



## DELAWARE COUNTY COMMISSIONER'S MEETING MINUTES

FEBRUARY 23, 2021

The Board of County Commissioners of Delaware County met in Regular Session at 9:02 a.m. on February 23, 2021. The Agenda was posted February 22, 2021 at 8:43 a.m. and placed in the kiosk located on the courthouse lawn as well as the county website. Members of the Board present were Commissioner David Poindexter-Chairman, Commissioner Jake Callihan-Member and Commissioner Martin Kirk-Member and County Clerk Barbara Barnes-Secretary. The Board of Delaware County Commissioners is hereby authorized to act on the following items:

**AGENDA #1-** A motion was made by Commissioner Kirk and seconded by Commissioner Callihan to approve the minutes of the Regular Meeting dated February 16, 2021. Roll call: Commissioner Poindexter-yes, Commissioner Callihan-yes, Commissioner Kirk-yes. Motion carried.

**AGENDA #2-**A motion was made by Commissioner Kirk and seconded by Commissioner Callihan to approve payment of claims submitted by the County Clerk's Office 2020-2021 Crt Clk Revolving 94, AMERICAN STAMP & MKT PRODUCTS, 102.91, SELF INKING STAMPS; Economic Development Sales Tax 7, DELAWARE COUNTY ECONOMIC DEVELOPMENT AUTHORITY, 3501.09, DCEDA SALES TAX; General 2338, XEROX CORPORATION, 246.01, SERVICE2339, XEROX CORPORATION, 151.10, SERVICE2340, AMAZON.COM / SYNCB, 84.96, COVID-192341, MCI, 61.51, LONG DISTANCE SERVICE2342, THE PAPERCLIP OFFICE SUPPLIES, 429.90, COPY PAPER2343, AMERICAN STAMP & MKT PRODUCTS, 139.88, SELF INKING STAMPS2344, THE SHOP AT GRAND LAKE, 75.00, COMPUTER REPAIRS2345, VAN S PRINTING, 175.00, PAPER PRODUCTS2346, VAN S PRINTING, 72.96, ENVELOPES2347, TUDER, WAYNE, 306.32, REVAL TRAVEL2348, GOINS, VINCENT G., 310.80, REVAL TRAVEL2349, PRICE, JAY J., 504.00, REVAL TRAVEL2350, HOMETOWN BOTTLED WATER SERVICE, 38.25, WATER/RENT2351, GRAND TELEPHONE CO., 214.36, TELEPHONE SERVICE2352, GRAND LAKE TELECOMMUNICATIONS, 95.00, INTERNET SERVICE2353, AAVCOR, 38.00, DRUG TESTING2354, TIM S ELECTRIC INC., 1870.00, ELECTRICAL LIGHTING & SUPPLIES2355, THE AMERICAN, 314.95, PUBLICATIONS2356, JAY UTILITIES AUTHORITY, 7424.76, UTILITIES2357, REC/NE OKLA ELECTRIC COOP, 82.00, ELECTRIC SERVICE2358, AEP, PUBLIC SERVICE CO. OF OKLA., 2826.93, ELECTRIC SERVICE2359, B&B HEATING & AIR INC., 1144.41, HEATER/AC UNIT2360, B&B HEATING & AIR INC., 572.41, HEATER/AC UNIT2361, AMAZON.COM / SYNCB, 755.71, GRANTS2362, QUILL CORPORATION, 348.10, GRANTS2363, HOMETOWN BOTTLED WATER SERVICE, 18.75, WATER/RENT2364, CROWDER, KIMBERLY D., 52.33, MILEAGE; Health 164, VERIZON BUSINESS, 189.06, WIRELESS SERVICE165, MCARTHUR, MARSHA, 44.80, TRAVEL166, KILLION, DEIDRA, 71.68, TRAVEL167, MOORE, MARSHA, 484.96, TRAVEL168, VERIZON WIRELESS, 41.34, WIRELESS SERVICE169, O\_HERIN, KRISTEN, 54.88, TRAVEL170, SANOFI PASTEUR INC., 532.94, MEDICAL SUPPLIES171, AIRGAS USA, LLC, 104.46, OXYGEN172, WAL-MART COMMUNITY/GECRB, 146.78, SUPPLIES173, THREET, JORDAN, 134.51, TRAVEL174, MYERS, CORA, 160.16, TRAVEL175, MARTIN, VIVIAN, 144.26, TRAVEL176, TH ROGERS LUMBER CO., 51.96, MISC177, US CELLULAR, 76.66, WI-FI; Highway 1244, LAKELAND-CPP, 2480.40, FUEL1245, LOWE S, 696.05, MISC1246, AEP, PUBLIC SERVICE CO. OF OKLA., 339.66, ELECTRIC