

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, OCTOBER 6, 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, October 2, 2008, at 3:16 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 29, 2008 and October 2, 2008  
Commissioner Helm made a motion to approve the minutes from September 29, 2008, and October 2, 2008, as presented. Commissioner Thacker seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.
- ITEM 6: UNFINISHED BUSINESS:  
1. Award Bid #488 – Health Department Roofing Project  
Peggy Armstrong, Rogers County Clerk, informed the Board that the Health Department had requested one more week to review the bids and asked for the item to be tabled until October 13, 2008. Chairman DeLozier made a motion to table for another week (October 13, 2008). Commissioner Thacker seconded 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 AND BRIDGES:  
1. County Bridge and Road Improvement Fund Engineering Contract by and between Board of County Commissioners of Rogers County and Guy Engineering Services, Inc., to replace BR#79, a 62 foot pony truss bridge with a county standard concrete bridge over Dog Creek on county road EW/450 approximately 1.9 miles east of U.S. Highway 66 and bridge location in 66E0450N4190003 and NBI 00202 in District #1 -  
Chairman DeLozier stated that this bridge is in District #1 on Akin Road. Chairman DeLozier made a motion to approve. Commissioner Helm 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. Cox Communications – boring only, 26 locations in Timber Gate Subdivision, located in Section 25, Township 21 North, Range 14 East of the I.B.&M., Rogers County, in District #2 –  
Commissioner Helm stated Cox Cable is laying their fiber optic cable and is for boring only, 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 solution of utility permit applicants not meeting the requirements as prescribed on Utility Permit form, specifically Item 8 listed on the form as follows: *"All underground crossings of the right-of-way must be encased from right-of-way line to right-of-way line at a minimum depth of 48 inches below the bottom of the surfacing, but not less than 30 inches below the bottom of the ditches, unless otherwise approved by the Commissioners"*.

Commissioner Thacker stated that he has been getting complaints about a lot of utility companies not burying their lines deep enough, especially if they hit an obstruction, they only bury their lines 8 to 10 inches deep. And then when a constituent has to dig in the right-of-way, sometimes they get into the lines that were not buried deep enough. And the utility company is trying to charge the constituent for cutting the line, even though the lines is not buried as deep as the utility permit requires. We need to tighten up on that, so everybody follows the rules and takes care of the people. Chairman DeLozier inquired as to what would be the solution? Commissioner Thacker replied, if they don't follow the utility permits, we will not issue one for them anymore. When they sign the utility permit, that is what they are signing to do as per Item #8, then they go out and do whatever they want.

Commissioner Helm asked, could we have the Chairman send a letter to all the utility companies asking them to come in and meet with the Board and inform them on why we want this done? Commissioner Thacker stated that he just wants the companies to follow the permit and whatever it takes to get them to comply. Sometimes District #3 gets into the lines themselves when cleaning out ditches.

Commissioner Helm made a motion to have Chairman DeLozier to devise a letter and send to all the utility companies asking them to come in before the Board and tell them what are expectations are, and they when they do cut a line they are not charging the citizens to fix the problem and also have a publication placed in the newspaper. Commissioner Thacker seconded 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. Tort Claim of Trooper Mark Kuhn for injuries sustained on September 1, 2008- No action taken.

ITEM 14: BLANKET PURCHASE ORDERS:

1. Materials, Supplies, Parts, Groceries & Prescriptions –  
Emergency Management: Froman Fuel Company, \$400.00; District #1: Tulsa Auto Spring, \$3000.00; Sheriff's jail account vehicle maintenance: Froman Oil Company, \$700.00; Sheriff Civil Fee Account M&O, Froman Oil Company, \$3500.00; and Sheriff's general fund account vehicle maintenance: Speedy Lube, \$250.00 – Commissioner Thacker made a motion to approve the blanket purchase orders as presented. Chairman DeLozier 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 county budget for 2008-2009 –  
(\*\*\*Note\*\*\*this item tabled for one week on September 29, 2008\*\*\*)  
(\*\*\*NOTE\*\*\*this item was heard and acted upon at a Special Commissioner's Meeting on Thursday, October 2, 2008\*\*\*) Item was shown on the agenda because it was tabled at last weeks meeting on September 29, 2008, therefore, item can be removed from the agenda – No action taken on Monday, October 6, 2008, remove item from the agenda.

