

## 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, August 29, 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 that Notice of Meeting and Agenda were properly posted in accordance with the Oklahoma Open Meeting Act.

**ITEM 3: PLEDGE OF ALLEGIANCE:**

Commissioner Helm led the salute and Pledge of Allegiance to the American Flag.

**ITEM 4: INVOCATION:**

Commissioner Thacker said a prayer.

**ITEM 5: APPROVE/DISAPPROVE MINUTES: August 22, 2011**

Commissioner Thacker made a motion to approve the minutes from August 2, 2011, as presented with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

**ITEM 6: UNFINISHED BUSINESS:**

1. Award the following bids tabled from August 8, 2011, meeting:

A. Bid #550 – New or Used 84" double drum vibratory asphalt roller –

Commissioner Helm reported Benny King, District #2 road foreman; Allen Carter, District #2 assistant road foreman and shop mechanic Brian Hickok had reviewed bids #550 thru #556 on behalf of District #2 and completed weight scales on the equipment being bid.

District #2 employees completed a weight scale and recommended accepting the low bid of YellowHouse Machinery Co. of Oklahoma and include 5 year/5,000 HR Powertrain Warranty for \$7,652.00.

Commissioner Helm made a motion to accept the low bid of YellowHouse for \$129,696.00 per machine with 5 year/5,000 HR Warranty for \$7,652.00 for a grand total of \$137,348.00 as per recommendation from District #2 employees with Chairman DeLozier seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

Commissioner Helm reported the new asphalt roller would be lease-purchased.

B. Bid #551 – New or Used Pneumatic Roller

District #2 employees completed a weight scale and recommended accepting the bid of Warren Cat because of new CAT PS150C and based upon safety and visibility of equipment with 5 year/5,000 hour warranty.

Commissioner Helm made a motion to accept the bid of Warren Cat based upon recommendation of District #2 employees for \$75,643.00 with 5 year/5,000 hour warranty with Chairman DeLozier seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

Commissioner Helm reported the new pneumatic roller would be lease-purchase.

C. Bid #552 – New or Used Paving Machine

Commissioner Helm reported District #2 would be re-bidding the paving machine for an 8 foot paving machine not a 10 foot machine as bid specs indicate. Commissioner Helm made a motion to re-bid based upon footage of paving machine with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

D. Bid #553 – New or Used Chip Spreader

District #2 employees completed a weight scale and recommended accepting the bid of G. W. Van Keppel Co. for \$190,920.00 on used 2010 Etnyre 12'/24' Chip-spreader with less than 200 hours and 1 year warranty; low bid of Kirby Smith for \$156,900.00 did not meet bid specs.

Commissioner Helm made a motion to accept the bid of G. W. Van Keppel for \$190,920.00 on used 2010 Etnyre 12'/24' Chip-spreader with less than 200 hours and includes 1 year warranty based upon recommendation of District #2 employees with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

Commissioner Helm reported the Chip-spreader would be a lease-purchased.

**E. Bid #554 – New or Used Track-Mounted Drilling Rig**

Only one (1) bid was submitted for drilling rig from Boxcer Equipment for \$583,698.00. Commissioner Helm made a motion to accept the only bid submitted from Boxcer Equipment with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

Commissioner Helm reported the track-mounted drilling rig would be lease-purchase.

**Bid #555 – New or Used 3500 gallon or greater Truck Mounted**

**Oil Distributor –**

District #2 employees completed a weight scale and recommended accepting the bid from Boxcer Equipment for \$174,165.00 because it meets the specs with options and cleanup ability. Commissioner Helm made a motion to accept the bid from Boxcer Equipment in the amount of \$174,165.00 per recommendation of District #2 employees with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

Commissioner Helm announced the truck mounted oil distributor would be lease-purchase.

**G. Bid #556 – New or Used Truck Mounted Pothole Patcher**

District #2 employees completed a weight scale and the Schwarze from Frontier Equipment met bid specs and included a 400 gallon emulsion tank and recommended accepting bid. Commissioner Helm made a motion to accept the bid from Frontier Equipment per recommendation of District #2 employees in the amount of \$188,600.00 with Chairman DeLozier seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

Commissioner Helm reported the truck mounted pothole patcher is to be lease-purchased.

