

## 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, June 7, 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: June 1, 2010

Commissioner DeLozier made a motion to approve the minutes from June 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: None presented.

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

ITEM 11: TRANSFER OF FUNDS:

1. General Fund Emergency Management \$241.00 – Travel to Salaries
2. General Fund Court Clerk \$50.00 – Salaries to Part-time Salaries
3. General Fund Sheriff \$9,270.00 – Travel to Capital Outlay
4. General Fund Planning Commission \$4,995.00 – M&O to Capital Outlay

Commissioner DeLozier made a motion to approve Items 1, 2, 3 & 4 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: 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 –  
Emergency Management: Froman Oil, \$400.00; E911 Addressing: Froman Oil, \$300.00; District #3: Lowe's, \$300.00; and District #2: Rush Truck Center/Regions Interstate Billing, \$2499.00 – Chairman Thacker made a motion to approve the blanket purchase orders as presented with Commissioner Helm 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. Open & Award Bid #12 – Rock – 6 months  
17 bid packets were mailed with 0 being returned undeliverable and 6 responses received as follows: Anchor Stone Company; Pryor Stone, Inc.; Greenhill Materials Co.; Apac-Central, Inc., The Quapaw Company; and Material Service of Oklahoma, Inc., - After the Commissioners reviewed all the bids received, Commissioner Helm made a motion to accept all bids

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submitted based upon availability and closest to work region with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

2. Open & Award Bid #13 – HMHL – 6 months

17 bid packets were mailed with 1 being returned undeliverable and 4 responses received as follows: "No Bid" Gary-Williams Energy Corporation; Logan County Asphalt Company; Tulsa Asphalt, LLC; and Apac-Central, Inc. – After the Commissioner's reviewed all the bids received, Commissioner Helm made a motion to accept all bids submitted based upon availability and closest to work region with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

Discussion about whether bid #13 HMHL should be bid every 3 months instead of every 6 months occurred; vendors present at the meeting were polled and felt the county could get better prices if the bid was every 3 months instead of every 6 months.

3. Open & Award Bid #14 – Liquid Asphalt – 6 months

13 bid packets were mailed with 1 being returned undeliverable and 4 responses received as follows: Ergon Asphalt & Emulsions; "No Bid" from Gary-Williams Energy Corporation; Coastal Energy Corp.; and Vance Brothers, Inc. – After the Commissioner's reviewed all the bids submitted, Chairman Thacker made a motion to accept all bids submitted based upon availability and closest to work region with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

4. Open & Award Bid #15 – Grader Blades – 6 months

10 bid packets were mailed with 0 being returned undeliverable and 5 responses received as follows: Dub Ross Company, Inc.; Kirby-Smith Machinery; Fabick Cat, "No Bid"; Keystone Equipment Company; Warren Cat – After reviewing the bids submitted, Chairman Thacker made a motion to accept all bids submitted based upon availability with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

5. Open & Award Bid #16 – New Pipe – 6 months

16 bid packets were mailed with 0 being returned undeliverable and 2 responses received as follows: Tinhorns R Us; and Water Products of Oklahoma, Inc. – after the Board reviewed the bids submitted, Chairman Thacker made a motion to accept both bids submitted based upon availability with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

6. Open & Award Bid #16a – Used Pipe – 6 months

16 bid packets were mailed with 0 being returned undeliverable and 3 responses received as follows: Highfill Pipe; Railroad Yard, Inc.; and Water Products of Oklahoma, Inc. – after the Board reviewed all bids submitted, Commissioner Helm made a motion to accept all bids submitted based upon availability with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

7. Open & Award Bid #16p – Plastic Pipe – 6 months

18 bid packets were mailed with 0 being returned undeliverable and 5 responses received as follows: Tinhorns R Us; Water Products of Oklahoma, Inc.; Keeling Company; Fensco, Inc.; and H.G. Flake Company – after the Board reviewed the bids submitted, Commissioner Helm made a motion to accept all bids submitted based upon availability with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

8. Open & Award Bid #292 – Galvanized Posts and Anchors – 6 months

14 bid packets were mailed with 0 being returned undeliverable and 5 responses received as follows: Xcessories Squared Development & Mfg., Inc.; Advanced Workzone Services; Barco Municipal Products, Inc.; Custom Products Corp.; IBIS Signs (IBIS Tek Apparel, LLC) – after the Board reviewed the bids submitted, Commissioner DeLozier made a motion to accept the low bid of Xcessories Squared at \$579.50 per bundle of 25 with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

