

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, December 14, 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 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: December 7, 2009

Commissioner DeLozier made a motion to approve the minutes from December 7, 2009, as presented with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 6: UNFINISHED BUSINESS:

1. Discussion with possible action on Approval/Disapproval of telephone quotes received on courthouse windows and window frame replacements and resealing windows at 1st floor and 2nd floor of the Rogers County Courthouse - ***Bid #520 was opened on September 21, 2009, meeting and no bid responses were received*** ***NOTE***this item was tabled from November 23, 2009, meeting and November 30, 2009, meeting***

Commissioner Thacker stated now that the vote has come in on the courthouse I don't really see a need to put new windows in. We can seal them the way that they are and use latex caulk to fix them. Commissioner DeLozier agreed and stated he also doesn't see any reason in replacing the windows and they can be caulked and that can be done with our own people. Commissioner DeLozier made a motion to throw out all the bids submitted and take care of the windows themselves with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

2. Discussion with possible action on Awarding of Bid #526 – Mold remediation, repair & restoration of Courthouse Offices - ***NOTE***awarding of bid was tabled from December 7, 2009, meeting***

Commissioner DeLozier stated in light of the different prices ranging from \$7670.00 to \$41,590.67, I discussed this matter with one of the vendors last week after the meeting and feel everyone that bid is not seeing the same thing. Commissioner DeLozier expressed concerns over the difference in the amount of the bids. Maybe each vendor doesn't think the same thing needs to be done on the project and whether the project was actually bid correctly.

Commissioner Thacker stated there should be a scope-of-work in the bid specs and if they are bidding something that is not there, that is irrelevant.

Chairman Helm inquired from Assistant District Attorney, Barry Farbro, from a legal aspect on the difference in prices on the bids, what would be his suggestion. Farbro stated he has not seen the bids that went out, but it sounds like there is a wide range of bids, the Board might want to consider narrowing the scope of work and maybe defining it a little more specifically and send it out for bid again. Farbro stated he doesn't mind looking at a more defined bid once it has been completed, I'm not an expert in mold remediation. The vendor last week laid the ground work for this discussion and he though perhaps it had been bid on services that might not necessarily required. The vendor suggested an industrial hygienist be involved.

Commissioner DeLozier added the vendor also suggested looking more in the walls, because tearing out a complete wall that doesn't have a problem is just a waste of money. These are things we need to look at first before we decide. I know the project needs to be done quickly, be we need to do more investigating on exactly what problems we have.

Commissioner Thacker stated that within the last two weeks, it was entered into the minutes that Rogers County does not have any hazards pertaining to mold in the letter from Irving Love with Oklahoma Department of Labor. Why spend money on it at all? If there is no hazard and no danger, why do it at all. Farbro stated that does tend to take some of the urgency out of the situation and Commissioner Thacker agreed that it does for him as well. Farbro suggested looking at the situation again and better define the services that we need.

Chairman Helm made a motion to table this item until further notice until the D.A.'s office can come back with recommendations to the Board and Commissioner DeLozier seconded the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 7: ZONING:

1. Discussion with possible action on Approval/Disapproval of Independent Contractor Agreement by and between Board of County Commissioners for Rogers County, Oklahoma, and Kellogg Engineering, Inc. on proposal to amend and update the Rogers County Subdivision Regulations and Development Standards – (D#2)

Chairman Helm stated he placed this item on the agenda to have Brian Kellogg with Kellogg Engineering, explain the loop holes involving plats in our subdivision regulations.

Brian Kellogg with Kellogg Engineering was present at the meeting and explained that this particular item was brought about a couple of months ago on the subdivision on Highway 412, some of the legal loop holes that could be in our subdivision regulations. Since that meeting I was asked to look at these loop holes as per legal stance and I've done some research and found some folks to work with, since then the Board has changed Mr. Farbro's role and maybe therefore, the scope of my proposal should probably change somewhat. Basically what we are talking about is amend the current subdivision regulations to bring them into compliance with state statutes and to remove any potential loop holes, including retaining legal counsel for review; provide clarification of jurisdiction and procedural direction to the platting process, including retaining legal counsel for review; prepare and create subdivision regulations regarding private subdivisions, gated subdivisions, private and public roadways, including retaining legal counsel for review.

Commissioner DeLozier stated he discussed this item with Assistant District Attorney, Barry Farbro on Friday, December 11th and feels we should Farbro an opportunity to review these subdivision regulations and see what he can find on them before we move forward.

