

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 20, 2009, at 9:00 O'clock A.M.

MINUTES

ITEM 1: CALL TO ORDER:

Chairman Mike Helm called the meeting to order at 9:01 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 13, 2009

Commissioner DeLozier made a motion to approve the minutes from July 13, 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:

1. Discussion with possible action on Approval of Final Plat of River Port Ranch V, being located in the W/2 of the Section 19, Township 20 North, Range 16 East of the I.B.&M., Rogers County – Mary Dupree, Developer -

Applicant Mary Dupree was present with counsel John Crockett of 226 East Graham in Pryor, Oklahoma. Mr. Crockett represented Mr. Dale Marlar who could not be present today due to health issues. Mr. Crockett continued that he felt all the issues involving the plat have been resolved, the roads have been inspected. Mr. Crockett, Mr. Marlar and Mr. Farbro met and had discussions regarding certain language to be put into the plat regarding the roads. These particular roads were approved under the prior regulations. There was a question regarding storm water issues and Mr. Crockett stated that he does have a copy of a report prepared by her engineer. Mr. Crockett asked the Board to approve the plat as presented.

Brian Kellogg with Kellogg Engineering, county engineer for District #2 was present at the meeting and stated that he has not seen the plat to see if all the requirements have been met since the last meeting. Allen Carter, District #2 road foreman was asked if he had done a letter saying that District #2 accepts the roads and Carter replied no. Mr. Crockett expressed there was a letter that was prepared and basically says the base and sub-base portion of the roadway have been completed, however, the result does not meet final plat approval until all aspects as outlined in our previous meeting have been completed. Mr. Crockett stated he understood the roads were to be gravel roads and the gravel, including the base and sub-base have been approved. Carter explained, at bare minimum, the sub grade and gravel have been put in and been tested and that part is good and that's all that has been done. There is no topsoil in the ditches, no vegetation management, no soil erosion control, the ditches have been cut, sub grade has been put in, but that's it.

Mr. Crockett asked the Board if he could meet separately with Mr. Kellogg and Mr. Carter to discuss these issues and the Board continue on with the meeting and they would come back before the Board for a final decision. The Board agreed. After the meeting with Mr. Crockett, Mr. Carter and Mr. Kellogg, Mr. Crockett requested the Board to take no action on the final plat approval today, and requested the Board to place back on the agenda in two (2) weeks. Chairman Helm made a motion to take no action today and place this item back on the agenda in two (2) weeks (August 3) with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 9: ROADS AND BRIDGES:

1. Discussion with possible action on Approval of Resolution #2009-55 and Urban STP Application requesting Programming of Tulsa Urbanized Area Surface Transportation Funds for North 161st East Avenue roadway widening from East Skelly Drive extending North 1.07 miles to East Pine Street including intersection improvement at East Pine Street intersection -

Jimmie Sitz, P.E. with Guy Engineering Services, Inc., explained this was an Urban STP Application for a project at North 161st East Avenue roadway widening from East Skelly Drive extending North 1.07 miles to East Pine Street including intersection improvement at East Pine Street intersection. Sitz didn't put the entire burden of engineering, right-of-way, and utilities on the county because doing so wouldn't have gotten us the two (2) additional points to maximize this category. To get these points we would have to contribute more than 50% of the project cost and Rogers County is 27% now and stopped to get us four (4) points on this category. The additional two (2) points were just too expensive and Sitz didn't feel we would need them. 73% of the funds will come from the federal government. Sitz continued that this particular federal participation is distributed through INCOG and is competed upon by a number of metropolitan areas, in coordination with ODOT. The STP funds requested is \$5,103,718 and the county portion is \$1,867,529, and Sitz recommends the county portion come from grants such as industrial access grants, Tiger Discretionary grants, possibly Cherokee Nation funds and local sales tax funds. Commissioner DeLozier inquired as to what will this do to other industrial access grant applications if applied for in other parts of the county? Chairman Helm replied these are totally different monies to use in Tulsa urbanized area. Commissioner DeLozier inquired where would the engineering fees come from? Sitz replied \$156,391 from the STP funds and \$104,261 from the county, which is 27%. Chairman Helm explained that the only reason Rogers County is getting an opportunity to participate is because this area is part of the Tulsa urbanized area and we are just applying for this money, it doesn't mean that we will get it. Sitz stated this request does not include any CBRI funds and the deadline for the application is Friday, July 24th. 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:

1. District #2 One Cent M&O to Capital Outlay - \$100,000.00

Chairman Helm stated that before the end of the fiscal year District #2 received \$214,000 from FEMA and instead of making all the books look really funny the money was deposited into m&o instead of trying to break it all down because we were under a tight squeeze to get all the paperwork in. Chairman Helm made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 12: UTILITY PERMITS: None presented.

