

## 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, February 28, 2011, at 9:00 O'clock A.M.

### MINUTES

- ITEM 1: CALL TO ORDER:  
Chairman Dan DeLozier called the meeting to order at 9:02 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 Thacker led the salute and Pledge of Allegiance to the American Flag.
- ITEM 4: PRAYER:  
Commissioner Helm said a prayer.
- ITEM 5: APPROVAL OF MINUTES: February 22, 2011  
Commissioner Helm made a motion to approve the minutes from February 22, 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  
\*\*\*NOTE\*\*\*this item was tabled from February 22, 2011, meeting\*\*\*  
Chairman DeLozier made a motion to throw out all of the bids received and would re-bid the backhoe loader at a later date with Commissioner Thacker seconding 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:  
1. Discussion with possible action regarding Approval/Disapproval of Easement for Public Highway by Orville E. Garrison and Ladessa M. Garrison, husband and wife, on a tract of land located in the SW/4 of the SW/4 of the SE/4 of Section 18, Township 21 North, Range 17 East of the I.B.&M., Rogers County, containing 0.23 acres or 10,084 square feet more or less of new right-of-way, the remaining area included in the above description being county road right-of-way;  
**and**  
Easement for Public Highway by Jacklyn I. Minnick Moore, a single person, on a tract of land located in the W/2 of the SE/4 of the SW/4 of Section 18, Township 21 North, Range 17 East of the I.B.&M., Rogers County, containing 0.05 acres, 2,257 square feet more or less of new right-of-way, the remaining area included in the above description being existing county road right-of-way; all in District #3 –  
Commissioner Thacker reported this is through Circuit Engineering District #1 and we need more right-of-way to comply with federal guidelines. 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 Approval/Disapproval of CED#1 Used Beam Request Form and Oklahoma Department of Transportation Steel Beam Transfer Form for bridge replacement BR 18 on EW32 Road over Pryor Creek – (D#1)  
Chairman DeLozier reported these are used beams that ODOT is transferring to counties upon request; District #1 is making a request for the used beams in regards to Bridge #18. Chairman DeLozier made a motion to approve with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.
- ITEM 10: CASH FUND ESTIMATE OF NEEDS AND REQUEST FOR APPROPRIATIONS:  
1. 005 Use Tax – None presented.  
2. 006 – Rogers County Courthouse & E911 Facility – None presented.  
3. \*101 – Unrestricted Highway - \$322,488.66  
4. \*105 – County Bridge & Road Improvement Fund – (CBRIF) - \$25,501.39

5. 140 – Wireless Pre-Pay – (January 2011) – None presented.
6. \*141 – Cellular Phone Usage - \$24,103.50
7. \* 142 – E911 - \$946.16
8. 145 – Attendant Care – None presented.

Chairman DeLozier made a motion to approve Item #3, #4, #6 and #7 under cash fund estimate of needs as presented with Commissioner with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 11: TRANSFER OF FUNDS:

1. Assessor Visual Inspection part-time salaries to contract appraiser - \$2,000.00
2. Sheriff's general fund travel to vehicle maintenance - \$35,000.00

Commissioner Helm made a motion to approve the transfer of funds as presented with Chairman DeLozier seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-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 – E911 Addressing: Froman Oil, \$200.00; Emergency Management: Comdata Mastercard, \$300.00 and Froman Oil, \$200.00; Sheriff: Comdata Mastercard, \$9,000.00; District #1 Warehouse, \$2,000.00; District #2 Warehouse, \$1,000.00; Correctional Dental Services, \$2,000.00; Diamond Drugs, Inc., \$6,000.00; Diamond Medical Supply, \$500.00; PHS Mobile X-Ray, \$600.00; St. Francis Lab, \$1,200.00; Medical Compliance Specialty, Inc., \$400.00; Bimbo Bakeries, \$1,350.00; Warehouse Market, \$300.00; Sysco Foods, \$3,200.00; Sysco Foods, \$7,000.00; and Farmers Bros. Coffee, \$400.00 – Commissioner Helm made a motion to approve the blanket purchase orders as submitted with Chairman DeLozier 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 regarding Approval/Disapproval of Designating the County's Chief Executive Officer, the Chairman, as the certifying officer under the National Environmental Policy Act of 1969 to assume overall responsibility for the environmental review process; Make a Finding of No Significant Effect on the Environment for the 14322 CDBG 10 Owalla Road Water Line Infrastructure Program; Authorize the Chairman to sign the CDBG Certification of Leverage, Environmental Certification and Request for Release of Funds; and Approve/Disapprove an Antidisplacement Plan for 14322 CDBG 10 Owalla Road Water Line Infrastructure Program – (Clerk on behalf Andy Armstrong)