Farbro stated that what Mr. Kellogg is referring to is the land owners platting requirements fell under the previous subdivision regulations, not the amended regulations which created part of the situation we were dealing with. Farbro continued that he would like to have more input in any subsequent amendments, because the D.A.'s office will be enforcing the regulations with respect to involving the public and would like to be involved in any review or amendments to the subdivision regulations.

Commissioner Thacker inquired if there was a requirement by law that a commissioner has to accept a road? Farbro replied the Board has discretion in what roads they accept for maintenance and not all roads are going to be within the planning area and not necessarily within the jurisdiction of our subdivision regulations. Commissioner Thacker continued, if they don't bring the roads up to county specs, why do all of this, just tell them no. Farbro continued that the Board of County Commissioners is required to approve a plat within the planning/zoning area prior to recording of the plat in the office of the County Clerk, but there is no similar requirement for the Board to accept the roads into the maintenance program, but with the County Commissioner's approval of that plat primarily relates to insuring that the roads comply with the minimum specifications for public roads. The situation in which we are referring, the outdated regulations were the ones that were in effect at the time the original plat was presented and approved and the previous regulations were not as strict as our amended subdivision regulations.

Chairman Helm explained the reason we are here is we asked Magan Green, Planning Commission Director to handle this and she doesn't have the money in here budget to do this and asked it be brought before the Board of County Commissioner's for discussion. Amending the subdivision regulations would keep from happening what happened a few months ago when the plat was accepted and private roads were in it. Commissioner DeLozier stated until Barry (Farbro) has a chance to review the amended regulations and dollar amount cannot be come up with, feels Barry needs to review and see where changes need to be made, if any.

Farbro stated he would be willing to work the Brian (Kellogg), because he doesn't see it necessary to pay an attorney for this, when the D.A.'s office is down the hall working for you. When I was in private practice I had a fairly intensive real estate practice and represented developers and am familiar in this area of the law. And the engineer would need a contract to define the scope of work and an estimated amount. Chairman Helm suggested having Brian (Kellogg) re-do his independent contractor's agreement after visiting with Farbro and then present to the Board at a later date.

Chairman Helm made a motion to table this item until the D.A.'s office places it back on the agenda with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

2. Discussion with possible action on Approval/Disapproval of Memorandum of Understanding (MOU) between Rogers County and the Cherokee Nation, whereas, part of the Cherokee Nation's annual road inventory update process with the Bureau of Indian Affairs this MOU is a requirement so that the listed routes will be eligible for Indian Reservation Roads (IRR) funding on BIA Region/Agency/Reservation GT905; Route Number 0521; Route Name Will Rogers Downs Drive; Length 0.40 in Rogers County, Oklahoma – (D#2) -

NOTEthis item was tabled from December 7, 2009, meeting ***

Commissioner Thacker inquired as to why he was not given this MOU for review since it is in District #3 before the item was placed on the agenda?

Conrad Purdom of 1502 North Choctaw Place, Claremore, Ok 74017, stated he owns land all around there and has owned it since 1961 and inquired as to how is this going to affect the county and myself. Commissioner Thacker replied his understanding is this is a cooperative agreement with the Cherokee Nation and if they construct a road, the county will maintain it, which is what is being done on the road that goes to Will Rogers Downs and goes around, we already maintain that. If the Cherokee Nation wants to spend their money and re-surface it, personally I'm more than willing to let them spend their money on our road. Mr. Purdom inquired if it was then going to be a Cherokee Nation road? Commissioner Thacker replied, yes, it is under Bureau of Indian Affairs (BIA), but it would still be maintained by Rogers County. Mr. Purdom then asked, Rogers County would then be the authority over it? Commissioner Thacker replied, that he didn't know. Mr. Purdom continued that he has dealt with this same problem before and the Cherokee Nation is hard to deal with.

Assistant District Attorney, Barry Farbrow, stated that he had not seen or reviewed the MOU and not certain of the scope of the agreement and am wondering if this is a county road and at this time is not sure exactly what road it is. Is this the road that you turn north off Highway-20, the main road into Will Rogers Downs and Commissioner Thacker replied yes, he believes that is the road we are talking about. Commissioner Thacker continued the road goes up to the race track on the left, but it also goes to the right and intersects back up with a north/south county road. Farbrow inquired if the road was a private drive to the Cherokee Nation facility and Commissioner Thacker replied, no. Farbrow continued that he doesn't believe Will Rogers Downs land is in trust, they pay ad valorem taxes, and presume it is a public road and is maintained by the county, but under this MOU will be improved by the Cherokee Nation with BIA money. Farbrow expressed concerns over the phrase on the MOU "eligibility for Indian Reservation Roads" and to me that implies trust lands and is there a plan to convert Will Rogers Downs to trust lands. Farbrow went on to say he would first like to review the MOU.