9. Open & Award Bid #515 – Concrete – 6 months

9 bid packets were mailed with 1 being returned undeliverable and 3 responses received as follows: Greenhill Concrete; Mid-Continent Concrete and A & M Concrete, Inc. – after the Board reviewed all bids submitted, Chairman Thacker made a motion to accept all bids submitted based upon availability with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

10. Open & Award Bid #200 – Yearly Election Ballots

4 bid packets were mailed with 0 being returned undeliverable and 1 response being received from Mid-West Printing in Sapulpa. Roy Hancock, Assistant Election Board Secretary, requested the Board to table awarding of this bid until the Election Board Office had time to review the bid submitted. Chairman Thacker made a motion to table awarding of Bid #200 on Yearly Election Ballots for one week (June 14<sup>th</sup>) to allow time to review the only bid submitted with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

11. Open & Award Bid #350 – Yearly Janitorial Bid for Health Department

8 bid packets were mailed with 1 being returned undeliverable and 4 responses received as follows: L & M Superior Cleaning Services, Inc., City Wide Janitorial Services, LLC; Bonus Building Care; ABM Janitorial Services South Central, LLC – Commissioner DeLozier made a motion to table awarding of Bid #350 for one week (June 14<sup>th</sup>) to allow the Health Department time to review the bids and make a recommendation to the Board with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

12. Discussion with possible action regarding selection of a Rogers County newspaper for publication of legal notices and proceedings for Rogers County for fiscal year 2010-2011 –

Assistant District Attorney, Barry Farbro, stated the District Attorney's office recently sent out an e-mail with copies of statutes that indicate it is not a bidding situation or "no-bid" contract; there are published rates according to law that are to be paid for legal publications. There are recent Oklahoma Court of Appeals decisions that state the legislative intent of the statutes that require legal publications is to provide notice to the greatest possible number of people. So it would be logical to award the contract to a legal publication that has the greatest circulation or otherwise reaches the greatest number of people.

Bailey Dabney, publisher of the Claremore Daily Progress was present at the meeting along with reporter Zack Stoycoff and Dabney stated for legal reasons the Progress cannot broker space to the other newspapers that would be involved. Farbro stated Dabney may be able to tell us which legal publication located and printed within Rogers County has the greatest circulation. Dabney explained the Claremore Daily Progress has the largest circulation in the county, around 55%; but would encourage the Board to continue to distribute the legal notices throughout the county in some way rather than to just go with the Progress; we would not oppose the idea of distribution being made in some way.

Chairman Thacker expressed not everybody in the county takes the Claremore Progress and with the intent of giving the government back to the people; it makes sense for us to publish legal notices in all newspapers in Rogers County, but that would cost the county considerably to do so. The question is can we rotate the publications, as we have been doing, legally? Chairman Thacker continued the more we keep the public informed the better it would be, but we cannot afford to pay every newspaper that qualifies for legal publications.

Chairman Thacker made a motion to table this item for one week (June 14<sup>th</sup>) to allow legal counsel time to review the statutes and find out what the citizens of Rogers County want to do with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

Farbro inquired of Dabney if all local newspapers are printed here in Rogers County, which could be a very important fact. Dabney replied the Catoosa Times is printed in Broken Arrow, but the rest of the local newspapers are printed at the Claremore Daily Progress. Farbro stated that may affect the Catoosa Times eligibility.

13. Discussion with possible action on Rogers County Free Fair Association request of continuance of last year's .00023 millage for 2010-2011 fiscal year budget – (Clerk)

Lyle Blakley, Richard Gephardt, Ron Burrows and Terry Hughes, members of the Rogers County Free Fair Association, were present at the meeting and Blakley requested a continuance of last year's .00023 millage for the 201-2011 fiscal year budget, which these funds are used for operation of the fall county fair and spring livestock show. Chairman Thacker made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

14. Discussion with possible action regarding Approval/Disapproval of Resolution Form #2010-27 and Reimbursement form directing County Treasurer to deposit funds from State of Oklahoma, \$23,587.88 into one-cent sales tax fund for District #1 – (Comm. Office)

