

**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: Tuesday, February 22, 2011, at 9:00 O'clock A.M.

**MINUTES**

- ITEM 1: CALL TO ORDER:  
Chairman Dan DeLozier 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 Dan DeLozier, Commissioner Mike Helm and Commissioner Kirt Thacker were present and quorum established.
- ITEM 3: FLAG SALUTE:  
Commissioner Helm led the salute and Pledge of Allegiance to the American Flag.
- ITEM 4: PRAYER:  
Commissioner Thacker said a prayer.
- ITEM 5: APPROVAL OF MINUTES: February 14, 2011  
Commissioner Helm made a motion to approve the minutes from February 14, 2011, as presented with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.
- ITEM 6: UNFINISHED BUSINESS:
1. Award Bid #541 – Rubber-Tired 4-Wheel Drive Backhoe Loader – District #1  
Chairman DeLozier explained after close review by himself and mechanic, they chose what they considered was the best bid of Kirby-Smith on new 2011 Komatsu Wa250-6 wheel loader with options including cost and descriptions: 1.) 60 inch carriage forks JRB \$4,356.00; 2.) 12 foot hydraulic reversible plow with trip, Model QC12SPH, \$10,645.00; 3.) heavy duty grapple/rake with hydraulic top clamps for heavy duty brush cleanup, JRB \$17,975.00 and 4.) front differential lock, \$3,770.00. Chairman DeLozier made a motion to accept the best bid from Kirby-Smith Machinery, Inc., to be lease-purchase with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.  
Chairman DeLozier made a motion to rescind the previous motion just made, because he was talking about the wheel loader and not the backhoe loader as listed on the agenda. Commissioner Helm rescinded his seconding of the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.  
Chairman DeLozier made a motion to table awarding of Bid #541 – Rubber-tires 4-wheel drive backhoe loader for one more week (February 28, 2011) to allow further review. Commissioner Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.
  2. Award Bid #542 – Wheel Loader – District #1  
Chairman DeLozier made a motion to award the bid to the best bid submitted for District #1 from Kirby-Smith Machinery, Inc., on new 2011 Komatsu WA250-6 wheel loader \$130,189.00 and to include options 1 60" carriage fork JRB \$4,356.00; option 2 12 foot hydraulic reversible plow with trip JRB Model QC12SPH for \$10,645.00; option 3 heavy duty grapple/rake with hydraulic top clamps for heavy duty brush cleanup JRB \$17,975.00; and front lock differential \$3,770.00, to be lease-purchased and Commissioner Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.
- 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 #3 One Cent Sales Tax M&O to salaries - \$14,000.00
  2. Sheriff's General Fund travel to part-time salaries - \$10,000.00
  3. Sheriff's Jail Fund capital outlay to part-time salaries - \$3,000.00

Commissioner Thacker made a motion to approve Items 1, 2 & 3 under transfer of funds as presented with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 12: UTILITY PERMITS: None presented.

ITEM 13: CLAIMS:

1. Salaries – February, 2011

Two terminations from the Sheriff's Office for the month of February: Stefanie Reed and Dennis Sweet; Jack Kaiser at District #2 returned from FMLA on February 22, 2011, and his payroll reflects a total of 40 hours at \$16.68 per hour. Commissioner Thacker made a motion to approve the February 2011 salary claims as presented with Chairman DeLozier seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

2. Attendant Care – None presented.

3. State of Oklahoma, Office of Juvenile Affairs Detention Transportation Claim for January, 2011, in the amount of \$1,905.21 –

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

ITEM 14: BLANKET PURCHASE ORDERS:

1. Materials, Supplies, Parts, Groceries & Prescriptions –

District #3: Tri Star Roll-Off, \$1,200.00 and Lowe's, \$300.00; Sheriff: Comdata Mastercard, \$3,000.00; and District #2: Bruckner Truck Sales, Inc., \$2,900.00 – Commissioner Thacker made a motion to approve the blanket purchase orders as presented with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

2. Orders Exceeding Amount of Issuance – None presented.

ITEM 15: AGENDA ITEMS:

1. Discussion with possible action on Resolution #2011-6 authorizing Application for Financial Assistance from the Rural Economic Action Plan Fund (REAP) by Justus-Tiawah Public Schools for a lagoon pond (at south campus) in the amount of \$24,000.00 and Acceptance/Decline of grant approval – (D#3/Clerk) \*\*\*NOTE\*\*\*this item was tabled from January 31, 2011, meeting\*\*\* and possible signing of REAP Contract #030-WW-2011 in the amount of \$24,000.00 with funding period from February 14, 2011 to February 13, 2012 –

David Garrouette, Superintendent of Justus-Tiawah Schools explained they applied for a REAP grant for a lagoon pond at the south campus; presented a soil percolation test dated August 25, 2010, for the records, along with water usage for nine months school period.

