



DELAWARE COUNTY COMMISSIONER'S MEETING MINUTES

February 2, 2023

The Board of County Commissioners of Delaware County met in Special Session at 9:00 a.m. on February 2, 2023. The agenda was posted January 29, 2023 at 8:00 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, Commissioner David Beck-Member and County Clerk Barbara Barnes -Secretary. The Board of Delaware County Commissioners is hereby authorized to act on the following items:

The meeting was called to order by Chairman Poindexter followed by the flag salute and roll call. All members were present.

AGENDA #1 - A motion was made by Commissioner Callihan and seconded by Commissioner Beck to determine that notice of meeting and agenda for this meeting was properly posted in accordance with the Oklahoma Open Meeting Act. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #2-A motion was made by Commissioner Callihan and seconded by Commissioner Beck to approve introductions and announcements. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried. The commissioners' room was full and many were standing. Commissioner Poindexter thanked the Sheriff for getting inmates to clear the sidewalks around the courthouse during the ice storm.

AGENDA #3- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to approve the minutes for the regular meeting dated January 14, 2023. Roll call: Commissioner Poindexter-yes and Commissioner Beck-yes. Callihan abstained because he did not attend the meeting. Motion carried.

AGENDA #4- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to approve payment of claims submitted by the County Clerk. 2022-2023: Assr Rev Fee MISC 3926 QUILL CORPORATION 376.21; CBRI ROAD MATERIAL 3843 LONGAN CONSTRUCTION 1859.42; 4018 LONGAN CONSTRUCTION 7463.50; ROAD MATERIALS 3834 EXCAVATION UNLIMITED 5000.00; Emergency Mgmt BATTERY 4023 O-REILLY AUTOMOTIVE INC. 993.78; REGISTRATION 4045 DEBI WAGNER OEMA TREASURER 464.38; General BATTERY 3963 TM CONSULTING INC. 214.00; CPA SERVICES 4102 TURNER & ASSOCIATES PLC 6000.00; ELECTRICAL LIGHTING & SUPPLIES 3971 TIM S ELECTRIC INC. 105.00; EMERGENCY REPAIRS 3983 TIM S ELECTRIC INC. 630.00; JAIL REPAIRS 2931 JOHNSON CONTROLS FIRE PROTECTION 1061.34; LIGHTS 4011 TIM S ELECTRIC INC. 1890.00; LODGING 3920 HILTON GARDEN INN 294.00; MEDICAL 3089 DIAMOND DRUGS INC. 1095.49; MISC 3075 CAPITAL ONE/WAL-MART BUSINESS 71.01; OFFICE SUPPLIES 3927 QUILL CORPORATION 451.22; 3928 QUILL CORPORATION 985.37; PUBLICATIONS 1977 THE AMERICAN 306.95; ROOF REPAIR 3987 ATWELL ROOFING CO. INC. 750.00; SUBSCRIPTION 3094 OKLAHOMA DEPT OF PUBLIC SAFETY 800.00; TRAVEL 3788 BARNES, BARBARA M. 431.04; 3919 FACIO, ANTHONY 256.66; UNIFORMS 3589 UNIFIRST CORP 193.62; WATER 4061 HOMETOWN BOTTLED WATER SERVICE 7.50; Health APPRAISAL 3436 PARADIGM APPRAISAL SERVICES 1500.00; Highway ELECTRIC SERVICE 3113 REC/NE OKLA ELECTRIC COOP 601.50; GLASS REPAIR 3918 YELLOWHOUSE MACHINERY 790.92; LEASE PAYMENT 3992 GRAND SAVINGS BANK 631.59; 3993 RCB BANK 4779.19; 3994 WELCH STATE BANK 2305.03; 3995 ARVEST BANK 1005.38; 3996 BANK OF GRAND LAKE 1916.41; PARTS 4009 BRUCKNER TRUCK & EQUIPMENT 541.43; 4062 YELLOWHOUSE MACHINERY CO. 850.00; 4063 SOUTHWEST TRAILERS & EQUIPMENT 28.09; REPAIR 4014 EVANS HYDRAULIC REPAIR 245.00; 4036 SLOAN BROS AUTO SERVICE 408.40; ROAD MATERIALS 4019 LONGAN CONSTRUCTION 2390.00; SIGNS 3488 TULSA COUNTY BOCC 1055.40; TAG & TITLE 4029 OTC 30.00; TRAILER 4047 SOUTHWEST TRAILERS & EQUIPMENT 13300.00; TRAVEL 3754 PARKER, KATHY L. 145.80; Mtg Cert null 4112 QUILL CORPORATION 110.13; Resale ANNUAL CONTRACT 3346 OME CORP GENESIS 3263.00; Rural Fire-ST BLANKET 3141 O-REILLY AUTOMOTIVE INC. 273.67; 3142 SISCO TRUE-VALUE HARDWARE 5.00; ELECTRIC SERVICE 3177 REC/NE OKLA ELECTRIC COOP 96.19; 3199 REC/NE OKLA ELECTRIC COOP 475.03; 3201 REC/NE OKLA ELECTRIC COOP 276.99; FUEL 3939 AGRILAND FS 722.79; INTERNET SERVICE 3716 BOLT FIBER 75.99; 3732 BOLT FIBER 193.10; MONTHLY SERVICE 3208 J & J AUTO SUPPLY 244.56; 3718 LOWE S 9.01; 4135 ALERT360 27.81; PARTS 3930 PARTS CITY LTE 209.99; PEST CONTROL 4008 NEO PEST CONTROL 95.00; PROPANE 3844 LINDLY S INC. 2499.87; 4104 FROMAN OIL & PROPANE COS. INC 839.23; SECURITY SYSTEM/REPAIR 3729 ADT SECURITY SERVICES INC 138.59; 3738 ADT SECURITY SERVICES INC 123.74; SUPPLIES 3206 LINDLY S

