

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, November 2, 2009, at 9:00 O'clock A.M.

MINUTES

ITEM 1: CALL TO ORDER:

Chairman Mike Helm called the meeting to order at 9:02 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 26, 2009

Commissioner DeLozier made a motion to approve the minutes from October 26, 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. Acknowledgement for public record Notification for Review of Road Classification Plans for the proposed Hazardous Waste Management Facility – LaFarge Cement Plant, Tulsa, Ok - ***NOTE***It does not impact any of the roads in Rogers County***

Chairman Helm reported that the purpose of this notification is to provide the counties the opportunity to review the road classification plans as described in § 654 of Title 69 of the Oklahoma State Statutes, and evaluate whether the subject bridges and roads are adequate to provide access to and from the waste facility for the proposed. Acknowledgement only for public record, no action taken.

2. Discussion with possible action with Guy Engineering for the five year ODOT Plan. (D#1)

John Blickensferfer with Guy Engineering, Inc., located at 10759 East Admiral Place, Tulsa, Ok with a draft of an 8-year plan for bridge work in Rogers County. Blickensferfer has already met with each Commissioner individually to get priorities and requirements for each district and then laid the plan out for a series of eight years as required by Oklahoma Department of Transportation (ODOT) to balance the funding we get which is approximately \$255,000 a year in CBRI funds and approximately \$190,000 in BR funds yearly. BR funds are federal dollars.

Based upon these requirements and discussions with each Commissioner, we have laid out 10 projects for District #1; 12 projects for District #2 and 9 projects for District #3. The project that will be funded in 2010 with BR funds will be Panther Creek for District #3; for 2011 is District #1 Dog Creek and for 2012 for District #2 Bridge #36; 2013 is District #3 on Bridge #87, Claremore Lake; 2014 would go back to District #1 on Bridge #18.

Local monies have to be used because of limited funding available to make up the deficit. See page 2 of 4 for complete figures and the last page of the plan is the list of bridges in Rogers County less than 23 tons.

Chairman Helm made a motion to approve the ODOT 8-year plan as presented with Commissioner DeLozier 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. Chelsea Gas Authority – boring Grandview Road approximately 1330 feet south of county road EW/420 Road lying in Section 7, Township 22 North, Range 17 East of the I.B.&M., Rogers County, Oklahoma, located at 14271 Grandview Road in District #1 –

Commissioner DeLozier stated that he reviewed the permit and since it was a bore only, made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

2. AT&T—boring E. 121st Street North, South approximately 950 feet on the east side of N. 209 East Ave. Road is in District #2 –

Chairman Helm stated he would approve the permit as presented with the stipulations that AT & T must put back any sod, all rocks dug up during must be removed and if the road is damaged or destroyed at all it will be A T & T's cost to replace and repair it with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

3. AT&T – boring & trenching 700' feet west of SE Corner of Section 7 Township 21n Rage 17E, trench North along West side of NS 4200 Rd 3200' then place fiber cable aerial 7900' then bury North to EW 740 Rd then East across NS 4200 Rd to cell site the East along EW 470 Rd on South side 690'. (D#2)

Commissioner DeLozier and Commissioner Thacker stated this permit was within both of their districts, not in District #2. Peggy Armstrong, Rogers County Clerk, pointed out to the Commissioner's that the permit was not signed by the applicant. Commissioner DeLozier made a motion to table this item for one week (November 9th) to allow himself and Commissioner Thacker to review the permit further 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 –
District #1: County Building Center, \$100.00; 911 Addressing: Froman's \$300.00; Emergency Management: Froman's, \$400.00; District #2: Foster Paint & Body Shop, \$4000.00 and P & K Equipment, \$2500.00 – 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 – None presented.

ITEM 15: AGENDA ITEMS:

1. Discussion with possible action on Approval/Disapproval of Architects Elevation of Rogers County Courthouse and E-911 Center - ***NOTE***the courthouse elevation was approved on Monday, October 26th, 2009, with the contingency upon seeing final drawing of the E-911 center that the advisory committee approved***

Billy Knowles and Kim Reeve with BKL, Incorporated presented to the Board site plans of the proposed Rogers County Courthouse and proposed Rogers County E-911 Center. Mr. Knowles also presented the feasibility study of the Rogers County Courthouse to the Board for their review. Commissioner Thacker made a motion to approve the Architects Elevation of the Rogers County E-911 Center as presented with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

2. Discussion with possible action on Presentation by Charles Dawson and Tom Pigg with Advantage Care on LifeTime Benefit Term Life Insurance - ***NOTE***this item was tabled from October 26, 2009, meeting***

Mr. Charles Dawson was present at the meeting. Commissioner Thacker stated he met with Mr. Dawson last week and felt they had a very good product for the employees and their package should be offered to the employees. Commissioner Thacker made a motion to approve allowing Fidelity Life to offer their life insurance package to the employees and do it at the same time with open enrollment on November 12th & 13th with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

