

**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, December 6, 2010, at 9:00 O'clock A.M.

**MINUTES**

ITEM 1: CALL TO ORDER:

Chairman Kirt Thacker called the meeting to order at 9:06 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: November 29, 2010

Commissioner DeLozier made a motion to approve the minutes from November 29, 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:

1. Discussion with possible action regarding Approval/Disapproval of Preliminary Plat of Greystone at Stone Canyon Phase II, being located in Section 36, Township 21 North, Range 14 East of the I.B.&M., Rogers County – Developer: C.A.B.O. Development Company, total area = 30.79 acres with 23 lots –

Commissioner Helm stated the county subdivision regulations require a preliminary plat be done; Brian Kellogg with Kellogg Engineering, Inc., is here today to explain.

Kellogg explained the time limit expired on this plat due to lack of progress of the development; the plat has actually been approved by the Board once before; has been through the Planning Commission now, three times in just trying to keep it up to date; this plat was originally The Lakes at Stone Canyon; when the Board approved it originally, it was Tanglewood West and the two year time limit had expired and trying to bring the preliminary plat into compliance.

Magan Green, Planning Commission Director, stated all engineering on the preliminary plat has been approved; was most recently approved by the Planning Commission board on November 16, 2010, with a five to zero vote; they went back before the Planning Commission board per my recommendation to bring the plat into compliance, since the two years had expired; recommends Board approve since they have met the county subdivision regulation requirements.

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

ITEM 9: ROADS AND BRIDGES:

1. Discussion with possible action regarding Approval/Disapproval of Resolution #2010-83 regarding Letter of Choice for County Bridge Inspection Contracts concerning bridge inspection responsibility by local government for compliance with National Bridge Inspection Standards on Bridge Inspection Contracts for April 2011 to March 2013 – (D#3) \*\*\*NOTE\*\*\*this item was tabled from November 15, 2010, meeting and November 29, 2010, meeting\*\*\*

Commissioner Helm stated this requires at least two members of the Board to conduct interviews; suggests having a special meeting of the Board in order to complete this; need to call the engineers on the ODOT list and interview them.

Chairman Thacker made a motion for the Board to have a Special Meeting on Friday, December 2010, at 9:00 A.M. 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:

None presented.

ITEM 11: TRANSFER OF FUNDS:

1. Sheriff's general fund travel to M&O – \$20,000.00

Commissioner DeLozier 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: None presented.

ITEM 13: CLAIMS:

1. Salaries – Jeremiah Daniels – Sheriff Civil Fees - \$671.67

Marilynn Gibson, 1<sup>st</sup> Deputy County Clerk, reported Jeremiah Daniels also does work for the U.S. Marshall's Service and this claims is for overtime he has worked and the county will be reimbursed for; no benefits included. Commissioner Helm asked if he gets hurt while working for the U.S. Marshall's Service, is the county responsible? Commissioner DeLozier stated he felt the county would be responsible, because this is just for the overtime, the regular time is on the county. Chairman Thacker made a motion to approve the claim as presented 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 –

District #3: Lowes, \$300.00 and Matco Tools, \$6810.26; District #1: O'Reilly Auto Parts, \$600.00 – Commissioner DeLozier made a motion to approve the blanket purchase orders as presented with Chairman Thacker 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 for Rogers County to enter into a contract with the City of Catoosa for the establishment of a Tax Increment District (TIF) pursuant to the Local Development Act Title 62, O.S. § 850, et al – (DA) \*\*\*NOTE\*\*\*this item was tabled from November 15, 2010, meeting\*\*\*

Commissioner DeLozier stated he met with Mr. McMahan last week and he requested tabling this item for another week to give him time to meet with Chairman Thacker. Commissioner DeLozier made a motion to table this item for one more week (December 13<sup>th</sup>) with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

2. Discussion, consideration and possible action approving Agreement between the District Attorney and the Rogers County Board of County Commissioners allowing said Commissioners to contract with a private attorney to bring suit for the closing/vacating of all that part of Missouri Street lying between 1<sup>st</sup> Street and 2<sup>nd</sup> Street, and the closing/vacating of all that part of the alley lying between 1<sup>st</sup> Street and 2<sup>nd</sup> Street and running along the west side of the Rogers County Jail Facility – (D#3 Thacker)

Chairman Thacker reported he placed this item on the agenda; this morning he received two phone calls, one from Gene Haynes, District Attorney and the other from Assistant District Attorney, Barry Farbro, informing him the lawsuit would be filed today in court. No action taken.

