

## NOTICE OF REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS FOR ROGERS COUNTY, OKLAHOMA

**PLACE:** Rogers County Courthouse, Commissioners' Meeting Room  
200 S. Lynn Riggs Blvd., Claremore, OK

**DATE & TIME:** Monday, December 9, 2013, 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 Thacker 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 Thacker, Commissioner Dan DeLozier, and Commissioner Mike Helm 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:** Delozier led the flag salute and Pledge of Allegiance.

**ITEM 4: INVOCATION:** Helm said a prayer.  
\*\*\*At this point, Thacker moved to Item 7 Announcements.

**ITEM 5: APPROVE/DISAPPROVE MINUTES:** December 2, 2013 and December 4, 2013 Special Meeting – Helm made a motion to approve and Thacker seconded the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

**ITEM 6: 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 7: ANNOUNCEMENTS:** Thacker announced that due to the courthouse being closed Friday for inclement weather, the bid opening for all the 6 month bids would be opened Wednesday at 10:00 a.m. Helm added that his 3 bids would be opened then as well. Delozier stated he would like to thank the county workers for all their hard work for scraping off the roads.\*\*\*Thacker then moved back to Item 5.\*\*\*

**ITEM 8: UNFINISHED BUSINESS:**  
1. Award bid #635 – 2013 N. 86<sup>th</sup> Street Fence Relocation Project (District 2)\*\*\*NOTE\*\*\*This item was tabled from November 25, 2013\*\*\* Helm made a motion to table one week and Thacker seconded the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.\*\*\*NOTE\*\*\*Thacker moved to Item 19 #2 at this time.\*\*\*

**ITEM 9: ZONING:** None presented.

**ITEM 10: PLATS:** None presented.

**ITEM 11: ROADS & BRIDGES:** None presented.

**ITEM 12: CASH FUND ESTIMATE OF NEEDS & REQUEST FOR APPROPRIATIONS:**

1. 003 Courthouse Bond Proceeds
2. 008 Cobra
3. 101 T-Highway
4. 105 CBRIF
5. 113 Property Resale
6. 115 Health Department
7. 119 Sheriff Civil Fees
8. 121 County Clerk Lien Fees
9. 122 Treasurer Cert. Fees
10. 124 County Clerk Preservation
11. 125 Engineering Fees
12. 127 Sheriff Commissary
13. 128 Courthouse SEC/SHRF Fees
14. 129 Sheriff Courthouse Secure
15. 131 Law Library
16. 135 Criminal Justice Authority
17. 137 Sheriff Jail
18. 140 Wireless Prepay 911 Fee
19. 142 E-911 Addressing
20. 147 Drug Court Contract
21. 148 Drug Court Participant

22. 175 Assessor Revolving
  23. 180 Court Clerk Revolving
  24. 141 Wireless Services
- Robin Anderson asked to come back to this later because Christine was working on hers. Helm made a motion to approve and DeLozier seconded the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

**ITEM 13: TRANSFER OF FUNDS:**

1. 18-218 HR Wellness Project \$3,250.00 to 18-200 HR M&O – DeLozier made a motion to approve and Helm seconded the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

**ITEM 14: UTILITY PERMITS:**

1. To – Bore - Cross County Highway or Local Road North 193<sup>rd</sup> Avenue East approximately 3.50 miles east and 0.83 miles south of U.S. Hwy. #169 & S.H. #20 Jct. and further described as 1,025 feet north of the Southwest Corner of Section 7 Township 21 N, Range 15 E Rogers County. – District 2 – Helm made a motion to approve and Thacker seconded the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
2. To – Trench – Parallel County Highway or Local Road Aspen RD & S Twin Oaks Drive approximately 2.8 miles, of South of JCT SH 66 & SH 88 and further described as: 1,480 feet South of the NE Corner of Section 30, Township 21N, Range 16E Rogers County. – District 3- Thacker made a motion to approve and Helm seconded the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

\*\*\*NOTE\*\*\* At this time, Thacker went back to Item 12: Cash Funds.

**ITEM 15: CLAIMS:**

1. Salaries - None presented.
2. Attendant Care - None presented.

**ITEM 16: BLANKET PURCHASE ORDERS:**

1. Material, Supplies, Parts, Groceries & Prescriptions –
  - District 3 to R&S Auto Parts \$500.00
  - District 3 to Wal-mart \$100.00
  - District 3 to American Waste Control \$3450.00
  - District 3 to Lowe's \$500.00
  - District 2 to O'Reilly's Auto Parts \$1000.00DeLozier made a motion to approve and Helm seconded the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
2. Orders Exceeding Amount of Issuance - None presented.

