

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, November 21, 2011, at 9:00 O'clock A.M.

MINUTES

ITEM 1: CALL TO ORDER:

Chairman Dan DeLozier called the meeting to order at 9:00 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: November 14, 2011 and November 14, 2011, Special Meeting -

Commissioner Thacker made a motion to approve the minutes from November 14, 2011, and Special Meeting Minutes of November 14, 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 Bid #569 – Five New Dump Trucks with snowplows, sand spreaders & dump beds and acceptance of purchase or lease-purchase option - ***NOTE***this bid was opened on November 7, 2011; and tabled awarding of Bid on November 14, 2011, for one week***

Commissioner Thacker reported road foreman and shop foreman recommended accepting the bid from Frontier International Trucks, Inc. Commissioner Thacker made a motion to accept the bid from Frontier International Trucks, Inc., in the amount of \$122,763.00 with lease-purchase option with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

2. Award Bid #570 – Haul Tractor-Truck and acceptance of purchase or lease-purchase option - ***NOTE***this bid was opened on November 7, 2011 and tabled awarding of Bid no November 14, 2011, for one week***

Commissioner Thacker reported road foreman and shop foreman recommended accepting bid from Mack Truck Sales. Commissioner Thacker made a motion to accept the bid from Mack Truck Sales for \$116,014.83 with lease-purchase option with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 7: ZONING:

1. Public hearing with discussion and possible action on the Application for Change of Zoning by McAfee Land, LLC, from AG to IM (formerly known as I3) for construction office/maintenance yard; Legal Description: the North 330 feet of the W/2 SW/4 SW/4 of Section 21, Township 20 North, Range 15 East, Rogers County, containing 5 acres more or less: Address: 2789 North 225th East Avenue, Catoosa, Ok 74015 –

Magan Green, Planning Commission Director, reported the Planning Commission met on November 15, 2011, and approved with a four (4) to three (3) vote; Green recommended denying the application based upon surrounding residential zonings in area and this particular medium industrial use did not conform with the surrounding zoning; informed applicant they might possibly have a problem with application.

Attorney Mack Greever, representing adjoining land owners Sutton's, presented a map showing zoning areas; discussions held regarding surrounding zoning; discussions held regarding zoning code Use Unit 28 Medium Manufacturing and Industry and descriptions per comprehensive plan; Greever recommends the Board deny this application.

Jack Lee (formerly M. J. Lee Construction owner) of 153 Spunky Creek Drive; Deborah Immell – 3029 Spring Street, Catoosa, Ok 74015; Newt Clements – 1926 N. Sioux

Avenue, Claremore, Ok 74017, current Planning Commission Board member, but here privately today; David Watt – 732 Kingfisher Road – Catoosa, Ok 74015; John Hanick – 152 Spunky Creek Drive – Catoosa, Ok 74015; Ralph Shubert – 510 Oak Point – Catoosa, Ok 74015; Richard Mizner – 625 Spunky Creek Road – Catoosa, Ok 74015; Jeremiah Kirk – 3032 North 225th East Avenue – Catoosa, Ok 74015; and Susan Ballinger – 22756 East Apache – Catoosa, Ok 74015; all spoke in opposition of the zoning application.

Applicants David McAfee – P.O. Box 321 – Catoosa, Ok 74015 and Terry McAfee were present at the meeting; presented the Board with conceptual site plan of area; they are not planning on selling property; want to be good neighbors residents and community; just want to house their large equipment at this location; plans are to build a home there sometime later; only wants to zone five of the twenty acres he owns.

Discussions held regarding McAfee's could have done a "planned unit development" (PUD) whereas, the Board of County Commissioners could place certain restrictions on; discussed options of McAfee's applying for a PUD with more restrictions; would cost more to applicant and would take longer; McAfee's willing to work with residents and communities of area; owns a lot of land in Catoosa area; Commissioner Thacker recommended McAfee's get with Planning Commission Director, Magan Green for options of PUD.

Attorney Mack Greever, explained the PUD process to those in attendance; PUD's protect neighborhoods.

Green suggested applicant rescind their application, because if Board denies zoning application today, will take one more year before applicant can apply again.

David McAfee withdrew his zoning application.

Discussion only, no action taken.

ITEM 8: PLATS: None presented.