ITEM 13: CLAIMS:

1. Salaries – None presented.
2. Attendant Care – Nick Epperson, \$510.00

Chairman Helm made a motion to approve 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 –

District #3: United Engines, \$14,000 – Commissioner Thacker made a motion to approve with Chairman Helm 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 on presentation from Community Care representative Nachele Slavens concerning Rogers County Wellness Program – (**note**this item was discussed at June 22, 2009, meeting**)

Nachele Slavens with Community Care 218 West 6th Street, Tulsa, Ok 74119 presented the Board with seven (7) benchmarks for a Rogers County employee health promotion program by capturing leadership support from other elected officials and management; recommend employees from each office to serve on the committee and committee members should be a mix of elected officials, management and staff; Community Care will assist the committee in assessing employees needs and interests; promote program, assist in the development of the vision statement and health promotion program goals and objectives; and assist in implementing, monitoring and evaluation activities. Collect data to drive health efforts; craft an operating plan; choose appropriate interventions; create a supportive environment and evaluate outcomes. Slavens gave as potential speakers to launch the health promotion program John Shier, a registered nurse with a message and David Meinz, registered dietitian and health humorist. Chairman Helm recommended meeting again in another month (August 24th) and Commissioner DeLozier offered to serve a chair of the committee and Chairman Helm suggested a representative from the Assessor; Treasurer; County Clerk, Court Clerk; District Attorney; Sheriff; District #1; District #2 and District #3 to also serve on the committee. Commissioner Thacker made a motion to approve 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 and bond counsel for proposed bond issue for construction of new courthouse, countywide 911 dispatch center and jail expansion – (**note**this item was tabled from July 13, 2009, agenda**)

Judge Sheila Condren with Courtroom Division V and Bill Higgins, attorney, Co-Chair/Secretary and Chair respectively of the 11-person committee on the courthouse, E911 Center and jail expansion, were present at the meeting and expressed the committee met on Thursday, July 16th to choose a financial adviser to recommend to the Board. Financial advisers in attendance at the committee meeting were John Johanning; Stephen Smith; Rick Smith and Greg Neto. The committee used a weight scale/tally sheet to score the presentation of each financial adviser. The committee recommends Greg Neto with The Baker Group for the county to use as a financial adviser and the committee suggests the Board to allow Mr. Neto to make recommendations/suggestions to the Board for bond counsel. Higgins and Condren felt very confident in allowing Mr. Neto to make the recommendation for bond counsel to the Board. Higgins stated that Mr. Neto indicated that he would recommend Tom Hilbourne, but didn't know if the Board wanted the committee to make the recommendation or Mr. Neto. The payment to bond counsel for fees would be contingent upon passing of the bond. Higgins presented the financial adviser contract from The Baker Group, but stated that the District Attorney's office was just delivered a copy on Friday (July 17th). Higgins and Condren recommended approval of the financial advisers contract subject to the contract being approved and signed by the District Attorney's office. Commissioner Thacker made a motion to approve employment of financial adviser Greg Neto with The Baker Group, subject to the contract being approved and signed by the District Attorney's office with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

3. 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 – (**note**this item was tabled from July 13, 2009, meeting**)

Dave Wilbur with the Rogers County Public Facilities Board presented the Commissioner's with copies of list of the Board of Trustees names, addresses, phone numbers and term of expiration; along with a hand-written sheet by former County Clerk, Andrea Willis; and the Amended and Restated Declaration of Trust of the Rogers County Public Facilities Authority, formerly known as the Rogers State College Authority. On November 20, 1997, a trust resolution was adopted by the Board of County Commissioners and the trustees named were to serve a one-year term; a two-year term and a three-year term with three (3) members for each term and three (3) appointments were from each Commissioner's district. Wilbur continued that the golf trust authority has gone with the hand-written sheet from the County Clerk's office even though he felt it was wrong.

Trustee member Rick Thomas has resigned and one (1) interested party came to us saying he was interested in serving and both parties are in District #1. Chairman Helm inquired of the members listed on the Board of Trustees list for 2009 and asked how many were in District #1, District #2 and District #3? After discussion, it was not known for sure whose district some served in because several of the trustees had moved. Commissioner DeLozier pointed out that was probably because they had trouble in finding interested parties to serve on the board from each district.

Chairman Helm made a motion to have Mr. Wilbur go back to the Rogers County Public Facilities Authority Board of Trustees and ask each trustee whose Commissioner's district do they live in; and then decide if the trustees felt it should be a requirement for each of the three (3) expiring for 2009; 2010 and 2011 to come from each Commissioner's district and see if the trustees felt it should be a requirement that a trustee serving should live in Rogers County and come back to the Board of County Commissioner's in September with their recommendation so everyone would be on the same page and move forward from there. Commissioner Thacker seconded the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

4. Approve/disapprove KellPro Software License and Maintenance Agreement between Rogers County District #2 and KellPro, Inc. to use KellPro Software and/or imaging on inventory tracking system site with 1st station to be effective from July 1, 2009 thru June 30, 2010, in the amount of \$1150.00 –

