



DELAWARE COUNTY COMMISSIONER MEETING MINUTES

January 23, 2024

The Board of County Commissioners of Delaware County met in Regular Session at 9:00 a.m. on January 23, 2024. The agenda was posted January 22, 2023, at 8:00 a.m. and placed in the kiosk on the courthouse lawn 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. 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.

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 board members and Commissioners' Secretary Kathy Parker, Carolyn Boothe, Human Relations Director Vicki Cossairt, Bill Cornell, ADA Marianna McKnight, Emergency Management Director Jeff Reeves, Steve Donohue, Michelle and Mark Shouse, and Jeremy Coker introduced themselves.

AGENDA #3- A motion was made by Commissioner Poindexter and seconded by Commissioner Beck to approve the minutes for the regular meeting dated January 16, 2024. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; 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. 2023-2024: CBRI ASPHALT 4069 LONGAN CONSTRUCTION 1812.50; General COPIES 3536 LAKELAND OFFICE SYSTEMS 220.94; ELECTRIC SERVICE 2956 REC/NE OKLA ELECTRIC COOP 300.14; JUVENILE SERVICES 4113 CRAIG COUNTY DETENTION CENTER 600.00; LEASE 3033 AADVANTAGE LAUNDRY SYSTEMS 119.00; LONG DISTANCE SERVICE 3063 MCI 63.62; MEDICAL 4070 TURN KEY HEALTH CLINICS 475.00; MEDICAL SERVICES 3859 TURN KEY HEALTH CLINICS 13218.06; MISC 3949 VERIZON 120.03; OFFICE SUPPLIES 3866 THE PAPERCLIP OFFICE SUPPLIES 69.99; 4033 QUILL CORPORATION 203.36; OLETS 3388 OKLAHOMA DEPT OF PUBLIC SAFETY 800.00; REVAL TRAVEL 3945 GOINS, VINCENT G. 208.37; 3947 PRICE, JAY J. 197.65; SUPPLIES 3955 AMAZON CAPITAL SERVICES 350.91; 4049 THE PAPERCLIP OFFICE SUPPLIES 558.20; 4058 QUILL CORPORATION 418.10; 4059 QUILL CORPORATION 686.20; Health LEASE PAYMENT 1605 PITNEY BOWES GLOBAL FINANCIAL SERVICES 296.43; MONTHLY SERVICE 3882 VERIZON BUSINESS 75.11; SUPPLIES 4025 TH ROGERS LUMBER CO. 163.88; Highway null 3674 UTILITY TRI-STATE 670.24; DRUG TESTING 4042 AAVCOR 38.00; 4096 AAVCOR 38.00; FILTERS 3976 JOHN FABICK TRACTOR CO 732.68; FUEL 4052 LAKELAND-CPP 2287.20; INTERNET SERVICE 3439 BOLT FIBER 158.49; LEASE PAYMENT 4014 RCB BANK 4779.19; 4015 WELCH STATE BANK 2305.03; 4016 ARVEST EQUIPMENT FINANCE 1005.38; 4017 BANK OF GRAND LAKE 2566.24; 4018 BANK OF GRAND LAKE 1916.41; 4019 BANK OF GRAND LAKE 2621.17; MISC 3300 J & J AUTO SUPPLY 289.94; 3301 KANSAS BUILDING SUPPLY INC. 112.76; 3303 LINDLY S INC. 2.99; 3305 PARTS CITY LTE 588.64; OIL 3940 JOHN FABICK TRACTOR CO 634.63; PHYSICAL 4099 4 STATE CHIROPRACTIC 85.00; REPAIRS 1904 NUTTING CUSTOM TRIKES 2432.68; SUPPLIES 3588 PARTS CITY LTE 595.64; UNIFORMS 3070 SHARPE DRY GOODS 2237.82; VEHICLE 3913 JOE COOPER FORD INC. 45461.00; WATER 3438 GMSA 85.87; WATER/RENT 3304 HOMETOWN BOTTLED WATER SERVICE 20.00; Resale LEASE PAYMENT 3832 QUADIENT LEASING 576.55; Rural Fire-ST BLANKET 2736 O-REILLY AUTOMOTIVE INC. 56.27; 3195 O-REILLY AUTOMOTIVE INC. 33.95; 3196 EMERGENCY MEDICAL PRODUCTS 97.25; 3266 LAKELAND-CPP 126.50; 3689 LAKELAND-CPP 709.89; 3690 LAKELAND-CPP 1231.78; 3702 EMERGENCY MEDICAL PRODUCTS 192.73; 3796 WRIGHT, JERRY 75.00; ELECTRIC SERVICE 3218 REC/NE OKLA ELECTRIC COOP 127.53; 3220 REC/NE OKLA ELECTRIC COOP 125.89; 3236 REC/NE OKLA ELECTRIC COOP 143.00; 3238 REC/NE OKLA ELECTRIC COOP 478.65; EQUIPMENT INSTALLATION 4115 ALL STAR ELECTRIC NA LLC 3492.29; FUEL 3609 LAKELAND-CPP 767.16; 3929 LAKELAND-CPP 813.09; HOSE TEST 3618 STILL FIRE SERVICES LLC 1252.50; INSURANCE 3942 THE BURROWS AGENCY 2693.00; INTERNET SERVICE 3774 BOLT FIBER 195.41; MISC 3486 O-REILLY AUTOMOTIVE INC. 817.44; MONTHLY SERVICE 3245 J & J AUTO SUPPLY 111.45; 3768 VERIZON 223.10; 3791 CARDS NEO, LLC 124.31; 3794 GMSA 25.75; PEST CONTROL 4090 TOTAL PEST SERVICES 240.00; PROPANE 3673 LINDLY S INC. 899.87; 4072 STEVESON L.P. GAS 1050.00; REPAIRS 3562 NEO COMPUTERS 189.99; 4055 JEFF LUNGREN CHEVROLET INC. 1078.95; TELEPHONE SERVICE 3736 GRAND TELEPHONE CO. 145.08; 3751 GRAND TELEPHONE CO. 131.11; UTILITIES 3741 RURAL WATER DIST. #10 526.90; SH Commissary FOOD 3363 PRODIGY SOLUTIONS 1886.18; INMATE PHONE TIME 3362 PRODIGY SOLUTIONS 2199.00; Sheriff-ST DCSO VEHICLES 3368 INUENDOS 11441.20; 3656 OMES/DCAM 9000.00; 4125 OMES/DCAM 6500.00; SH Svc Fee null 3956 SMITH TWO-WAY RADIO INC. 45.00; K-9 3937 VON JAGER K9 600.00; LONG DISTANCE SERVICE 3845 CENTURYLINK 24.89; MISC 3851 LEAF 455.88; MMPI 4027 LAW ENFORCEMENT PSYCHOLOGICAL SERVICES 125.00; 4028 LAW ENFORCEMENT PSYCHOLOGICAL SERVICES 125.00; 4094 LAW ENFORCEMENT PSYCHOLOGICAL SERVICES 125.00; 4104 LAW ENFORCEMENT PSYCHOLOGICAL SERVICES 125.00; PHYSICAL 3654 4 STATE CHIROPRACTIC 85.00; SOFTWARE 4041 OSBI, OKLA STATE BUREAU OF INVESTIGATION 1500.00; TIRES 4084 SOUTHERN TIRE MART LLC 925.96; VEHICLE SUPPLIES 3031 SHOWTIME SHINE DETAILING INC. 640.00; Use-ST TAXES 3968 OESC 2.50. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #5- Was not needed.