2. Discussion with possible action on Approval of Publication Sheet, Rogers County, Oklahoma, Financial Statement of the various funds for the fiscal year June 30, 2008, and Estimate of Needs for fiscal year ending June 30, 2009, of the Governing Board of Rogers County, Oklahoma – (\*\*\*Note\*\*\*this item was tabled for one week on September 29, 2008\*\*\*) -  
(\*\*\*NOTE\*\*\*this item was heard and acted upon at a Special Commissioner's Meeting on Thursday, October 2, 2008\*\*\*) Item was shown on the agenda because it was tabled at last weeks meeting on September 29, 2008, therefore, item can be removed from the agenda – No action taken on Monday, October 6, 2008, remove item from the agenda.

3. Approve/disapprove conformation of Reappointment of Mr. Charles G. Meckfessel to Tulsa's Port of Catoosa Facilities Authority for a five-year term effective November 1, 2008 – (\*\*\*NOTE\*\*\*this item was tabled from September 29, 2008, meeting\*\*\*)

Commissioner Helm stated that he called Mr. Bob Portiss, and Mr. Portiss informed him that appointment is to the Facilities Authority and requested this person to be re-appointed. Commissioner Helm made a motion to approve. Chairman DeLozier seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

4. Discussion with possible action on Correctional Dental Services Agreement by and between Correctional Dental Services, PLLC, whose address is 18208 Preston Road, Suite D9-133, Dallas, TX 75252 and Rogers County on behalf of the Rogers County Sheriff's Office Jail facility –

Todd Barron with the Sheriff's office was present at the meeting and explained to the Board that he has visited with the dentist several times and feels this is a good idea and will save the county money. Commissioner Helm asked of Mr. Barron if he saw this as future plans of going more in-house on medical also? Barron replied, that for now it's just dental only, the medical side of it is too costly, but the dental services should save the county money. Commissioner Thacker made a motion to approve. Chairman DeLozier seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

5. Approve/disapprove Transaction Confirmation by and between Tiger, Inc. and Rogers County, Oklahoma, for natural gas services, based upon original contract dated August 14, 2006 – Commissioner Helm made a motion to approve. Commissioner Thacker seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

6. Open & Award Bid #489 – Sale & Removal of Fuel Tanks for District #1 and District #2 – 14 bid packets were mailed with 1 being returned undeliverable and 1 response received from Alcorn Services Company in Bixby for \$5000.00. Commissioner Helm made a motion to deny the bid. Chairman DeLozier seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

7. Approve/disapprove CDBG Monthly Expenditure Report for August 2008 on 1850 CDBG 96 (Rural Water District #8) in the amount of \$31,473.25 –

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

8. Set Holidays for 2009 –

Chairman DeLozier made a motion to approve the following list of holidays and Commissioner Thacker seconded the motion as follows: New Year's Day, January 1, 2009; Martin Luther King Day, January 19, 2009; President's Day, February 16, 2009; Good Friday, April 10, 2009; Memorial Day, May 25, 2009; Independence Day, July 3, 2009; Labor Day, September 7, 2009; Veteran's Day, November 11, 2009; Thanksgiving Day, November 26 & 27, 2009; and Christmas Day, December 24 & 25, 2009. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

9. Approve/disapprove County Clerk's Cash Book and Summary Report to the Board of County Commissioners for September 2008 – Commissioner Helm made a motion to approve. Chairman DeLozier seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

10. Acknowledgement for public record of check #1218 from Grand Gateway Economic Development Association E-911 for E-911 service fees for July 2008 in the amount of \$22,363.14 – Acknowledged for public record only, no action taken.

11. Acknowledgement for public record from State of Oklahoma, 309 Department of Civil Emergency Management as follows: warrant #103912496 for \$599.84; warrant #103912495 for \$128.70; warrant #103912497 for \$453.57; warrant #103912490 for \$4770.44; warrant #103912494 for \$3488.96 and warrant #103912493 for \$249.26 – Acknowledged for public record only, no action taken.