SERVICE1247, CATERPILLAR FINANCIAL SERVICES CORP., 1603.35, LEASE/PUR1248, UNIFIRST, 127.70, UNIFORMS1249, LAKELAND-CPP, 2106.13, FUEL1250, LONGAN CONSTRUCTION, 4733.52, ROAD MATERIALS1251, WILLIAMS DIVERSIFIED MATERIALS, 2678.81, SALT1252, T & W TIRES LLC, 190.00, TIRES1253, LAKELAND-CPP, 843.60, FUEL1254, JOPLIN FREIGHTLINER SALES INC., 687.42, PARTS1255, GREEN COUNTRY FARM & HOME, 27.50, MISC1256, LAKELAND-CPP, 1360.43, FUEL; Judgement-ST 8, DELAWARE COUNTY JUSTICE AUTHORITY, 174963.70, JUSTICE AUTHORITY SALES TAX; ML Fee 11, HARVEST FIELDS VENDING, 12.50, WATER/RENT; Resale 187, QUADIENT LEASING, 165.89, LEASE PAYMENT; Rural Fire-ST 730, NAPA AUTO PARTS, 170.61, BLANKET731, SISCO TRUE-VALUE HARDWARE, 30.53, BLANKET732, O-REILLY AUTOMOTIVE INC., 107.89, BLANKET733, SISCO TRUE-VALUE HARDWARE, 73.70, BLANKET734, RURAL WATER/GAS DIST. #10, 164.62, UTILITIES735, GRAND SAVINGS BANK, 1244.86, LEASE/PUR736, WELCH STATE BANK, 1823.06, LEASE/PUR737, QUADMED, INC., 740.80, COVID-19738, QUADMED, INC., 1421.70, COVID-19739, REC/NE OKLA ELECTRIC COOP, 310.00, ELECTRIC SERVICE740, STEELE COMMUNICATIONS INC, 7452.00, FIRE DEPT EQUIP741, REC/NE OKLA ELECTRIC COOP, 330.00, ELECTRIC SERVICE742, KENWOOD WATER DISTRICT, 18.00, UTILITIES743, REC/NE OKLA ELECTRIC COOP, 123.54, ELECTRIC SERVICE744, MAYES COUNTY PROPANE, 652.24, PROPANE745, BANK OF GRAND LAKE, 2078.45, LEASE/PUR746, REC/NE OKLA ELECTRIC COOP, 300.03, ELECTRIC SERVICE747, OAKS #1 STOP, 318.07, BLANKET748, PARTS CITY LTE, 149.56, BLANKET749, SST, 136.65, TELEPHONE SERVICE750, STEELE COMMUNICATIONS INC, 2730.00, PAGER751, WALKER HARDWARE & LUMBER, 539.21, BLANKET752, SPEEDYS 66, 246.67, BLANKET753, LOCKE SUPPLY CO., 166.44, BLANKET754, GRAND TELEPHONE CO., 50.82, TELEPHONE SERVICE755, GRAND LAKE TELECOMMUNICATIONS, 60.00, INTERNET756, REC/NE OKLA ELECTRIC COOP, 81.00, ELECTRIC SERVICE; SH Commissary 26, PRECISION VAPOR, 1449.81, VAPOR STICKS; SH Svc Fee 382, HOMETOWN BOTTLED WATER SERVICE, 9.00, LEASE383, AT&T MOBILITY, 3276.17, WIRELESS SERVICE384, HOMETOWN BOTTLED WATER SERVICE, 40.25, LEASE385, HOMETOWN BOTTLED WATER SERVICE, 34.00, LEASE386, AAVCOR, 38.00, DRUG TESTING387, AAVCOR, 38.00, DRUG TESTING388, AAVCOR, 38.00, DRUG TESTING389, AAVCOR, 38.00, DRUG TESTING390, AAVCOR, 38.00, DRUG TESTING391, AAVCOR, 38.00, DRUG TESTING392, AAVCOR, 38.00, DRUG TESTING393, AAVCOR, 38.00, DRUG TESTING394, AAVCOR, 38.00, DRUG TESTING395, AAVCOR, 38.00, DRUG TESTING396, AAVCOR, 38.00, DRUG TESTING397, AAVCOR, 38.00, DRUG TESTING398, AAVCOR, 38.00, DRUG TESTING399, HOMETOWN BOTTLED WATER SERVICE, 21.50, LEASE400, GRAVES MENU MAKER, 230.70, NON-FOOD401, HOMELAND STORES INC., 147.96, BREAD402, AAVCOR, 38.00, DRUG TESTING403, AAVCOR, 38.00, DRUG TESTING404, AAVCOR, 38.00, DRUG TESTING405, GRAVES MENU MAKER, 15.01, NON-FOOD406, AAVCOR, 38.00, DRUG TESTING407, HOMELAND STORES INC., 149.20, BREAD408, ALLENS TIRE & AUTO, 16.10, TIRE REPAIRS409, J & J AUTO SUPPLY, 122.66, 410, SAFELITE AUTOGLASS, 600.00, WINDSHIELD REPAIR411, HOMETOWN BOTTLED WATER SERVICE, 9.00, LEASE; SW Mgmt 8, SOLID WASTE, 173018.64, SOLID WASTE SALES TAX. Roll call: Commissioner Poindexter-yes, Commissioner Callihan-yes, Commissioner Kirk-yes. Motion carried.