INC. 23.06; UTILITIES 3178 RURAL WATER DIST. #10 60.38; SH Svc Fee null 3997 LOWE S 193.14; COMPUTER HARDWARE 3965 OC RUGGED INC 1103.96; DRUG TESTING 3894 AAVCOR 38.00; 4005 AAVCOR 38.00; FOOD 3851 GRAVES MENU MAKER 1930.42; JAIL SUPPLIES 3552 ROTHROCK, KATIE J. 160.34; LEASE 3615 AEP(LEASE) 200.00; LICENSING 3311 MUSKOGEE COMMUNICATIONS INC. 520.00; MEMBERSHIP 4035 OKLAHOMA SHERIFF S ASSOCIATION 1200.00; MISC 3262 AMAZON.COM / SYNCB 675.64; 3323 AMAZON.COM / SYNCB 29.18; OFFICE FURNITURE 3287 AMAZON.COM / SYNCB 1799.98; OFFICE SUPPLIES 3309 AMAZON.COM / SYNCB 128.28; PARTS 3998 J & J AUTO SUPPLY 168.52; REPAIRS 1587 IDEMIA 5250.00; UNIFORMS-DCSO 2802 SOUTHERN UNIFORM AND EQUIP 205.96; VENDOR SERVICES 3999 HOMELAND STORES INC. 13.93; Use-ST BOCC 3955 L & L OUTDOORS 2745.00. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #5- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to approve all monthly reports submitted by officers. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried. Reports were submitted by the Court Clerk and Health Dept.

AGENDA #6 - A motion was made by Commissioner Callihan and seconded by Commissioner Beck for approval of citizen's participation or comments. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried. There were none.

AGENDA #7 – This item was not needed because Human Resources Director Vicki Cossairt was not present.

AGENDA #8-A motion was made by Commissioner Callihan and seconded Commissioner Beck to open the floor for new business. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried. There was none.