3. Discussion, consideration and possible action on approving a Contract with a private attorney for the bringing of a lawsuit for the closing/vacating of all that part of Missouri Street lying between 1<sup>st</sup> Street and 2<sup>nd</sup> Street, and the closing/vacating of all that part of the alley lying between 1<sup>st</sup> Street and 2<sup>nd</sup> Street and running along the west side of the Rogers County Jail Facility – (D#3 Thacker)

No action taken.

4. Discussion and possible action regarding the Contract for Sale/Purchase of Real Property between the Board of County Commissioners and Claremore Land, LLC, John Williams, Managing Member, for a tract of land generally described as four (4) acres located in the E/2 of the SE/4 of the SE/4 of Section 31, Township 22 North, Range 16 East of the I.B.7M., Rogers County, subject to survey – (DA/D#1/DeLozier) \*\*\*NOTE\*\*\*this item was tabled from November 22, 2010, meeting and November 29, 2010, meeting\*\*\*

Commissioner DeLozier reported he has some numbers on the cost of the waterline, but has not been able to get everybody together from the committee to discuss before presenting it to the Board. Commissioner DeLozier made a motion to table this item for another week (December 13<sup>th</sup>) with Commissioner Helm seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

5. Open & Award the followings bids:

- a. – Bid #12 – Rock

17 bid packets were mailed with 0 being returned undeliverable and 6 responses received as follows: The Quapaw Company in Stillwater, Ok; Apac-Central, Inc., Dewey, Ok; Pryor Stone, Inc., Pryor, Ok; Anchor Stone Company, Tulsa, Ok; and Greenhill Materials, Catoosa, Ok; bid received from Chandler Materials Company was not signed or notarized, therefore, the bid was rendered invalid. 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.

b. – Bid #13 – HMHL

15 bid packets were mailed with 0 being returned undeliverable and 3 responses received as follows: Tulsa Asphalt, LLC, in Tulsa, Ok; Dunham's Asphalt Services, Inc., in Sapulpa, Ok; and Apac-Central, Inc., in Dewey, Ok – 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.

c. – Bid #14 – Liquid Asphalt

12 bid packets were mailed with 0 being returned undeliverable and 5 responses received as follows: "No-Bid" from Gary-Williams Energy Corporation in Oklahoma City; Coastal Energy in Willow Springs, Missouri; Ergon Asphalt & Emulsions, Inc., Catoosa, Ok; Vance Bros., Inc., Tulsa, Ok; and Sorco Products, Inc., in Cushing, Ok – 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.

d. – Bid #15 – Grader Blades

10 bid packets were mailed with 0 being returned undeliverable and 6 responses received as follows: Kirby-Smith, Inc., Oklahoma City, Ok; Lacial Equipment Inc., Jackson Center, OH; Dub Ross Company, Inc., in Oklahoma City, OK; Valk Manufacturing Company in New Kingstown, PA; Keystone Equipment Company in Sand Springs, OK and Warren CAT in Oklahoma City, OK – Commissioner Helm made a motion to award the bid to the lowest bidder of Kirby-Smith, Inc., in Oklahoma City, Ok with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

e. – Bid #16 – New Pipe

16 bid packets were mailed with 0 being returned undeliverable and 5 responses received as follows: "No-Bid" from The Railroad Yard, Inc. in Stillwater, Ok; Fensco, Inc. in Jenks, Ok; Tinhorns R Us, LLC, in Tuttle, OK; Wheeler Metals, Inc., in Muskogee, OK; and Water Products of Oklahoma, Inc., in Owasso, OK – 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.

