



DELAWARE COUNTY COMMISSIONER'S MEETING MINUTES

May 30, 2023

The Board of County Commissioners of Delaware County met in Regular Session at 9:00 a.m. on May 30, 2023. The agenda was posted May 25, 2023, at 1:33 p.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. In addition to the Commissioners, County Clerk and Commissioners' Secretary Kathy Parker, Attorney Clayton Baker, Mike Major, Carolyn Boothe, Emergency Management Director Jeff Reeves, Human Resources Director Vicki Cossairt, Election Board Secretary Crystal January, Treasurer Susan Duncan, OSU Extension Agent Brooke Downing, Sydney Barrett, Monkey Island Fire Chief Carl Tesreau. Undersheriff Nick O'Neal, Tony and Mary Moore, Steve Tucker and Mr. and Mrs. Wallace introduced themselves.

AGENDA #3- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to approve the minutes for the regular meeting dated May 23, 2023. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. 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: ARPA 2021 PROFESSIONAL SERVICES 6382 FLOYD & DRIVER 7594.54; RENOVATION 5725 BKL INC. 2307.00; CBRI CONCRETE 6308 LONGAN CONSTRUCTION 3921.50; ROAD MATERIALS 6273 PRYOR STONE INC. 1911.66; Donations SUBSCRIPTION 5538 OKLAHOMA DEPT OF PUBLIC SAFETY 800.00; General AIR CONDITIONER 6337 AIR WISE HEATING AND AIR 382.01; COMPUTER 5998 AMAZON CAPITAL SERVICES 939.99; COMPUTER EQUIP 5996 AMAZON CAPITAL SERVICES 193.77; COPY PAPER 6290 THE PAPERCLIP OFFICE SUPPLIES 904.85; JANITORIAL SUPPLIES 6245 THE PAPERCLIP OFFICE SUPPLIES 198.46; LABOR 6266 RADIO SHACK 35.00; LAWN MAINT 5876 MATCHELL LAWN CARE LLC 110.00; LODGING 5119 HILTON GARDEN INN 294.00; 5898 HAMPTON INN 98.00; MAINTENANCE 184 CLIFFORD POWER SYSTEMS INC. 486.00; MEDICAL SERVICES 5973 TURN KEY HEALTH CLINICS 8221.20; MILEAGE 5894 SCOTT, SAMMI B. 83.19; 5895 JEFFRIES, CHANDRA D. 34.06; 5896 ELLIS-COOK, LARENA 31.44; MISC 5950 VERIZON 80.02; 5997 AMAZON CAPITAL SERVICES 56.94; NOTARY 6414 SECRETARY OF STATE 20.00; OFFICE SUPPLIES 6264 STAPLES 67.66; PARTS 6355 LINDLY S INC. 168.97; PER DIEM 5124 FACIO, ANTHONY 211.66; PUBLICATIONS 5879 THE AMERICAN 429.05; 5880 THE AMERICAN 429.05; 5993 THE AMERICAN 34.45; 5994 THE AMERICAN 33.85; 5995 THE AMERICAN 33.55; REVAL TRAVEL 5948 PRICE, JAY J. 149.34; TRAVEL 6346 REEVES, JEFFREY NEIL 233.61; Health EXTERMINATION 5504 ALLSTATE TERMITES & PEST SOLUTIONS 45.00; MEDICAL SUPPLIES 5675 THERMOWORKS INC. 179.76; MISC 5618 VIP VOICE SERVICES 1972.24; 5987 VIP VOICE SERVICES 1932.27; Highway COFFEE 6338 HOMETOWN BOTTLED WATER SERVICE 77.90; DRUG TESTING 5465 AAVCOR 70.00; FUEL 6301 LAKELAND-CPP 2170.78; 6302 LAKELAND-CPP 4047.49; 6303 LAKELAND-CPP 4255.08; GLOVES 6133 ULINE INC 152.19; MILEAGE 6381 PARKER, KATHY L. 43.89; MISC 5785 GRAND LAKE GARAGE DOOR 9123.00; 6277 GRAND TRUE VALUE RENTAL 649.99; OIL 6294 KATNER MILLS (NAPA) 799.99; PHYSICAL 5467 MEASE MEDICAL CORPORATION 125.00; SERVICE CALL 6314 CLINE EQUIPMENT REPAIR 250.00; SUPPLIES 6311 UTILITY TRI-STATE 203.64; TOLL FEES 4996 OTA PLATEPAY 32.85; Mtg Cert TRAVEL 6327 HAMBY, MEAGAN H. 47.16; Rural Fire-ST BLANKET 5394 SPEEDYS 66 976.33; 6004 CAPITAL ONE/WAL-MART BUSINESS 135.64; ELECTRIC SERVICE 5401 REC/NE OKLA ELECTRIC COOP 122.03; FIRE DEPT BUNKER GEAR 2849 BANNER FIRE EQUIPMENT 19440.00; FIRE DEPT EQUIP 5726 FIRE MASTER FIRE EQUIPMENT INC. 506.32; INTERNET SERVICE 5431 AT&T MOBILITY 320.32; LEASE/PURCH 6344 WELCH STATE BANK 1203.23; MONTHLY SERVICE 5442 AT&T MOBILITY 86.79; 6093 AT&T MOBILITY 280.28; 6365 BOLT FIBER 75.99; 6428 ALERT360 27.81; SUBSCRIPTION 6171 PENGUIN MANAGEMENT INC 972.00; TAG & TITLE 6378 OTC 69.00; UTILITIES 5399 AEP, PUBLIC SERVICE CO. OF OKLA. 99.02; SH Commissary JAIL SUPPLIES 334 BOB BARKER CO. 184.45; 335 BOB BARKER CO. 64.54; SH Svc Fee JAIL SUPPLIES 3458