Commissioner DeLozier made a motion to table this item indefinitely until the D.A.'s office has time to review the MOU and place it back on the agenda at their discretion with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 8: PLATS: None presented.

ITEM 9: ROADS AND BRIDGES:

1. Discussion with possible action on Approval/Disapproval of Engagement Letter County Road and Bridge, Rogers County, on Little Dog Creek bridge and approach, Federal Aid Project #BRF-166C(219)CO; J/P# 25744(04) on land and right-of-way acquisition services to be rendered by Cinnabar Service Company – (D#3)

Commissioner Thacker stated District #3 is needing to acquire land for a bridge project and will be hiring Cinnabar Service Company to help complete this project. Commissioner Thacker 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:

1. District #3 One Cent Sales Tax Salaries to M&O - \$200,000.00
Commissioner Thacker made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.
2. Commissioner's part-time salaries to general government - \$9114.00
Chairman Helm made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.
3. OSU Extension salaries to general government - \$10,600.00
Chairman Helm made a motion to approve with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.
4. Fairboard M&O to capital outlay - \$15,400.00
Commissioner Thacker made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.
5. Court Clerk Revolving Fund M&O to salaries - \$90,000.00
Commissioner Thacker made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 12: UTILITY PERMITS:

1. Cox Communications of Oklahoma – 11811 East 51st Street – Tulsa, OK 74146 trenching or trackhoe to utility pole & setting pre-case pad 36" x 53" at the intersection of county road NS/4130 (Southaven Road) and county road EW/510 (Flint Road) in Section 30, Township 21 North, Range 16 East of the I.B.&M., Rogers County – (D#3)

Larry Clark, a representative with Cox Communications was present at the meeting. Commissioner Thacker inquired about the permit being used to get into Rose Glen Subdivision and expressed concerns from the citizens living in Rose Glen wanting to be assured that their yards and ditches are put back exactly as they were before and there has been trouble with

utility companies in the past not doing so. Commissioner Thacker pointed out it is stated in the permit all these items will be taken care of by the utility company and would like for you to acknowledge publicly in the meeting that you will adhere to this and Cox Communications will take care of it, whether it requires sod, dirt hauled in, whatever it might be that the yards and ditches are put back just like they were before the trenching took place. Mr. Clark agreed they would be. Commissioner Thacker continued on another issue is Southhaven Road is a City of Claremore road, it is not a county road. On the west side of Highway 66 is known as King Road, not Flint Road. We maintain from Southaven going west, but from Southaven to Highway 66 is the City of Claremore. So you will have to contact them and deal with them on one side of the road. Commissioner Thacker made a motion to approve the portion that is in District #3 with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 13: CLAIMS:

1. Salaries – Pam Norman, Rogers County Sheriff's Office - \$2409.54 & \$543.60
Sheriff Scott Walton stated Pam Norman was being paid a final payment of all vacation and accrued comp time. 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 – Nick Epperson – Homebound Detention Claim - \$780.00 & Nick Epperson – Homebound Detention Claim - \$495.00
Commissioner Thacker made a motion to approve with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

ITEM 14: BLANKET PURCHASE ORDERS:

1. Materials, Supplies, Parts, Groceries & Prescriptions – None presented.
2. Orders Exceeding Amount of Issuance – None presented.

ITEM 15: AGENDA ITEMS:

1. Presentation and issuance of Citations to the Rogers County Courthouse and County-Wide E911 Committee members as follows: Judge J. Dwayne Steidley; Judge Sheila A. Condren; Police Chief Mickey Perry; Sheriff Scott Walton; Commissioner Kirt Thacker; Mr. William "Bill" Higgins; Mr. Ted Jones; Mr. Craig Myers; Mr. Jim Smith; Mr. John A. Baker and Mr. Larry W. Mallory –

Commissioner DeLozier read aloud the citations and presented to those in attendance as follows: Mr. William Higgins; Mr. Ted Jones and Police Chief Mickey Perry. No action taken.

