

MINUTES OF REGULAR SCHEDULED MEETING OF THE BOARD OF COUNTY COMMISSIONERS, ROGERS COUNTY COURTHOUSE, 219 SOUTH MISSOURI, COMMISSIONER'S MEETING ROOM 1-109, CLAREMORE, OKLAHOMA, MONDAY, SEPTEMBER 22, 2008, AT 9:00 O'CLOCK A.M.

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Notice of said meeting was filed in the Office of the County Clerk on Thursday, September 18, 2008, at 3:37 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 and on the Wheelchair Ramp Door.

- ITEM 1: CALL TO ORDER:  
Chairman Dan DeLozier called the meeting to order at 9:02 A.M.
- ITEM 2: ROLL CALL:  
Chairman Dan DeLozier, Commissioner Mike Helm and Commissioner Kirt Thacker were all present.
- ITEM 3: FLAG SALUTE:  
Commissioner Helm led the salute and Pledge of Allegiance to the American Flag.
- ITEM 4: PRAYER:  
Commissioner Thacker said a prayer.
- ITEM 5: APPROVAL OF MINUTES: September 15, 2008  
Commissioner Helm made a motion to approve the minutes from September 15, 2008, as presented. Chairman DeLozier seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.
- ITEM 6: UNFINISHED BUSINESS: None presented.
- ITEM 7: ZONING: None presented.
- ITEM 8: PLATS: None presented.
- ITEM 9: ROADS AND BRIDGES:  
1. Discussion with possible action on pay request from Kellogg Engineering, Inc., on Job No. K15-009 for partial pay request for right-of-way acquisition on Spunky Creek Bridge Project in the amount of \$1000.00 –  
Commissioner Helm stated that he had visited with District Attorney, Gene Haynes, about the project not moving since 2003 and Mr. Kellogg's expenses on the Spunky Creek Bridge project, Haynes advised us to place the item on the agenda and let Kellogg explain the situation to the Board.  
Brian Kellogg, with Kellogg Engineering, Inc., explained to the Board that this was to finish up the right-of-way acquisition, which we have already been reimbursed by the State for all of the right-of-way we have acquired. Kellogg continued that he left this matter laying out there, because he didn't know what was going to happen. Kellogg Engineering, Inc., has pretty much fulfilled their obligation as far as writing the easements, etc. It's been holding on for a couple of years, and we would like to get this off the books.  
Commissioner Helm added that this is the condemnation that started in 2006, and we still don't have a court date, and so when we visited with Haynes, he advised us to pay Kellogg Engineering, Inc., and not leave him hanging out there for payment. Commissioner Helm made a motion to approve. Commissioner Thacker seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.
2. Discussion with possible action on ODOT Claim Form 324a for Kellogg Engineering Inc., for project #BRO-166D(123)CO; J/P 20642 (05); Spunky Creek Bridge on 90% completion of Final Construction Plans in the amount of \$3204.00 –  
Commissioner Helm stated that this item is the same thing, we are waiting on the condemnation lawsuit, which has gone on for 2-1/2 years now. Mr. Kellogg shouldn't be held without being paid, there is no court date, and we visited with Gene Haynes, District Attorney, and he said to place the item on the agenda and get Kellogg Engineering, Inc., partial pay on this project.  
Mr. Kellogg, stated that about a month ago he visited with the Board and thought about terminating the contract, but since has changed his mind. We will leave that contract

where it is, the plans are done and hopefully the scope of the project does not change. ODOT will be reimbursing for this, this is direct pay from ODOT to Kellogg Engineering, Inc. The project is still alive and my contract is still in tact and if we get the right-of-way, everything should be continued on.

Commissioner Helm stated that Mr. McAfee from Catoosa, is trying to buy the land behind Reasor's and if he is successful, by leaving the contract open, we will just simply move away from the condemnation proceedings. Commissioner Helm made a motion to approve. Commissioner Thacker seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

3. Discussion with possible action on Programming Resolution and Scope of Work for replacement of Bridge No. 56 (NBI No.: 08674, Structure No.: 66E044N4050001) a 32 foot span bridge over an un-named tributary to the Caney River, located on county road EW/40, approximately 4.0 miles West of U.S. Highway 169, for installation of single cell precast concrete CON/SPAN arched structure, whereas Kellogg Engineering, Inc.'s preliminary estimate of project cost is \$200,000.00 in District #2 –

Commissioner Helm stated that this item is a force account, and is to give scope of project of bridge design with Mr. Kellogg, with our CBRI money coming in at \$35,000 a month. We are looking at starting this project in January. We are simply placing the item on the agenda to get a program resolution to ODOT.