AGENDA #3-A motion was made by Commissioner Kirk and seconded by Commissioner Callihan to approve monthly reports submitted by officers. Roll call: Commissioner Poindexter-yes, Commissioner Callihan-yes, Commissioner Kirk-yes. Motion carried. Monthly report submitted by the Health Department.

AGENDA #4-A motion was made by Commissioner Kirk and seconded by Commissioner Callihan for approval of Blanket Purchase Orders for March 2021. Roll call: Commissioner Poindexter-yes, Commissioner Callihan-yes, Commissioner Kirk-yes. Motion carried.

AGENDA #5-A motion was made by Commissioner Kirk and seconded by Commissioner Callihan for approval to set up Highway Cash for March 2021. Roll call: Commissioner Poindexter-yes, Commissioner Callihan-yes, Commissioner Kirk-yes. Motion carried.

District #1 – Salaries \$38,000 - M&O \$20,283.55 - Lease/Purchase \$12,000 - Insurance \$1,000 TOTAL \$71,283.88 CBRI 105-1 \$6,694.97  
CIRB-MV \$23,027.53; District #2 – Salaries \$50,000 - M&O \$31,311.42 - Lease/Purchase \$12,000 - Insurance \$1,000 TOTAL \$94,311.42  
CBRI-105 \$6,694.97; District #3 – Salaries \$48,000 - M&O \$39,311.42 - Lease/Purchase \$6,000 - Insurance \$1,000 TOTAL \$94,311.42  
CBRI 105-3 \$6,694.97

AGENDA #6-A motion was made by Commissioner Kirk and seconded by Commissioner Callihan to approve Hearing Human Resources Vici Cossairt on current status regarding families first Coronavirus. Roll Call: Commissioner Poindexter-yes Commissioner Callihan-yes Commissioner Kirk-yes. Motion carried. Vicki Cossairt, HR Director, reported that there have been 4336 diagnosed cases of COVID increased by 52 from last week; 61 deaths an increase of 2 from last week; 4125 recovered increased by 93 from last week; 150 active cases which is down by 43 from last week. Since January 1<sup>st</sup> trends are heading in the right direction and January 1<sup>st</sup> Total Cases 3143; Recovered 2654; Active 445 comparatively the numbers are looking better. State Emergency Management website for possible financial assistance for anyone that suffered storm damage or damage resulting from the extreme temperatures can complete form on website [www.damage.ok.gov](http://www.damage.ok.gov). Some vaccine appointments were rescheduled due to the road conditions, the portal does remain open for making appointments for the vaccine.

AGENDA #7-A motion was made by Commissioner Kirk and seconded by Commissioner Callihan for approval to discuss and review the County's policies in relation to COVID-19 and take action to modify those policies as needed. Roll call: Commissioner Poindexter-yes, Commissioner Callihan-yes, Commissioner Kirk-yes. Motion carried. No changes, continuing with current protocols, nothing more to be done for now. Kenny Wright District Attorney indicated that his offices as well as the Courts and Judges are all returning back to full staff and normal 40-hour work weeks since most personnel are several weeks past the 2<sup>nd</sup> dose of the vaccine. He also recommends that the other departments do the same, while still maintaining limited access to the Courthouse for public safety and personnel that did not opt to have the vaccine. The threat is not 100% eliminated so precautions should still be in place. Susan Duncan indicated that her department will be full staff beginning the 1<sup>st</sup> as well.

