

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, MARCH 16, 2009, AT 9:00 O'CLOCK A.M.

Notice of said meeting was filed in the Office of the County Clerk on Thursday, March 12, 2009, at 3:26 P.M. and posted on the Courthouse Bulletin Board; Outside the Commissioner's Meeting Room; on the Exterior Window at the Southeast Entrance and the Front Door Entrance to the Courthouse; on the Wheelchair Ramp Door and on the county web site.

- ITEM 1: CALL TO ORDER:
Chairman Mike Helm called the meeting to order at 9:00 A.M.
- ITEM 2: ROLL CALL:
Chairman Mike Helm, Commissioner Kirt Thacker and Commissioner Dan DeLozier were all present.
- ITEM 3: FLAG SALUTE:
Commissioner DeLozier led the salute and Pledge of Allegiance to the American Flag.
- ITEM 4: PRAYER:
Commissioner Thacker said a prayer.
- ITEM 5: APPROVAL OF MINUTES: March 9, 2009
Commissioner DeLozier made a motion to approve the minutes from March 9, 2009, as presented with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-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 Resolution #2009-17 whereas, Board of County Commissioners of Rogers County solicited Wingfield Engineering to provide qualification information for the design of East 320 Road (Winganon Crossing) in District #1 -
Commissioner DeLozier stated that ODOT requires us to solicit for an engineer and we have gone through the solicitation process and chose Wingfield Engineering. Commissioner DeLozier made a motion to approve with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-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, Mayes County – boring across county road EW/295 in the NW/4 of Section 2, Township 24 North, Range 18 East of the I.B.&M., Rogers County, in District #1 –
Commissioner DeLozier stated that he was contacted about this utility permit and was aware of what Rural Water District #5, Mayes County, was doing and it is a boring only. Commissioner DeLozier made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.
2. A T & T – trenching, boring and aerial at the southeast corner of Section 35, Township 21 North, Range 15 East of the I.B.&M., proceed west on north side of county road EW/530 to State Highway 266 right-of-way, and bury and place aerial 72 fiber cable in District #3 –
Craig Cromley, A T & T area manager and external affairs whose office is located in Muskogee, 501 Court Street, was present at the meeting, along with David Deuer, 2836 North Lyons Drive in Broken Arrow. Commissioner Thacker stated that he thought that this line had already been laid, but upon further discussion, realized that it had not been laid yet.

Commissioner Thacker continued last week we had them move a junction box that was too close to the intersection. Deuer stated that this particular utility permit (7086034) feeds into subdivision called Kennedy Park to provide service.

Chairman Helm addressed Mr. Cromley, and commented that Rogers County has utility permits that are being presented to the Board for approval so that we know where cable lines are being buried, instead of them just being buried. In the past we worked with Ronda Sellers with A T & T, and she has retired and we didn't have any problems then. A T & T is now laying lines without any knowledge by the Board or each individual commissioner. We need to be notified, because lines are being placed too close to the roads and damaging the roads, which we do have a legal opinion on that from the District Attorney's office.

Chairman Helm continued that himself, Commissioner Thacker and Commissioner DeLozier all have tort claims filed against Rogers County by A T & T on cutting your lines and we have to know that they are there. When we were dealing with Ms. Sellers, when we cut a line we took pictures and showed her, then they would go away because the lines were not buried deep enough. And she would come out and look and since Ms. Sellers has been gone, no one has come to visit with us about this, all we get are the tort claims informing us that we cut the lines and did something wrong. Also the A T & T contractors are suppose to have a copy of the utility permit with them at all times, which they never have before. We are asking that you conform to Rogers County's guidelines and bury the lines 36 inches below the road surface as the utility permit states.

Commissioner Thacker stated last week an A T & T contractor was in Tiawah area lying fiber optic lines and he stopped to check to see if they had a utility permit and they did not, no utility permit had been approved. We asked them to leave and they said they would, but they didn't. We called the Sheriff's office and had them to stop and pull the line out.

Mr. Cromley stated to the Board that he is the person replacing Ronda Sellers and agrees totally with the Board on their position as to how A T & T should be doing business. All rules and regulations and any other requirements that the county puts before us we agree with and you have my personal word that will be the case from this day forward. There will be no more problems and if there is, they will be addressed immediately by me. You may call me directly and I apologize for any issues that have not been corrected in the past.

