

## 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 19, 2012, at 9:00 O'clock A.M.

### MINUTES

**\*\*\*CONSIDERATION, DISCUSSION AND POSSIBLE ACTION TO BE TAKEN ON THE FOLLOWING LISTED ITEMS ON THE AGENDA:**

**ITEM 1: CALL TO ORDER:**

Chairman Mike Helm 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 Mike Helm, Commissioner Kirt Thacker and Commissioner Dan DeLozier 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 DeLozier 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 13, 2012**

Commissioner DeLozier made a motion to approve the minutes from November 13, 2012, as presented with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

**ITEM 6: ANNOUNCEMENTS:**

Commissioner Thacker read aloud a response to an editorial of Randy Cowling with the Claremore Daily Progress.

**ITEM 7: UNFINISHED BUSINESS:**

**1. Award Bid #589 – Backhoe – (D#2 Helm) \*\*\*NOTE\*\*\*this bid was opened at November 5, 2012, meeting\*\*\***

Chairman Helm reported District #2 Road Foreman, Benny King; along with Assistant Road Foreman, Allen Carter and Shop Mechanic, Brian Hickok, reviewed all bids submitted on a weight-scale. King stated their recommendation was to accept the bid from Yellowhouse Machinery on John Deere 310SK for original price of \$95,085.00 plus options of multi-brand backhoe quick coupler 5540 = \$789.00; auto shift automatic transmission 9941 = \$1983.00; two external review mirrors 9920 = \$176.00; 4-line hydraulic thumb 9025 = \$3525.00; Beacon/Strobe light kit (strobe light) = \$230.00; plus 60 month/5000 hour full machine warranty = \$3607.00 for a grand total of \$107,800.00; was not the lowest bid; 2 bids met the specs really close; the Case 590 was close to bid specs for \$107,765.00 and the John Deere 310SK is \$107,800.00 which is \$35.00 higher than the Case.

Discussions held regarding the bid specs being specifically written for the John Deere; King reported he felt the bid specs were written for all machines, not just one.

Chairman Helm made a motion to accept the bid of Yellowhouse Machinery upon the recommendation of District #2 Road Foreman, Assistant Road Foreman, and Shop Mechanic for a total of \$107,800.00 \*\*\*NOTE\*\*\*see attached bid for complete information\*\*\*to be purchased from T-Highway Capital Outlay funds with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

**2. Award Bid #590 – Small Track hoe – (D#2 Helm) \*\*\*NOTE\*\*\*this bid was opened at November 5, 2012, meeting\*\*\***

Chairman Helm reported District #2 Road Foreman, Benny King; Assistant Road Foreman, Allen Carter and Shop Mechanic, Brian Hickok, reviewed all bids submitted on a weight scale. King stated their recommendation was to accept the low bid from Yellowhouse Machinery on a John Deere 35D for \$39,899.00; plus full machine warranty option 60 month/5000 hours = \$2,806.00 for a grand total of \$42,705.00.

Chairman Helm made a motion to accept the low bid of Yellowhouse Machinery upon the recommendation of District #2 Road Foreman, Assistant Road Foreman and Shop Mechanic for a total of \$42,705.00 \*\*\*NOTE\*\*\*see attached bid for complete information\*\*\* to be purchased from District #2 One Cent Sales Tax Capital Outlay funds with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

**3. Award Bid #591 – Used Bucket Truck – (D#1 DeLozier) \*\*\*NOTE\*\*\*this bid was opened at November 5, 2012, meeting and tabled from awarding at November 13, 2012, meeting\*\*\***

Commissioner DeLozier reported he prepared to accept the low bid of Buck Truck Sales from Yukon, Ok, for \$32,000.00; but truck has been sent to cover Hurricane Sandy disaster on the east coast, and is not available at this time; once truck came back it would be over the miles limit.

