

AMENDED
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, July 13, 2009, at 9:00 O'clock A.M.

MINUTES

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 was established.

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: July 6, 2009

Commissioner DeLozier made a motion to approve the minutes from July 6, 2009, as presented with Chairman Helm 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 by Resolution to locate, improve and maintain a public road thirty-three feet (33) feet in width for a distance of 1320 feet over and upon a portion of the section line between Sections 28 and 29, Township 23 North, Range 17 East of the I.B.&M., known as NS/4210 Road, and more particularly described as 16.5 feet on each side of section line, beginning at a point 660 feet South of the northeast corner of the SE/4 of said Section 29, thence south along said section line a distance of 1320 feet to a point 660 feet north of the southeast corner of said Section 29, in District No. 1, Rogers County, Oklahoma -

Commissioner DeLozier stated this is a road that will take us into an addition that requires jumping upon Highway 28A and has for years and is a safety issue.

Bob Allen of 18121 East Highway 28A, inquired about the width being 1320 feet and are the fences going to be removed? Commissioner DeLozier replied the section line will be open for the 33 feet width and the fence will be put back, we will not leave the fence open. Commissioner DeLozier continued that he would like to personally meet with Mr. Allen and inform him of the county's intentions. Mr. Allen spoke in approval of the road because it is dangerous. Commissioner DeLozier stated the road will open back to county road 4210, which will bring the traffic onto Highway 66, instead of Highway 28A.

Rosetta Sperry of 18101 East Highway 28A, stated she lives on the road and grew up there and it is a very dangerous road. Ms. Sperry inquired as to where the road would begin? Commissioner DeLozier replied at the top of the hill and a gravel road to be maintained by the county. Commissioner DeLozier continued that Ms. Sperry would have a new 911 address after the completion of the road and Ms. Sperry stated she was aware of that.

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

2. Approve/disapprove Resolution #2009-53 for lease renewals for equipment that is being leased through the County Road Machinery and Equipment Revolving Fund for fiscal year 2010 on Agreement Number 662001; ODOT Number 99-2022; Agreement Number 662002, ODOT Number 99-2023; Agreement Number 66203, ODOT Number 99-2028 on a John Deere loader/backhoe, sn#T0310SG957403; John Deere hydraulic excavator, sn#507662 and John Deere Wheel Tractor, sn#L06615A479539 with hydraulic boom mower, sn#2926, be it resolved that the aforesaid Lease-Purchase Agreements be and are here by **renewed** for the period of one (1) year commencing on July 1, 2009 and ending June 30, 2010 -

Chairman Helm stated these lease renewals were for District #2 and made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

3. Approve/disapprove request from Oklahoma Department of Transportation, as per 69 O.S. 1991, Section 636.5, paragraph D, all risk physical damage insurance shall be carried on all equipment and road machinery purchased through the County Road Machinery and Equipment Revolving Fund and signing of request form –

Chairman Helm stated that this item is for the equipment listed under Item #2 and District #2 carries full coverage on these items. Chairman Helm made a motion to approve with Commissioner Thacker 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 – road bore only county road East/320 lying between county roads NS/4260 and 4270 and boring across from Section 17 to Section 20 in Township 24 North, Range 18 East of the I.B.&M., Rogers County -

Commissioner DeLozier stated this permit is in District #1 and he has looked at it and made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 13: CLAIMS:

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

ITEM 14: BLANKET PURCHASE ORDERS:

1. Materials, Supplies, Parts, Groceries & Prescriptions –

Sheriff's general fund vehicle maintenance: Froman Oil Company, \$1000.00

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

2. Orders Exceeding Amount of Issuance – None presented.

ITEM 15: AGENDA ITEMS:

1. Discussion with possible action with BKL, Incorporated Engineers and Architects on proposal for doing a feasibility study for new courthouse, 911 center and jail expansion-

Commissioner Thacker stated that the first committee meeting was on Thursday, July 9, 2009, at 6:00 o'clock p.m. with Billy Knowles and Kim Reeve from BKL, incorporated in attendance and all committee members being present.