2. Discussion with possible action on Approval/Disapproval on award of contract on architectural services with BKL, Inc., on proposed Rogers County Courthouse – (D#3) –
Billy Knowles and Kim Reeve with BLK, Inc., were present at the meeting. Bill Higgins, committee chairperson stated on December 10, 2009, the committee met for the purpose of discussing a recommendation to the Board regarding an architect to provide design plans for the 911 Center and the new courthouse and after careful consideration, which included reviewing previous work done by the firm, discussions with previous clients and investigation of references, the committee would like to recommend that the firm of BKL, Inc., be engaged to provide architectural services for both projects.

Commissioner Thacker made a motion to hire BKL, Inc., subject to the approval of their proposed contract 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 Approval/Disapproval of payment of Invoice #1 for professional services in connection with the feasibility study for the proposed Rogers County Courthouse, Claremore, Oklahoma, in accordance with agreement dated July 27, 2009, to BKL, Inc., in the amount of \$35,000.00 and Approval/Disapproval of issuance of purchase order for the same with discussion with possible action on what account to be paid from – (D#3) –

Commissioner Thacker stated originally when BKL was hired to do the feasibility study, that was the agreement to pay \$35,000.00 and that fee will come off the top of the architectural fees and be credited as per contract states and reflects in the minutes. Commissioner Thacker made a motion to pay the \$35,000.00 from the building fund with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

4. Presentation by R. Bruce Garrison, Ph. D. - Dean, School of Business and Technology at Rogers State University to discuss the adult degree completion program offered by Rogers State University –

Bruce Garrison, Ph. D. – Dean, Schools of Business and Technology at Rogers State University presented the Board and audience with a handout on Reach Higher, Oklahoma's degree completion program being offered at RSU. Discussion only, no action taken.

5. Open & Award Bid #527 – Sheriff's Cars
30 bid packets were mailed with 0 being returned undeliverable and 4 responses being received as follows: Seminole Ford-Mercury, Inc., on 2010 Crown Vic Interceptor for \$23,625.00 delivered; Green Country Ford, Inc., on 2007 for \$12,599.00 and 2008 for \$11,400.00; Kansas Highway Patrol on 2007 Crown Vic Police car for \$12,650.00 and 2008 Crown Vic Police car for \$13,950.00; Emergency Vehicle Resources bid \$15,500.00 for 2008 Ford Crown Vic and \$15,500.00 for 2008 Ford Crown Vic and \$14,500.00 on 207 Ford Crown Vic.

NOTEsee all bids for complete information*** Sheriff Scott Walton recommended to the Board awarding of this bid next week to give him time to review the bids. Commissioner DeLozier made a motion to table awarding of Bid #527 on Sheriff's cars for one week (December 21st) to allow Sheriff Walton time to review the bids with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

6. Open & Award Bid #204 – Laid Asphalt

17 bid packets were mailed with 0 being returned undeliverable and 5 responses received as follows: Patton and Associates Construction Co., Tahlequah, Ok; A & A Asphalt, Inc., Broken Arrow, Ok; Dunham's Asphalt Services, Inc., Sapulpa, Ok; Tulsa Asphalt, LLC, in Tulsa, Ok and Apac-Oklahoma, Inc., in Dewey, Oklahoma. ***NOTE***see all bids for complete information***Commissioner Thacker made a motion to accept all bids submitted based upon first available and closest to work region with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

7. Open & Award Bid #12 – Rock – 6 months bid

17 bid packets were mailed with 0 being returned undeliverable and 6 responses received as follows: "No Bid" Material Service of Oklahoma, Inc.; The Quapaw Company; Pryor Stone, Inc.; Anchor Stone Company; Greenhill Materials Co., LC; Apac-Oklahoma, Inc. - ***NOTE***see all bids for complete information***Commissioner Thacker made a motion to accept all bids submitted based upon first available and closest to work region with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

8. Open & Award Bid #13 – HMHL – 6 months bid

14 bid packets were mailed with 0 being returned undeliverable and 4 responses received as follows: "No Bid" Gary-Williams Energy Corporation; Dunham's Asphalt Services, Inc., in Sapulpa, Ok; Tulsa Asphalt, LLC, in Tulsa, Ok; Apac-Oklahoma, Inc., in Dewey, Oklahoma. ***NOTE***see all bids for complete information***Commissioner Thacker made a motion to accept all bids submitted based upon first available and closest to work region with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

9. Open & Award Bid #14 – Liquid Asphalt – 6 months bid

12 bid packets were mailed with 0 being returned undeliverable and 3 responses received as follows: Coastal Energy Corp. in Willow Springs, Missouri; Vance Brothers, Inc., in Tulsa, Ok; and Ergon Asphalt & Emulsions, Inc. in Catoosa, Ok. ***NOTE***see all bids for complete information***Commissioner Thacker made a motion to accept all bids submitted based upon first available and closest to work region with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

NOTECommissioner Thacker excused himself for the meeting at 10:30 A.M.