**ITEM 17: GRANTS:** None presented.

**ITEM 18: PAYMENT REQUISITION – CONSTRUCTION FUND – RCB BANK, TRUSTEE:** None presented.

**ITEM 19: AGENDA ITEMS:**

1. Update by BKL, Inc., and Flintco regarding Courthouse Plaza Project – Kim Reeve, BKL, announced the plaza bids open Wednesday and the gas line would be in today at E911.
2. Approval of letter of appreciation for Retiring Port Authority member Jon Stuart (Thacker) – Thacker read the letter and DeLozier made a motion to approve and Thacker seconded the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried. \*\*\*Thacker moved back to Item 12: Cash Funds at this time.\*\*\*
3. Resolution for disposing of equipment –junked – Nobilus Computer county I.D.# F236.32 (County Clerk) – Thacker made a motion to approve and Helm seconded the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
4. Discussion and possible action regarding contract and addendum to agreement between Preferred Lease and Management Program and Rogers County Board of County Commissioners for County Clerk – Helm made a motion to approve and Thacker seconded the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
5. Discussion and possible action regarding contract between Culligan and Board of County Commissioners for Planning Commission – Thacker made a motion to approve and Helm seconded the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
6. Discussion and possible action regarding WTECH LLC Specialized IT Contract Services – (Janet Hamilton) – Ms. Hamilton explained that Brett is not comfortable doing this for a critical facility and the trust board recommended to go with WTECH, which also the Sheriff uses. The contractor with the EOC said he wasn't comfortable with Presidio. The cost would be \$75.00 per hour and she would need 80 to 90, maybe 96 hours. There was no action taken until Wednesday.
7. Updating Authorized Signatures regarding The Rogers County Finance Authority Sales Tax Revenue Bond – No action taken till Wednesday.

8. Construction Manager's Clarification for Rogers County Courthouse Plaza Project – bid closing date changed to December 11, 2013(Thacker) -
9. Open and award Bid for Rogers County Courthouse Plaza –\*\*\*NOTE\*\*\*This bid will be opened Wednesday at 1:30 p.m.
10. Open and award 6 month Bids:
  - #10 Microsurfacing
  - #11 Chip Lock
  - #12 Rock
  - #13 HMHL
  - #14 Liquid Asphalt
  - #15 Grader Blades
  - #16N New Pipe
  - #16U Used Pipe
  - #16P Plastic Pipe
  - #17 Galvanized Post
  - #18 Concrete
  - #19 Cable Guardrail
  - #20 Guardrail
  - #21 30 yd. Roll-offs
  - #22 Concrete Culverts
  - #23 Pre-cast Concrete
  - #24 Road Striping
11. Open and award Bid #637 Skid Steer Attachment ( mounted shoulder machine) (District 2) -
12. Open and award Bid#638 1 or more Ground-level Loading Trailers (District 2) -
13. Open and award Bid#639 New or Used Bulldozer (District 2)-
14. Open and award Bid#104 Laid Asphalt (3 month bid) –  
\*\*\*NOTE\*\*\*All the 6 month bids, Items 11, 12, 13, and 14 will be opened on December 11<sup>th</sup>, Wednesday, at 10:00 a.m.
15. Reimbursement and Resolution #2014-73 to deposit funds of \$65.30 into Cemetery Restitution Fund for restitution for District 1– DeLozier made a motion to approve and Thacker seconded the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
16. Reimbursement and Resolution #2014-74 to deposit funds of \$818.30 into 82ST-200 for Rural Water District #4 – Helm made a motion to approve and Thacker seconded the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
17. Reimbursement and Resolution #2014-75 to deposit funds of \$242.52 into 83ST-200 for Planning Commission Fuel Reimbursement– Helm made a motion to approve and Thacker seconded the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
18. Reimbursement and Resolution #2014-76 to deposit funds of \$50,000.00 into 83ST-200 for Grand Gateway Economic Development – Thacker made a motion to approve and Helm seconded the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
19. Reimbursement and Resolution #2014-77 to deposit funds of \$469.66 into 82ST-200 for Town of Talala – Thacker made a motion to approve and Helm seconded the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
20. Reimbursement and Resolution #2014-78 to deposit funds of \$23,000.00 into 83ST-200 for Association of County Commissioners – Thacker made a motion to approve and DeLozier seconded the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
21. Monthly Report of Officers for November 2013 – County Clerk – Ms. Anderson stated that due to the snow day and the courthouse being closed, her office had not obtained these from the Treasurer's office. No action taken at this time. \*\*\*Thacker came back to this item later and Teresa Jackson had checked with the Treasurer's office. They will have them ready for Wednesday's meeting.
22. County Clerk's Cashbook and Summary Report for November 2013- Thacker made a motion to approve and Helm seconded the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

