

**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, September 26, 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 Thacker led the salute and Pledge of Allegiance to the American Flag.

**ITEM 4: INVOCATION:**

Commissioner Helm said a prayer.

**ITEM 5: APPROVE/DISAPPROVE MINUTES:** September 19, 2011 and September 20, 2011 -

Commissioner Helm made a motion to approve the minutes from September 19, 2011 and September 20, 2011, as presented with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

**ITEM 6; UNFINISHED BUSINESS:**

**1. Determining Job Description on Human Resources Position –**

\*\*\*NOTE\*\*\*this item has been tabled from September 2, 2011, meeting and September 12, 2011, meeting\*\*\*

Discussions held regarding two (2) drafted versions of Human Resources Manager job description; discussions on allowing a firm/business or individually to apply for position; discussions on publication of job description held.

Commissioner Helm made a motion to approve Version #2 of Rogers County Human Resources Manager job description with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

**2. County fiscal year 2011-2012 Estimate of Needs (budget) and Financial Statement of the Fiscal Year 2010-2011 – (D#1 DeLozier) \*\*\*NOTE\*\*\*this item was tabled from September 6, 2011, meeting and September 12, 2011, meeting\*\*\***

Discussions were held regarding the number of deputies requested by the Sheriff's Office and Court Clerk's Office; how many new employees can the County afford; how much money to keep in the Courthouse Building Project Fund; how much money to keep in Wellness Project Fund; reducing General fund salaries and capital outlay; I.T. M&O account and salaries; Emergency Management salaries; Election Board's request for an additional \$4,000.00 for re-districting purposes; and whether to allow or not allow carry-over monies.

Commissioner Helm made a motion to have Melissa Anderson, 2011-2012 budget preparer, to meet individually with each Commissioner to discuss the dollar amounts further with Chairman DeLozier 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:** None presented.

**ITEM 10: CASH FUND ESTIMATE OF NEEDS & REQUEST FOR APPROPRIATIONS:**

1. 005 Use Tax – None presented.
2. 101 Unrestricted Highway - \$392,570.19
3. 105 County Bridge & Road Improvement Fund (CBRIF) - \$32,305.60

4. 140 Wireless Pre-Pay (Jan. 2011) - \$5,028.15
5. 141 Cellular Phone Usage - \$24,031.73
6. 142 E911- \$10,182.46

Chairman DeLozier made a motion to approve Items 2, 3, 4, 5 & 6 under Cash Fund Estimate of Needs as presented with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

**ITEM 11: TRANSFER OF FUNDS:**

1. District #3 Unrestricted Highway M&O to employee travel - \$2,000.00

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

**ITEM 12: UTILITY PERMITS:**

1. Oklahoma Communications Systems, Inc., dba TDS Telecom – 525 Junction Road – Madison, WI 53717 - plowing-boring county road EW/580 beginning at an existing ped located in the southwest corner of the intersection of county roads EW/580 and NS/4170, lying between Sections 27 and 34 of Township 20 North, Range 16 East of the I.B.&M., Rogers County, in District #3 –

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

**ITEM 13: CLAIMS:**

1. Salaries – September 2011

Resignations of Jerry Ragsdale and Leon Rademacher with the Sheriff's Office was presented; did not include signed exit interviews final payroll check letters; discussion held regarding this matter. \*\*\*NOTE\*\*\*signed exit interview and final payroll check letters were received by the County Clerk's Office Monday afternoon, September 26, 2011\*\*\*

Chairman DeLozier made a motion to approve September 2011 salaries as presented with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

2. Attendant Care – None presented.

3. Detention Transportation Claim to State of Oklahoma, Office of Juvenile Affairs for August 2011 in the amount of \$1,863.84 –

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

**ITEM 14: BLANKET PURCHASE ORDERS:**

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

District #3: R & S Auto Parts, \$500.00; Sheriff: Warehouse Market, \$250.00; Farmers Bros. Coffee, \$600.00; Bimbo Bakeries, \$1,400.00; Sysco Foods, \$3,300.00 and Sysco Foods, \$7,000.00 – Chairman DeLozier made a motion to approve the blanket purchase orders as presented with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

2. Orders Exceeding Amount of Issuance – None presented.

**ITEM 15: GRANTS:**

1. 2012 Oklahoma Highway Safety Office on behalf of Rogers County Sheriff Office – Rogers County Impaired Driving Enforcement - \$33,000.00 – (Sheriff's Office)

Discussions held regarding purpose of grant, DUI initiative; county has to first spend the money and will be reimbursed within approximately 30 days.

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

**ITEM 16: PAYMENT REQUISITION – CONSTRUCTION FUND – RCB BANK, TRUSTEE:**

1. Flintco – Payment Request #2 on Courthouse Project in the amount of \$372,529.26 (overall payment request #30)

Discussions held regarding payment request; Commissioner Thacker recommended payment. Commissioner Thacker made a motion to approve with Commissioner Helm seconding the motion. Roll Call: DeLozier, Helm-aye, Thacker-aye. Motion carried.