Mr. Kellogg stated that this is a program resolution to take and use the CBRI funds in the amount of \$200,000, and if we engineering force accounts up front, you are allowed to recover \$200,000. Today I only brought you the program resolution, I did not bring you an engineering contract. I did provide a scope of work and it is roughly 32 feet long and currently rated at 9 tons. We estimate the cost at around \$320,000. The difference will be made from other funds at District #2. It is scheduled to be a Con/Span bridge, which is quick and fast to replace. With a force account bridge, your \$200,000 is directly for construction. Then engineering, surveying and right-of-way acquisitions, ODOT pays separately for force accounts.

Chairman DeLozier asked Commissioner Helm as to how many bridges has he programmed in the past couple of years? Commissioner Helm replied, two, we have finished one and we are in the middle of our other one.

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

4. Discussion with possible action on ODOT Claim Form 324a for Force Account Asphalt Overlay of county road EW/39 for \$200,000.00 in District #2 –

Commissioner Helm stated that the Board took action on this back on November 19, 2007, and somewhere along the line, the claim form that was submitted to ODOT was lost by David Butler. Mr. Kellogg stated that this project has already been programmed and has a job piece number on it and ready to roll. We are just submitting a resigned invoice for ODOT to finish up the money side of the project.

Commissioner Helm stated that since Rosemary Case is leaving us and James Pruitt will be coming on, that is why we are re-submitting it. Commissioner Helm made a motion to approve. Commissioner Thacker asked, on the force accounts, can one Commissioner take the entire force account budget that we are allotted? Mr. Kellogg replied, no, I wouldn't think so. Chairman DeLozier replied, he can if we approve it. Commissioner Thacker replied, how much is that? Mr. Kellogg replied, that account is currently drawing around \$200,000 per year, approximately \$35,000 per month. Commissioner Helm replied, last check on the force account was \$726,000, after paying all the others. Commissioner Thacker seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

5. Discussion with possible action on Independent Contractor Agreement by and between Board of County Commissioners of Rogers County, Oklahoma, and Kellogg Engineering, Inc., on Keetonville Road Exploration, Slope Stability, and Project Analysis, FEMA 1756, Project No. JWP-006, in District #2 –

Commissioner Helm stated that this item is for our FEMA Project and we visited with Gene Haynes, District Attorney, about this and Mr. Kellogg is already doing the FEMA engineering for this project. FEMA is asking for more engineering to be done on Keetonville Road, and Mr. Haynes advised placing the professional contract of Kellogg Engineering, Inc., on the agenda.

Mr. Kellogg replied, that he used the county independent contract. The geo-tech on this project is phenomenal and requires a very in depth study. The geo-tech Mr. Kellogg is using has 2 sub contractors of his own. This will determine exactly what happens to Keetonville Road, or it could determine the alternate route in which we choose. Chairman DeLozier asked, FEMA will fund 75% of this project, correct? Mr. Kellogg replied, FEMA is going to pick up 75% of this contract. Engineering & geotechnical services for this contract is not to exceed \$89,000.

Mr. Kellogg continued, that there is lots of issues to deal with such as gaining access in there and not only are we doing the geotech on this, we have to present 3 alternative

Solutions to repairing the road.

Commissioner Helm explained that this is a very unique piece and the money will come strictly from District #2 one cent money. Helm continued, that in visiting with Mr. Haynes, we were concerned about passing the \$25,000 mark, we would have to get into professional services. FEMA has never required one of these before on a project, but because the scope of the project is so big, \$6.8 million dollars and we get 75% of that, we've got to go back in and do the engineering. The state will give us 12.5% and the county does 12.5% in-kind from District #2.

Commissioner Thacker stated that he doesn't feel this is a waste of county money, this is huge, one of the biggest projects ever done in Rogers County. Mr. Kellogg replied, what they're trying to do is determine whether to pay us 90%, or 75%, or 75% of 75%. Commissioner Helm stated that on the alternate we get 90% of 75% and if we do a replacement we get 100% of 75%, which is about \$1 million dollars between the two.

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

6. Discussion with possible action on County Bridge and Road Improvement Fund Engineering Contract Supplemental and Modification Agreement being State Project Number: STP-166C(210)CO; State Job/Piece Number: 25427(04), by and between Board of County Commissioners of Rogers County and Guy Engineering Services, Inc. for project BR #98 over Elm Creek in District #2 -

Commissioner Helm stated that this project is STP grant from the state and with Guy Engineering, we had amended some of the requirements that we had to do for the bridge and the right-of-way with a new plan-in-hand. We have already approved the STP contract with Guy Engineering, this is just a modification of that. And the STP grant doesn't affect anybody's funds and is chosen by ODOT through grant applications. Commissioner Helm made a motion to approve. Commissioner Thacker seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

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

ITEM 11: TRANSFER OF FUNDS: None presented.