12. Approve/disapprove Resolution #2008-57 and Reimbursement form directing County Treasurer to deposit funds from Cherokee Nation for overlaying of roads in the Town of Foyil for District #1 in the amount of \$149,556.00, into the one-cent sales tax fund for distribution for District #1 – Chairman DeLozier made a motion to approve. Commissioner Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

13. Approve/disapprove Resolution #2008-58 and Reimbursement form directing County Treasurer to deposit funds from State of Oklahoma, 309 Department of Civil Emergency Management for PA-1712 PW#155 PK1 #687 SP on warrant #103912491 in the amount of \$5088.09, into the one-cent sales tax fund for distribution for District #1 – Chairman DeLozier made a motion to approve. Commissioner Helm seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

14. Discussion with possible action on adopting a drug testing policy for Rogers County – Commissioner Thacker stated that he put this item on the agenda because it was something that was discussed several months ago and we said we would re-visit it at later date. We have done some research with ACCO and they have advised it to be a UA test instead of a follicle. Commissioner Helm stated that is correct. Commissioner Thacker stated he believes that is something the county needs to do, all businesses of any size use drug testing as a way to deter employees using drugs and I think it would be a good policy for us. Commissioner Helm inquired from Commissioner Thacker if he was asking to look at adopting ACCO's policy they established for all 77 counties drug testing policy? Commissioner Thacker replied, yes. Commissioner Helm

continued since ACCO's policy has already been through the lawyers. Chairman DeLozier asked, do we have ACCO's drug testing policy? Commissioner Thacker replied, yes, we've got it. Commissioner Helm continued, former Attorney General, Larry Derryberry, that drafted ACCO's policy. Commissioner Thacker made a motion to approve. Commissioner Helm seconded the motion. Before the vote, Peggy Armstrong, Rogers County Clerk, stated that she had not seen ACCO's policy, and Commissioner Helm stated the he would provide the policy. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

15. Discussion with possible action on problem with surveyors digging holes in the county roads and possible solution to – Commissioner Thacker stated that he placed this item on the agenda, because surveyors are diggings man-made holes into our newly asphalted roads and the cost of a brand new road has gone from \$75,000/\$80,000 per mile to, \$155,000 per mile. I have told the surveyors in my area that I would even supply them with the bag of asphalt if they would just put it back in the holes. One surveyor said he would be happy with that, but we need to find a solution to this problem. Either have them issue permits to find out who is digging up the roads, something needs to be done.

John Blickensderfer, an engineer with Guy Engineering Services, Inc., was present at the meeting and stated to the Board that he didn't believe the Board could require the companies to get a permit to dig, surveyors have the right to reach pins for measurement by state statutes. Standard practice for their surveyors is to carry a bag of asphalt with them. One suggestion was contacting the State licensing board and find out who filed their last corner pin of record, which is a requirement of surveyors with the State. Another suggestion was to have ACCO address this issue on behalf of the Commissioners. Mr. Blickensderfer stated he would be happy to send a list of land surveyors to the Commissioners from the Oklahoma Society of Land Surveyors website.

Commissioner Helm made a motion to have the Chairman draft a letter and mail to the surrounding 7 counties about refilling the holes in the road when they dig and with the assistance of Mr. Blickensderfer in acquiring the names, notify the County Clerk when they do so. Chairman DeLozier seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

16. Acknowledgement for public record receipt of check #65284902 from Traveler's Insurance for total loss settlement of 2005 Mack CHN613, vin#002398 in the amount of \$70,590.00 date of loss being August 12, 2008, in District #2 – Acknowledged for public record only, no action taken.

17. Discussion with possible action on Cathy Baker, Rogers County Treasurer, requesting to transfer monies from the one-cent fund into the general fund go cover warrants and direct deposits that cannot be paid due to insufficient balance in the general fund until such time as tax collections for 2008 are collected and this may have to be done for multiple months because the collections may not be enough to cover the balance and the monies that are used will be transferred back to the one-cent fund after the collections are posted –

Cathy Baker, County Treasurer, presented the Board with a letter requesting to transfer monies. Commissioner Helm made a motion to approve. Commissioner Thacker seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried.

18. Board of County Commissioner's to attend the Rogers County Excise Board's Special Meeting on Thursday, October 9, 2008, at 9:00 A.M. for discussion with possible action on Approval of 2008-2009 County Budget –

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 -

John Blickensferfer, civil engineer with Guy Engineering Services, Inc., gave a project status update to the Board. (see handouts made a matter of public record)

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, October 6, 2008\*\*\*Commissioner Helm 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 recess the meeting until Thursday, October 9, 2008, at 9:00 A.M. to attend the Special Meeting of the Excise Board for discussion with possible action on Approval of 2008-2009 county budget. Commissioner Thacker seconded the motion. Roll Call: DeLozier-aye, Helm-aye, Thacker-aye. Motion carried. Meeting was recessed at 11:04 A.M.

BOARD OF COUNTY COMMISSIONERS  
ROGERS COUNTY, OKLAHOMA

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

(SEAL)