2. PMg – Invoice #2011-156.1 – General Project Management thru July 31, 2011, in the amount of \$5,784.33 – (overall payment request #31)

Discussions held regarding payment request; Commissioner Thacker recommended payment. Commissioner Helm made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

3. PMg – Invoice #2011-156.2 – E911 Facility thru July 31, 2011, in the amount of \$467.78 – (overall payment request #32)

Discussions held regarding payment request. Commissioner Helm made a

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

4. PMg – Invoice #2011-174 – General Project Management thru August 31, 2011, in the amount of \$17,493.73 – (overall payment request #33)

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

5. PMg – Invoice #2011-175 – E911 Facility thru August 31, 2011, in the amount of \$982.80 – (overall payment request #34)

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

6. PMg – Invoice #2011-180 – General Project Management thru September 9, 2011, in the amount of \$2,097.52 – (overall payment request #35)

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

7. PMg – Invoice #2011-181 – E911 Facility thru September 9, 2011, in the amount of \$1,395.53 – (overall payment request #36)

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

8. BKL, Inc., - Invoice #15 – 8% completion of construction phase - \$8,460.00

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

**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 weekly project report for week ending June 24, 2011; backfill of basement walls and removal of surplus dirt; foundation construction scheduled for week of September 26 thru October 1, 2011; pending PCO changes; some delay was experienced on Thursday, September 22<sup>nd</sup> due to rain; project is ahead of schedule. Discussion only, no action taken.

B. Proposal from PMg on County Courthouse Construction Owner's Representative Services – for the remainder of the Courthouse PMg estimates 2850 staff hours for a not to exceed fee of \$258,000.00; and for the E911 Center Project PMg estimates 750 staff hours for a not to exceed fee of \$67,800.00 – (Iski)

Commissioner Helm commended PMg for their services; discussions held regarding present issues Craig County and Mayes County are having with their Courthouses regarding geothermal unit; Commissioner Helm feels PMg is protecting Rogers County.

Chairman DeLozier commended PMg for their services also; but feels this proposal will make the project over budget and does not feel it is a cost the County can bare.

Commissioner Helm made a motion to approve. Motion died for lack of second.

C. Request from Rogers County, Oklahoma, to Grand Gateway Economic Development Association for additional Professional Services for Rogers County regarding completion of grant administration/compliance activities – (Comm. Office/Iski)

Andy Armstrong, independent grant writer and Ed Crone with Grand Gateway were present at the meeting; discussions held regarding the need to position Rogers County and its associated Districts and Authorities more strongly in the effort to access state and federal funds; state and federal grant resources are needed to underwrite pending major capital development projects within the County; discussions regarding directing professional services are needed to comprehensively address these capital needs.

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

Commissioner Helm made a motion to recess the meeting for a break with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried and meeting recessed at 10:24 a.m.

Chairman DeLozier called the recessed meeting back to order at 10:31 a.m. with Commissioner Helm and Commissioner Thacker present and quorum established.

D. Recommendation from Flintco and BKL, Inc., regarding acceptance of bids on Ground Source Heat Pump Piping Project (Geothermal Unit) and Terrazzo Flooring Project on Courthouse Building Project – (Comm. Office/Iski)

Flintco and BKL, Inc., presented their recommendation of the Ground Source Heat Pump Piping Bid of GEO Enterprises, Inc., for \$287,610.40 base bid (48 wells); Builders Risk insurance and General Liability insurance will need to be added to this price, estimated to be between

\$3,000.00 and \$5,000.00; total funds available from the Federal grant is \$292,825.00; unit comes with a one year warranty from the date of acceptance; discussions held regarding five year warranty for \$14,210.00 or ten year warranty for \$31,546.00; the base bid and the required insurance will take the entire budgeted amount for the Ground Source Heat Pump Piping Project; if the County wishes to accept an extended warranty or accept pricing for additional wells that money will need to come from a source other than the grant; contract needs to be signed for this project by October 6, 2011, in order not to lose the Federal grant; Flintco recommended a 10% project contingency be added to this project due to the scheduled start date of this work and the potential for unforeseen conditions on this project; discussions held regarding the five year warranty versus the ten year warranty; both warranties would be over budget; discussions held regarding the overage having to come from another source other than the bond indebtedness, possibly general fund or courthouse building fund; discussed issues Mayes County is currently having with their geothermal unit.

Commissioner Helm made a motion of acceptance of Flintco's and BKL, Inc.'s recommendations to include the 10% project contingency and ten year warranty for \$64,175.00 to be paid from the Courthouse Building Fund with Chairman DeLozier seconding the motion.

Commissioner Thacker expressed concerns of possibly going over budget.  
Roll Call: DeLozier-aye, Helm-aye, Thacker-nay. Motion carried.

Discussions held regarding the terrazzo flooring bids; three bids were submitted, with one bid being incomplete; Southwest Terrazzo, Inc., submitted the lowest complete bid with a base bid of \$339,157.00; Add alternate No. 1 (add abrasive stair nosing strips at the four exit stair towers) \$8,120.00; Add alternate No. 2 (lobby graphics on the first floor) \$84,151.00 and Add alternate No. 3 (lobby graphics on the second floor) \$18,270.00; total figures = \$449,698.00; there is an allowance in the current contract with Flintco, Inc., for \$525,000.00 for total terrazzo package and any amount not used would be returned to the owner; a difference of \$75,302.00 would go back into the owner's contingency.