BOB BARKER CO. 656.29; MISC 5527 J & J AUTO SUPPLY 605.45; 5966 MONITOR TECHNOLOGY LLC. 2483.00; 5967 LEAF 397.37; OFFICE SUPPLIES 6356 LINDLY S INC. 19.96; PART 6257 J & J AUTO SUPPLY 308.11; REPAIRS 6331 J & J AUTO SUPPLY 566.50; TESTING 6250 NORTHEAST TECHNOLOGY CENTER 105.00; 6251 NORTHEAST TECHNOLOGY CENTER 105.00; UNIFORMS-DCSO 4633 SOUTHERN UNIFORM AND EQUIP 530.68; 4691 SOUTHERN UNIFORM AND EQUIP 377.94; 5014 SOUTHERN UNIFORM AND EQUIP 4252.93; VENDOR SERVICES 6282 GRAVES MENU MAKER 1900.95; 6283 GRAVES MENU MAKER 152.02. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #5 – Not needed because no monthly reports from officers were received.

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. Steve Tucker said he lives in District #3 and wanted to talk about 462 Rd. in Ross Timberlane subdivision. He read the plat dedication which said the subdivision dedicates its roads to the public. Tucker said Barbara Norton wants the road to be private, but the road was dedicated to the public by Ross Timberlane. He said he knows the commissioners have never maintained the road and don't have anything to do with it – but, he read a 1961 resolution saying Old Highway Road and Old Cemetery Rd. which connect to Highway 59 are public roads and should be opened. Tucker said nothing was done to the road after the resolution was adopted by the commissioners.

"The DOT came in and said the road was private," Tucker said, "and I want to know why that was done and what we can do today." Commissioner Beck said if the road was made the mandatory 40 feet wide, it would put it right in front of Tucker's door. Mary Moore, who lives in District #2, said there is an old cemetery down 462 road and vacation would block access to it. She said she doesn't know if anyone ever goes there or ever has.

AGENDA #7 – A motion was made by Commissioner Callihan and seconded Commissioner Beck to hear the Human Resources report by Human Resources Director Vicki Cossairt. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

Cossairt said there were 141 full-time employees Tuesday. Five new hires are in process today, there have been two internal transfers and two offers made. There were four terminations. She said the county is averaging 131 full time employees. She reminded elected officials that increasing the staff affects the office's budget.

Cossairt said everyone should watch the numbers of vacation, sick and comprehensive time to see they do not go over the number allowed for an employee to accrue. She reminded everyone that the extra hours accumulated during Covid must be used up by the end of December or the employee will lose those hours.

Cossairt said 24 openings are currently posted four county employment; 19 full-time and five part-time.

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. Commissioner Callihan said Airco will be bringing a check to reimburse the county for the HVAC unit which did not work and was taken down.