ITEM 9: ROADS & BRIDGES:

1. Rogers County Bridge posting in District #2 – (D#2 Helm)

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

2. Special Bridge Inspection Report for Rogers County, District #1 on Bridge #18; Invoice #66-SP-11 in the amount of \$1,270/38 – (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. Chairman DeLozier reported no county funds would be used on this project; BR funds only.

ITEM 10: CASH FUND ESTIMATE OF NEEDS & REQUEST FOR APPROPRIATIONS: None presented.

ITEM 11: TRANSFER OF FUNDS: None presented.

ITEM 12: UTILITY PERMITS:

1. Westbrook Development, LLC – erect, construct and maintain a sewer line coming parallel along the East boundary line of Franklin right-of-way being located on a tract of land in the NW/4 of NW/4 of Section 11, Township 20 North, Range 15 East of the I.B.&M., Rogers County, in District #3 –

Commissioner Thacker reported after reviewing the permit and talking with the Town of Verdigris, feels this permit is for a private sewer line; applicant was not present to answer any questions from the Board; Commissioner Thacker stated applicant needs to apply for right-of-way easement and not use county easement.

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

ITEM 13: CLAIMS:

1. Salaries - None presented.

2. Attendant Care – None presented.

3. State of Oklahoma Office of Juvenile Affairs Detention Transportation Claim for September 2011, in the amount of \$1,339.80 –

Chairman DeLozier made a motion to approve with Commissioner Thacker 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: Lowe's, \$300.00 – Commissioner Thacker made a motion to approve the blanket purchase order 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:

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

1. Update by BKL, Inc., and Flintco regarding Courthouse and E911 Center Projects –

B. J. Fay with Flintco reported they are scheduled to pour slab for the Courthouse; depends on the weather this week; started today grading the alley between the existing jail and new Courthouse; pre-case panels are scheduled for December 5th.

Billy Knowles with BKL, Inc., reported they are currently working with Flintco on shop drawings; some revisions in the floor plans were discussed with offices last week; will bring back before the Board when changes are ready; recommends having topographical and geotechnical surveys done on E911 site and follow-up on how get waterline, gas line issues.

Chairman DeLozier reported as soon as a closing happens on the E911 site property, the County will probably do the geotechnical survey.

Discussions and updates only, no action taken.

2. Seek a Conditional Use Permit through the Rogers County Board of Adjustment for the parcel of land to be donated by Claremore Land, LLC, to Rogers County for use as the E911 Center – (Iski)

Magan Green, Planning Commission Director, has put together the application for conditional use permit to go before the Board of Adjustment; meeting is scheduled for Tuesday, December 20, 2011, at 7:30 p.m.; letter from John Williams Company authorizing the County to go forward with the special exception; quote from Rogers County Abstract regarding costs involving notification process; if Board signs today, Green will hand carry application over to Rogers County Abstract today to start the notification process.

Chairman DeLozier made a motion to authorize Chairman to sign application for conditional use permit to move this project forward as soon as possible, with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

Discussions held further regarding a motion Commissioner Helm made a few weeks ago on the original site for the E911 Center, to purchase the land for District #2 instead; discussions held on whether his motion needs to be rescinded; discussions held regarding the counter-offer made by Williams' to purchase a different four acre tract for District #2.

Discussions held on possibly authorizing Chairman to act on behalf of the Board for decision-making during the week to move this project forward and not be hampered by having to place items on the agenda each and every week; dollar limit was discussed.

Commissioner Thacker made a motion to authorize Chairman DeLozier to make decisions on behalf of the Board on the E911 Center only for up to \$25,000.00 limit with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

3. Open & Award Bid #200 – Election Ballots

3 bid packets were mailed with 3 bid responses received as follows: “No Bid” Tulsa County Administrative Services; Royal Printing Co., Inc., and Mid-West Printing, Inc. – Julie Dermody, Election Board Secretary, reviewed all bids submitted and recommended the Board accept the bid from Mid-West Printing, Inc., the only bid that met specifications and is low bidder.