\*\*\*At this point, Thacker moved down to Item 20: Announcements\*\*\*

23. Discussion and possible action to enter Executive Session pursuant to Okla. Stat. Ann. tit. 25, § 307 (B) (4) for 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: change order claim by BKL, Inc. (Helm) – Upon the advice of the ADA, Helm made a motion to enter Executive Session at 9:33 a.m. and Thacker seconded the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
24. Motion and vote to Adjourn Executive Session and enter Regular Session – Thacker made a motion to adjourn Executive Session and enter Regular Session at 10:35 a.m. and DeLozier

seconded the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried

25. Discussion and possible action regarding Executive Session item: change order claim by BKL, Inc. – No action taken.

**ITEM 20: 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.) Planning Commission l.) Judicial – m.) OSU Extension – n.) Sheriff - o.) Treasurer

a. Janet Hamilton announced the Motorola crew is in the dispatch center and she will be interviewing this week for supervisors on each shift.

**ITEM 21: ACKNOWLEDGE RECEIPT OF THE FOLLOWING ITEMS:** None presented.

**ITEM 22: 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- S. Wilken asked if the executive session was a financial matter. Thacker replied that there was no action taken. She asked why it was not an open meeting. Thacker repeated again there was no action taken. She persisted in trying to get information. Thacker repeated there was no action taken and stated we were moving on. Austin Farley, Inola Reporter/Catoosa Times, agreed and asked if it was a claim, why was it not public record. David Iski, ADA, asked if he could weigh in and stated the law identifies it as a potential claim. After persistent questioning by Wilken, Thacker stated they went into executive session on the advice of their attorney. Wilken asked whose computer was junked and was it archived. County Clerk Robin Anderson replied it was hers and yes, it was archived.

**ITEM 23: PAYMENT OF PURCHASE ORDERS FROM ALL DEPARTMENTS:**

1. (Materials, Supplies, Parts, Groceries & Prescriptions) - Thacker made a motion to approve and DeLozier seconded the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

**ITEM 24: RECESS OR ADJOURNMENT:** Thacker made a motion at 11:13 a.m. to recess until 10:00 a.m. Wednesday and Helm seconded the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

BOARD OF COUNTY COMMISSIONERS  
ROGERS COUNTY, OKLAHOMA

By: \_\_\_\_\_  
Robin Anderson, Rogers County Clerk

(SEAL)

*Notice of said meeting was filed in the Office of the County Clerk on Wednesday, December 4, 2013 at 6:59 p.m. and posted on the Front Door Entrance to the Courthouse and on the county website.*

**RECONVENED MEETING FROM DECEMBER 9, 2013 @ 11:13 A.M.AND  
RECONVENED ON DECEMBER 11, 2013 @ 10:00 A.M.**

Thacker called the meeting back to order at 10:03 a.m.

Determine that Notice of Meeting and Agenda were properly posted in accordance with the Oklahoma Open Meeting Act. Chairman Thacker and Commissioner Mike Helm were present and quorum established and determined that Notice of Meeting and Agenda were properly posted in accordance with the Oklahoma Open Meeting Act. Commissioner DeLozier was absent. \*\*\*NOTE\*\*\*Commissioner DeLozier arrived at 10:12 a.m.

Thacker moved to Item 19: Agenda Item,, Number 11. There were 4 bids sent, 1 received.. Helm made a motion to accept the only bid from Warren Cat and Thacker seconded the motion. Roll call: Thacker-aye, Helm-aye. Motion carried.

Item 19: Agenda Item, Number 12. There were 9 bids sent, 3 received, 1 no bid, and 1 returned. Helm made a motion to table for 2 weeks so his crew could look it over and Thacker seconded the motion. Roll call: Thacker-aye, Helm-aye. Motion carried.

Item 19: Agenda Item, Number 13. There were 5 bids sent, 3 received, 1 no bid. Helm made a motion to table for 2 weeks so his crew could look it over and Thacker seconded the motion. Roll call: Thacker-aye, Helm-aye. Motion carried.

Item 19: Agenda Item, Number 10.

- #10 Microsurfacing – There were 16 bids sent, 2 received. DeLozier made a motion to go with the low bid and Helm seconded the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
- #11 Chiplock – There were 19 bids sent, 1 received, and 1 returned. Thacker made a motion to go with the only bid, Donelson, and DeLozier seconded the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
- #12 Rock – 15 bids mailed, 5 received. Thacker made a motion to go with the closest and first available and Helm seconded the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

\*\*\*Thacker moved to Item 19: Agenda Item, Number 6.