ITEM 12: UTILITY PERMITS:

1. Rural Water District #5, Rogers County – boring across county road EW/525 at a point 613.77 feet East of the center ¼ corner of Section 33, Township 21 North, Range 15 East of the I.B.&M., Rogers County –

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

2. Coeta & Terry G. Butcher – boring county road NS/408 at the W/2 of the SW/4 of Section 17, Township 24 North, Range 15 East of the I.B.&M., Rogers County, lying between county roads EW/310 and EW/320 in District #2 –

Commissioner Helm stated that since this is a boring only and is what the county allows, made a motion to approve. Commissioner Thacker seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

3. Rural Water District #5, Mayes County – boring county road NS/4240 lying between Sections 1 and 2 of Township 24 North, Range 17 East of the I.B.&M., Rogers County, and lying between county roads EW/290 and EW/300 roads in District #1 –

Chairman DeLozier stated that it is for boring only and had looked at it, made a motion to approve. Commissioner Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 13: CLAIMS:

1. Salaries – September 2008  
2. Attendant Care – None presented.  
3. Alternatives to Detention/Transportation Claim form to State of Oklahoma Office of Juvenile Affairs for August 2008 in the amount of \$4656.35 –

Commissioner Thacker made a motion to approve Items 1 & 3 under claims as presented. Commissioner Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 14: BLANKET PURCHASE ORDERS:

1. Materials, Supplies, Parts, Groceries & Prescriptions –  
District #2: Rush Truck Center, \$7501.00; Sheriff's general fund vehicle maintenance: Froman Oil Company, \$3500.00 and Sheriff's jail account vehicle maintenance:

Froman Oil Company, \$700.00 – Chairman DeLozier made a motion to approve the blanket purchase orders as presented. Commissioner Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

2. Orders Exceeding Amount of Issuance – None presented.

ITEM 15: AGENDA ITEMS:

1. Discussion with possible action on acceptance of CommunityCare Senior Health Plan Retiree Benefits for January 1, 2009 through December 31, 2009 –

Marilynn Gibson, County Clerk 1<sup>st</sup> Deputy, explained to the Board that this item is just renewal of our retirees insurance. And the rate went down from \$154 per month to \$142 per month. But they did up some of their co-pays. Chairman DeLozier stated that he still has a question on the retirees losing their spouses life insurance. Gibson replied, that is not done through CommunityCare, that is done with Standard Life Insurance. Myra Rogers with CommunityCare explained to me that this was more in line with medicare guidelines. Commissioner Helm asked how much the state pays and Gibson replied \$105.00. Commissioner Helm made a motion to approve. Commissioner Thacker seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

2. Approve/disapprove Detention Service Agreement by and between Pottawatomie County Regional Juvenile Detention Center “Glenn Dale Carter Hall” and the Board of County Commissioners for fiscal year 2008-2009 –

Peggy Armstrong, Rogers County Clerk, explained to the Board that there has not been an agreement signed for this fiscal year and Assistant District Attorney, Barry Farbro, signed off on the agreement. Chairman DeLozier made a motion to approve. Commissioner Thacker seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

3. Acknowledgement for public record on warrant #100968990 from State of Oklahoma, 309 Department of Civil Emergency Management on account/invoice number PA-1735 PW834 PK40 #563 in the amount of \$2031.51 for District #2 –

Acknowledged for public record only, no action taken.

ITEM 16: 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 -

ITEM 17: PAYMENT OF PURCHASE ORDERS FROM ALL DEPARTMENTS:

(Materials, Supplies, Parts, Groceries & Prescriptions)\*\*\*NOTE\*\*\*see attached list of all claims that were approved for payment on Monday, September 22, 2008\*\*\*Commissioner Thacker made a motion to approve payment of all purchase orders from all departments as presented. Chairman DeLozier seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

ITEM 18: 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 19: RECESS OR ADJOURNMENT:

Chairman DeLozier made a motion to adjourn the meeting. Commissioner Thacker seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried. Meeting was adjourned at 10:39 A.M.

BOARD OF COUNTY COMMISSIONERS  
ROGERS COUNTY, OKLAHOMA

By: \_\_\_\_\_  
Peggy Armstrong, Rogers County Clerk

(SEAL)