3. Open & Award Bid #16-P – Plastic Pipe – for Districts 1-2-3

18 bid packets were mailed with 1 being returned undeliverable and 6 responses received as follows: “No Bid” from The Railroad Yard in Stillwater and Wheeler Metals in Muskogee, Ok. Sunbelt Equipment & Supply from Meeker, Ok, sent a bid for steel pipe, did not match bid specs. Dub Ross Company, Inc., from Oklahoma City; Water Products of Oklahoma, Inc., in Owasso, Ok; and Fensco, Inc., for Jenks, Ok. Commissioner Thacker made a motion to award the bid closest to the work region and based upon availability to Dub Ross Company, Inc., in Oklahoma City; Water Products of Oklahoma, Inc., in Owasso, Ok and Fensco, Inc., in Jenks, Ok and the bid from Sunbelt Equipment & Supply did not meet the bid specs because they bid steel pipe and the bid asked for plastic pipe with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

4. Open & Award Bid #524 – Pad-foot Roller – District #1

18 bid packets were mailed with 0 being returned undeliverable with 9 responses being received as follows: "No Bids" from OCT Equipment in Tulsa; Northern Equipment Company in Enid, Ok; Oklahoma Territory Construction Equipment in Oklahoma City; and Boxcer in Tulsa, Ok. Bids submitted are as follows: G. W. Van Keppel Company in Tulsa, Ok, on 2008 Volvo Model #SD116DX with less than 500 hours for \$115,331.00; Warren Cat in Tulsa, Ok, 2009 CAT Model #CS56 with approximately 100 hours for \$143,205.00; Equipment World, Inc., in Catoosa, Ok, on 2009 Dynapac Model #CA26OD for \$117,500.00; Kirby-Smith Machinery, Inc., in Tulsa, Ok, on 2007 Ingersoll Rand Model #SD-116DX with 687 hours for \$83,150.00 FOB OKC; Keystone Equipment Company in Sand Springs on 2007 Sakai Model #SV510TF with 470 hours at \$79,800.00 – Commissioner DeLozier made a motion to table awarding of this bid for one week (November 9th) to allow time to review the bids as submitted with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

5. Open & Award Bid #524 – Crawler Dozer – District #1

18 bid packets were mailed with 0 being returned undeliverable and 9 responses being received as follows: "No Bids" Northern Equipment Company from Enid, Ok; Oklahoma Territory Construction Equipment from Oklahoma City; G. W. Van Keppel from Tulsa, Ok; Boxcer Construction Equipment Company in Tulsa, Ok and C. L. Boyd Company, Inc., in Oklahoma City. Kirby-Smith Machinery, Inc., from Tulsa, Ok, on 2010 Komatsu Model #D39EX-22 for \$101,996.00; Keystone Equipment Company in Sand Springs, Ok, 2009 John Deere Model #700JXLT for \$151,122.00 with 22 hours of use; New 2010 John Deere Model #700 J LT for \$156,958.00; and 2010 John Deere Model #650 JLT for \$127,246.00; OCT Equipment in Tulsa, Ok, 2009 Case Model #850L for \$102,848.93; Warren Cat in Tulsa, Ok, on new unit 2008 Caterpillar Model #D5K XL for \$118,052.00. Commissioner DeLozier made a motion to table awarding of this bid for one week (November 9th) to allow time to review the bids as submitted with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

6. Discussion with possible action on Removal of Peggy Armstrong, Rogers County Clerk, as receiving agent for the County Commissioner's Office and Appointment of Christine Day as receiving agent for the County Commissioner's Office on all Commissioner's accounts –

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/Disapproval of Transaction Confirmation by and between Tiger, Inc., and Rogers County, Oklahoma, for natural gas services, based upon original contract dated August 14, 2006 –

Peggy Armstrong, Rogers County Clerk, reported that the District Attorney's office had not reviewed and signed off on the document. Helm made a motion to table this item indefinitely to allow the District Attorney's office time review the document as submitted and the item would be placed back on the agenda when the D.A.'s office is ready, with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

8. Discussion on reduced C.O.B.R.A. premiums of qualified participants and payments required by Rogers County (employer) as mandated by the American Recovery and Reinvestment Act of 2009.(D#2)

Marilynn Gibson, County Clerk 1st Deputy, reported to the Board that The American Recovery and Reinvestment Act of 2009 has brought forth some challenging administrative changes to COBRA. We have to meet the notification requirements as well as begin charging assistance eligible individuals (AEI's) 35% of the normal COBRA rates. The remaining 65% of the premiums will be paid for by Rogers County by taking a credit on their 941 tax form. This is a government mandate in which the IRS will reimburse for, but they have not been prompt in doing so. Gibson stated she is asking direction from the Board as to how to handle the situation, since the account is out of money, since the reimbursement from the IRS has not been received by the county. Commissioner DeLozier made a motion to table this item for one week (November 9th) to allow District Attorney, Gene Haynes, time to review The American Recovery and Reinvestment Act of 2009 with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