AGENDA #9- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to receive and forward to the District Attorney's Office case styled as follows: State of Oklahoma, ex rel., Department of Transportation, Plaintiff, vs. William V. Miller, deceased, et al., defendants; case no. CV-23-7. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #10-A motion was made by Commissioner Callihan and seconded by Commissioner Beck to receive and forward to the District Attorney's Office case styled as follows: State of Oklahoma, ex rel., Department of Transportation, Plaintiff, vs. The Estate of Donald A. Miller, et al., Defendants; Case No. CV-23-8. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #11- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to receive and forward To the District Attorney's Office case styled as follows: State of Oklahoma, ex rel., Department of Transportation, Plaintiff, vs. Raney Insulation, et al., Defendants; Case No. CV-23-9. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #12- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to receive and forward To the District Attorney's Office case styled as follows: State of Oklahoma, ex rel., Department of Transportation, Plaintiff, vs. American Towers, LLC, et al., Defendants; Case No. CV-23-10. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #13- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to receive and forward To the District Attorney's Office case styled as follows: State of Oklahoma, ex rel., Department of Transportation, Plaintiff, vs. William V. Miller, deceased, et al., Defendants; Case No. CV-23-11. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #14- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to receive and forward To the District Attorney's Office case styled as follows: State of Oklahoma, ex rel., Department of Transportation, Plaintiff, vs. J K Family Enterprises, et al., Defendants; Case No. CV-23-12. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #15- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to receive and forward To the District Attorney's Office case styled as follows: State of Oklahoma, ex rel., Department of Transportation, Plaintiff, vs. Galen C. Smith, et al., Defendants; Case No. CV-23-13. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #16- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to receive and forward To the District Attorney's Office case styled as follows: State of Oklahoma, ex rel., Department of Transportation, Plaintiff, vs. Frisby-Williams, LLC, Defendants; Case No. CV-23-14. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #17- A motion was made by Commissioner Callihan and seconded by Commissioner Beck A motion was made by Commissioner Callihan and seconded by Commissioner Beck to receive and forward to the District Attorney's Office case styled as follows: State of Oklahoma, ex rel., Department of Transportation, Plaintiff, vs. Grand Bear Properties, LLC, et al., Defendants; Case No. CV-23-15. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #18- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to The District Attorney's Office case styled as follows: State of Oklahoma, ex rel., Department of Transportation, Plaintiff, vs. Maxine Halter, et. al., Defendants; Case No. CV-23-16. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #19- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to The District Attorney's Office petition of the Patricia L. Weaver Revocable Living Trust dated Feb. 1, 2007, to vacate an alley located in Southside Addition to the Town of Jay, Oklahoma; Case No. CV-2023-19. Roll call: Commissioner Poindexter-yes; Commissioner Callihan. Commissioner Beck yes. Motion carried.

AGENDA #20- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to approve disabled veterans tax exemptions allowed for the year 2022 in the amount of \$38,052.15 per Title 62, Section 193 of the Oklahoma Statutes. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #21- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to approve payment of the invoice to Floyd & Driver, PLLC, for American Rescue Plan Act professional services for December 2022. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #22- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to surplus scanner, inventory #F224.77, per request of the County Clerk. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #23- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to select vendor for upgrading emergency communications for Delaware County, tabled from Feb. 2 meeting. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried. Poindexter said some questions have been brought up and he has some questions. He asked James McKay from Stolz Telecom if Z Tron is a system or a brand name. McKay said the bid requirements asked for an interface which will work with an AIS system, which any vendor can use. He said Z Tron is a brand name of equipment which fits the specs. Poindexter said there was some question about the bid process from the D.A. or some clarification he is waiting for from Floyd & Driver. "So, I've been bouncing back and forth on that," Poindexter said. Callihan said the D. A. wants to see the process on going out for bid. Actually, none of the equipment Stolz quoted would have to be bid since it is all on the state bid list. 911 Trust Authority Director Don Youngblood said there needs to be more communication about how this center will affect his future budget.

Callihan said he wants an outside firm to review the bids. When the 911 ad hoc committee looked at the equipment proposals, they did have the proposals reviewed by a third party already. No new company has entered a proposal. Poindexter said "that's what the committee was for."

Poindexter said the question was something about the bid's legality or the specs. "Surely between now and next week we can get this clarified," Poindexter said. He told the Stolz representatives he was sorry they keep making the trip to the

meeting from Oklahoma City, but he wanted to table the item again. "The biggest deal is on the bid specs," Poindexter said. "The bid is written for any brand that would work," McKay said.

911 Trust Authority member Dave Kendrick said, "if it don't work for the whole county, we don't need it. I had my fire chiefs take some of those radios and try them and they didn't work." A motion was made by Callihan and seconded by Poindexter to table the item until the next meeting. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #24- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to execute the service agreement between Delaware County and Kofile Technologies for digital imaging services and access software to be used by the County Clerk's Office. Poindexter said this is to preserve all the old records from the decaying books in digital format. Barnes said it is a statutory requirement that she preserve all the records from the county in perpetuity. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #25- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to discuss with possible action the West Termite Extermination Services contract. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

Poindexter said there are issues with the company not showing up and their work being ineffective when they did. Barnes said the company is in breach of contract, roaches have been seen in the assessor and court clerk's offices and another exterminator had to be hired for a recent problem in the jail. "I thought the D.A. was going to be here," Poindexter said, regarding whether or not the contract may be terminated. A motion was made by Callihan and seconded by Poindexter to table the item until the Feb. 7th meeting. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #26- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to discuss with possible action calling a special election on April 4, 2023, for an additional Delaware County sales tax of three-tenths of one percent in addition to all other sales taxes currently levied per request of the sheriff's department. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

Poindexter invited the sheriff to speak. The sheriff said in December the Commissioners approved moving forward with the proposal as discussed with the previous D. A. Sheriff Beck said the money would be used for maintenance and operation of the Sheriff's Office plus add salaries for more staff to improve visibility. He said part of the money would be to hire school resource officers for all the schools his office is responsible for: Oaks, Leach, Kenwood and Cleora. Beck said the ballot is drawn up "as per what the commissioners approved." He said \$250,000 to \$300,000 will pay for school resource officers. He would like to hire five.