Magan Green, Planning Commission Director, stated she was asked by the Board on January 31, 2011, to contract DEQ to see if they were aware of the issue; Green reported she contacted Eric Braly with DEQ and he stated DEQ was contacted a couple of months back and the possibility was discussed of a lagoon to replace the aerobic system they currently have, but no definite plans had been submitted to DEQ. Braly e-mailed Green on February 8, 2011, and reported if their flow is less than 500 gallon per day, then their designs would be specified in regulations; the actual submission need not come to DEQ until time to purchase an authorization to construct and no engineer would be required to satisfy DEQ.

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

2. Discussion with possible action regarding presentation by Representative of Community Care on the 2011 Rogers County Health Fair being held on March 31, 2011 – (C.O.)

Mike O'Brien with Employee Benefits Professionals, LLC and Nachele Slavens with Community Care were present at the meeting; Slavens recommended doing total screenings and making interpretations for employees while present; will require fasting and will be a finger prick only; have been working with Christine Day, Commissioners Office secretary, as a point of contact and the county building has been secured for March 31, 2011; Community Care will draft a flyer for Christine to hand out.

Commissioner Thacker made a motion to hold a Health Fair for the employees of Rogers County on March 31, 2011, at the county building from 9:00 A.M. to 12:00 Noon or longer if needed with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

3. Discussion and possible action regarding the Contract for Sale/Purchase of Real Estate 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.&M., Rogers County, subject to survey – (D#1) \*\*\*NOTE\*\*\*this item was tabled from November 22; November 29; December 6; and December 13, 2010, meetings\*\*\*

Chairman DeLozier explained he has met with Rural Water District #3, along with most of the people on the E911 committee; have also been working with Assistant District Attorney, David Iski; the problem was having a big enough waterline to the property to be able to do

what we need to do with the sprinkler system and have enough water; in talking with the water district, landowner and D.A.'s office on whether the county could install the waterline' the county has not intentions of getting into the waterline business; but since this property would be property the county would own, have asked the D.A.'s office to review and make sure the county can expense county funds for this waterline and do the work themselves.

Iski answered, the question asked to him was, can the county participate in laying a waterline to property the county would own, and the answer generally would be yes; would possibly enter into an interlocal agreement; the county can provide water to county property in the unincorporated area.

Chairman DeLozier continued, the talks with the water district has been laying a four (4) inch water line; and the water district has agreed, if the county would be willing to lay a four (4) inch line, they, the water district, would be willing to upgrade it to a six (6) inch water line and they would pay the difference; there have been talks with Mr. Williams, landowner, about paying for the pipe and any costs associated with the laying of the line, other than digging it and covering it back up; the county would do that; the county would be out the price of the property and the laying of the line, which is approximately \$15,000.00; \$50,000.00 is the purchase price for four (4) acres of land @ \$12,500.00 per acre, plus the cost of the county laying the line and digging/covering back up.

Commissioner Helm asked Iski about the difference between what happened at last week's meeting on the storm sewer line under the new courthouse and this particular piece of property the county is discussing on whether to buy or not. Iski explained, the fundamental difference on this particular piece of property, is it is not within the city limits; the storm sewer was within the city and a right and responsibility reserved to the city, a municipality under state statutes; there is no such reservation of powers on the water, other than Rural Water District #3 has to be the administrator.

Chairman DeLozier added, the water district waived the fees for inspections and chlorination, which will help save the county fees/monies and would more than likely be on an aerobic system, but this is something will need to be discussed further.

Chairman DeLozier made a motion to purchase the property after contract negotiations and pending approval of contract for sale of land by the District Attorney's Office with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

4. Discussion with possible action regarding Approval/Disapproval of Authorization and Certificate of Authorized Representative Authority and Form of Requisition to be sent to RCB Bank for payment request of Invoice #10 from BKL, Inc., in the amount of \$56,400.00 for Construction Document Phase 85% complete of \$564,000.00 – (Comm. Office/Clerk)

Bill Knowles with BKL, Inc., was representing Kim Reeve who could not be present at the meeting today; Knowles gave an update to the Board, coordination meetings took place last week at BKL; should be ready for advertising for bids in mid-March; bids should be received in mid-April and construction should begin around 1<sup>st</sup> of May; Kim will be reviewing final plans with all the offices the rest of this week.

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

5. Discussion with possible action regarding setting up a sub-account within Commissioner's T-Highway Fund and One Cent Sales Tax Fund for FEMA expenditures and receivables per request of Nelson Swain from the Office of the State Auditor's Office – (D#2)

Commissioner Helm reported Nelson Swain with the State Auditor's Office contacted his office one day last week in regards to the county setting up sub-accounts within county funds regarding FEMA monies; most of this has come about because of the federal stimulus monies some counties received, but used for other things rather than what it was intended for and the monies were not tracked well enough.