**H. Bid #21 – 30-yard Roll-off Dumpsters**

\*\*\*NOTE\*\*\*this bid was awarded on August 15, 2011\*\*\* was added to agenda in error.

**2. Award the following bids tabled from August 22, 2011, meeting:**

**A. Bid #557 – Truck Mounted Spray Injection Road Repair**

**Machine – District #3**

Commissioner Thacker made a motion to accept the low bid of Jo-Co Equipment for \$73,500.00 to be lease-purchase with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

**B. Bid #558 – Service Truck – District #1**

Chairman DeLozier made a motion to accept the only bid submitted from Bob Howard Dodge for \$42,752.00 with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

**C. Bid #559 – Service Truck Body – District #1**

Chairman DeLozier made a motion to accept the low bid of Caseco for \$43,312.00 with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

**D. Bid #560 – Micro-Surfacing – Districts 1, 2 & 3**

Commissioner Helm reported this bid was being reviewed by Assistant District Attorney, David Iski, to see if qualified as a single source item. Iski presented factors for the Board to consider as a single source item and Board is to make the determination from the factors if the bid is a single source item or not; Board will need to justify.

Commissioner Helm made a motion to accept both bids submitted regarding Bid #560 Micro-Surfacing from Donelson Construction Co., LLC and Vance Brothers, Inc., based upon availability and closest to work region with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

**E. Bid #561 – Chip-Lock – Districts 1, 2 & 3**

Commissioner Thacker made a motion to accept the only bid submitted from Donelson Construction Co., LLC, with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

**F. Bid #562 – New Snow Plows – District #1**

Chairman DeLozier made a motion to accept the 2<sup>nd</sup> lowest bid from Total Truck & Trailer, LLC, for \$10,150.75 per low, because all other snow plows at District #1 are the same Henderson brand and District #1 has parts already on hand for this type of snow plow with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

**G. Bid #563 – New Sand Spreaders – District #1**

Chairman DeLozier made a motion to accept the low bid of Total Truck & Trailer, LLC, for \$9,134.06 per spreader 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 & BRIDGES:**

1. Annual Inspection of County Road System Bridges – Invoice #66-BI-11 from Guy Engineering Services, Inc., in the amount of \$11,927.61 – (D#1 DeLozier)  
Chairman DeLozier reported Guy Engineering Services has completed the field inspections on forty-five (45) bridges in District #1 that required inspections. 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 & REQUEST FOR APPROPRIATIONS:**

1. \*005 Use Tax – \$43,981.53
2. 006 Rogers County Courthouse & E911 Facility – None presented.
3. \*101 Unrestricted Highway - \$276,590.13
4. \*105 County Bridge & Road Improvement Fund (CBRIF) - \$32,787.78
5. \*140 Wireless Pre-Pay (Jan. 2011) - \$2,117.51
6. \*141 Cellular Phone Usage - \$48,316.78
7. \*142 E911 - \$18,223.65
8. 145 Attendant Care – None presented.

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

**ITEM 11: TRANSFER OF FUNDS:**

1. District #1 One Cent Sales Tax M&O to capital outlay - \$50,000.00

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

**ITEM 12: UTILITY PERMITS:**

1. Chelsea Gas Authority – boring E450 Road approximately 1310 feet East of South 4170 Road located between Sections 22 and 27 of Township 22 North, Range 16 East of the I.B.&M., Rogers County, in District #1 – (D#1 DeLozier)

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

2. A T & T – machine plow, trench & bore beginning 675 feet West of the NE corner of Section 9, Township 21 North, Range 17 East; place 48 fiber cable East to approximately 15 feet East of the NW corner of Section 10, Township 21 North, Range 17 East; commence placing North paralleling the East side of South 4220 Road for approximately 1950 feet, then crossing South 4220 Road to parallel the road on the West side, continuing North to the SE corner of the NE/4 of the NE/4 of Section 33, Township 22 North, Range 17 East of the I.B.&M., Rogers County, in District #3 – (D#3 Thacker) - \*\*\*NOTE\*\*\*see Item #3 for Board action\*\*\*