9. Discussion with possible action on scheduling times with Community Care and Liberty National regarding presentations and changes to the employees insurances.(D#3)

Commissioner Thacker stated that Community Care along with Liberty National Life Insurance and Aflac have scheduled to have open enrollment and insurance meetings with employees on November 12th & 13th. Commissioner Thacker made a motion to approve the insurance meeting dates as scheduled and also include Fidelity Life Insurance with the meetings and Commissioner DeLozier seconded the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

10. Discussion with possible action on \$54,000.00 being corrected on Budget for Legal Counsel---Should have been in L.C. Account on Budget. (D#2)

Chairman Helm reported that Marilyn Gibson, County Clerk 1st Deputy brought to his attention that the legal counsel fees that were discussed earlier in the year for the Commissioner's portion was in the requested column on the budget, but was not in the approved column on the budget. Gibson conferred with Bill Turner, CPA and budget-maker for Rogers County and he stated a transfer would have to be done. Chairman Helm explained that originally each Commissioner was going to give \$20,000 from their respective budgets to help pay for a county

attorney through the D.A.'s office; District #2 set aside \$20,000 from the one-cent account per the budget request and Commissioner Thacker and Commissioner DeLozier stated they wanted their \$20,000 to come from T-highway account. Gene Haynes, District Attorney, cautioned against using one-cent money. Gibson stated that the officer elected officers and department heads gave a total of \$55,000.00 for the legal counsel account. District Attorney, Gene Haynes, stated that he was very thankful to the Board and officials for the money and stated he did not need the full \$60,000.00 from the Commissioner's at this time, since he did not hire another assistant district attorney until October 1st and felt the Board should pro-rate the figure. Chairman Helm made a motion to pro-rate \$110,000.00 divided by 12 months x 9 months = \$82,500.00 minutes the \$55,000.00 already paid by the other offices = \$27,500.00 divided by the three Commissioner's equal \$9,166.68 for each Commissioner to pay good through June 30, 2010, with Commissioner Thacker seconding the motion. Commissioner DeLozier and Commissioner Thacker stated they wanted their \$9,166.68 to be paid from T-highway funds and Chairman Helm stated the wanted his \$9,166.68 to be paid from one-cent money. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

11. Discussion with possible action on Approval of Open House for the Rogers County Court House on November 10th, 2009 @ 5:30PM.(D#3)

Commissioner Thacker reported that Judge Shelia Condren along with several others from the publicity committee held a luncheon last week on Thursday, October 29th, and it was discussed about hosting an Open House on November 10th at 5:30 P.M. Letters will be sent to all community leaders inviting them and the public to attend the Open House to see the existing courthouse and the elevations and renderings of the E-911 Center and courthouse and presentations by the architects so everyone can be fully informed as to what the committee is proposing. We are asking the Board to allow the courthouse offices to remain open after regular hours on Tuesday, November 10th and Sheriff Scott Walton stated a deputy would be available for security purposes. Commissioner DeLozier made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

12. Acknowledgment only of Oklahoma Department of Labor Notice of Inspection on the Rogers County Courthouse (D#2) -

Chairman Helm stated that Oklahoma Department of Labor, Public Employee Occupational Safety & Health had received a complaint about the courthouse being infested with mold. (see letter) Irving Love with Oklahoma Department of Labor, visited the courthouse on October 19, 2009, to do an inspection of the complaint and reports dated September 17, 2008, and October 5, 2009, from Dean Swain, President of Environmental Hazard Control, Inc., was presented to him. The county is in the process of making these corrections to the courthouse as stated in the indoor air quality investigation for mold report from Dean Swain, dated September 17, 2008 and the NESHAPS Pre-Renovation asbestos inspection report from Dean Swain, dated October 5, 2009. These items are to be acknowledged for public record, 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 –

Chairman Helm made a motion to recess the meeting for 5 minutes with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried and the meeting recessed at 10:40 A.M.

Chairman Helm called the recessed meeting back to order at 10:50 AM. With Commissioner Thacker and Commissioner DeLozier being present and quorum established.

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, November 2, 2009***Commissioner DeLozier made a motion to approve payment of all purchase orders from all departments as submitted 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 –

Nathan Butterfield with Worldwide Restoration, Inc., gave an update to the Board on what the cost would be to have mold restoration done in certain offices in the courthouse. Discussion only, no action taken.

ITEM 19: RECESS OR ADJOURNMENT:

Commissioner DeLozier 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 adjourned at 11:40 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 29, 2009, at 3:30 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.