AGENDA #9- A motion was made by Commissioner Poindexter and seconded by Commissioner Callihan to sign affidavits for the May 31 payroll. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #10- A motion was made by Commissioner Poindexter and seconded by Commissioner Callihan to surplus a steam pressure washer on behalf of District #1. Commissioner Poindexter said the inventory number is D423-0101. 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 approve a resolution to accept contracts for fiscal year 2023-2024 on behalf of the Election Board, including Quadiant Leasing, Ozark Business Systems and Ozark Leasing. 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 approve officers for the Delaware County Election Board for Fiscal Year 2023-2024 as follows: Requisition Officer – Crystal January; Receiving Officers – Anna Reece and Stacy Miller; Inventory Officers – Crystal January and Anna Reece. 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 approve a resolution directing the County Treasurer to reimburse the County Election Board Personal Services, Part-Time Help, Travel or Maintenance and Operations General Fund Account pursuant to Title 62, Section 335 of Oklahoma Statutes. 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 an agreement with the United States Department of Agriculture Animal and Plant Health Inspection Service for animal control and payment of \$2,400 for fiscal year 2023-2024. 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 discuss with possible action the contract with Craig County Detention Center for housing juveniles. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried. Poindexter asked O'Neal if he wanted to approve. O'Neal said he had not seen the contract. Parker said she gave copies of both this contract and the one in the next agenda item to Jail Administer Katie Rothrock at the end of the meeting last week. Furthermore, this contract is the same as the one approved last year including the price at \$25 per day and the contract in the next agenda item with Creek County has already been approved by the D. A. A motion was made by Callihan and seconded by Poindexter to table the item until the June 6th meeting. 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 discuss with possible action contract for detention services with Creek County Juvenile Justice Center. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

A motion was made by Callihan and seconded by Poindexter to approve the contract with Creek County Juvenile Justice Center. 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 to surplus a 20 HP portable pump, inventory #FD-WS-717-1 and a bed for a rescue truck, inventory #FD-WS-727-1 per Bob Coleman, West Siloam Springs Fire Department. 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 Poindexter to discuss 2023-2024 fiscal year budget with OSU Extension Educator Brooke Downing. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

Downing said the state travel rate has increased and left her budget with a \$3,000 short fall. The 4-H Leader is a 75/25 split with Adair County. Downing wants to get the leader full-time for Delaware County. Those two items will mean increasing the OSU Extension budget by \$11,000. Downing wanted the commissioners to know why OSU is asking for their budget to be increased.

AGENDA #19- A motion was made by Commissioner Callihan and seconded by Commissioner Poindexter to approve an intrafund transfer from General Government Capital Outlay to Human Resources Personal Services in the amount of \$3,500 per David Poindexter, Chairman. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #20- A motion was made by Commissioner Callihan and seconded by Commissioner Poindexter to approve an intrafund transfer from Emergency Management Capital Outlay to Emergency Management Personal Services in the amount of \$500 per David Poindexter, Chairman. 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 Poindexter to approve intrafund transfer from Excise Board Personal Services to Excise Board Travel in the amount of \$500 per David Poindexter, Chairman. 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 open a hearing to vacate a roadway, RE: Mark Tuttle and Janice Tuttle, petitioners. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

Attorney Clayton Baker said the D. A. called him and said a special meeting was set for 3 p.m. No one on the board nor the commissioners' secretary was aware of a special meeting being set. They decided to recess the meeting after finishing the agenda items until 3 p.m. to discuss this matter.

AGENDA #23- A motion was made by Commissioner Callihan and seconded by Commissioner Poindexter to approve opening a hearing to vacate a roadway, RE: Barbara Norton. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

Commissioner Beck said this is a public road but not maintained by the county except for a quarter mile stretch which has always been graded. The road was deemed public, but not taken in to the county system and is therefore not in the commissioners' jurisdiction. Attorney Clayton Baker said Norton only wants to vacate the part of the road which touches her property and is a dead end. Baker said he has no knowledge of the cemetery mentioned earlier. Beck said the cemetery is not listed on the county's roster. He thinks the

cemetery may be on property which belongs to the City of Tulsa. Beck said the road ends at the Norton house. Steven Tucker referred to the resolution again which names Old Cemetery Road and Old Highway Road. Tucker said the county maintains 463 Road but not 462. Baker reiterated that just because someone dedicates a road to the public does not mean the commissioners must adopt that road and its care. Beck said 462 is not even wide enough to get a grader down.

Baker said the bottom line is how Tucker will be affected by the closure. "He must show how it would affect him, and he hasn't done that."

Mary Moore said delivery drivers turn around at the end of the road, but she does not live on that road. In fact, the Moores do not even live in that District. They live in District #2.

"I see," Callihan said, "you want her to be the dead end and not you. The only problem I have with vacating the road is if it is access to a cemetery." Beck said if people must cross Norton's property to get to the cemetery, she can still deny them access, whether the road is vacated or not. Baker said if there is a cemetery he is sure Norton will grant access to it across her property.