10. Open & Award Bid #15 – Grader Blades – 6 months bid

10 bid packets were mailed with 0 being returned undeliverable and 4 responses received as follows: Kirby-Smith Machinery, Inc., Tulsa, Ok; Dub Ross Company, Inc., in Oklahoma City, Ok; Warren Cat in Oklahoma City, Ok; and Keystone Equipment in Sand Springs, Ok. ***NOTE***see all bids submitted for complete information***Chairman Helm made a motion to award the bid to the lowest bidder of Kirby-Smith Machinery, Inc., in Tulsa, Oklahoma, with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, DeLozier-aye. Motion carried.

NOTECommissioner Thacker returned to the meeting at 10:35 A.M.

11. Open & Award Bid #16 – New Pipe – 6 months bid

16 bid packets were mailed with 0 being returned undeliverable and 3 responses received as follows: Wheeler Metals in Muskogee, Ok; Tinhorns R Us in Tuttle, Ok; and Water Products of Oklahoma Inc., in Owasso, Ok. ***NOTE***see all bids submitted for complete information***Commissioner Thacker made a motion to accept all bids submitted based upon first available and closest to work region with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

12. Open & Award Bid #16A – Used pipe – 6 months bid

10 bid packets were mailed with 0 being returned undeliverable and 5 responses received as follows: "No Bid" from Water Products of Oklahoma, Inc. in Owasso, Ok; Wheeler Metals in Muskogee, Ok; The Railroad Yard, Inc., in Stillwater, Ok; Sunbelt Equipment & Supply in Meeker, Ok; and Highfill Pipe in Claremore, Ok. ***NOTE***see all bids submitted for complete information*** Commissioner Thacker made a motion to accept all bids submitted based upon first available and closest to work region with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

13. Open & Award Bid #16P – Plastic pipe – 6 months bid

18 bid packets were mailed with 0 being returned undeliverable and 5 responses received as follows: Tinhorns R Us, LLC, in Tuttle, Ok; Water Products of Oklahoma, Inc., in Owasso, Ok; Ferguson Enterprises in Broken Arrow, Ok; Fensco, Inc., in Jenks, Ok and Keeling Company in North Little Rock, Arkansas. ***NOTE***see all bids submitted for complete information*** Commissioner Thacker made a motion to accept all bids submitted based upon first available and closest to work region with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

14. Open & Award Bid #292 – Galvanized Posts – 6 months bid

14 bid packets were mailed with 0 being returned undeliverable and 4 responses received as follows: Centerline Supply in Grand Prairie, Texas; Xcessories Squared Development & Mfg., Inc., in Auburn, Illinois; Barco Municipal Products, Inc., from Omaha, Nebraska; and Custom Products Corp. in Jackson, Mississippi. ***NOTE**see all bids submitted for complete information***Commissioner DeLozier made a motion to accept the low bid of Custom Products Corp. in Jackson, MS, at \$400.50 price per bundle of 25 posts with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

15. Open & Award Bid #321 – Traffic Paint – 6 months bid

17 bid packets were mailed with 1 being returned undeliverable and 4 responses received as follows: Centerline Supply from Grand Prairie, Texas; Spectrum Paint Company in Tulsa, Ok; Paving Maintenance Supply, Inc., in Edmond, Ok and Ennis Paint, Inc., in Ennis, Texas. ***NOTE***see all bids submitted for complete information***Commissioner DeLozier made a motion to accept the low bid of Spectrum Paint Company in Tulsa, Oklahoma, for \$411.40 price per 55 gallon drum with Commissioner Thacker seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

16. Open & Award Bid #426 – Glass Beads – 6 months bid

12 bid packets were mailed with 0 being returned undeliverable and 7 responses received as follows: Swarco Reflex, Inc., in Mexia, Texas; Direct Traffic Control, Inc., in Muskogee, Ok; Potters Industries, Inc., from Valley Forge, PA; Paving Maintenance Supply, Inc., in Edmond, Ok; Professional Pavement Producers, Inc., in Houston, Texas; Ennis Paint, Inc., from Ennis, Texas; and Roadsafe Traffic Systems, Inc., in Tulsa, Ok. ***NOTE***see all bids submitted for complete information*** Commissioner DeLozier made a motion to accept the low bid of Swarco Reflex, Inc., in Mexia, Texas, for \$17.00 price per 50lb. bag with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

