

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, May 2, 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 and determined the Notice of Meeting and Agenda were properly posted in accordance with the Oklahoma Open Meeting Act.

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: April 25, 2011 and April 28, 2011

Commissioner Thacker made a motion to approve the minutes from April 25, 2011, as presented with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 6: UNFINISHED BUSINESS: None presented.

ITEM 7: ZONING: None presented.

ITEM 8: PLATS: None presented.

ITEM 9: ROADS AND BRIDGES:

1. Discussion with possible action regarding Approval/Disapproval of Right-of-Way, Public Utility and Encroachment Agreement and Resolution #2011-24 on Project BRO-166D(139)CO J/P 21490(04), Bridge and Approach over Dog Creek, approximately 0.6 miles south and 3.2 miles east of I-44/SH-20 Interchange in District #3 –

Commissioner Thacker questioned why these items needed to be on the agenda in order for a member of the Board to sign-off on, since the Board previously approved under the 5-year plan, can't we just sign them when they come in and not have to place the documents on the agenda?

Commissioner Helm stated, once they are programmed into BR that comes from ACCO (Association of County Commissioners) we usually just sign them, however, if they need to start coming before the Board, that's ok with me; the money has already been dedicated through the CED District.

David Iski, Assistant District Attorney, commented if it in any way calls for action of you, the Board, you would have to do it in a meeting; the Board can authorize someone else to sign the documents as they come in, but the Board would initially have to give approval to proceed.

Peggy Armstrong, Rogers County Clerk, explained the only way the documents would be able to appear in the County Commissioner's minutes records, would be for them to appear on the agenda.

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 Independent Contractor Agreement by and between Board of County Commissioners of Rogers County and Kellogg Engineering, Inc., for engineering services of roadway inventory/GIS Data Base, District #2, Rogers County – (D#2)

Commissioner Helm explained this is in regards to the CR factor in which we work with on getting more money from the State of Oklahoma, because we have certified roadways; have asked Brian Kellogg to look at the inventory of our roads, so it could possibly increase the money the county is receiving monthly.

Kellogg explained the process, use the aerial photographs and separate between subdivision roads, county roads, section line roads, asphalt, paved or graveled and this project is for the whole county.

Chairman DeLozier asked, how is this project to be funded?

Commissioner Helm replied, District #2 will fund the project for the whole county, so we can get CR factor started. Chairman DeLozier stated, he does not feel District #2 should fund all the county when District #1 has the funds to cover District #1 portion and Commissioner Thacker agreed for District #3. Iski stated putting the contracts on the agenda is the right move to establish a contract; none of you can independently contract; you can re-affirm that those funds for that particular contract will be coming from each district; that way the County Clerk's Office has a way to track and is clearly transparent what the intention was.

Iski continued, on the two contracts on the agenda, Kellogg Engineering has been extremely diligent on getting all these matters ready today for presentation; need to collect from Kellogg Engineering paperwork as provided in Item 4 and Item 6 of the contract in order to finish it out and the Board to be able to sign off on; requests the Board not sign contract today, but can be approved and once we get the necessary documents, can put a final approval on them if the Board designates a Board member to sign off.

Commissioner Helm made a motion to approve the Independent Contractor Agreement and have Chairman sign off on once the necessary paperwork is provided to the County by Kellogg Engineering for Iski to give the final approval with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

3. Discussion with possible action regarding Approval/Disapproval of Independent Contractor Agreement by and between Board of County Commissioners of Rogers County and Kellogg Engineering, Inc., for engineering services of Country Club Road and State Highway 20 Intersection Improvement Project, District #2, Rogers County, part of the 2010 REAP Grant #042-RP-10 – (D#2)

Commissioner Helm explained this is regarding a REAP Grant the county was approved for through Grand Gateway; we are proposing to survey and design the Country Club Road portion of the intersection, lying north of State Highway #2, at the intersection of Country Club Road and State Highway 20; the project is limited to the NS4130 Road (Country Club Road) approximately 600 feet north of State Highway 20, located in Section 13, Township 21 North, Range 15 East. The proposed project consists of new right-of-way acquisition, additional turn lanes and utility relocation coordination; Kellogg Engineering proposes to furnish the County with the necessary construction plans, design survey, construction staking, and geotechnical services necessary to construct said project; it is Kellogg Engineering's understanding that the Project will be constructed and managed by County forces; therefore, bid documents and bidding of said Project will not be required; Kellogg Engineering is proposing to assist the County with right-of-way acquisitions in that we will prepare and provide the legal easement documents necessary to obtain right-of-way for the project; negotiation, condemnation, and legal fees necessary to obtain right-of-way are outside the scope of this proposal and will be the responsibility of the County; Kellogg Engineering is also proposing to coordinate with the local utility provider to facilitate the relocation of all utilities within the construction corridor of the project; signalization of said intersection is not within the scope of this contract.

