

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, October 12, 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 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: October 5, 2009; October 7, 2009; October 8, 2009

Commissioner Thacker made a motion to approve the minutes from October 5<sup>th</sup>, October 7<sup>th</sup> and October 8<sup>th</sup> as presented with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

\*\*\*NOTE\*\*\*The Board entered Executive Session at 9:03 A.M.\*\*\*

ITEM 6: UNFINISHED BUSINESS:

1. Award Bid #522 – Excavator for District #2 –

\*\*\*NOTE\*\*\*this item was tabled from October 5, 2009, meeting\*\*\*

District #2 road foreman, Benny King and Brian Hickok, mechanic for District #2 were present at the meeting and presented the Board with weight scales they had done on Bid #522 on Kirby-Smith and Boxcer's bids. Kirby-Smith and Boxcer were the two (2) lowest bids; Boxcer at \$155,000 total cost and lease-purchase terms of \$2450.08 for 72 months and Kirby-Smith at \$195,000 total cost and lease-purchase terms of \$5697.93 for 36 months or \$3584.24 for 60 months. King recommended approving the bid of Boxcer Equipment as the low bid and the monthly payments of \$2450.08 for 72 months. Chairman Helm made a motion to accept the lowest bid of Boxcer Equipment of \$155,000 total cost on 2005 Gradall XL3100 for 72 months lease-purchase price of \$2450.08 with the recommendation of King and Hickok with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 7: ZONING:

1. Public hearing with discussion and possible action on the Application of Chris & Rhonda Bell for a change of zoning from AG to RST-60 for a residential trailer on a tract of land in Lot 4 of Section 31, Township 20 North, Range 17 East of the I.B.&M., Rogers County, Oklahoma – Address: 30855 South 4190 Road, Inola, Ok 74036

Magan Green, Planning Commission Director, reported to the Board the Planning Commission held a public hearing on October 6, 2009, and approved by a seven (7) to zero (0) vote. Green also reported the applicant could not be present today and at the Planning Commission hearing there was no opposition present. There was no opposition present at the hearing today. Commissioner Thacker made a motion to approve with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 8: PLATS:

1. Public hearing with discussion and possible action on the preliminary plat of the Oologah Assembly of God Addition, legal description as follows: located in the N/2 of Section 5, Township 22 North, Range 15 East of the I.B.&M., Rogers County, Oklahoma - Zoning AG - Owner/developer: Oologah Assembly of God –

Planning Commission Director, Magan Green, reported the Planning Commission held a public hearing on October 6, 2009 and the preliminary plat was approved by a seven (7) to zero (0) vote. There was no opposition at the Planning Commission hearing and the applicant was present at today's meeting. Green also reported that consulting engineer, Brian Kellogg, recommended extending the perimeter easement. No opposition was present at today's meeting. Chairman Helm made a motion to approve with Commissioner DeLozier seconded the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

2. Public hearing with discussion and possible action on the preliminary plat of

Oologah United Methodist Church, legal description as follows: a part of the NE/4 of Section 5, Township 22 North, Range 15 East of the I.B.&M., Rogers County, Oklahoma – Zoning AG - Owner/developer: Oologah United Methodist Church –

Planning Commission Director, Magan Green, reported the Planning Commission held a public hearing on October 6, 2009 and approved the preliminary plat by a seven (7) to zero (0) vote. Green commented that Breanna Godwin of 5801 East 410 Road in Oologah, had concerns over the traffic from the church. Brian Kellogg, consulting engineer, reported that the church is dedicating a 50 foot right-of-way to the county around the border of county road NS/4090 and EW/410 for future widening. Applicant was present at the Commissioner's meeting and no opposition was present. Chairman Helm made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 9: ROADS AND BRIDGES:

1. Acknowledgement only whereas, Rogers County has filed an extension with FEMA on DR1754 PW937 Keetonville Road Project until May 9, 2012 -  
Acknowledged for public record only, no action taken.