Commissioner DeLozier made a motion to accept the 2<sup>nd</sup> lowest bid from Altec-Nueco from Birmingham, AL 35234 on 2004 Freightliner TA40 for \$39,900.00 to be purchased and paid for from District #1 One Cent Sales Tax Capital Outlay funds with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried. \*\*\*NOTE\*\*\*see attached bid for complete information\*\*\*

**4. Award Bid #592 – Portable Asphalt Reclaiming Machine – (D#2 Helm)**  
\*\*\*NOTE\*\*\*this bid was opened at November 13, 2012, meeting\*\*\*

Chairman Helm reported District #2 Road Foreman, Benny King; Assistant Road Foreman, Allen Carter and Shop Mechanic, Brian Hickok, reviewed the bids submitted and made recommendations based upon their weight scale. King reported vendor Asphalt Zipper submitted two options; their recommendation is to accept the bid for used “demo” asphalt zipper 800-B260 for \$129,450.00; including options of custom trailer = \$13,440.00; optional detachable containment system = \$13,440.00; optional water system = \$3,360.00 for a grand total bid price of \$159,690.00; Bid Option A from Asphalt Zipper is the low bid.

Chairman Helm made a motion to accept the low bid from Asphalt Zipper on Used “demo” asphalt zipper 800-B260 for \$129,450.00 plus options as listed above for a grand total of \$159,690.00 based upon the recommendation of District #2 Road Foreman, Assistant Road Foreman & Shop Mechanic to be paid for from District #2 One Cent Sales Tax Capital Outlay funds with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

**ITEM 8: ZONING:**

**1. Approval/disapproval of Appointment of Michael Washburn to the Rogers County Board of Adjustment for the remainder of the unexpired portion of Dean Tyler’s 3-year term beginning June 27, 2011 to June 27, 2014 – (D#3 Thacker/Director Curtis)**

Larry Curtis, Planning Commission Director, reported Mr. Washburn has served on the Planning Commission Board for the City of Claremore for 4 years; has moved outside the jurisdiction of the City of Claremore now; is willing to serve on the Board of Adjustment; Curtis recommends acceptance by the Board.

Commissioner DeLozier made a motion to accept the appointment of Michael Washburn to the Rogers County Board of Adjustment with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

**ITEM 9: PLATS:** None presented.

**ITEM 10: ROADS & BRIDGES:**

**1. Resolution #2012-116 and Signing of Letter addressed to Commissioner Gene Wallace, ACCO Board President – STP Project Swap – Rogers County STP-166C(244)CO (193<sup>rd</sup> East Avenue) for Pawnee County STP-259C(002)CI (Airport Road) – (D#2 Helm)**

Chairman Helm reported they are at a stand-still with the City of Tulsa for waterlines at 193<sup>rd</sup> East Avenue; they waterlines are Eucha & Spavinaw; one waterline was built in 1922 and has not been improved since; the City of Tulsa wants the County to pay for going over them; we have many places within the County where we cross their waterlines; the cost for the County to do improvements for their utilities is outside the scope of most of the utility improvements; the County does not improve the utilities for a city; to meet the engineering qualifications in a timely manner in order to meet the STP time line, we are not going to make it since the City of Tulsa has put us at a stand-still; Pawnee County within the Circuit Engineering District #1 has a project ready to go; we are just swapping positions with them.

Pete Ellis with Guy Engineering was present at the meeting; Commissioner DeLozier asked, will this project be ready to go by 2015; this ties up our STP funds for another 2 years, which means 2020 before we can get a new project. Ellis stated he understood, but feels the project should be ready by 2015.

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

**ITEM 11: CASH FUND ESTIMATE OF NEEDS & REQUEST FOR APPROPRIATIONS:**

None presented.

**ITEM 12: TRANSFER OF FUNDS:** None presented.

**ITEM 13: UTILITY PERMITS:**

**1. Oklahoma Natural Gas – boring – proposed ¾” natural gas pipeline crossing East 79<sup>th</sup> Street North located within the SW/4 of Section 26, Township 21 North, Range 14 East of the I.B.&M., Rogers County in District #2 – (D#2 Helm)**

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

**2. Oklahoma Natural Gas – boring – proposed ¾” natural gas pipeline crossing West Country Club Road located within the SE/4 of Section 13, Township 21 North, Range 15 East of the I.B.&M., Rogers County in District #3 – (D#3 Thacker)**

Commissioner Thacker made a motion to approve the permit as presented as it conforms to the utility permit requirements with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

**3. Decker Electric – 4500 West Harry – Wichita, KS 67209 – boring at the intersection of South 4220 Road & E 610 Road located at the corners of Section 10 and Section 15 of Township 19 North, Range 17 East of the I.B.&M., Rogers County, in District #3 – (D#3 Thacker)**

Commissioner Thacker made a motion to approve the permit as presented as it conforms to the utility permit requirements with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

- ITEM 14: CLAIMS:**
1. Salaries – None presented.
  2. Attendant Care – None presented.