Commissioner Helm made a motion to accept the recommendations of BKL, Inc., and Flintco of bid from Southwest Terrazzo, Inc., for \$339,157.00 and Add Alternate No. 1 for \$8,120.00 with Chairman DeLozier seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-nay. Motion carried.

**E. Open & Award Bid #566 – New Dump Trucks**

15 bid packets were mailed with 0 being returned undeliverable and 4 responses received as follows: "No Bid" from Frontier Equipment Sales; Bruckner Trucks on TD7 for \$189,562.00; Rush Truck Centers of Oklahoma on Peterbilt 367 for \$160,000.00 and Enid Mack Truck Sales on Mack GU713 for \$159,285.23.

Commissioner Helm made a motion to table awarding of bid for one week (October 3, 2011) to allow road foreman, Benny King; shop foreman, Brian Hickok and shop mechanic, Ted Mardis time to review all bids submitted and make their recommendations per a weight scale with Chairman DeLozier seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

**F. Open & Award Bid #567 – New or Used Asphalt Paver**

18 bid packets were mailed with 0 being returned undeliverable and 8 responses received as follows: "No Bids" from Frontier Equipment Sales and C. L. Boyd Company; Boxcer Construction Equipment, Inc., RP175 for \$406,286.00; Warren Power & Machinery on AP655D for \$400,627.00; G. W. Van Keppel on CR362L for \$279,000.00; G. W. Van Keppel on 4410 Track Paver for \$334,000.00; Kirby-Smith Machinery, Inc. on Vogeles 5100-2 for \$292,596.00 and Cummins on Terex CR362L Paver for \$313,554.00.

Commissioner Helm informed the Board no county monies would be used in the purchase of this asphalt paver; bid would only be awarded once FEMA informs us for sure on how much money District #2 is to receive; road foreman, shop foreman and shop mechanic would also be reviewing the bids and making their recommendation based upon a weight scale conducted by them.

Commissioner Helm made a motion to table awarding of bid for two weeks (October 10, 2011) to allow time to review all bids submitted with Chairman DeLozier seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

**G. Resolution #2011-83 and Reimbursement Form directing County Treasurer to deposit funds from Rural Water District #4 in the amount of \$1,042.72 into One Cent Sales Tax Fund for distribution for District #2 – (Comm. Office)**

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

**H. Reimbursement Form as per Resolution #2011-39 directing County Treasurer to deposit funds from Town of Talala in the amount of \$696.88 into the One Cent Sales Tax Fund for distribution for District #2 – (Comm. Office)**

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

**I. Motion and Vote to Adjourn Regular Session and enter Executive Session pursuant to 25 Oklahoma Statutes Annotated § 307 (B) (4) to discuss the following:**

Confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines

that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest, to-wit:

- Fumi vs. Rogers County Board of County Commissioners, et al  
U.S. District Court for the Northern District of Oklahoma  
CASE #: 4:10-cv-00769-TCK-PJC

Commissioner Thacker made a motion to adjourn Regular Session and enter Executive Session with the advice of legal counsel with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried and Board adjourned Regular Session and entered Executive Session at 9:04 a.m. with Thomas LeBlanc, Attorney; Assistant District Attorney, David Iski and Peggy Armstrong, Rogers County Clerk.

**J.** 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 Chairman DeLozier seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

**K.** Discussion with possible action regarding confidential communications between the Board and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest, to-wit:

- Fumi vs. Rogers County Board of County Commissioners, et al  
U. S. District Court for the Northern District of Oklahoma  
CASE #: 4:10-cv-00769-TCK-PJC

Chairman DeLozier made a motion to appoint Commissioner Kirt Thacker to represent the Board at the trial with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

**ITEM 18: ACKNOWLEDGE RECEIPT OF THE FOLLOWING:**

**A.** Grand Gateway EDA E911 Services Fees Reporting Form for July 2011, in the amount of \$24,031.73 – Acknowledged for public record only, no action taken.

**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 –

Patrick Box with Boxcer Equipment commented on his price quote regarding Bid #567 on the asphalt paver.

**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, September 26, 2011\*\*\*Commissioner Thacker made a motion to approve payment of all purchase orders submitted from all departments with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

**ITEM 23:** The Board of County Commissioners will possibly be attending the Rogers County Excise Board's Meeting regarding presentation of Estimate of Needs (budget) for 2011-2012 for Excise Board approval on Friday, September 30, 2011, at 1:00 o'clock p.m. in the Commissioner's Meeting Room 1-109, located on the 1<sup>st</sup> Floor of the Rogers County Courthouse, 219 South Missouri, Claremore, Oklahoma 74017 -

**ITEM 24: 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 12:17 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, September 22, 2011**, at 4:19 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.*