Billy Knowles with BKL, incorporated, expressed that the committee did a great job and after discussion the committee members found out and realized all aspects of the job and the different things that make up the job, it came around to them defining the scope of work that our firm needs to do to go ahead with the feasibility study and based upon that, we were to work up a fee and schedule for two (2) different dates. The committee would like to see November 10, 2009, as an election date for an extension of the 1/6 sales tax and we have prepared those schedules and fees for that.

Kim Reeve, A.I.A., President of BKL, incorporated, presented the Board with a schedule of the feasibility study and commented that it was a good meeting with the 11-person committee members including touring the courthouse and the jail and had several discussions on the issues and we feel we are off to a good start.

Mr. Reeve continued, what we will be doing in the next few weeks is establishing what functions you currently have, what you have inside and outside of the courthouse; what the issues are for E911, we understand that the E911 has a committee that has been meeting for some time and has a clear idea of the needs of the facility and talk to the Sheriff about the jail. Once we have gathered all that information we will talk to the different officers about their future needs and how do they see technology coming into the picture and what they see 10-years; 20-years down the road. Then we'll do a space needs analysis for projects and then we will have square footage to give us an approximate size of the facilities and from that we can start to generate some costing information. Ultimately we will end up with drawings of the facilities and an exterior rendering of what the facilities may look like and an estimate cost of construction. As it goes to a vote, BKL will be available to provide support and show up to meetings as needed and offer information and explanations and provide documents for presentation to the public. Mr. Reeve continued, that the committee directed us to look at going to a vote on November 10th with an option to fall back on the December 8th election date, if need be. Their direction was to take off and get done what we can get done and be efficient and possible and hopefully make the November 10th election date. The two (2) schedules we are presenting today, the items are listed that we will be doing. Also, included is a list

called "owner tasks" and that is where the owner and the officers of the county need to be able to respond in a timely manner and be available to meet with us and provide us information so we can move the process along.

Chairman Helm inquired of the election dates, wouldn't it be better to have the December 8th election date to get all these drawings provided, and wouldn't it be most advantageous for Rogers County to have the most exposure of having it in the paper through the whole months of October and November. Chairman Helm expressed that he preferred the second (2nd) schedule better and the first (1st). Mr. Reeve expressed that BKL was directed by the 11-person committee to do November 10th date and when we interviewed with the Commissioner's, we told you yes, that we could do the November 10th date. And the 11-person committee did discuss the 2nd schedule for the December 8th date as an option. Chairman Helm inquired as to what was the problem the committee had in not waiting for the December 8th election date, why push so fast? Mr. Reeve replied, that he did not know. Commissioner Thacker stated, what BKL is presenting today is the recommendation of the 11-person committee.

Chairman Helm inquired of the sentence listed in their schedule; we propose to provide the services listed above for a fee of \$35,000.00, did that meet with you Commissioner Thacker? Commissioner Thacker replied, yes sir. Mr. Reeve explained that BKL in not invoicing the county as we do this work, we will wait until the vote to see how the vote comes out. Chairman Helm asked for a clarification, so the \$35,000.00 will be paid if the bond passes? Mr. Reeve replied, if the bond passes it will roll over into our next fee and if it does not pass we will require payment.

Commissioner Thacker recommended employing BKL to do the feasibility study and move forward with the project. Commissioner DeLozier inquired as to where would the \$35,000.00 fee be paid from, what account? Chairman Helm replied, the courthouse improvement account, which Marilyn Gibson (County Clerk 1st Deputy) and myself set some money back in the courthouse improvement account and that would be the account it would come from. Ms. Gibson stated that she would encumber the purchase order once the contract has been signed and approved by the District Attorney's office.

Commissioner Thacker also pointed out that the feasibility study is to also look at possibly remodeling the current courthouse, not just building a new courthouse. They are looking at all of our options and needs. And the committee does understand that they are a recommending body to the Board of County Commissioner's. Commissioner DeLozier inquired if the Board would be signing a contract on this and Mr. Knowles replied, yes. And Commissioner DeLozier stated that our Assistant District Attorney, Barry Farbro, needs to look over the contract before it can happen. Farbro stated that he has seen a couple of drafts of the BKL consulting agreement/contract and it shouldn't take me much time to review and approve that.

