

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, September 27, 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: September 20 and 21, 2010

Commissioner Helm made a motion to approve the minutes from September 20, 2010 and September 21, 2010, as presented with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 6: UNFINISHED BUSINESS:

1. Award Bid #539 – Pull Truck – District #2

Benny King, District #2 road foreman, stated himself, Clark Cartwright, Brian Hickok, mechanic, and Allen Carter, District #2 assistant road foreman, completed a weighted scale on all the bids submitted they had completed; their recommendation on the truck would be the CHU unit Mack truck from Bruckner Truck, 3824 West Reno, Oklahoma City, Ok 73147, for \$106,910.00; we had four (4) bids submitted, a Peterbilt, CHU truck from Tulsa Mack, CHU truck from Bruckner's and a Granite truck from Bruckner's; average score from the weighted scale on the CHU was 31.25; 2nd was the Granite at 27.75; 3rd was Peterbilt at 33.25; and CHU from Tulsa Mack scored a 22; we scored on lease options to the options that were included on the price of the truck and Bruckner Truck exceeded all other vendors. Commissioner Helm made a motion to accept the bid from Bruckner Truck on 2011 Mack Model CHU 613 for \$106,910.00 as per recommendation from the weighted scale with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

2. Award Bid #204 – Laid Asphalt – Districts 1, 2 & 3

NOTEthese bids were opened on September 20th and tabled from awarding until September 27th***

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.

ITEM 7: ZONING: None presented.

ITEM 8: PLATS: None presented.

ITEM 9: ROADS AND BRIDGES:

1. Discussion and possible action regarding execution of a letter agreement with Oklahoma Natural Gas Company for relocation of natural gas pipeline facilities in connection with Spunky Creek Bridge project and condemnation proceedings in CJ-2006-684, District Court of Rogers County, Oklahoma – (DA)

Barry Farbrow, Assistant District Attorney, stated this is an agreement with the attorney for Oklahoma Natural Gas that has a pipeline that exists on a private easement, which is outside the county roadway easement and according to project engineer Brian Kellogg, it does not appear that the pipeline needs to be relocated in order to construct the new Spunky Creek bridge; this letter acknowledges that, but goes on to say, in the event it is later determined that the pipeline needs to be relocated, it would be at the county's expense.

Commissioner Helm asked, with the City of Catoosa annexing that piece in their limits, would this agreement not also be with the City of Catoosa? Farbrow replied, it is a county bridge project and didn't feel the incorporated city limits of Catoosa had changed since the project

was initiated; that was a question we had originally that it appears to be within the city limits of Catoosa; it was determined several years ago that the City of Catoosa was under the population limits as far as the county being able to make improvements on city streets and roads, so it was determined it was a county project; the City of Catoosa could possibly ratify this agreement later, if they choose to do so or maybe even assist in some of the costs, because it is a municipal road and city bridge, but the county is allowed to make that improvement by virtue of laws on roads and bridges.

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

2. Discussion and possible action regarding execution of a Resolution #2010-75 authorizing and directing the District Attorney's Office to commence legal proceedings in the District Court of Rogers County to permanently close and vacate that portion of Missouri Street between Lots 129 and 130 and between 1st Street and Patti Page Blvd. (2nd Street) in the City of Claremore, and to permanently close and vacate the alleys located in Blocks 129 and 130 of the City of Claremore, Oklahoma, in connection with the new county courthouse construction project – (DA)

Assistant District Attorney, Barry Farbro, explained the D.A.'s office likes to have a resolution of necessity and authority for the District Attorney to institute proceedings in District Court against the City of Claremore and franchise holders to permanently close and vacate that portion of Missouri Street located between Blocks 129 and 130, and between 1st Street and Patti Page Blvd. (2nd Street), and to permanently close and vacate the alleys located in Block 129 and 130 in the City of Claremore, in order to clear the title to the property for the new Rogers County courthouse construction project. Chairman Thacker made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