f. – Bid #16P – Plastic Pipe

16 bids packets were mailed with 0 being returned undeliverable and 4 responses received as follows: Fensco, Inc., in Jenks, OK; Water Products of Oklahoma, Inc., in Owasso, OK; and Keeling Company in North Little Rock, AR; a "No-Bid" was received from The Railroad Yard, Inc., in Stillwater, OK – Commissioner Helm made a motion to accept the low bid of Fensco in Jenks, Ok, with Chairman Thacker seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

g. – Bid #16U – Used Pipe

16 bid packets were mailed with 0 being returned undeliverable and 3 responses received as follows: Sunbelt Equipment & Supply in Meeker, OK; The Railroad Yard, Inc., in Stillwater, OK and bid submitted by Water Products of Oklahoma, Inc., in Owasso, OK, was not signed or notarized, therefore, rendering the bid invalid. Commissioner DeLozier 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.

h. – Bid #201 – Laid Asphalt

9 bid packets were mailed with 0 being returned undeliverable and 3 responses received as follows: Tulsa Asphalt, LLC, in Tulsa, OK; Apac-Central, Inc., in Dewey, OK; and Dunham's Asphalt Services, Inc., in Sapulpa, OK – 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.

i. – Bid #292 – Galvanized Posts

11 bid packets were mailed with 0 being returned undeliverable and 4 responses received as follows: Xcessories Squared Development & Mfg., Inc., in Auburn, IL; Custom Products Corp. in Jackson, MS; Barco Municipal Products, Inc., in Omaha, NE; and Advanced Workzone Services, LLC, in Muskogee, OK – Commissioner Helm made a motion to table awarding of bid #292 galvanized posts for one week (December 13<sup>th</sup>) to allow Lee Francis, county sign person to review all bids submitted and make recommendation back to the Board and Chairman Thacker seconded the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

j. – Bid #426 – Glass Reflective Beads

This item was placed on the agenda in error; county no longer bids glass reflective beads. No action taken.

6. Discussion with possible action regarding Approval/Disapproval of County Clerk's Cash Book and Summary Report to the Board of County Commissioners for November, 2010 – (Clerk)

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 on request from Dale Marsh, Marine, permission to place a Toys for Tots box in hallway of the Rogers County Courthouse – (D#3 Thacker)

Chairman Thacker stated he had been asked by Mr. Marsh to place a box in the hallway of the courthouse for Toys for Tots and thought it was a very good idea. 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 with possible action regarding Approval/Disapproval of Resolutions for Disposing of Equipment for Rogers County Assessor's Office as follows: Hewlett Packard Laserjet 4100N printer, sn#USGNF00125; and Nobilis CPU I207 Pro Mid Tower, sn#496615 – all to be junked – (Assessor)

Chairman Thacker 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 Cooperative Extension Services Agreement between The Oklahoma State University for and on behalf of its Cooperative Extension Service and the United States Department of Agriculture and Board of County Commissioners of Rogers County for the period July 1, 2010, thru June 30, 2011 – (D#3 Thacker)

Vernon Scogin, OSU Extension, Extension Educator, AG, and 4-H, CEO reported the agreement reflects the approved budget items provided to OSU Extension for fiscal year 2010-2011; is standard operating agreement that has been used throughout the years; a copy of the agreement will be returned to the County Clerk after it has been circulated through OSU where additional signatures will be affixed; respectfully requests the Board to approve. Chairman Thacker made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

10. Discussion with possible action regarding a tool allowance for Maintenance Supervisor Earl Hensley – (D#3 Thacker)

Chairman Thacker stated he placed this item on the agenda for discussion, because he found out Earl (Hensley) has been using his own personal tools for repairs here at the courthouse and if he breaks one or one happens to burn up, he never tells us, we find out from someone else; feels it is cheaper for the county for him to continuing using his own personal tools, rather than the courthouse buying these various tools, especially tools we might need to use only once or twice; feels the Board should discuss and consider giving him a monthly tool allowance.