AGENDA #8-A motion was made by Commissioner Poindexter and seconded by Commissioner Callihan to conduct a Public Hearing in the matter of RESERVING that portion of a section line easement (commonly known as East 300 Road) West of South 590 Road to the point said section line easement meets Grand Lake 'O the Cherokees, a distance of approximately 830 feet and take possible action. (Tabled from Feb 16, 2021) Roll call: Commissioner Poindexter-yes, Commissioner Callihan-yes, Commissioner Kirk-yes. Motion carried.

Attorney John W. Thomas with Davis & Thompson, PLLC represented Flatrock Grove, LLC (Mr. and Mrs. Evans) the owners of the land for almost 60 years – he presented information on their behalf. The presentation included property line descriptions as well as map images showing the lay out of the section line in question along with the position of the lake and adjoining properties in the area as well as a Public Area not far from their private property that provided public lake access. The property has never been maintained by the County or the State but solely by the property owner. The public have no rights to a privately owned and privately maintained section since it has never been a public road. They have paved, fenced, and installed the entrance pillars and continue to maintain the entire area. He also presented a written communication from previous District Commissioner Tom Sanders November 8, 2016 directing the property owners to install a gate to prevent further accidents and potential liability to them, since previous accidents had resulted in injury and one death of a local woman that was reported missing for over a year, it was discovered in 2010 that she had drove into the lake in 2009 when she had gone missing and was found a year later. Several other's also driving into the lake over an 11-year period up to 2020 the latest accident where the driver was intoxicated and drove off into the lake. Commissioner Sanders indicated that since the County did not maintain this section line easement known as East 300 Road that to further protect the public it would be recommended the Evans install a coded gate. Since the 2016 letter they were still hesitant to gate the section since it was their wish not to block off the section to the public that were able to enjoy the road, but the accidents continued to occur along with other concerns such as loud music, intoxicated people and young children with no life preserver and other such activities happening at all hours of the night. Their wish is to provide first of all safety to the public by preventing any further accidents that could lead to liability to them as well as being able to enjoy their own property without the disruption and safety of their own family and their enjoyment.

Further clarification was made by Mrs. Evans in regards to the family wanting to close off the section due to the interest of beginning a Commercial Development of some kind. These are untrue statements and false information. The land has been in Mrs. Evans family for 60 years and is very dear to her and will not be used for any commercial purposes. Mr. Evans thanked the Commissioners and Grove neighbors and others for taking time to review and listen to our concerns and our request. The three totally submerged vehicles which resulted in a death and two others to swim to their private dock for survival are very serious concerns. We welcome questions from the BOCC and others.

Objections/Public Comments: Gary Martiney we have lived in the area a little over 6 years and the area has been open during that time. We have been able to use it almost daily and observe others as well to walk or fish, mostly elderly friendly people. The public access that is near here is difficult to access due to the constant use by boaters. The number of accesses to the lake continues to be eliminated and if the owners block it off, we will no longer be able to use it to enjoy the lake which should be allowed for the public in the area.

Sarah Shafelt stated she would like all to know she is pleased the County is not held liable but the greater issue is still the public. There is a responsibility to be aware of how people have used this area before and how they would continue to use it if it remains accessible and I don't think anybody is thinking about the ethical part of this issue. I understand the law but I hate to see us avoid the responsibility to the public because of the law.

Kenny Wright District Attorney provided clarification on Title 69 Section 1201 that designates it is not an "Open" road in the legal sense and it also is not maintained by County and no evidence could be found that it was ever opened by the County. He confirmed John Thomas statements as correct in regards to the road as being private property, which means that Flatrock (Evans Family) have the ability to do what they wish with their property. They can petition the Board of Commissioners to designate that as a Reserved Section Line the Easement which would allow the County to Preserve the Easement in case in the future, they decide to open it up as a section line. By preserving the section line and officially recognizing that Flatrock has complete control of the section it removes County liability completely. The Evans and Flatrock would take full responsibility if the section line is reserved to take action to minimize any danger to the public for the drop off at the end of the road by whatever way they see fit. They will carry that liability going forward if the County does decide to "Reserve" the Section Line.

A motion was made by Commissioner Callihan and seconded by Commissioner Poindexter to RESERVE that portion of a section line easement (commonly known as East 300 Rd) West of South 590 Road to the point said section line easement meets Grand Lake 'O the Cherokees, a distance of approximately 830 feet.