3. Discussion and possible action regarding Approval/Disapproval of Resolution #2010-74 requesting participation in the County Road Machinery and Equipment Revolving Fund through Oklahoma Department of Transportation – (Comm. Office)

Commissioner DeLozier stated he has a piece of equipment to submit for participation in the County Road Machinery and Equipment Revolving Fund, a tractor and side boom mower on the state contract. Chairman Thacker stated he had none to submit and Commissioner Helm stated he had none to submit. Commissioner DeLozier made a motion to approve with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

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

1. 005 – Use Tax - \$191,412.65
2. 006 – Rogers County Courthouse and E911 Facility – None presented.
3. 101 – Unrestricted Highway - \$242,569.78
4. 105 – County Bridge and Road Improvement Fund (CBRIF) - \$19,477.39
5. 141 – Cellular Phone Usage - \$24,048.05
6. 142 – E911 - \$10,733.76
7. 145 – Attendant Care – None presented.

ITEM 11: TRANSFER OF FUNDS: None presented.

ITEM 12: UTILITY PERMITS:

1. Cox Communications – boring and trenching North 177th East Avenue beginning at the N/2 of the NE/4 of Section 11, Township 21 North, Range 14 East to the N/2 of Section 12, Township 21 North, Range 14 East of the I.B.&M., Rogers County – (D#2)

Commissioner Helm stated District #2 has checked out this permit location and it is a boring, made a motion to approve and instructed the County Clerk to inform Cox Communications the permit would be approved subject to the conditions, requirements and covenants as stated in paragraphs 7 and 9 of the utility permit and all ditches and/or right-of-ways would be put back how they were originally with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

2. A T & T – Oklahoma – overhead, trenching and boring beginning at the SW/corner of Section 30, Township 20 North, Range 16 East, then place aerial fiber cable on east side of county road NS/413 on existing pole line for 5000 feet; then place buried fiber optic cable on south side of county road EW/57 approximately 1500 feet to existing equipment site where a new cabinet will be placed on existing site – (D#2)

Commissioner Helm stated District #2 has checked out this permit location, made a motion to approve and instructed the County Clerk to inform A T & T the permit would be approved subject to the conditions, requirements and covenants as stated in paragraphs 7 and 9 of the utility permit and all ditches and/or right-of-ways would be put back how they were originally with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

ITEM 13: CLAIMS:

1. Salaries – September, 2010
Joe Dick at District #1 resigned; Adam Hammill resigned at District #3 and Kyle Tilley was terminated at District #3; Benny King was made the new road foreman at District #2

and Allen Carter was made assistant road foreman at District #2 – Commissioner Helm made a motion to approve the salary claims for September, 2010, as presented with Chairman Thacker 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 –

District #1: County Building Center, \$100.00; Sheriff: Bimbo Bakeries, \$1350.00; Farmers Bros. Coffee, \$400.00; Sysco Foods, \$7000.00; Sysco Foods, \$3200.00; Warehouse Market, \$300.00; Correctional Dental Services, \$2000.00; Diamond Drugs, Inc., \$6000.00; Diamond Medical Supply, \$500.00; PHS Mobile X-Ray, \$600.00; St. Francis Lab, \$1200.00; Medical Compliance Specialty, Inc., \$400.00; Comdata Mastercard, \$8500.00; District #1 Warehouse, \$5000.00; District #2 Warehouse, \$1000.00; District #3 Warehouse, \$3000.00; Speedy Lube, \$500.00; and A & G Auto, \$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. Discussion with possible action regarding proposal submitted by Terracon Consultants, Inc. for geotechnical engineering services Rogers County Courthouse (Terracon Proposal No. P04100416) – (D#3)

Kim Reeve with BKL, Inc., explained this is a typical project requesting a geotechnical report and hire a company to come in and take borings about the sight and tell us what the soil capacities are and they recommend foundation systems. Commissioner DeLozier asked if legal had looked over the proposal and Assistant District Attorney, Barry Farbro, stated he had not seen the proposal and it tends to be standard operating procedures legal review any legal documents before the Board took action on them. Chairman Thacker reported the proposal amount is \$4,625.00 for the project. Chairman Thacker made a motion to table this item for one week (October 4th) to allow legal counsel to review with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