3. A T & T – machine trench & bore beginning 330 feet West of the NE corner of Section 36, Township 21 North, Range 16 East; place one (1) 48 fiber cable approximately 1400 feet East to a point at 1100 feet East of the NW corner of Section 31, Township 21 North, Range 17 East of the I.B.&M., cable to parallel the South side of East 520 Road (Roden Road) in District #3 – (D#3 Thacker)

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

**ITEM 13: CLAIMS:**

1. Salaries – August 2011

(3) termination of employment from the Sheriff's Office: Paul Davis, Randy Milligan and Sarah Whitworth – Discussions held regarding completion of "exit interviews" by employees; payroll checks to be held until completion. Commissioner Helm made a motion to approve the August, 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.

**ITEM 14: BLANKET PURCHASE ORDERS:**

1. Material, Supplies, Parts, Groceries & Prescriptions –  
District #3: Tri Star Roll-Offs, \$1,040.00 and Sheriff's Office: Bimbo Bakeries, \$1,300.00; Farmers Bros. Coffee, \$325.00; Warehouse Market, \$325.00; Sysco Foods, \$7,000.00; Sysco Foods, \$3,300.00; 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; District #1 Warehouse, \$3,000.00; District #2 Warehouse, \$1,000.00; Comdata MasterCard, \$5,000.00; Froman Oil Company, \$1,000.00; and Speedy Lube, \$500.00 – Chairman DeLozier 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: GRANTS:** None presented.

**ITEM 16: PAYMENT REQUISITION – CONSTRUCTION FUND – RCB BANK, TRUSTEE:** None presented.

**ITEM 17: AGENDA ITEMS:**

1. Consider, Discuss and take Appropriate Action on the following:

A. Update by Program Management Group, LLC (PMg) for Courthouse and E911 Center Projects –

Vernon Hawkins with PMg gave a weekly project report to Board; Highway 88 patch is complete and re-opened on 8-25-11; site utilities 85% complete; poured 33% of the basement walls on 8-26-11; French drain installation; no major material receipts during the week, other than concrete. Update only, no action taken.

B. Fiscal year 2011-2012 INCOG Membership Dues – (D#1 DeLozier)

Discussions held regarding 1<sup>st</sup> quarter INCOG membership dues in the amount of \$7,309.00; update from Rich Lenz with INCOG on programs benefiting Rogers County in relations to transportation, environment, community and economic development, public safety, mapping & graphics and regional advocacy. Discussions held regarding 4<sup>th</sup> quarter dues for end fiscal year 2010-2011 not being paid by Rogers County Industrial Development Authority and does their contract with county imply they would pay the INCOG dues for 2010-2011.

Commissioner Thacker made a motion to pay the 1<sup>st</sup> quarter dues in the amount of \$7,309.00 from Use Tax funds with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

C. Independent Contractor Agreement – Lynn Robinson – temporary janitorial services until rebidding process is complete and a vendor is chosen on behalf of Rogers County Health Department – (Health Dept.)

Discussions regarding vendor from recent bid not meeting expectations of Health Department staff; Chairman DeLozier expressed concerns over not allowing vendor to go over the \$10,000.00 bid limit; janitorial services for Health Department is being re-bid.

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

D. Independent Contractor Agreement – Kellogg Engineering, Inc. for engineering services on Rogers County annex parking project – (Iski)

Discussions held regarding parcels of land being considered for annex parking project. Chairman DeLozier made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

E. Independent Contractor Agreement – Donelson Construction Co., LLC – One time delivery of Chip Lock per Bid #533, for District #2 project at county road 43 from Highway 169 to old Highway 88 – (D#2 Helm)

Discussions held regarding a one time delivery of chip lock per Bid #533 at \$4.40 per square yard for District #2 road project at road 43 from Highway 169 to Old Highway 88.