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

3. A T & T – trenching & boring at approximately 800 feet west of the Northeast corner of Section 35, Township 21 North, Range 16 East of the I.B.&M., and bury on the south side of East Main Street east to county road NS/4180, then south to Southeast Roden Road, then east along the south side of Southeast Roden Road to county road EW/520, then east approximately 100 feet to the NE/4 of Section 36, Township 21 North, Range 16 East of the I.B.&M., Rogers County, Oklahoma, to A T & T easement in District #3 –

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

NOTEChairman Helm requested that a letter dated May 11, 2006, from District Attorney, Gene Haynes concerning utility permits from A T & T being made a matter of record in the minutes along with a letter addressed to Chairman Helm dated May 9, 2006, from Karl J. Vahle, area manager construction engineer with A T & T and state statute Title 18 O.S. § 601***

ITEM 13: CLAIMS:

1. Salaries – None presented.
2. Attendant Care – Sandra Epperson, \$89.00 for February 2009 and Sandra Epperson, \$1680.00 for February 2009 Homebound Detention -

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

ITEM 14: BLANKET PURCHASE ORDERS:

1. Materials, Supplies, Parts, Groceries & Prescriptions – Sheriff's jail account medical: St. Francis Lab, \$600.00; Sheriff's jail account vehicle maintenance: Froman Oil Company, \$500.00 and Sheriff's general fund account vehicle maintenance: Froman Oil Company, \$3500.00 – Commissioner DeLozier made a motion to approve the blanket purchase orders as presented with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

2. Orders Exceeding Amount of Issuance – Purchase order #905256 issued to St. Francis Lab on January 26, 2009, in the amount of \$600.00 went over by \$125.75 because there were more inmates that had lab work done this month than usual. Commissioner Thacker made a motion to approve the exceeding amount with

Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 15: AGENDA ITEMS:

1. Discussion with possible action on Approval for UMB Bank Visa Business Card for the Rogers County Sheriff's Department of \$5000 credit limit –
Peggy Armstrong, Rogers County Clerk, stated that she completed the application that was provided to her and that Assistant District Attorney, Barry Farbro, had signed off on and that Sheriff Scott Walton and Undersheriff Tom Harrison were the names of individuals to be issued separate cards. Chairman Helm made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

2. Discussion with possible action on Approval of U.S. Cellular Service Agreement on behalf of Rogers County Health Department for adding one line to their existing telephone group –

Peggy Armstrong, Rogers County Clerk, read letter from Mary Beth Murray, Health Department Administrator, requesting that one line be added to their existing telephone group. The telephone is not for a new employee, but an employee that had not had a business phone before, used her own personal phone, which was accidentally broke at a meeting and she was told that the Health Department would not replace. Commissioner Thacker made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

3. Approve/disapprove Lease Purchase Agreement for Equipment with Welch State Bank and Jo-Co Equipment as lessor for 8000 gallon Dura Tank emulsion storage tank, sn#80606, unit price \$49,980.00, lease purchase price \$56,254.80 for District #1 –
Commissioner DeLozier stated that District #1 is replacing their storage tank for their patch oil, which can also be used when District #1 is chipping/sealing so they can keep a load of oil on hand at all times. Commissioner DeLozier made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

4. Approve/disapprove County Officer's Monthly Reports for February 2009 –
Commissioner Thacker made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

5. Approve/disapprove Resolution for Disposing of Equipment for District #1 as follows: Crystal Tips ice machine, sn#TD0023803 – to be junked, non-repairable –
Commissioner DeLozier stated that this is a 1988 ice machine that District #1 uses everyday that is needing repairs, but can't be repaired. Commissioner DeLozier made a motion to approve with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

6. Discussion with possible action on Approval of Agreement for the Sub-Grant of Emergency Management Performance Grant Program Funds for fiscal year 2009 in the amount of \$26,751.00 –

Bob Anderson, Emergency Management Director, stated that this item is an annual state grant that Emergency Management applies for every year and has been approved by the District Attorney's office. Commissioner Thacker made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

7. Discussion with possible action on Approval of Fiscal Year 2010 Alternatives to Detention/Transportation Renewal Contract on behalf of State of Oklahoma, Office of Juvenile Affairs –

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

8. Discussion with possible action to enter Executive Session for the purpose of 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, as authorized by Title 25 O.S. § 307(B)(4), to wit: unpaid overtime/unused comp time wages of James Darrin Hester –

Gene Haynes, District Attorney, recommended to the Board that they enter Executive Session. Commissioner Thacker made a motion to adjourn regular session and enter Executive Session upon the recommendation of District Attorney, Gene Haynes and Commissioner DeLozier seconded the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried and the Board entered Executive Session with their attorney Gene Haynes, District Attorney, Sheriff Scott Walton, sheriff's office employee Pam Rue and Peggy Armstrong, Rogers County Clerk all present in Executive Session at 9:33 A.M.

9. 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 10:57 A.M.

10. Discussion and possible action with respect to any matter considered and discussed with the Board's attorney during Executive Session – 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, March 16, 2009***Commissioner Thacker made a motion to approve payment of all purchase orders from all departments as presented with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-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 –

Chairman Helm stated that for next weeks' agenda he would be placing the contract renewal for Bill Turner as budget processor on the agenda. No action taken

ITEM 19: RECESS OR ADJOURNMENT:

Commissioner Thacker 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 was adjourned at 11:28 A.M.

BOARD OF COUNTY COMMISSIONERS
ROGERS COUNTY, OKLAHOMA

By: _____
Peggy Armstrong, Rogers County Clerk

(SEAL)