Chairman DeLozier asked if the County has to go through the "selection of an engineer"? Kellogg answered, not through the REAP Grant process. Commissioner Helm continued, the county will do the engineering study and then turn it over to the City of Claremore, if they want it, and donate our engineering services that the county has already done on the project.

Commissioner Helm made a motion to approve the Independent Contractor Agreement and have Chairman sign off on once the necessary paperwork is provided to the County by Kellogg Engineering for Iski to give the final approval with Chairman DeLozier 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 - \$37,438.66 – was presented and approved by the Board last Monday, April 25, 2011. In speaking with the Treasurer's Office, this particular cash fund should not have been drafted and presented for approval to the Board, this was done in error; request the Board to rescind motions made from last Monday, April 25, 2011.

Commissioner Helm rescinded his previous motion for approval of Fund 005 cash fund estimate of need in the amount of \$37,438.66 as presented last Monday, April 25, 2011, with Chairman DeLozier rescinding his seconding of the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

2. 101 T Highway - \$33,120.00 was included in the cash fund estimate of need presented to the Board last Monday, April 25, 2011, and approved by the Board; the amount of \$33,120.00 was in error, should go into One Cent Sales Tax Money; request Board rescind this amount of \$33,120.00 from their motion made last Monday, April 25, 2011. Commissioner Helm made a motion to rescind \$33,120.00 only from the cash fund estimate of need approved last Monday, April 25, 2011, for Fund 101 T-Highway with Chairman DeLozier rescinding his seconding of the motion for only the \$33,120.00 amount. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 11: TRANSFER OF FUNDS:

1. Sheriff's Commissary Account M&O to Salaries - \$18,000.00
2. District #1 General Fund Cemetery Salaries to Capital Outlay - \$3,000.00
3. District #3 T-Highway Fund M&O to employee travel - \$2,000.00
4. District #3 T-Highway Fund M&O to capital outlay - \$30,000.00

Commissioner Helm made a motion to approve Items 1, 2, 3 & 4 under Transfer of Funds as presented with Commissioner Thacker 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.
3. Detention Transportation Claim for March 2011 to State of Oklahoma, Office of Juvenile Affairs in the amount of \$1,941.51 –

Commissioner Helm made a motion to approve 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: Lowes, \$300.00; Emergency Management: Comdata MasterCard, \$200.00; Froman Oil Co., \$300.00; E911 Addressing: Froman Oil Co., \$200.00; and Sheriff's vehicle maintenance: Speedy Lube, \$500.00 and Froman Oil Co., \$1,000.00 –

Commissioner Helm asked Bob Anderson, Emergency Management Director, if the Comdata MasterCard was working for Emergency Management; Anderson replied, no, not always, if payment is not made in timely manner, we cannot access the credit card.

Marilynn Gibson, 1st Deputy County Clerk, reported she called Comdata MasterCard to confer and their cycle of billing payment is different,

Commissioner Thacker made a motion to approve the blanket purchase orders as submitted 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: GRANTS: None presented.

ITEM 16: AGENDA ITEMS:

1. Discussion with possible action regarding Approval/Disapproval of Purchase Agreement by and between Board of County Commissioners on behalf of Rogers County Treasurer and TeleGen Solutions, Inc., (TSI), containing a Toshiba CIX 40 Business communication system equipped with 7 lines and Caller ID, 16 Digital telephone ports, 12 Digital telephones, 1 Analog port, Music on Hold Connection, Remote Maintenance Capability and a 4-port Call processing Voice Mail (Treas.)

Iski stated he had been working with the Treasurer's Office on their purchase agreement to upgrade their existing phone system; has reviewed contract and TeleGen Solutions, Inc. (TSI) has agreed and sign off on the changes I made and recommends for approval.

