINUTES

- ITEM 1: CALL TO ORDER:
Chairman Kirt Thacker 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 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: April 29, 2010 and May 3, 2010
Commissioner Helm made a motion to approve the minutes from April 29, 2010, and May 3, 2010, as presented with Commissioner DeLozier 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: None presented.
- ITEM 10: CASH FUND ESTIMATE OF NEEDS AND REQUEST FOR APPROPRIATIONS:
None presented.
- ITEM 11: TRANSFER OF FUNDS:
1. District #2 general fund cemetery account salaries to capital outlay - \$6,000.00
2. Sheriff's Jail capital outlay to M&O - \$25,000.00
3. Sheriff's general fund travel to M&O - \$5,000.00
Chairman Thacker made a motion to approve Items 1, 2 & 3 under transfer of funds as presented with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
- ITEM 12: UTILITY PERMITS:
1. Rural Water District #3, Rogers County – boring East 69th Street North between Lot 17 Block 3 and Lot 16 Block 2 of Keys Landing I, located in Section 32, Township 21 North, Range 14 East of the I.B.&M., Rogers County – (D#2)
Commissioner Helm stated this permit was for boring only and made a motion to approve with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-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 –
Assessor: District #3 Warehouse, \$400.00 and District #2 Warehouse, \$200.00; District #3: Tri-Star Roll-Off, \$2280.00 and R & S Auto Parts, \$500.00 – 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. Update from Bob Portiss and Jeff Yowell of City of Tulsa-Rogers County Port Authority on port development activities – (Comm. Office)

Bob Portiss, Director of the City of Tulsa-Rogers County Port Authority and Jeff Yowell, gave an 2010 Tulsa Port of Catoosa overview of the port; existing port today consists of approximately 3000 acres, waterfront terminal and industrial park; 63 business; office has Waterway Museum; port owns 2 tow boats; 3 locomotives; Board consists of 9 members; next growth trend in shipping is to Central United States, Panama; expansion of Panama Canal to be complete by 2014. Presentation only, no action taken.

2. Discussion and possible action regarding recommendation from 911 Committee on appointment of a 911 Administrator – (D#1)

Commissioner DeLozier reported that members of the 911 Committee have been meeting to discuss the qualifications for an administrator. Stan Brown, Claremore Assistant Police Chief and Kelly Deal, OTEMS Director were present at the meeting, also. Brown emphasized some of the features listed in the qualifications for a 911 administrator is very important, because they will not be a business-as-usual center, we need to think forward about the future and encouraged the Board to review the qualifications listed; coming up with the qualifications was a multi group effort.

Commissioner DeLozier stated the District Attorney's office needs to review the qualifications; we do need to come up with a range of pay for the administrator; Darita Huckabee with INCOG suggested somewhere between \$45,000.00 and \$55,000.00; we were talking from \$65,000.00 to \$75,000.00 range. Kelly Deal with OTEMS, stated a market analysis was done by the 911 committee and talked to several different counties comparable to Rogers County, they started off with a lower salary and was not able to get the level of candidate they had hoped for the administrator's job.

Commissioner Helm asked who would the 911 administrator report to? Commissioner DeLozier replied, the Commissioner's and Rogers County. Barry Farbro, Assistant District Attorney, expressed the question has been asked, how much could you pay a person if they were a county employee and a county employees salary may not exceed the compensation paid to the County Commissioner's, that is the cap. Some options are to hire an Independent Contractor to run the facility or have that person employed by a public trust.

Chairman Thacker stated can we get the caliber of person we need to administrate the 911 facility on an officer's salary? We want the best of the best, the position is very important. Commissioner's are public servants and the 911 administrator would be a career job.

Commissioner DeLozier made a motion to send the qualifications/requirements for an 911 administrator the 911 committee came up with to the District Attorney's office for review and the meantime the 911 committee meet to discuss the options of creating a public trust or independent contractor and the 911 committee come back with their recommendation to the Board in two weeks (May 24th) with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

Chairman Thacker asked, does the 911 committee have a target date to have an administrator hired? Commissioner DeLozier replied, as soon as possible, because the architect is needing someone to work with on the 911 center so it can be started. The plan is to have the 911 committee to interview all the applicants and narrow down the applicants down to three and the Board of County Commissioner's would choose from the final three.