- ITEM 15: BLANKET PURCHASE ORDERS:**
1. Material, Supplies, Parts, Groceries & Prescriptions –  
District #3:
    - Wal-Mart - \$100.00
    - Lowe's - \$300.00Sheriff:
    - Speedy Lube - \$500.00District #2:
    - Fleet Service of Tulsa, Inc. - \$761.80

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

2. Orders Exceeding Amount of Issuance – None presented.

**ITEM 16: GRANTS:** None presented.

**ITEM 17: PAYMENT REQUISITION – CONSTRUCTION FUND – RCB BANK, TRUSTEE:** None presented.

**ITEM 18: AGENDA ITEMS:**

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

B. J. Fay with Flintco reported they are finishing up the Terrazzo floor on the 2<sup>nd</sup> floor; polishing the Terrazzo flooring on the 4<sup>th</sup> floor; ceiling grids going in on the 3<sup>rd</sup> & 4<sup>th</sup> floors; starting some work today in the alleyway between the new Courthouse and Jail putting in the system to control the gates; everything is moving along quite well; around 79% this week. Discussion and update only, no action taken.

2. Third Party Service Provider Contract (Not Attorneys) between Rogers County Commissioners and Lynn Schmook – Case No. CJ-2006-684 – Parcel No(s) 2, 2.1, 2.2 – service provider agrees to and shall provide appraisal and expert witness services – (ADA Iski)

Assistant District Attorney, David Iski, reported this contract is for litigations costs regarding the Jennings, et al, Rogers County Case No. CJ-2006-684 lawsuit and recommends approval. Commissioner Thacker made a motion to approve with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

3. Notification of Official Certificate of Votes – Notice of Election to form Fair Oaks Fire Protection District and expenses involved – (County Clerk)

Pursuant to Oklahoma State Statutes Annotated Title 19 § 901.4 the return of such election shall be made direct to the Board of County Commissioners on the 2<sup>nd</sup> Monday next following such election and proceed to canvass the vote cast thereafter; Election Board Secretary, Julie Dermody, certified results on the 9<sup>th</sup> day of November, 2012; 507 yes votes for the proposition; 77 no votes for the proposition.

County Clerk, Peggy Armstrong, reported Notice of Election was published in the Inola Independent on October 17<sup>th</sup> & October 24<sup>th</sup> with a cost of \$150.00 for publication costs; the Election Board presented a claim form for \$193.80 for ballot printing & setup charges for a grand total owed by Fair Oaks Fire Protection District for the election costs of \$343.80.

Upon such canvass, the Board determined that at least three-fifths (3/5) of all the votes cast “yes” for the fire protection district and the Board declared by Order that such territory duly organized as a fire protection district under the name theretofore designated “Fair Oaks Fire Protection District”.

Chairman Helm made a motion to declare by Order that such territory duly organized as a fire protection district under the name theretofore designated “Fair Oaks Fire Protection District” be approved with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

2<sup>nd</sup> pursuant to Oklahoma State Statutes Annotated Title 19 § 901.5 – The Board of County Commissioner shall appoint three (3) directors who shall hold their office until the next General Election, at which time their successors shall be elected and 3<sup>rd</sup> such Order shall be filed for record in the Office of the County Clerk by the Board of County Commissioners and from that date such district shall be complete.

Discussions held regarding appointment of three (3) directors to the Board. Chairman Helm made a motion to table the 2<sup>nd</sup> and 3<sup>rd</sup> requirements of the State Statutes to allow Commissioner Thacker time to confer with the Fair Oaks Fire Protection District regarding the appointment of three (3) directors for two weeks (December 3, 2012) with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

4. Removal of Mary Kelley as Receiving Agent for County Clerk’s Office and appointment of Amie Woodward as Receiving Agent for County Clerk’s Office – (County Clerk)

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

5. Resolution #2012-115 & Reimbursement Form – deposit \$200 into General Fund District #1 Cemetery Restitution Fund for District #1 – (Comm. Office)

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

6. Discussion and possible action to enter Executive Session for the purpose of discussing the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee, as authorized by Title 25 O.S. § 307 (B) (1), to-wit:

Brett Williston – (D#2 Helm)

Chairman Helm made a motion to adjourn Regular Session and enter Executive Session with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried and the Board adjourned Regular Session and entered Executive Session at 9:34 a.m. with Assistant District Attorney, David Iski and Human Resources Director, Jenny Bentley.