Andy Armstrong, consultant, reported this is the environmental review record for the Owalla Road Water Line for Rural Water District #3; letters were sent out to the agencies a few weeks back; they have replied back and there were no inhibiting factors; this project is an upgrade to a 12 inch water line, approximately 9,000 feet, replacing an older line in bad shape; the Anti-Displacement and Relocation Assistance Plan has to be followed if we were to change the project and recommended approval of the listed items.

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 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 #16538 dated February 17, 2011, from Payne Surveying Service, P.C. for re-topographical Lots 5, 6, 7 & 8 in Block 129 and all of Block 130 of the City of Claremore, Rogers County, Oklahoma, according to the U.S. Government Survey thereof, after demolition of building and generated new contours in the amount of \$1,000.00 –

**and**

Invoice #4481-01 dated February 17, 2011, from Flintco for Program Design 100% complete, \$2,160.00; Schematic Design 100% complete, \$8,160.00; and Design Development 100% complete, \$14,560.00 for a total invoice of \$24,880.00 – (Comm. Office/Clerk)

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

3. Discussion with possible action regarding request from Earl Hensley, Maintenance Director, to replace UV lights throughout the courthouse – (Comm. Office/Maint.)

Hensley presented the Board with a quote he received from Red Bud Air Filter Sales and Service in Tulsa, Oklahoma, for replacement of UV lights in regards to the hearing and air conditioning unit for the courthouse; the current UV lights are anywhere from two to four years outdated; the lights should be replaced every eighteen months; the UV lights help keep the coils clean for viruses, mold, mildew, etc.

Commissioner Thacker asked, what would be the repercussion if we decided to not replace the lights, since we are building a new courthouse? Hensley replied, currently we are having a problem in the Community Sentencing Office, coils are stopping-up and that is due to not keeping it clean and keeping the UV lights replaced every eighteen months; the UV lights help keep the coils clean; Hensley recommended the Board accept the quote for \$2,187.20 from Red Bud Air Filter Sales and Service.

Commissioner Helm made a motion to approve upon Red Bud Air Filter Sales and Service completing an Independent Contractors Agreement for the Board to sign before commencing work with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

4. Acknowledgement for public record, receipt of check #1428 from Grand Gateway Economic Development Association E911 for December E911 service fees in the amount of \$24,103.50 – (Clerk)

Acknowledged for public record only, no action taken.

5. Discussion with possible action regarding selection of a contractor to replace floor tiles to include labor and materials in County Building, located at 416 South Brady, Claremore, Ok and include the completion of Independent Contractor's Agreement –(Comm. Office/Maint.)

Earl Hensley, Maintenance Director, reported there is two major concerns at the county building; floor tiles are coming up in the women's bathroom and in the kitchen; Hensley collected three phone quotes, 1.) Wade Ward, \$725.00; 2.) Ken Whitefield, \$875.00; and 3.) Wayne Vogel, \$1,000.00; Hensley contacted Pixley Lumber for a recommendation of contractors and these three were recommended; Hensley recommends going with the lowest quote from Wade Ward for \$725.00 and the pulling of the stools and resetting of stools after tile has been laid will be done by the county maintenance department, will not be seeking a plumber to do this job.