Commissioner DeLozier agreed and asked what account would the allowance come from; there was discussion on what fund to pay from and how much; discussions on whether to pay on the monthly payroll salary claim or issue a purchase order monthly and provide a 1099 in January.

Chairman Thacker made a motion to give Earl Hensley, Maintenance Supervisor, a \$100.00 monthly tool allowance beginning with December, 2010, payroll to be paid out of courthouse M&O account with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

11. Discussion with possible action regarding Approval/Disapproval of Resolutions for Disposing of Equipment by Rogers County Sheriff's Office as follows: 2002 Dodge Durango 4x4, sn#1BFHS38N52F176778, to be transferred to Foyil Fire Department and 2003 Dodge Durango 4x 4, sn#1D4HS381V63F554369, to be transferred to Porter Police Department – (Sheriff Walton)

Chief Mike McElhaney explained these vehicles have over 200,000 miles on them and are wore out; Foyil Fire Department Chief Randy Atchley had asked the Sheriff's Office earlier if we had any old vehicles we could donate to them; and Porter Police Department is located within Wagoner County and they called and asked us if we had any old vehicles they could use, because they are having a rough time making it right now with the economy.

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

12. Discussion with possible action regarding Approval/Disapproval of Resolutions for Disposing of Equipment for District #2 and Rogers County Sheriff's Office, as follows: 1993 Freightliner, sn#1FUY3EDB6PP474967, for District #2 and 2003 Ford Crown Victoria, sn#2FAFP71W03X152115 and 2001 Dodge Durango 4x4, sn#1BFHS28N51F623750, for Sheriff's Office, all to be sold by sealed bid – (D#2 Helm and Sheriff Walton)

Commissioner Helm made a motion to approve the listed items to be sold by sealed bids and payment to be made by cashier's check only with Commissioner DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

Chairman Thacker asked Assistant District Attorney, Barry Farbro, if employees of Rogers County could bid on these vehicles and Farbro answered, he was not aware of any laws prohibiting them from doing so.

13. Acknowledgement for public record, District #2 sponsoring the Town of Talala for a Rural Economic Action Plan (REAP) Fund in the amount of \$28,500.00 and also INCOG – (D#2 Helm)

Commissioner Helm stated this is an application for the Town of Talala applying for a REAP Grant; this is just notification that we are sending it to Grand Gateway and INCOG, since REAP grants only go through cogs; a resolution will be done at a later date; acknowledgement for public record only, no action taken.

14. Discussion with possible action regarding Approval/Disapproval of Reimbursement form directing County Treasurer to deposit funds from the following:

- a.) Rural Water District #4 - \$713.00 – District #2 One Cent Sales Tax Fund
- b.) Talala Cemetery Association - \$1,800.00 – District #2 General Government Cemetery capital outlay account (\$1,000.00) and salaries (\$800.00) – (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.

15. Discussion with possible action regarding Presentation by Brock Abercrombie with Standley Systems – (D#3 Thacker)

Brock Abercrombie, Account Manager for Standley Systems, stated recently, Standley Systems was chosen by the Oklahoma State Department of Central Services as the major vendor for copiers and multifunction equipment for the State of Oklahoma, Contract SW171; presented a packet to the Board for review.

Commissioner Helm reminded that Rogers County was a member of NACo and therefore, could also purchase these items from U.S. Communities.

Discussion 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 –

Assistant District Attorney, Barry Farbro, asked the Board to return to Item 15 Agenda Item #2 and asked the Chairman to sign the petition for the lawsuit being filed today in court.

ITEM 17: ANNOUNCEMENTS: None presented.

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, December 6, 2010\*\*\*Chairman Thacker made a motion to approve payment of purchase orders from all departments as presented with Commissioner DeLozier 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 DeLozier seconding the motion. Roll Call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried and meeting adjourned at 11:10 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, December 2, 2010, at 3:45 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.*