Chairman DeLozier made a motion to accept the low bid of Mid-West Printing, Inc., and the only bidder meeting required specifications with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

4. Open & Award the following Bids:

a. Bid #10 – Micro-Surfacing

18 bid packets were mailed with 0 being returned undeliverable and 3 responses received as follows: Vance Brothers; Ballou Pavement Solutions, Inc.; and Donelson Construction Co., LLC – Commissioners reviewed all bid submitted. Commissioner Helm made a motion to accept all bids submitted based upon closest to work region and 1st available with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

b. Bid #11 – Chip-Lock

18 bid packets were mailed with 0 being returned undeliverable and 1 response received as follows: Donelson Construction Co., LLC – Commissioner Helm made a motion to accept the only bid submitted from Donelson Construction Co., LLC, with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

c. Bid #12 – Rock

17 bid packets were mailed with 1 being returned undeliverable and 5 responses received as follows: Pryor Stone, Inc.; Apac-Central, Inc., The Quapaw Company; Greenhill Materials and Anchor Stone Company – Commissioner reviewed all bids submitted. Commissioner Thacker made a motion to accept all bids submitted based upon

closest to work region and 1st available with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

d. Bid #13 – HMHL

16 bid packets were mailed with 0 being returned undeliverable and 4 responses received as follows: “No Bid” from Gary Williams Energy; Dunham’s Asphalt Services; Tulsa Asphalt, LLC; Logan County Asphalt Co.; and Apac-Central, Inc. – Commissioners reviewed all bids submitted. Commissioner Helm made a motion to accept all bids submitted based upon closest to work region and 1st available with Chairman DeLozier seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

e. Bid #14 – Liquid Asphalt

13 bids packets were mailed with 0 being returned undeliverable and 4 responses received as follows: “No Bid” Gary Williams Energy; Vance Brothers, Inc.; Ergon Asphalt & Emulsions, Inc.; and Coastal Energy Corp. Commissioners reviewed all bids submitted. Commissioner Helm made a motion to accept all bids submitted based upon closest to work region and 1st available with Chairman DeLozier seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

f. Bid #15 – Grader Blades

10 bid packets were mailed with 0 being returned undeliverable and 5 responses received as follows: Lactal Equipment, Inc.; Dub Ross Co., Inc.; Kirby-Smith Machinery Company; Warren Cat and Yellowhouse Machinery Co. of Oklahoma – Commissioner Thacker made a motion to accept all bids submitted based upon closest to work region and 1st available with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

g. Bid 16N – New Metal Pipe

16 bid packets were mailed with 0 being returned undeliverable and 4 responses received as follows: “No bid” The Railroad Yard, Inc.; Tinhorns R Us; Water Products of Oklahoma, Inc.; and Wheeler Metals – Discussions held regarding Commissioners not using metal pipe and in future not bidding. Commissioners reviewed all bids submitted. Commissioner Helm made a motion to accept the low bid of Tinhorns R Us and to not re-bid this bid when the 6 months are up with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

h. Bid #16P – Plastic Pipe

19 bid packets were mailed with 0 being returned undeliverable and 7 responses received as follows: Keeling Company; Fensco, Inc.; Water Products of Oklahoma, Inc.; Tinhorns R Us; Utility Technology Services; Ferguson Enterprises, Inc. and DP Supply Company – Commissioner reviewed all bids submitted. Commissioner Thacker made a motion to accept all bids submitted based upon closest to work region and 1st available with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

i. Bid #16U – Used Pipe

16 bid packets were mailed with 0 being returned undeliverable and 4 responses received as follows: Water Products of Oklahoma, Inc.; The Railroad Yard, Inc.; Sunbelt Equipment & Supply; and Wheeler Metals – Commissioners reviewed all bids submitted. Commissioner Helm made a motion to accept all bids submitted based closest to work region and 1st available with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

j. Bid #17 – Galvanized Posts

14 bid packets were mailed with 0 being returned undeliverable and 3 responses received as follows: Advanced Workzone Services, LLC; Custom Products Corp.; Xcessories Squared Development & Mfg., Inc. – Commissioners reviewed all bids submitted. Chairman DeLozier made a motion to accept the low bid of Xcessories Squared Development & Mfg., Inc., with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

k. Bid #18 – Concrete

7 bid packets were mailed with 0 being returned undeliverable and 3 responses received as follows: Mid-Continent Concrete; Dolese Bros. Co.; and Greenhill Concrete. Commissioners reviewed all bids submitted. Chairman DeLozier made a motion to accept the low bid of Mid-Continent Concrete with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