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

F. Resolution for Disposing of Equipment – 8 x 8 portable building attached to warehouse and wind tore off roof at District #3 warehouse – to be junked – (D#3 Thacker)

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

G. Vote to enter Executive Session pursuant to Title 25 O.S. § 307 (B) (4) between the Board and its attorney for the purpose of confidential communications concerning possible official action regarding a pending litigation, disclosure of which its attorney advises would seriously impair the ability of the Board to proceed in the public interest, to wit: for the purpose of discussing the following case:

Material Service Corporation vs. Rogers County Board of County Commissioners, Rogers County Case No. CJ-2004-234 – (Iski)

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.

Chairman DeLozier made a motion to recess for approximately ten minutes with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried and the Board recessed the meeting at 10:05 a.m.

Chairman DeLozier called the recessed meeting back to order at 10:15 a.m. with Commissioner Helm and Commissioner Thacker present and quorum established.

The Board entered Executive Session at 10:16 a.m. with Assistant District Attorney, David Iski and Peggy Armstrong, Rogers County Clerk.

**H.** Motion and vote to adjourn Executive Session and enter Regular Session-

Commissioner Helm made a motion to adjourn Executive Session and enter Regular Session with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried and Board adjourned Executive Session and entered Regular Session at 10:48 a.m.

**I.** Possible action regarding discussions in Executive Session pursuant to Title 25 O.S. § 307 (B) (4) between the Board and its attorney for the purpose of confidential communications concerning possible official action regarding a pending litigation, disclosure of which its attorney advises would seriously impair the ability of the Board to proceed in the public interest, to wit: for the purpose of discussing the following case:

Materials Service Corporation vs. Rogers County Board of County Commissioners, Rogers County Case No. CJ-2004-234 – (Iski)

Commissioner Thacker made a motion to hire the law firm of Holloway & Monaghan, now known as Monaghan & Associates to represent Rogers County on Rogers County Case No. CJ-2004-234 at the recommendation of the District Attorney's Office with a \$25,000.00 cap and Commissioner Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

**J.** Vote to enter Executive Session pursuant to Title 25 O.S. Annotated § 307 (D) for the purpose of discussing the purchase or appraisal of real property – (D#1 DeLozier)

Commissioner Helm made a motion to adjourn Regular Session and enter Executive Session with Chairman DeLozier seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried and Board adjourned Regular Session and entered Executive Session at 10:50 a.m. with Assistant District Attorney, David Iski and Peggy Armstrong, Rogers County Clerk

**K.** Motion and vote to adjourn Executive Session and enter Regular Session –

Chairman DeLozier made a motion to adjourn Executive Session and enter Regular Session with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried and Board adjourned Executive Session and entered Regular Session at 11:03 a.m.

**L.** Possible action regarding discussion in Executive Session pursuant to Title 25 O.S. Annotated § 307 (D) for the purpose of discussing the purchase or appraisal of real property –

Chairman DeLozier made a motion to let Assistant District Attorney, David Iski, handle the purchase of real property with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

**M.** Resolution for Disposing of Equipment for District #1 as follows:  
Dura 6000 gallon storage tank, sn#60085, to be transferred to Creek County District #1 –

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

**ITEM 18: ACKNOWLEDGE RECEIPT OF THE FOLLOWING:** None presented.

**ITEM 19: 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 reminded Bids #550, #551, #553, #554, #555 and #556 are to be lease-purchase equipment for District #2 and Commissioner Thacker reminded Bid #557 for District #3 is to be lease-purchase also.

**ITEM 20: ANNOUNCEMENTS:** None presented.

**ITEM 21: 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 22: PAYMENT OF PURCHASE ORDERS FROM ALL DEPARTMENTS:**

(Materials, Supplies, Parts, Groceries & Prescriptions)\*\*\*NOTE\*\*\*see attached list of all claims submitted for payment from all departments and approved for payment by the Board on Monday, August 29, 2011\*\*\*Commissioner Helm made a motion to approve payment of all purchase orders submitted for all departments with the exception of purchase order #201331 issued to Air Comfort, Inc., on behalf of the Rogers County Health Department until an Independent Contractor's Agreement was on file with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

**ITEM 23: 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 12:13 p.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, August 25, 2011, at 4:41 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.*