Commissioner Thacker made a motion to approve employing BKL, incorporated to do the feasibility study, upon the acceptance of the contract by the District Attorney's office with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

2. Discussion with possible action on employment of financial adviser for proposed bond issue for construction of new courthouse, countywide 911 dispatch center and jail expansion –

Commissioner Thacker stated that we need to get the financial adviser on board for the proposed bond issue and all these things have to work in harmony to get the project moving. Commissioner Thacker inquired if anyone was present at the meeting as a proposed financial adviser. Greg Neto with The Baker Group out of Oklahoma City was present and stated that they have been involved in the last two (2) undertakings on the jail and we thought it would be a good idea from the standpoint of working with Mr. Knowles and his group, that we come in and evaluate your sales tax and use tax and do a study and provide information in regards to what you can do for your projects, what is available and orchestrate providing information for an election and we also work in conjunction with bond counsel and prepare the resolutions for the collections of those sales tax. Everything we do is contingent upon, if we go through the work and the sales tax election does not carry, then you don't owe us anything. And in the event it does carry and in the event you do issue bonds, we are compensated out of the bond proceeds themselves. We represent communities and counties all across the state.

Commissioner Thacker stated that bond counsel needs to be placed on the agenda for next week, since it is not stated in this week's agenda. Assistant District Attorney, Barry Farbro, stated that today's agenda does not cover for bond counsel. Farbro inquired if the gentlemen present were the persons recommended by the 11-person committee and Commissioner Thacker replied, no. The 11-person committee recommended that we hire a financial adviser and bond counsel and place it on the agenda and these gentlemen showed up for today's meeting. Commissioner DeLozier stated that there have been other financial adviser and bond counsels show interests in this project and suggested tabling for one week (July 20th) to allow everyone the opportunity to come before the Board.

Commissioner DeLozier made a motion to table this item for one week (July 20th) to give everyone an opportunity to come to the meeting and apply with Chairman Helm seconding the motion.

Assistant District Attorney, Barry Farbro, inquired as to when was the next 11-person committee meeting and Commissioner Thacker replied Thursday, July 16th. Farbro stated this would be the opportunity for the committee to solicit some additional information to these

gentlemen and/or other interested parties and have the committee to make a recommendation on financial adviser.

Chairman Helm inquired from Police Chief Mickey Perry, if the county was getting too far out here for the participation of the City of Claremore? Perry replied, that he didn't think so, because Mayor Shallenburger was present at the meeting on Thursday, July 9th, and spoke of their participation probably not at this time, so you can probably move forward. Chairman Helm stated that we are still good on the county wide dispatching and Perry replied, yes. Chairman Helm explained that the county has been meeting with the City of Claremore monthly and discussing idea and wanted to make sure that we didn't get too far out here to where there was no point of return. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried. Chairman Helm asked for clarification, we are asking the committee to allow people come and present to the committee on Thursday, July 16th at 6:00 o'clock p.m. and the committee to make recommendation of financial adviser and bond counsel back to the Board. Farbro replied, that is typically what the committee would do, it takes some of the burden off the Board of County Commissioners, that is why the committee was formed. Chairman Helm inquired if Farbro would need to look at any kind of drafts before we have it on the agenda and Farbro replied that he would like to see any proposed agreements well in advance of any Board action. Chairman Helm replied that it will be left up to Commissioner Thacker to contact you.