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

5. Discussion with possible action on Automatic Renewal of Agreement dated September 4, 2007, and approved by the Board of County Commissioners on September 17, 2007, whereas, Pafford EMS is providing ambulance services to the citizens of Rogers County and Rogers County has previously agreed to share the costs of dispatching said ambulance service on an equal basis of one-third (1/3) share and Rogers County shall pay their portion on a monthly basis by remitting to Pafford EMS the sum of \$1067.00 per month –

Peggy Armstrong, Rogers County Clerk, explained the county had received an invoice from Pafford EMS for July dispatching services, but a contract had not be approved or renewed by the Board. Armstrong consulted Assistant District Attorney, Barry Farbro, and he advised the item should be placed on the agenda and approved by the Board even though it's an automatic renewal unless terminated by any of the parties thereto. Commissioner DeLozier made a motion to approve the agreement dated September 4, 2007, that was approved originally on September 17, 2007 by the Board, with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

6. Discussion with possible action on Approval of Attendant Care Agreement and Homebound Detention Agreement with Sandra Epperson and these agreements shall terminate automatically on June 30, 2010 – (**see Item #7 for action **)

7. Discussion with possible action on Approval of Attendant Care Agreement and Homebound Detention Agreement with Nick Epperson and these agreements shall terminate

automatically on June 30, 2010 –

Chairman Helm made a motion to approve Items 6 & 7 under agenda items as presented with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

8. Approve/disapprove County Officers Monthly Reports for June 2009 –

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

9. Acknowledgement for public record receipt of check #1292 from Grand Gateway EDA for May E-911 service fees in the amount of \$22,742.17 – Acknowledged for public record only, no action taken.

10. Approve/disapprove Resolution #2009-56 and Reimbursement form directing County Treasurer to deposit funds from Sheriff's Office for fuel reimbursement on warrant #001060 for \$207.30 and warrant #003344 for \$1945.38 into the one-cent sales tax fund for distribution for District #1 –

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

11. Approve/disapprove Resolution #2009-57 and Reimbursement form directing County Treasurer to deposit funds from Sheriff's Office for fuel reimbursement on warrant #003345 for \$538.20 into the one-cent sales tax fund for distribution for District #2 –

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

12. Approve/disapprove Resolution #2009-58 and Reimbursement form directing County Treasurer to deposit funds from Sheriff's Office on warrant #000440 for \$648.14; warrant #001062 for \$201.45 and funds from County Assessor's Office on warrant #003356 for \$174.96 for fuel reimbursement into the one-cent sales tax fund for distribution for District #3

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

13. Discussion with possible action on Approval of Independent Contractor Agreement by and between the Board of County Commissioners and Cinnabar Service Company, contractor for engineering services and general consulting –

John Thomas, Vice-President of Business Development with Cinnabar Service Company was present at the meeting along with Anelia Antonova, Acquisition/Relocation Agent with Cinnabar Service Company. Chairman Helm explained that this item was on the STP grant that District #2 applied through ACCO for 2010 and the county has to acquire right-of-way as a requirement of the federal highway administration on the Elm Creek Bridge Project. Ms. Antonova explained the complete process to the Board. Chairman Helm explained that Cinnabar Service Company will be used by District #2 to do right-of-way acquisition for the Elm Creek Bridge Project. Chairman Helm made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

14. Discussion with possible action on Approval of Plat of Survey for Ingersoll Cemetery on a tract of land in the E/2 of Section 13, Township 20 North, Range 16 East of the I.B.&M., Rogers County, Oklahoma, containing one (1) acre more or less, in District #3 –

Commissioner Thacker explained that Wynn Ingersoll of 15885 East 560 Road in Inola, Ok 74036, presented a Plat of Survey for a family cemetery called "Ingersoll Cemetery" to the Board for approval. Commissioner Thacker inquired from Mr. Ingersoll if this was to be a county maintained cemetery or a private family cemetery. Mr. Ingersoll replied a family maintained cemetery on a one (1) acre lot. Commissioner Thacker made a motion to approve with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

15. Acknowledgement for public record only, receipt of check #208-125759 from CMC Recycling in the amount of \$41.79 for District #3 – acknowledged for public record only, no action taken.

16. Discussion with possible action on presentation of drawings for county seal contest by Rogers County employees -

Peggy Armstrong, Rogers County Clerk, explained that Candi Czapanzky, Court Clerk; Melissa Anderson, Assessor and Cathy Baker, Treasurer, met on Friday, July 17th to choose 3 finalists from the twenty-five (25) entry of drawings for the county seal contest. Armstrong presented the 3 finalists to the Board. Commissioner Thacker will take the drawings to Inola Castings and once casting has been completed the Board will chose the winner and the employee whose drawing was chosen will get a weeks vacation. Discussion 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, July 20, 2009***Commissioner Thacker made a motion to approve payment of all purchase orders from all departments as presented with Commissioner DeLozier 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 for the Board to take action on.

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 11:54 A.M.

BOARD OF COUNTY COMMISSIONERS
ROGERS COUNTY, OKLAHOMA

By: _____
Peggy Armstrong, Rogers County Clerk

(SEAL)

Notice of said meeting was filed in the Office of the County Clerk on Thursday, _____, 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.