l. Bid #19 – New Guardrail Cable with installation

15 bid packets were mailed with 1 being returned undeliverable and 2 responses received as follows: Midstate Traffic Control, Inc. and Time Striping, Inc. – Commissioners reviewed all bids submitted. Commissioner Thacker made a motion to accept the bid of Time Striping, Inc., based upon costs of terminal anchor sections and Midstate Traffic Control, Inc., requiring one hundred twenty (120) days after receipt of order for new guardrail cable delivery with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

m. Bid #20 – New Guardrail with installation

15 bid packets were mailed with 1 being returned

undeliverable and 2 responses received as follows: Time Striping, Inc., and Midstate Traffic Control, Inc. – Commissioner reviewed all bids submitted. Commissioner Helm made a motion to accept the low bid of Midstate Traffic Control, Inc., with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

n. Bid #21 – 30-yard Dumpsters

15 bid packets were mailed with 1 being returned

undeliverable and 4 responses received as follows: Waste Management of Oklahoma, Inc.; Harley Hollan Companies; American Waste Control, Inc.; and Tri-Star Refuse, Inc. – Commissioners reviewed all bids submitted. Chairman DeLozier made a motion to accept the low bid of Harley Hollan Companies with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

o. Bid #204 – Laid Asphalt

13 bid packets were mailed with 0 being returned

undeliverable and 5 responses received as follows: Tulsa Asphalt, LLC; Apac-Central, Inc.; A & A Asphalt, Inc.; Paragon Contractors, LLC and Dunham's Asphalt Services – Commissioners reviewed all bids submitted. Commissioner Thacker made a motion to accept all bids submitted based upon closest to work region and 1st available with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

Discussions held regarding possibly requiring a termination clause and Independent Contractor's Agreement in future bids.

5. Resolution for Disposing of Equipment for District #3 as follows:

Relm Radio, sn#825-A0003117 – to be junked – costs too much to repair – (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.

6. Monthly Reports of Officers for October, 2011 – (Clerk/Treas.)

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

7. Proclaiming November as Pancreatic Cancer Awareness Month –

(Comm. Office)

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

8. Resolution #2011-95 and Reimbursement Form directing County

Treasurer to deposit funds from Talala Cemetery Association for mowings into District #2 general fund cemetery salaries account for distribution in the amount of \$2,400.00 – (Comm. Office)

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

9. Reimbursement Form as per Resolution #2011-38 directing County

Treasurer to deposit funds from Town of Oologah in the amount of \$1,046.28 and Oologah Municipal Authority in the amount of \$94.68 for fuel reimbursement into One Cent Sales Tax for distribution for District #2 – (Comm. Office)

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

10. Reimbursement Form as per Resolution #2011-39 directing County

Treasurer to deposit funds from Town of Talala in the amount of \$422.99 for fuel reimbursement into One Cent Sales Tax Fund for distribution for District #2 – (Comm. Office)

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

ITEM 18: ACKNOWLEDGE RECEIPT OF THE FOLLOWING: None

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 - None presented.

ITEM 20: ANNOUNCEMENTS: None

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 -

Discussions held regarding Location Agreement/Release Form between Pineapple Advertising and Rogers County Courthouse; Judge Post gave permission last Thursday, November 17th, to film a commercial in her courtroom on Wednesday, November 23rd; Commissioner's Office was informed on Friday, November 18th and was too late to place this item on the agenda today. Discussions held regarding liability concerns and who would pay if someone was to get hurt while they were here filming.

Commissioner Helm made a motion to deny any use of Courthouse without prior approval of the Board of County Commissioners and direct a letter be drafted on behalf of the Board of County Commissioners to inform Pineapple Advertising and Judge Post of the Board's decision with Commissioner Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-

aye, Thacker-aye. Motion carried.

Commissioner Thacker made a motion to recess the meeting with Commissioner Helm seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried and meeting recessed at 11:35 a.m. so Board could attend a Special Meeting of the Rogers County Educational Facilities Authority set for 11:30 a.m.

Chairman DeLozier called the recessed meeting back to order at 12:06 p.m. with Commissioner Mike Helm and Commissioner Kirt Thacker present and quorum established.

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, November 21, 2011***Commissioner Helm made a motion to approve payment of all purchase orders submitted from all departments as presented 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 Thacker seconding the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried and meeting adjourned at 12:22 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, November 17, 2011, at 4:32 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.*