Janet Hamilton, E911 Director and Brett Williston, IT Director, agree with Nathan Parks, WTECH, that Brett works on the Presidio backbone and Nathan on the computers for the E911 Center. DeLozier suggested there be a limit of 100 hours for entire project. Thacker explained to Hamilton that if she needed extra hours on this to contact the chairman. David Iski, ADA, spoke of another option - when they reached 75% of the project, the Board could make a final decision. DeLozier made a motion to approve at 100 hours and when they are getting close to it, let him know, and Thacker seconded the motion. Iski explained he needed to rewrite the contract. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried

\*\*\*Thacker moved back to Item 19: Agenda Item, Number 10:

- #13 HMHL – 18 bids sent, 5 received. Helm made a motion to go with the closest and first available and Thacker seconded the motion.. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
- #14 Liquid Asphalt – 15 bids sent, 4 received. Helm made a motion to go with the closest and first available and Thacker seconded the motion.. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
- #15 Grader Blades – 11 bids sent, 4 received. Vault is not a valid bid due to absence of notary seal. DeLozier made a motion to go with the lowest bid, Dub Ross, and Thacker seconded the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
- #16N New Pipe – 16 bids sent, 2 received. DeLozier made a motion to go with the lowest bid, Wheeler Metals, and Thacker seconded the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
- #16U Used Pipe – 16 bids sent, 4 received, 1 returned. Helm made a motion to go with the closest and first available and Thacker seconded the motion.. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
- #16P Plastic Pipe – 23 bids sent, 2 received, 1 returned. Helm made a motion to go with the closest and first available and DeLozier seconded the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
- #17 Galvanized Post – 13 bids sent, 5 received. DeLozier made a motion to go with the lowest bid, Barco, and Thacker seconded the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
- #18 Concrete – 7 bids sent, 3 received. Helm made a motion to go with the closest and first available and Thacker seconded the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
- #19 Cable Guardrail – 15 bids sent, 1 received. Thacker made a motion to go with the only bid of JLT and Helm seconded the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried. Discussion was held regarding the compatibility of cable guardrail and it was determined by Mr. Iski that then you would have to go with a sole source.
- #20 Guardrail – 15 bids sent, 2 received. Nelson McSwain, Purchasing Agent, pointed out there were 2 bids in the same envelope, one for 19 and one for 20 from Mid-State Traffic. They cannot be accepted due to the fact they are supposed to be in separate envelopes. DeLozier made a motion to go with JLT Contractors and Thacker seconded the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
- #21 30 yd. Roll-offs – 15 bids sent, 3 received. DeLozier made a motion to go with the lowest bid of National Waste and Thacker seconded the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
- #22 Concrete Culverts – 8 bids sent, 2 received, 1 returned. DeLozier made a motion to go with the lowest bid, Scurlock Industries, and Thacker seconded the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
- #23 Pre-cast Concrete – 8 bids sent, 2 received, 1 returned. DeLozier made a motion to go with the lowest bid, Scurlock Industries, and Thacker seconded the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.
- #24 Road Striping – 7 bids sent, 1 received. Helm made a motion to go with Road Striping, the only bid, but Thacker noticed the bid did not have a notary seal, which made it invalid. It will have to be re-bid. Thacker made a motion to re-bid ASAP and Helm seconded the motion. . Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

Thacker moved to Agenda Item 19: Number 14 – Bid #104 – There were 15 bids sent, 5 received, and 1 returned. DeLozier made a motion to go with the low bid of Tulsa Asphalt and Thacker seconded the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

Thacker moved to Agenda Item 19: Number 21 – Thacker made a motion to approve and Helm seconded the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

Thacker moved to Agenda Item 19: Number 7 – County Clerk Robin Anderson announced that she had contacted RCB and they had stated the commissioners were the authorized signors. Ms. Anderson read the letter from RCB. Helm made a motion to approve the Board continue to be the authorized signors and DeLozier seconded the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

DeLozier made a motion @ 11:51 a.m. to recess until 1:30 p.m. today and Helm seconded the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.

**RECONVENED MEETING FROM DECEMBER 11, 2013 @ 11:51 A.M.AND**  
**RECONVENED ON DECEMBER 11, 2013 @ 1:30 P.M.**

Thacker called the meeting back to order at 1:30 p.m.

Determine that Notice of Meeting and Agenda were properly posted in accordance with the Oklahoma Open Meeting Act. Chairman Thacker, Commissioner Mike Helm, 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 19: Agenda Items Number 9: Bids were opened and read by Flintco. Steve Rumsey, Flintco, asked for copies of the bids so they could review. There was no action taken. Mr. Rumsey stated he would get back with us on when he could get back with us.

DeLozier made a motion to adjourn at 1:49 p.m. and Thacker seconded the motion. Roll call: Thacker-aye, DeLozier-aye, Helm-aye. Motion carried.