17. Open & Award Bid #515 – Concrete – 6 months bid

12 bid packets were mailed with 1 being returned undeliverable and 3 responses received as follows: Rainbow Concrete Company in Tulsa, Ok; A & M Concrete, Inc., in Catoosa, Ok; and Greenhill Concrete in Catoosa, Ok. ***NOTE***see all bids submitted for complete information*** Commissioner Thacker made a motion to accept all bids submitted based upon first available and closest to work region with Commissioner DeLozier seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

18. Discussion with possible action on Approval/Disapproval of A T & T E9-1-1 Non-Disclosure Agreement – E9-1-1 Information Manager Limited Use Agreement and Access Request and adding Shelly Epperson as secondary user – (D#1)

Commissioner DeLozier stated this non-disclosure agreement is to add Shelly Epperson as secondary user so she can enter 911 addresses into the 911 system. Commissioner DeLozier made a motion to approve with Chairman Helm seconding the motion. Roll Call: Helm-aye, Thacker-aye, DeLozier-aye. Motion carried.

19. Discussion with possible action on Approval/Disapproval of Reimbursement form as per Resolution #2009-76 directing County Treasurer, Cathy Pinkerton Baker, to deposit funds from Sheriff's Office, not the County Assessor's Office, for fuel reimbursement in the amount of \$2752.11 into the one-cent sales tax fund for distribution for District #1 and \$4994.13 into the one-cent sales tax fund for distribution for District #3 –

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

20. Discussion with possible action on Approval/Disapproval of signing Addendum that will be effective January 1, 2010, by and between Rogers County and Delta Dental Plan of Oklahoma (DDPOK) and it is further understood and agreed by the parties hereto that Appendix B of the Plan Agreement are amended only at Section 3.23., which shall hereafter read as follows: "DDPOK's obligation to provide benefits for covered dental services terminates on the day on which the patient becomes ineligible for benefits under this Plan" –

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

21. Approve/disapprove Resolution for Disposing of Equipment from the County Commissioner's Office one Monroe calculator, sn #M443488 to be junked –

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

22. Discussion with possible action on Approval/Disapproval of Rogers County paying ½ portion of county employee's membership fees/dues to the Claremore Recreational Center with the requirement of six (6) uses monthly –

Commissioner DeLozier stated this is part of the Wellness Program and we had 121 persons interested in joining the rec center. We have done some checking with the rec center and they will lock in the amount of \$15.00 per month per person with a one time cost of \$5.00 for initial card when they sign up for membership and we are looking at paying \$7.50 per month per employee plus the \$5.00 card membership start up fee, which is a one-time expense and if the members loses the card they will have to pay for it out of their pocket. This money will not come out of anyone's account, will be paid for from the cigarette tax money (Fund 007 Health Supplemental Fund) which has to be used for this purpose.

Assistant District Attorney, Barry Farbro, stated he needed clarification on this because he has not been able to locate in the Oklahoma Statutes which direct what lawful expenditure county funds may be. With respect to an expenditure like this, the State of Oklahoma, has formed a Wellness Commission and oversees various programs between the state agencies, but they are also responsible for obtaining grant monies and other non-state revenues to support their programs and before the Board approves this I recommend not approving until I can make sure this doesn't come from county government funds.

Chairman Helm explained it comes from cigarette tax agreement that was made in a settlement done with the Attorney General where every county receives a certain percentage from the cigarette tax into their health and wellness program. Farbro stated he has done a very quick limited search this morning and only found the state provision and is not sure if it applies to county government, but will look under the cigarette/tobacco trust fund and if found will sign off on it.

Commissioner DeLozier made a motion to table this item for one week (December 21st) to allow the District Attorney's office time to review the state statutes and come back before the Board with the findings with Chairman Helm 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 -

Larry Deal with Larry Dealy Construction inquired about Item 6 Unfinished Business #1 and how would he get paid for work that he has already done with Chairman Helm replying submit an itemized invoice to the purchasing agent and she will then submit the itemized invoice to the D.A.'s office for an opinion.

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, December 14, 2009***Commissioner Thacker made a motion to approve payment of all purchase orders submitted for payment from all departments except purchase order #004293 issued to Reasor's in the amount of \$123.92 from Sheriff's Civil Fee Account and send to the D.A. for an opinion to see if is a legal purchase 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.

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 11:46 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, December 10, 2009, at 3:14 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.