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 of Tulsa – installing alpha underground power supply at 20488 East 106<sup>th</sup> Street North by trenching 30” – trends will be 7’ in length – setting pre-cast pad – installing 2-8’ ground rods located in Section 18, Township 21 North, Range 15 East of the I.B.&M., Rogers County in District #2 -

Allen Carter, District #2 road foreman reported he noticed some work being done on Friday, (October 9<sup>th</sup>) but was not aware of this particular permit. Chairman Helm made a motion to table this item until further notice to give Carter time to visit with Cox Communications with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 13: CLAIMS:

1. Salaries – Brett Lauderdale - \$714.72 additional Sept. 2009 salary  
Commissioner Thacker made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.
2. Attendant Care – None presented.

ITEM 14: BLANKET PURCHASE ORDERS:

1. Materials, Supplies, Parts, Groceries & Prescriptions –  
Assessor: District #2 county warehouse, \$150.00; Sheriff's vehicle maintenance: Speedy Lube, \$500.00- Commissioner Thacker made a motion to approve the blanket purchase orders as presented with Commissioner DeLozier 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 Approval of Liberty National Supplemental Cancer Insurance-

Cale Greer and Stefanie Robertson with Liberty National located at 4815 South Harvard in Tulsa, Oklahoma, were present at the meeting. Greer reported to the Board that the employees will be offered an accidental death coverage for the employee \$3000 and \$3000 coverage for their spouse and \$1000 coverage for children and no premium is due until the end of the first policy year and coverage begins the day the application is signed. After the first policy year will cost only \$10.00 for entire family to continue the coverage for the entire year. Greer continued, this is just a way of saying “thank you” for letting us sit down with you. The plan participation must be offered to every eligible employee and each employee electing plan participation must be offered every benefit available in the plan. A salary reduction plan must be on file for each employee who elected or declines participation in the plan. 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 Approval of 2010 Census Partnership Agreement Form and 2010 Census Partnership Resolution - \*\*\*NOTE\*\*\*Lisa Martin-Anderson with the U S. Census Bureau, Partnership Specialist, made a presentation to the Board on September 8, 2009\*\*\*NOTE\*\*\*this item was tabled from October 5, 2009, meeting\*\*\*

Assistant District Attorney, Barry Farbrow, informed the Board he had reviewed the resolution and signed off on it even though it was not mandatory. The partnership agreement form has boxes to indicate level of participation by Rogers County. Chairman Helm made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

3. Discussion with possible action on Approval of 2010 employee benefits on medical, dental, vision & life insurance with Employee Benefit Professional, LLC -

Rebecca Vonfeldt and Mike O'Brien with Employee Benefit Professionals, LLC, located at 2212 N.W. 50<sup>th</sup> Street, Suite 140C, Oklahoma City, Ok 73112 and Melanie Bardin, CommunityCare marketing representative, located at 218 West 6<sup>th</sup> Street, Tulsa, Ok, were present at the meeting. Bardin reported to the Board that the 2010 medical renewal through CommunityCare will increase by 6% and offers a much richer benefit package to the employees on HMO & PPO vs. Healthchoice. Originally CommunityCare was recommending a 13.87% renewal change, but Cindy Giddings negotiated the % down to 6% with CommunityCare.

Bardin continued that dental is through Delta Dental with no rate increase for 2010 which includes implants, that was added two (2) years ago and the state does not offer implants.

Vision through VSP Plan C will see a 2.6% renewal change and will offer the same program we currently have. We are still working with them to have a no increase involved.

Life insurance is being offered through Standard Life and their rates will remain the same for 2010. We are currently working with Commissioner DeLozier as head of the committee to offer a wellness program for the employees and their families. Employee Benefit Professionals, LLC, recommends approval of the medical, dental, vision and life insurance renewals for 2010 as presented. Commissioner Thacker made a motion to approve the medical, dental, vision & life insurance as presented by Employee Benefit Professionals, LLC, with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

4. Discussion with possible action on request from Cathy Pinkerton-Baker, Rogers County Treasurer, to move one-cent money funds to general fund to cover warrants until collection of taxes start for 2009 -

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

5. Discussion with possible action on Stormwater Management Program by the City of Claremore -

Chairman Helm made a motion for Commissioner DeLozier to represent the county and attend the meetings the City of Claremore has on stormwater management with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried. Assistant District Attorney, Barry Farbro, reminded the Board that Magan Green, Planning Commission Director, was the county floodplain manager.