"There have been three protective orders filed by a judge," Baker said, "so you see why she's trying to do this. He (Tucker) keeps telling her this is a private road and he can park his car on it if he wants to." In fact, he has parked his car in front of her house, Baker said. "No way HE will be affected has been addressed," Baker said, "and no one else is here." Mary Moore said she and her husband own the first lot on the road.

Beck reiterated Norton would still have to give permission to go to the cemetery regardless of the road.

"Beyond the road is her property," Poindexter said, "the old resolution doesn't cover going to the cemetery."

Callihan asked Barnes if she has any knowledge of the cemetery. Barnes said she does not know anything about a cemetery in that area.

"Vacating the road does not prevent anyone from seeking easement," Baker said. "No one else will be affected by closing this roadway."

Callihan made a motion to table this item until the June 6 meeting. The motion was seconded by Beck. 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 discuss with possible action progress concerning the fairgrounds project. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried. Callihan said the steering committee has a meeting with Meyers Cherry this week to finalize the footprint for the building.

The meeting was recessed at 10:04 a.m. until 3 p.m.

The meeting was reconvened at 3:05 p.m. to open a hearing for the petition to vacate a roadway, Mark Tuttle and Janice Tuttle, petitioners.

The District Attorney was not present.

The petitioners attorney Clayton Baker said he would like the parties to be able to ask questions. Baker said the Tutttles own each side of an undeveloped road they wish to vacate. He said the undeveloped road does not touch anyone else's property.

Gerald Williams said he does not own any property in the area, but his father has owned a few lots for many years and he wants his great grandchildren to be able to see the lots. He kept calling the road "Poindexter Road," but the proposed road is Pottawatomie. "All these lots will be closed down if this road is closed," Williams said.

"No road is there," Baker said. "We are just closing the ability to build a road in the middle of the Tutttles' property."

Williams said he is sentimental because his father is over 100 years old and proud of owning lots on Grand Lake. He said the Bernice Town Clerk gave him a map and he went to 249 Road and there was a fence on the road.

"That road has nothing to do with Indian Hills Camp," Janice Tuttle said.

"What I want to know is why the Tutttles want to close the road," Williams said.

"There is no road now and they own all the property. The Tutttles own 100 percent of the (proposed) road because the road has not been developed," Baker said. "No other property abuts where Ordeldhide wants to build the road. Other roads might be opened. But when he bought property, Ordeldhide wanted to use the Tutttles' private drive. When they objected, he chose the nearest route to get access. Tuttle said Ordeldhide moved an excavator onto the Tutttles property and hired a person who was not an engineer to build a road. "A guy who is not an engineer tried to build a road, but the road is not there. It's not transversable," Baker said. "In 1940 when the area was platted, there was an idea for where a road might be," Baker said. "These are called paper roads." Baker continued that the commissioners never accepted the roads into the county system.

Tom Robinson owns four lots on the proposed Osage Street in Indian Hills Camp and he wanted to know which lots the Tutttles own. He asked about Park Street. Baker said Park St. is the developed road and is part asphalt, but has nothing to do with the Tutttles' request.

"Pottawatomie is not a road today," Baker said. "There is a procedure to build a road. There are established parameters, the county has set these out in a resolution." He said the Tutttles want the road vacated or built right which would take millions of dollars, including engineering and surveying, if it could be feasibly be built in that spot at all. Baker said those who object must prove how they would be harmed by vacating this proposed road location. Baker said no lots will be land locked as a result of this vacation because the Tutttles own all the property on each side.

"What's on the plat now is a dedicated easement IF the road is developed. It is private property until then," Baker said. "The road is not developed, so you are trespassing on private property if you go there," Baker said. "Easement may be developed as roads, but if they have not been developed, the property is private. To build a road, there must be a request approved to open it and built it properly for it to be made a public road.

"The attempt to build a road straight through their property was not a real road and the Tuttles want to stop that," Baker said. Poindexter made a motion to table the item until next Tuesday's meeting because he did not want to make any motion without the district attorney present. The motion was seconded by Beck. Roll call: Commissioner Poindexter-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #25- A motion was made by Commissioner Beck and seconded by Commissioner Poindexter to adjourn at 3:34 p.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

8



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 MAY 30, 2023.

POINDEXTER Y CALLIHAN Y BECK Y
MOTION CARRIED.

WITNESS OUR HANDS THIS 6TH DAY OF JUNE, 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