Commissioner DeLozier reported this is a reimbursement of funds of FEMA Disaster 1883 which was December 2009 snow storm for a total of \$29,990.11 of which \$23,587.88 is being deposited back into the one cent account for distribution and the remainder \$6,402.23 into T-highway salaries. Commissioner DeLozier made a motion to approve with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

15. Discussion with possible action regarding Approval/Disapproval of Resolution Form #2010-28 and Reimbursement form directing County Treasurer to deposit funds from State of Oklahoma, \$27,759.06 into one-cent sales tax fund for District #1 – (Comm. Office)

Commissioner DeLozier reported this is a reimbursement of funds of January 2010 snow storm in the amount of \$32,987.06 of which \$27,759.06 will be deposited into the one-cent sales tax fund for distribution and the remaining balance of \$5,228.00 will be deposited into T-highway salaries. Commissioner DeLozier made a motion to approve with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

16. Discussion with possible action regarding Approval/Disapproval of Resolution Form #2010-29 and Reimbursement form directing County Treasurer to deposit funds from February 9<sup>th</sup>, 2010 election \$2013.19 for election expenses in the General Fund for distribution for Election Board Account - (Clerk)

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

17. Discussion with possible action of appointment of County Commissioner to the Circuit Engineering District #1 Board - (D#3)

Chairman Thacker reported Commissioner Mike Helm has set on the CED Board since 2005 and stated he felt the appointment should be revisited annually and Commissioner Helm has set on it long enough. Commissioner DeLozier asked Chairman Thacker if he was interested in serving on the board and Chairman Thacker replied, yes, I'm very much interested in serving on the CED Board. Commissioner DeLozier made a motion to appoint Chairman Kirt Thacker to the CED District #1 Board with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

18. Approve/Disapprove Rogers County Law Enforcement Mutual Aid Agreement as stated under the Interlocal Cooperation Act (74 O.S. ss1008) between the various law enforcement agencies within Rogers County, Oklahoma, as approved by the various governing bodies of each jurisdiction, to provide mutual aid as provided herein – (Sheriff's Office)

Marilynn Gibson, 1<sup>st</sup> Deputy County Clerk, reported that Johnny O'Mara with the Sheriff's Office asked to have this item placed on the agenda and he had already spoken with Mr. Farbro about the agreement. Farbro replied he has spoken to me about it, but I have not actually seen the actual agreement and I have requested it twice. No action taken.

19. Presentation and acknowledgement of job description and/or qualifications for the position of a 911 Administrator for the Rogers County E911 Center – (D#1)

Commissioner DeLozier reported we talked about this last week, we have drafted the job description and qualifications for the position of the 911 Administrator and all of this information will be posted on the internet and the County Clerk's Office will mail out applications, etc. to respective candidates whose names have already been submitted to the committee and any other interested party and then be returned to the County Clerk's Office.

Farbro inquired if the E911 Administrator position needed to be approved by the Excise Board first because it would be a new position and the salary, prior to the position being filled. Farbro continued that he spoke with Darita Huckabee with INCOG last week and she stated she would send me a job description for any E911 Administrator that had been used in Tulsa County and Oklahoma County, and I have not received it yet. Farbro commented he would like to review the job description and qualifications, etc. before the anything is sent out. Presentation only, 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 -

Farbro commented about Item 15 Agenda Items #3 for last Tuesday, June 1, 2010, meeting, that the salary range was established for the E911 Administrator and the job description and qualifications, etc., that would be used to solicit applications was tabled pending further review so that he and the E911 committee could continue to fine tune the job description, qualifications, etc.; and if there has been a new document that has been generated by the committee, I would like to review it before they are mailed out.

ITEM 17: ANNOUNCEMENTS:

1. Peggy Armstrong, Rogers County Clerk, announced that Bid #204 for Laid Asphalt was distributed to be opened today, June 7<sup>th</sup>, but the County Clerk's Office neglected placing the opening of the bid on the agenda for June 7<sup>th</sup>; will be opened on Monday, June 14, 2010.

Peggy McGehee with Representative Dan Boren's office was present and asked if anyone needed any kind of assistance be sure and call the office.

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, June 7, 2010, meeting\*\*\*Commissioner DeLozier made a motion to approve payment of all purchase orders that have been submitted for payment from all departments as presented with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 20: RECESS OR ADJOURNMENT:

Chairman Thacker made a motion to adjourn the meeting with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried and the meeting adjourned at 10:59 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, June 03, 2010 and posted at 3:09 p.m. 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.*