2. Discussion with possible action regarding Approval/Disapproval of signing of letter to Oklahoma Department of Commerce requesting a contract extension until November 30, 2010, to process a final payment and closeout documentation for 13263 CDBG 08 for Rural Water District #8 pump station project – (Clerk)

Chairman Thacker explained Andy Armstrong with INCOG called him last week about this request and made a motion to approve with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

3. Discussion with possible action on Setting 2011 Holidays for Rogers County – Discussions occurred about what days to give off at Christmas and New Year's. Marilyn Gibson, 1st Deputy County Clerk requested the Board consider October 10, 2011, Columbus Day as an additional holiday for the employees, since there had not been given raises in two years. Chairman Thacker made a motion to set 2011 Holidays for Rogers County as follows: January 17th Martin Luther King Day; February 21st President's Day; April 22nd Good Friday; May 30th Memorial Day; July 4 Independence Day; September 5th Labor Day; November 11th Veteran's Day; November 24th and 25th Thanksgiving; December 23rd and 26th Christmas and December 30th New Year's Day with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

4. Discussion with possible action on Setting 2011 Regularly Scheduled Meeting Dates for the Board of County Commissioners –

Commissioner DeLozier made a motion to set the 2011 Regularly Scheduled Meeting Dates for the Board of County Commissioners as follows: January 3rd, 10th, 18th, 24, and 31st; February 7th, 14th, 22nd, 28th; March 7th, 14th, 21st, 28th; April 4th, 11th, 18th, 25th; May 2nd, 9th, 16th, 23rd, 31st; June 6th, 13th, 20th, 27th; July 5th, 11th, 18th, 25th; August 1st, 8th, 15th, 22nd, 29th; September 6th, 12th, 19th, 26th; October 3rd, 10th, 17th, 24th 31st; November 7th, 14th, 21st, 28th; December 5th, 12th, 19th and 27th with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

5. Discussion with possible action on Approval/Disapproval of Resolution #2010-73 directing Rogers County Treasurer to deposit funds from Court Clerk Revolving Fund into General Fund for reimbursement of salaries from Rogers County Court Clerk, Candi Czapanzky paid from General Fund monies for the month of July 2010, in the amount of \$20,563.59 – (Clerk)

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

6. Acknowledgement for public record receipt of check #1391 from Grand Gateway Economic Development Assoc. E911 for service fees reported July 2010, in the amount of \$24,048.05 – (Clerk)

Acknowledged for public record only, no action taken.

7. Discussion with possible action regarding Approval/Disapproval of Resolution #2010-74, corrected to read Resolution #2010-76 and Reimbursement form directing County

Treasurer to deposit funds from County of Ottawa in the amount of \$1,840.00 into the one-cent sales tax fund for distribution for District #1 – (Comm. Office)

Commissioner DeLozier reported these funds are payment for road oil Ottawa County used and 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 Approval/Disapproval of Reimbursement forms directing County Treasurer to deposit funds from Sheriff's Office for fuel reimbursement in the amount of \$4,584.53 for District #1 and from Town of Talala for fuel reimbursement in the amount of \$409.76 for District #2 into the one-cent sales tax fund for distribution – (Comm. Office)

Commissioner Helm made a motion to approve 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: ANNOUNCEMENTS:

Item 15 Agenda Items #6: Commissioner Helm requested the District Attorney's Office look into having INCOG in Tulsa collect the monies for the E911 services fees instead of Grand Gateway. Commissioner DeLozier commented he thought it was a state statute for Grand Gateway to collect those monies and no one else. (2) Commissioner Helm reported OSU Extension's web site has a new video on county government.

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, September 27, 2010***Commissioner DeLozier made a motion to approve payment of all purchase orders submitted from all departments 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 meeting adjourned at 10:26 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, September 23, 2010, at 3:10 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.