Chairman DeLozier made a motion to accept the lowest phone quote from Wade Ward for \$725.00 and before work can commence, Wade Ward will need to complete an Independent Contractors Agreement and be submitted for the Board to sign with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

6. Discussion with possible action regarding Morrow Mechanical, Inc., providing two (2) options in their proposal to clean the coils inside of the fan coil units in the basement area of the courthouse and/or install flow meter in the existing make-up water line that supplies cooling tower and include the completion of Independent Contractor's Agreement – (Comm. Office/Maint.)

Hensley reported this proposal is in conjunction with Certified doing the water treatment for the courthouse; the proposal includes two options; Option #1 total price is \$1,267.00 per fan coil and Option #2 total price is \$814.00; Hensley recommended accepting Option #2 for \$814.00, because he felt the installation of UV lights will take care of Option #1 problems.

Chairman DeLozier made a motion to accept Option #2 for \$814.00 with Morrow Mechanical, Inc., upon completion of an Independent Contractors Agreement for the Board to sign before work commences with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

7. Discussion with possible action to enter Executive Session between the Board and its attorneys for the purpose of confidential communications, concerning possible official action regarding pending litigation and claims, disclosure of which its attorney advises would seriously impair the ability of the Board to proceed in the public interest, as authorized by Title 25 O.S. § 307.B.4., to wit:

- *Bryan Hedges v Wendy Anastasio, Amanda Arico, Shane Reynolds, Donna Miller, Tabitha Holt, the State of Oklahoma, ex rel., Rogers County Department of Human Services; Rogers County District Court, Case No. CJ-09-864*
- *Marion Gooding v State of Oklahoma, John Ketcher, Scott Walton, Rogers County Cherokee Nation, Cherokee Nation Entertainment, LLC, John Does and Jane Does; United States District Court for the Northern District of Oklahoma; Case No. 10-CV-131*
- *Richard Louis Fumi v Board of County Commissioners of Rogers County and Joe Horner; United States District Court for the Northern District of Oklahoma; Case No. 10-CV-769*
- *Mark Abshire, Tort Claim Notice*
- *Blake Lewis, Tort Claim Notice*
- *Clyde Hicks and Sharon Hicks v Board of County Commissioners of Rogers County; Case No. CJ-11-67*

Commissioner Helm made a motion to adjourn Regular Session and enter Executive Session with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried and the Board adjourned Regular Session and entered Executive Session at 9:31 A.M. with Assistant District Attorney, David Iski and County Clerk, Peggy Armstrong,

8. Motion and vote to adjourn Executive Session and enter Regular Session –

Commissioner Thacker made a motion to adjourn Executive Session and enter Regular Session with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried and the Board adjourned Executive Session and entered Regular Session at 9:43 A.M.

9. Discussion with possible action regarding confidential communications between the Board and its attorney, concerning possible official action regarding pending litigation and claims, disclosure of which its attorney advises would seriously impair the ability of the Board to proceed in the public interest –

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 – None presented.

ITEM 17: ANNOUNCEMENTS:

Chairman Thacker inquired from Assistant District Attorney, David Iski, if he could ask a question and discuss a story in the Tulsa World over the weekend regarding E911 calls being made during the recent snow storm that were not emergency related. Iski recommended discussing under new business.

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 -

Commissioner Thacker reported he read a story in the Tulsa World over the weekend regarding E911 calls being made and responded to be emergency personnel and county staff that were non-emergency calls once arrived upon the scene; are there any repercussions that can be taken against anyone who made those calls during the recent snow storm; District #3 would pull off from clearing roads to make an emergency snow removal and once there, it was found it was not an emergency or medical emergency after all; just wanted us to clear their roads; is there anything that can be done to prevent this from happening in the future?

Iski reported that District Attorney, Janice Steidley, is very concerned of this particular situation; she is currently gathering information; it is a high risk of concern; Steidley has discussed this issue with criminal staff within the D.A.'s office; will ask her to contact each Commissioner individually to discuss the issue.

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, February 28, 2011\*\*\*Commissioner Helm made a motion to approve payment of all purchase orders submitted from all departments with the exception of purchase order #105268 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 Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried and meeting adjourned at 11:00 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 24, 2011, at 3:25 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.*