Peggy Armstrong, Rogers County Clerk, reported she and 1<sup>st</sup> Deputy County Clerk, Marilynn Gibson, talked with Carrie Carter, Audit Supervisor with the Tulsa State Auditor's Office by a conference call one day last week and asked for clarification; Carter informed us for future reference, any future expenditures received by federal government cannot co-mingle with county funds; in disasters the amounts expensed and received by the county needs to be tracked very closely; in future disasters the county needs to set up sub-accounts within T-Highway funds and One Cent Sales Tax funds, transfer monies into those accounts and spend money from them and then when funds are received back from the federal government, deposit the funds into those sub-accounts and then transfer the money back into the original funds, to keep a clear path for tracking purposes; since this disaster has already happened, recommends copying all purchase orders issued on the FEMA disaster and keeping track on them individually; plus project worksheets, etc.

Commissioner Thacker stated he disagreed with the whole idea, and was not contacted personally about setting up these sub-accounts; feels it is a lot more work to have to keep up with; these are county funds we are expending and the monies coming back from the federal government is a reimbursement of monies already expensed by the county; it's not like we are getting any additional money from the federal government; Rogers County has not used any stimulus money.

Chairman DeLozier made a motion to set up the sub-accounts within T-Highway and One Cent Sales Tax monies. Commissioner Helm stated he would like Assistant District Attorney, David Iski, to review and research the topic further before the Board made any

motions. Chairman DeLozier amended his motion to allow Assistant District Attorney, David Iski, to review and research further to see if this is a requirement by the State Auditor's Office or federal law and bring the matter back before the Board with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

6. Discussion and acknowledgement to accommodate the growing need for telephone numbers in Oklahoma, a new Area Code (539) will be added to the area currently served by the 918 Area Code by Oklahoma Corporation Commission – (D#1)

Chairman DeLozier reported the County Commissioners office received documents from Oklahoma Corporation Commission on the 918/539 area code overlay schedule and frequently asked questions; after months of town hall meetings with the public, meetings with state and local officials, meetings with industry, media outreach and a consumer survey, on January 4, 2010, the Oklahoma Corporation Commission approved a plan to prevent so-called "number exhaust" in the region served by the 918 area code while at the same time allowing current residents, businesses, schools and local governments to keep their existing numbers; wanted this information acknowledged for public record and to be available to the public at their request.

Discussion only, no action taken.

7. Discussion and acknowledgement of Fidelity Life, Lifetime Benefit Term Dependent Term Rider modification – (Clerk)

Marilynn Gibson, 1<sup>st</sup> Deputy County Clerk, reported Fidelity Life is optional life insurance provider for Rogers County; and this is just a modification to their present lifetime benefits to be acknowledged. Acknowledged for public record only, no action taken.

8. Discussion with possible action regarding Approval/Disapproval of County Officers Monthly Reports for January, 2011 – (Treas/Clerk)

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

9. Discussion with possible action regarding Approval/Disapproval of Resolution #2011-07 and Reimbursement Form directing County Treasurer to deposit funds from directing County Treasurer to deposit funds from State of Oklahoma Department of Civil Emergency Management for PA-1754 PW0948 B41 #1894 Partial into one-cent sales tax fund for distribution for District #2 in the amount of \$102,906.25 (warrant #101409765 issued on 1-14-2011 in the original amount of \$163,125.00) for distribution – (D#2)

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

10. Discussion with possible action regarding Approval/Disapproval of Reimbursement Forms as per Resolutions #2010-34; #2010-36 & #2010-37 directing County Treasurer to deposit funds into One Cent Sales Tax Fund for distribution for District #1 and District #2 as follows:

- District #1 – Sheriff fuel reimbursement - \$2,025.70
- District #2 – Fuel reimbursement from Town of Oologah, \$807.91 and Oologah Municipal Authority, \$37.20
- District #2 – Fuel reimbursement from Town of Talala - \$480.65

Commissioner Helm made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-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 about Item 15 Agenda Item #5 and it was suggested to him he contact the State Auditor's Office.

ITEM 17: ANNOUNCEMENTS:

Commissioner Helm suggested to the County Clerk's Office draft a letter to terminated employees informing them their insurance coverage terminates with employment. Iski stated he would draft the letter and work in conjunction with the County Clerk's Office.

Commissioner Helm announced P & K Equipment in Owasso, a John Deere dealer is hosting tractor races today and lunch will be served from 11:00 A.M. to 2:00 P.M.

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 Tuesday, February 22, 2011\*\*\*Chairman DeLozier made a motion to approve payment of all purchase orders submitted from all departments with the exception of purchase order #'s 105670; 105273; 104522; 105237; 105288; 105327 and 105387, to be tabled for additional information with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 20: RECESS OR ADJOURNMENT:

Chairman DeLozier made a motion to adjourn the meeting with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried and meeting adjourned at 11:31 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, February 17, 2011, at 3:36 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.*