6. Discussion with possible action on Approval of Annual Update of Emergency Operation Plan for Rogers County -

Bob Anderson, Emergency Management Director, presented the Board with the September 2009 Emergency Operations Plan for Rogers County for their review. Chairman Helm made a motion to approve as presented with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

7. Discussion with possible action on Renewal of Community Care Senior Health Plan Year January 1, 2010 through December 31, 2010 -

Marilynn Gibson, County Clerk 1<sup>st</sup> Deputy, presented the renewal to the Board, because Myra Rogers with Community Care Senior Health could not be present today. Gibson informed the Board that the rates for 2009 was \$142.00 for retirees and would raise to \$176.00 for retirees in 2010, which is a \$71.00 increase from last year. Gibson reminded the Board that OPERS pays \$105.00 towards the retirees benefits and the benefits are to remain the same for 2010, this is just a renewal today. Commissioner Thacker stated he would like to negotiate the rate through Community Care Senior Health. Commissioner DeLozier made a motion to table this item for two (2) weeks (October 26<sup>th</sup>) to allow Commissioner Thacker time to negotiate the rates with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

8. Discussion with possible action on Approval of Rogers County paying a portion (50%) of county employee's membership fees to the Claremore Recreational Center -

Commissioner DeLozier stated that he was pre-mature in placing this item on the agenda. Commissioner DeLozier made a motion to table this item for two (2) weeks (October 26<sup>th</sup>) with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

9. Discussion with possible action on Approval of Independent Contractor Agreement by and between Nathan Parks, dba W Tech and the Board of County Commissioners on behalf of the Rogers County Sheriff's Office -

Chairman Helm inquired if Assistant District Attorney, Barry Farbro, had reviewed the contract and Peggy Armstrong, Rogers County Clerk, replied no, because it was on the form that Farbro had designed. Farbro inquired about the price or rates and payment terms for services. Farbro suggested letting him consult with the county IT person, Brett Williston about the contract and also, discuss the item with Sheriff Walton. Chairman Helm made a motion to table this item for one week (October 19<sup>th</sup>) to allow Assistant District Attorney, Barry Farbro, time to do the consultation with Brett Williston and Sheriff Walton about the contract with Commissioner Thacker seconded the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

10. Discussion with possible action on Approval of name change for District #3 receiving agent from Debbi Burns to Debbi Stout -

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

11. Open & Award Bid #523 - Bridge Piles for District #2

26 bid packets were mailed with 1 being returned undeliverable and 4

responses received as follows: K & R Builders, Inc., Wheatland, Oklahoma; Becco Contractors, Inc., from Tulsa, Oklahoma; The Railroad Yard in Stillwater, Oklahoma and Paradigm Construction in Tulsa, Oklahoma. (see attached bids for complete information) Chairman Helm made a motion to table awarding of this bid for one week (October 19<sup>th</sup>) to allow time to review the bids with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

\*\*\*NOTE\*\*\*Items 12, 13 & 14 under Agenda Items was discussed by the Board at 9:03 A.M.\*\*\*

12. Discussion and possible action to enter Executive Session for the purpose of discussing the employment, hiring, and appointment of any individual salaried public officer or employee, as authorized by Title 25 O.S. § 307(1), to wit: conduct interviews and evaluate applicants for the position of Administrative Assistant to the County Commissioners –

Commissioner DeLozier made a motion to enter Executive Session with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried and the Board entered Executive Session at 9:03 A.M. with County Clerk, Peggy Armstrong.

13. 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 9:08 A.M.

14. Discussion and possible action with respect to the employment, hiring, appointment, interviews and evaluation of applicants for the position of Administrative Assistant to the County Commissioners as discussed during Executive Session -

Chairman Helm made a motion to send the top two (2) applicants that were interviewed for the position of Administrative Assistant to the County Commissioner's to the District Attorney's office for background checks/reviews with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

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, October 12, 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 – None presented that required Board action.

ITEM 19: RECESS OR ADJOURNMENT:

Commissioner DeLozier made a motion to adjourn the meeting with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried and the meeting was adjourned at 11:31 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, October 8, 2009, at 3:06 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; on the Wheelchair Ramp Door; and on the county web site.*