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

2. Discussion with possible action regarding Ambulance operations within Rogers County, Oklahoma – (D#1)

Kelly Deal, Director of Oologah-Talala EMS District reported he has been working with Charles Wadsworth from Pafford EMS regarding requirement of HB1888 from the State of Oklahoma requiring the County to give Commissioners more input and oversight over for the EMS coverage in their county; as a requirement of HB1888, Oklahoma Department of Health, Emergency Systems needs a plan to be delivered to them by April 1st; they are more interested in there being a plan implemented; they ask for three things; (1.) to assure there is EMS coverage for the entire county, (2.) there is 911 dispatching and mapping with a component capable; and (3.) any future changes that are anticipated in the EMS coverage, including funding and other challenges. We were provided a template and Charles Wadsworth and myself got together and completed it for review by the County.

Commissioner Helm asked if the State sent along any funding for this mandate? Deal answered, no, sir. Commissioner Helm continued, so they have asked us to go forward with this and present to the Oklahoma State Department of Health and then the county is to live with the results.

Chairman DeLozier explained, HB1888 identifies the County does have ambulance coverage for the entire county. Deal continued, lawmakers wanted to make sure counties are involved enough to know when ambulance providers are struggling; they want to make sure the coverage is there and that you are comfortable with it; when a service is in trouble, they want to be able to sit down with you and find a way to salvage that service; other ambulance providers are aware of the required report, have been in contact with them.

Commissioner Thacker and Commissioner Helm questioned their authority to speak for ambulance providers and expressed their concerns the county would eventually be required to provide ambulance service directly; go into the ambulance business.

Iski replied, we are clearly not going into the ambulance business and we're clearly not setting up a standard for response; we're simply saying the county has ambulance service.

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

3. Discussion with possible action regarding Approval/Disapproval of Resolution for Disposing of Equipment for District #1, as follows: Acer Aspire Laptop Computer, sn#LXAEBOJ00963604E03200 – to be junked –

Chairman DeLozier stated this is his first laptop computer and is needing repairs; repairs will cost more than computer is worth. Chairman DeLozier made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

4. Discussion with possible action regarding Approval/Disapproval of Resolution #2011-25 and Reimbursement Form directing County Treasurer to deposit funds from County of Ottawa in the amount of \$468.75 into One Cent Sales Tax Fund for District #1 for distribution; and Reimbursement Form in relation to Resolution #2010-34 for Sheriff's Office fuel reimbursement in the amount of \$372.28 into One Cent Sales Tax Fund for District #2 for distribution; and Resolution #2011-26 and Reimbursement Form from Mike Graham Auctioneers in the amount of \$12.00 for reimbursement for lost title for District #3 for distribution – (Comm. Office)

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

ITEM 17: 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 -

Commissioner Helm inquired from Assistant District Attorney, David Iski, regarding Item 16 Agenda Item #2, ambulance operations in Rogers County; is the county going into the ambulance business? Commissioner Thacker asked the same question.

Iski replied, HB1888 pertains to providing ambulance services for the county; the county will not be liable if an ambulance fails to respond to a call because each provider's Board of Trustees are solely responsible for their ambulance service standards; the county is clearly not going into the ambulance business; we're clearly not setting up a standard of response.

Zack Stoycoff with the Claremore Daily Progress originally had a public comment regarding the same issue, but his question was answered.

ITEM 18: ANNOUNCEMENTS:

Commissioner Thacker introduced newly appointed Election Board Secretary, Julie Dermody, whom was present at the meeting.

Chairman DeLozier invited everyone in attendance and the public to the Courthouse Ground Breaking Ceremony on Wednesday, May 4, 2011, at 1:45 p.m.

ITEM 19: 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 -

Peggy Armstrong, Rogers County Clerk, announced the County Clerk's Office received a Courthouse Project Bid on Friday, April 29, 2011, at 10:04 a.m. by UPS, from Unique Metal Fabrication, Inc., 2888 North Rotary Terrace, Pittsburg, KS 66762-2753 –

After a full and complete review by the Board of the submitted bid, the Board find that the bid is not in proper form and will not be considered.

ITEM 20: PAYMENT OF PURCHASE ORDERS FROM ALL DEPARTMENTS:

(Materials, Supplies, Parts, Groceries & Prescriptions)***NOTE***see attached list of claims that were approved for payment on Monday, May 2, 2011***Commissioner Thacker made a motion to approve payment of all purchase orders submitted from all departments with the exception of purchase order #107674 issued by Sheriff's Department to City Tele Coin, Inc. and ask Assistant District Attorney, David Iski, to review and bring his recommendation back to the Board with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 21: 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 10:51 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, April 28, 2011, at 2:27 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.