3. Discussion and possible action regarding applications submitted to Oklahoma Emergency Management on Commercial Generators Grant - ***note*** Bid #521 for Generators was opened on September 28, 2009*** (D#1)

Commissioner DeLozier explained he placed this item on the agenda for discussion, because when they called the Oklahoma Emergency Management office (OEM) and talked to Linda Adams, she stated the grant was for only 1 generator per county, not per district and the grant available is for a 911 Center and Bill Pinka with OEM concurred. When we went out for bids for all 3 districts, we were with the understanding there were grants for the districts also, but there is not. There is one \$30,000.00 grant with possibility of another \$10,000.00.

Commissioner Helm stated Fred Liebe is the Deputy Director of OEM, and the last letter he sent to me stated we all would receive generators. Commissioner DeLozier inquired about a copy of the letter and continued that Bob Anderson, Rogers County Emergency Management Director, does not know anything about it. Commissioner Helm commented that Steve Palladino, Northeast Area Coordinator with OEM, talked to Bob about it.

Bob Anderson, Emergency Management Director, explained when he talked to Bill Pinka at OEM, the county is only allowed one generator and before when we talked to Fred Liebe, Director of OEM, he told us something different. And we are working with Bill Pinka's office at OEM and trying to get the problem solved to know for sure if it is one generator or generators for all 3 districts.

Commissioner Helm explained that Bill (Pinka) works for Albert Ashwood, Director of OEM and Fred Liebe, Deputy Director, and Fred being Deputy Director, if he told you yes, then I don't see a problem.

Chairman Thacker stated Bob Anderson, Rogers County Emergency Management Director, needs to contact Oklahoma Emergency Management office directly and get it in writing if it is for one generator or more. Discussion only, no action taken.

4. Discussion and possible action regarding Re-appointment of Jack Griggs to the Oologah-Talala EMS District Board of Directors with term to run from May 2010 through May 2015- (D#2)

Commissioner Helm stated he was fine with the appointment because that was the choice of the OTEMS Board and Kelly Deal, Director of OTEMS who was present at the meeting stated Mr. Griggs has been a valuable member over the last 3 years successfully taking on the chair role with a calculated aggressiveness to get OTEMS back into a healthy operational mode. Commissioner Helm made a motion to approve with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

5. Discussion with possible action regarding Approval/Disapproval of Resolution #2010-22 and Reimbursement form directing County Treasurer to deposit funds from Rural Water District No. 4, Rogers County, for fuel reimbursement into one-cent sales tax fund for distribution for District #2 in the amount of \$697.45 – (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.

6. Discussion with possible action regarding Approval/Disapproval of Claim for reimbursement for additional Homestead Exemption allowed for the year 2009 – (Assessor)

Scott Marsh, Rogers County Assessor, explained the fund at the State of Oklahoma, has been in the red since 2002 and every year the claim is submitted, but he does not expect the county to receive any of the funds, because funds are not available. The Attorney General ruled that 5-year exemptions are to be refunded first, and most of the time there is not enough money to cover that. Commissioner DeLozier made a motion to approve with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

7. Discussion and possible action regarding Approval/Disapproval of CDBG Monthly Expenditure Report for April 2010 on Tulsa Port of Catoosa, Rogers County Advanced Research Chemicals, Inc. on Contract #13376 CDBG ED 08 for \$100,000.00 –

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

8. Discussion with possible action regarding Approval/Disapproval of Resolution #2010-23 and Reimbursement form directing County Treasurer to deposit funds from State of Oklahoma in the amount of \$34,148.97 into the one-cent sales tax fund for distribution for District #1- ***Note***original amount of check is \$63,257.05 of which \$29,108.08 is being deposited into T-highway salaries***

Commissioner DeLozier explained this reimbursement is from the Oklahoma Department of Transportation for the 2007 ice storm on the major collectors. Commissioner DeLozier made a motion to approve with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

9. Discussion with possible action regarding Approval/Disapproval of Contract between Pottawatomie County Regional Detention Center "Glenn Dale Carter Hall" and Rogers County for fiscal year 2010-2011 – (Clerk)

Assistant District Attorney, Barry Farbro, requested if the Board approves the contract for Chairman Thacker to initial the changes he made to the contract, because they were not conforming to Oklahoma law. Commissioner DeLozier made a motion to approve the contract with changes Assistant District Attorney, Barry Farbro, made to the contract and Commissioner Helm seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

10. Discussion with possible action regarding whether Donelson Construction, Company, LLC, 1075 Wise Hill Road, Clever, MO 65631, is a "sole source" vendor for Chip-Lock and Micro-Surfacing of roadways; or possibly re-bidding Bid #532 Chip-Lock and Bid #533 Micro-surfacing – (D#3)

Chairman Thacker explained he placed the item on the agenda to discuss, because we had asked the District Attorney's office to provide us with information about requirements for a single source vendor. There has been discussion amongst the Board as to whether Donelson Construction Company, LLC, is a sole source for chip-lock and micro-surfacing.