Callihan said if the tax passes, it will give the Sheriff's Office approximately \$1.5 million more per year in addition to his budget. The sheriff said if he gets this tax, he will stop asking the commissioners for money in addition to his budget.

"We feel your pain," Poindexter said. He said his concern is there won't be much room left to increase sales tax if there is another lawsuit like the multi-million dollar one the county just used sales tax to pay off. The sheriff said if it gets the tax there would still be three tenths of a percent left to tax the people before the limit of sales tax is reached. The commissioners all said the voters should be able to decide.

Callihan asked who will pay the bill for Floyd & Driver doing the paperwork and writing the ballot item, and who will pay for putting the item on the ballot. Election Board Secretary Crystal January said the county pays the bulk of the cost of a special election, which she estimates will be 9 to \$12,000. Sheriff Beck said he does not have any money to pay the attorney's bill or for the election. Poindexter directed the clerk to pay for all the costs from the county Use Tax account.

A motion was made by Callihan and seconded by Poindexter to approve the sales tax proposition to benefit the Sheriff's Office be placed on the special April 4 ballot. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #27- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to discuss and review proposals submitted by the fairgrounds advisory committee. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried. Commissioner Callihan said a steering committee was made to get a proposal together for a new fairgrounds buildings. He said this is just a starting point and no bids can be made from this proposal.

Jim Hollenback, a member of the committee, said the facility is multi-use, but mostly serves 4-H and FFA students. He said the OSU Extension Offices are also housed there to help local farmers and ranchers. "We are a rural community and this is so important to so many," Hollenback said. He said many local students have gone to college on scholarships from 4-H and FFA. "We have the best premium sale in the worst facility," Hollenback said. He said the committee has come up with a revenue stream for the fairgrounds facility that will bring in roughly \$30,000 a year. There were 175 exhibitors at the last livestock

show. Amber Whitlock, Fair Board Secretary, said over \$56,000 was paid out in premiums at the last fair. The last premium sale brought in over \$196,000 from the community to support kids who show.

The commissioners were presented with a packet of estimates and designs. Callihan said water is the first thing needed as the current supply is a 2-inch line from Zena. Callihan said the City of Jay will pay for materials to run a new water line. Commissioner Beck asked about the sewer system. Callihan said it would have to be a septic system of some kind.

Hollenback said the arena needs to accommodate 1,000 people. Callihan said a bull riding has been held at the fairgrounds for the last two years. He said the first one had 1,000 spectators. The next year the fire marshal told them not to sell more than 600 tickets for a performance. Callihan said maintenance would be cheaper on a new facility. He urged the other commissioners to look at the packet as soon as possible and let the committee know if it should go forward with pursuing the project.

AGENDA #20-A motion was made by Commissioner Callihan and seconded by Commissioner Beck to adjourn at 10:00 a.m. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

ATTEST: 
BARBARA BARNES- COUNTY CLERK



DELAWARE COUNTY, OKLAHOMA
BOARD OF COMMISSIONERS


DAVID POINDEXTER, CHAIRMAN


JAKE CALLIHAN, MEMBER


DAVID BECK, MEMBER



**BOARD OF COMMISSIONERS
DELAWARE COUNTY**

DAVID POINDEXTER, DISTRICT ONE
JAKE CALLIHAN, DISTRICT TWO
DAVID BECK, DISTRICT THREE

DRAWER 550
JAY, OK 74346

#3

MOTION MADE BY Callihan SECONDED BY Beck

TO APPROVE/AMEND MINUTES OF REGULAR MEETING DATED FEBRUARY 2, 2023.

POINDEXTER Y CALLIHAN Y BECK Y
MOTION CARRIED.

WITNESS OUR HANDS THIS 7TH DAY OF FEBRUARY, 2023.

BOARD OF COMMISSIONERS
DELAWARE COUNTY, OKLAHOMA

David Poindexter
DAVID POINDEXTER, CHAIRMAN

Jake Callihan
JAKE CALLIHAN, MEMBER

David Beck
DAVID BECK, MEMBER

ATTEST: Barbara Barnes
BARBARA BARNES- COUNTY CLERK