Roll call: Commissioner Poindexter-yes, Commissioner Callihan-yes, Commissioner Kirk-yes. Motion carried.

AGENDA #9-A motion was made by Commissioner Poindexter and seconded by Commissioner Kirk to approve discussion with possible action regarding invoice dated 10-19-200 in the amount of \$21,746 submitted by Safetycom, Inc for West Siloam area Warning Siren Radio Tower Installation. (Tabled from Feb 16,2021) Roll call: Commissioner Poindexter-yes, Commissioner Callihan-yes, Commissioner Kirk-yes. Motion carried.

A motion was made by Commissioner Kirk and seconded by Commissioner Callihan to table discussion due to technical difficulties as well as to allow additional time for the District Attorney to review documentation, tabled to Commissioners' Meeting 9:00 a.m. 3-2-2021. Roll call: Commissioner Poindexter-yes, Commissioner Callihan-yes, Commissioner Kirk-yes. Motion carried.

AGENDA #10-A motion was made by Commissioner Kirk and seconded by Commissioner Callihan for discussion with possible action regarding increasing the size of the electrical line from the Courthouse Bldg to the Courthouse Annex per request of Don Youngblood, E-911 Director. (Tabled from Feb 16, 2021) Roll call: Commissioner Poindexter-yes, Commissioner Callihan-yes, Commissioner Kirk-yes. Motion carried. Discussion: Mr. Youngblood provided a brief run-down of the electrical situation since he came into office approximately 8 years ago. The annex was not utilized for any offices at that time so when the Courthouse had their electrical upgraded the new wiring was not pulled over to the annex. When he was elected and set up the 911 Office in the annex the electric was the old cloth wiring so it was upgraded to 10 gauge and a grounding system installed. The generator is currently set for 3 second delay which is as fast as it can be set. When there are outages or surges the monitors and displays are going out and have to take the time to reboot, which in an emergency is extremely crucial. After exhausting all possible ways to improve the situation he called PSO to have them come diagnose the issues. They identified the problem and recommended along with Tim's electric that it would be cheaper to set a new service pole on the back of the annex bldg., as opposed to running all new wiring from the Courthouse – The pole would be installed at the northwest corner of the Sheriff's Parking lot providing 400-amp service with (2) - 200 cutouts and connect to the back-up generator. When Tim's did the upgrade, they know there is a pull pipe already there which provides some savings. Tim's Electric quoted \$14,585 for the digging- 400-amp service installation – and 2 meter disconnects. Commissioner Kirk inquired about the compatibility of the current wiring and confirmed by Mr. Youngblood that yes, it is, with the 10 gauge through-out. Commissioner Callihan inquired if PSO would charge anything to set the pole, and Mr. Youngblood confirmed they did not mention any cost factor so should not have any cost there, since PSO typically does not charge to set a pole. Commissioner Kirk inquired if this quote was the lowest and Mr. Youngblood clarified that he attempted to acquire other bids but no contractors were forthcoming.

A motion was made by Commissioner Kirk and seconded by Commissioner Callihan to accept the quote from Tim's Electric for the amount of \$14,585, no date set yet for the installation. Roll call: Commissioner Poindexter-yes, Commissioner Callihan-yes, Commissioner Kirk-yes. Motion carried.

AGENDA #11- A motion was made by Commissioner Kirk and seconded by Commissioner Callihan to open the floor for new business. Roll call: Commissioner Poindexter-yes, Commissioner Callihan-yes, Commissioner Kirk-yes Motion carried. No new business.

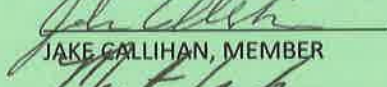
AGENDA #12-A motion was made by Commissioner Kirk and seconded by Commissioner Callihan to open the floor for Public Comments. Roll call: Commissioner Poindexter-yes, Commissioner Callihan-yes, Commissioner Kirk-yes. Motion carried. No Public Comments.

AGENDA #13-A motion was made by Commissioner Kirk and seconded by Commissioner Callihan to adjourn at 10:27 a.m. Roll call: Commissioner Poindexter-yes, Commissioner Callihan-yes, Commissioner Kirk-yes. Motion carried.

BOARD OF COMMISSIONERS  
DELAWARE COUNTY, OKLAHOMA



DAVID POINDEXTER, CHAIRMAN



JAKE CALLIHAN, MEMBER



MARTIN KIRK, MEMBER

ATTEST:

  
BARBARA BARNES- COUNTY CLERK