Commissioner DeLozier explained it's not that he doesn't believe Donelson Construction is a sole source for chip-lock and micro-surfacing; but there is other companies out there, from what I heard at the ACCO conference, there is other coatings that may not perform quite as well as chip-lock and micro-surfacing.

Chairman Thacker stated from what he has researched on the chip-lock and micro-surfacing, we went out for bids back in April 2010, and we received only one response and it looks like to me it is a sole source, but I defer that question to legal.

Barry Farbro, Assistant District Attorney, stated he put the brakes on the request for a legal opinion when Commissioner DeLozier told me he had discovered another vendor. Commissioner DeLozier stated the vendor he discovered was using a coating system; Donelson Construction is probably a sole source, because they are the only company that make chip-lock and micro-surfacing. Mike Donelson, owner of Donelson Construction Company, LLC, stated that is correct. Farbro stated it is whether or not a competitor can do the same thing, not utilize the exact same process. If the Board chooses to write the bid that restrictive, they may do so. It was my understanding there was another company(s) that did the same thing.

Chairman Thacker stated he has looked, because he has been trying to find it at a cheaper price and has not been able to accomplish it. Thacker continued there is tons and tons of surfacing options. What I like especially about the micro-surfacing is there is a skid resistance to it for public safety. Commissioner DeLozier stated if he was going to put his name on any action taken by the Board and state they are a sole source, he wanted to make sure that was correct.

Farbro stated at the bid opening there was discussion about whether or not the county would supply the water needed. Commissioner Helm stated District #2 did not want to provide the water and there was discussion about whether or not the bid needed to be re-bid for the county providing the water and the vendor providing the water. Chairman Thacker commented everything that District #3 has every done with Donelson Construction, we have supplied the water and we have no issue with providing the water. Commissioner DeLozier stated District #1 has no issue with providing the water either. Commissioner Helm stated it was an option to have Donelson Construction to provide the water.

Commissioner Helm continued, the key to the process was whether Donelson Construction was a sole source vendor, since they have a patent for ralumac and it can prevent the road from freezing, they have a better product; and for me a county commissioner who builds road and bridges, that was why the question was to you, is Donelson Construction's patent on ralumac a single source, because of their expertise in this area and their product has done what they said it would do. Farbro stated if it is the only one that does this particular type of thing. Commissioner Helm reminded, we are only taking about chip-lock and micro-surfacing; there are other companies out there that do a seal, but that is totally different from chip-lock and micro-surfacing. Farbro inquired if the bid was specific enough for chip-lock and micro-surfacing and Commissioner Helm replied, yes, we bid chip-lock and micro-surfacing. Farbro commented, then it shouldn't be an issue.

Chairman Thacker stated the water districts, at least the ones I have been working with in District #3, they have been gracious enough to always provide water, there is no meter involved, the water is a non-issue.

Commissioner Helm made a motion to accept the bids from Donelson Construction Company, LLC, on Bid #532 Chip-Lock and Bid #533 Micro-surfacing as a sole source vendor for this particular product with Chairman Thacker 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 –

Zack Stoycoff with the Claremore Daily Progress inquired from Commissioner DeLozier about Item 15 Agenda Item #8.

ITEM 17: ANNOUNCEMENTS:

Commissioner DeLozier introduced Zack Stoycoff, new reporter for the Claremore Daily Progress.

Commissioner Helm reminded everyone about completing and sending back in their census paperwork.

ITEM 18: 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 – None presented.

ITEM 19: 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 10, 2010*** Commissioner DeLozier made a motion to approve payment of all purchase orders from all departments as presented with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 20: RECESS OR ADJOURNMENT:

Commissioner DeLozier made a motion to adjourn the meeting with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried and meeting adjourned at 10:50 A.M.

BOARD OF COUNTY COMMISSIONERS
ROGERS COUNTY, OKLAHOMA

By: _____
Peggy Armstrong, Rogers County Clerk

(SEAL)

Notice of said meting was filed in the Office of the County Clerk on Thursday, May 6, 2010, at 3:15 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.