3. Discussion with possible action on approval using Vicki Atchley to facilitate the rollover of Phase II on E-911 –

Commissioner DeLozier commented that using Ms. Atchley helps Rogers County to make sure everything is being done accurately on the rollover of Phase II on E-911 and made a motion to approve with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

4. Discussion with possible action on resignation of Rick Thomas from the Rogers County Public Facilities Board, whose term expired on December 31, 2008, and Appointment of Herb McSpadden for a 3-year term to expire on December 31, 2012 –

Commissioner DeLozier stated that Dave Wilbur from the golf trust authority had contacted him and a letter of resignation had been submitted by Rick Thomas. Chairman Helm stated that we have already once before had a gentleman we were going to put on and then we were told that the persons were appointed from each Commissioner's district, is it still that way or how is it done? Peggy Armstrong, Rogers County Clerk, stated she did not know. Commissioner DeLozier commented that he didn't ever remember getting that part figured out. Peggy Armstrong, Rogers County Clerk, commented she remembered the conflict being when was their term to expire. Chairman Helm inquired if this appointment would be done by all 3 Commissioner's or does a person have to live in a specific Commissioner's district? Commissioner DeLozier replied that he was not sure as to whose district Mr. McSpadden lived in. Chairman Helm inquired if the Rogers County Public Facilities Board was making this recommendation from their board or was Dave Wilbur suggesting using this person? Commissioner DeLozier suggested tabling this item for one week and see if anyone else is interested in serving, they can talk to the board. Chairman Helm made a motion to table for one week (July 20th) and ask Dave Wilbur for clarification and bring a list of expiration of terms of the board members and come before the Commissioner's Board next Monday (July 20th) with Commissioner DeLozier seconded the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

5. Open & Award Bid #204 – Laid Asphalt

16 bid packets were mailed with 0 being returned undeliverable and 5 responses being received as follows: Becco Contractors, Inc., \$43.93 ton; Apac-Oklahoma, Inc., \$52.00 ton; Coday Enterprises, Inc., dba Ellsworth Paving, \$57.78 ton; Lob Holdings, Inc., dba Lobo Asphalt, District #1 \$63.17 ton; District #2 \$58.52 ton; District #3 \$60.27 ton; A & A Asphalt, Inc., \$57.45 ton – Commissioner Thacker made a motion to accept all bids closest to work region and based upon first available with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

6. Acknowledgement for public record receipt of check #910202 in the amount of \$1659.70 and receipt of check #910368 in the amount of \$373.67 to District #3 warehouse from Sheriff's Office for fuel – Acknowledged for public record only, no action taken.

7. Acknowledgement for public record receipt of check #208-125422 in the amount of \$152.50 from CMC Recycling for District #1 – Acknowledged for public record only, no action taken.

8. Discussion and possible action to enter Executive Session for the purpose of confidential communications between the Board of County Commissioners and its attorney concerning a pending investigation, claim, or action, if the Board, with the advice of its attorney, determines that disclosure will seriously impair the ability of the Board to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest, as authorized by Title 25 O.S. § 307(4), regarding A T&T tort claims for damaged cables in the county road easement –

Chairman Helm made a motion to adjourn regular session and Enter Executive Session upon the advice of counsel, Assistant District Attorney, Barry Farbro, with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried and the Board entered Executive Session at 9:43 A.M.

9. Motion and vote to adjourn Executive Session and enter Regular Session –

Chairman Helm made a motion to adjourn Executive Session and enter

Regular Session with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried and the Board adjourned Executive Session and entered Regular Session at 11:25 A.M.

10. Discussion and possible action with respect to any mater considered during Executive Session regarding A T & T tort claims for damaged cables in the county road easement – No action taken.

NoteCommissioner Thacker left the meeting at 11:33 A.M. to attend the funeral of his grandfather***

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, July 13, 2009***Commissioner DeLozier 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 – None presented.

ITEM 19: RECESS OR ADJOURNMENT:
Commissioner DeLozier made a motion to adjourn the meeting with Chairman Helm seconding the motion. Roll Call: Helm-aye, DeLozier-aye. Motion carried and the meeting was adjourned at 12:30 P.M.

BOARD OF COUNTY COMMISSIONERS
ROGERS COUNTY, OKLAHOMA

By: _____
Peggy Armstrong, Rogers County Clerk

(SEAL)

Notice of said meting was filed in the Office of the County Clerk on Friday, _____, 2009, at _____ 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.