7. 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 DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried and the Board adjourned Executive Session and entered Regular Session at 10:12 a.m.

8. Discussions and possible action with respect to the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee: Brett Williston –  
No action taken.

Chairman Helm made a motion to recess the meeting with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried and meeting recessed at 10:12 a.m.

Chairman Helm called the recessed meeting back to order at 10:16 a.m. with Commissioner Kirt Thacker and Commissioner Dan DeLozier present and quorum established.

**ITEM 19: ANNOUNCEMENTS REGARDING COUNTY EVENTS AND STATUS UPDATES FOR COMMENTS AND DISCUSSION FROM COUNTY DEPARTMENTS AND ELECTED OFFICIALS, AS FOLLOWS:**

- a.) 911 Administrator – b.) Assessor – c.) Building Operations/Maintenance
- d.) County Clerk – e.) Court Clerk – f.) District Attorney – g.) Election Board
- h.) Emergency Management – i.) Human Resources – j.) Information Technology
- k.) Inspections/Planning Commission – l.) Judicial – m.) OSU Extension – n.) Sheriff
- o.) Treasurer

a.) E911 Administrator, Janet Hamilton, reported Tuesday, November 20<sup>th</sup>, the 911 Trust Board meeting will be held at 10:00 a.m. at County Building on Brady Street.

c.) Maintenance Director, Ryan Baze, reported north elevator has been repaired at no cost to the County, repaired himself; repairs to Judge Condren's 2<sup>nd</sup> floor bathroom is going well; Handicap door is sticking, needs gears repaired, hopes to do himself; freezer at County Building is having defrosting issues; still have new hire maintenance/cleaning position open.

d.) County Clerk, Peggy Armstrong, reported the County Clerk's Office received the Performance Bond from contractor Decker Construction, Inc., on Bid #586 Metal Building for District #1 and will be made a matter of public record in the minutes.

g.) Election Board Secretary, Julie Dermody, reported School Board filings start next week; have election results posted on the web site back to 1998.

h.) Emergency Management Director, Bob Anderson, reported currently working on results of the exercise conducted in conjunction with the hospital a few weeks ago; attended three (3) meetings regarding communications and radio compliance for 2013.

k.) Planning Commission Director, Larry Curtis, reported the Claremore Progress did an article regarding the Flood Plains maps on November 14<sup>th</sup>; Planning Commission meeting scheduled for Tuesday, November 20<sup>th</sup> and reviewed the agenda items; Board of Adjustment meeting is scheduled for Tuesday, December 4<sup>th</sup>, reviewed the agenda items; working on Appendix G in the 2009 Building Code to update; has part-time position opening.

n.) Under-Sheriff Jon Sappington, reported conducted a tear-gas training at District #3 warehouse last week.

**ITEM 20: ACKNOWLEDGEMENT RECEIPT OF THE FOLLOWING ITEMS:**

- 1. Receipt of check #1578 from Grand Gateway Economic Development Assoc. E911 Service Fees for September 2012 in the amount of \$24,172.62 – (County Clerk)  
Acknowledged for public record only, no action taken.

**ITEM 21: 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 –

Salesha Wilken with the Claremore Daily Progress commented on Item 6: Announcements and statement made by Commissioner Thacker.

Alger Flood questioned if any pier drilling had been done in District #2 and if any counties had contacted District #2 for the rent of drilling rig.

**ITEM 22: NEW BUSINESS:**

- 1. Consideration and possible action with respect to any other matters not known about or which could not have been reasonably foreseen prior to posting the agenda – None presented.

**ITEM 23: 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 19, 2012\*\*\*Commissioner DeLozier made a motion to approve payment of all purchase orders submitted from all departments with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

**ITEM 24: RECESS OR ADJOURNMENT:**

Commissioner DeLozier made a motion to adjourn the meeting with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried and the meeting adjourned at 10:56 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, November 15, 2012, at 12:37 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.*