AGENDA #6- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to open the floor for citizens participation or comments. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried. There were none.

AGENDA #7- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to hear report by Human Resources Director Vicki Cossairt. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried. Cossairt said the county has 135 employees. Since her last report, there has been one new hire and four terminations. Cossairt said there are actually five positions open for county employment right now, but she keeps others job descriptions posted in case someone qualified comes in and wants to apply. Cossairt thanked all the road crews and Emergency Services personnel for their work during the recent snow.

AGENDA #8- A motion was made by Commissioner Callihan and seconded by 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 file copy of Certificate of Liability Insurance and current list of Board of Directors and officers for the Butler Fire Department as follows: Mack Brewer – President; Roger Tanner – Vice-President; Joyce Crossley – Treasurer; Paula Prins – Secretary; Jimmy Ford – Member at Large; Fire Chief – Randy Prins; Asst. Chief – Roger Tanner; Requisitioning Officers – Randy Prins, Barbara Barnes; Receiving Officers – Gary Crawford, Cody Crawford; Inventory Officer – Paula Prins. 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 discuss with possible action on-call contract with Rose & McCrary. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried. Poindexter said the \$6,000 agreement is currently split between the districts with one district paying the bill each month. He said his understanding is the other commissioners do not need the on-call service. Both the other commissioners said they have never used the on-call service. Poindexter said he hates for the other commissioners to subsidize his use of on-call service. Callihan said if he needs an engineer, he would rather pay a company by the hour. No contract or motion to approve it is in place right now. Poindexter asked for time to review the on-call services and talk with Rose and McCrary.

AGENDA #12- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to pay invoice from Carl Tesreau for upfitting two UTVs for Delaware County Emergency Management in the amount of \$7,206 to be paid from Emergency Management M&O. Beck asked if Tesreau has provided a W-9. Reeves said he has and is on the vendor list because he has done work for the county before. 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 accept quote from Grand Truck Equipment to purchase a snow plow, plow hitch and 15-foot spreader on state bid #SW0500 in the amount of \$62,770 on behalf of District #3. Beck said this quote went through a meeting before, but it was messed up in that the vendor state contract number was wrong and the quote was not complete. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried. Beck specified paying for the plow with his Sales Tax account.

AGENDA #14- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to receive and file the results of the City of Grove election proposition to increase sales tax. 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 Delaware County Health Department obtaining written competitive quotes for the replacement of five rooftop HVAC units for the current building. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried. No one was present from the Health Department. Some specs were provided, but Poindexter said there is no indication of what the units might cost. He suggested the Health Department get written quotes, but since five units are wanted, the cost will probably exceed \$100,000 in which case the sealed bid process would apply. Callihan said he will tell the Health Department just to follow the competitive bidding process.

AGENDA #16- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to open a hearing for petition to vacate a section of road "B" joining Lot 11 in Deep Water, a platted subdivision in Delaware County. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried. Poindexter said the plat is in District 1, and although the roads were dedicated to public use, the roads are not in the maintained county road system. Tommy Dyer gave the clerk the proof of publication. He said this vacation relates to Lot 11. Realtor Rachel Hewitt was present with a buyer's contract. The Burtons, who are the petitioners and current owners of Lot 11, have a contract to sell their land. Dyer said he thinks the road, which turns into Road 260, is actually a section line, but he thinks the land is in the Quapaw nation which does not recognize section lines. "The civilized tribes have statutory section line easements, but we are just here to get this portion of road vacated," Dyer said. Poindexter said if Road 260 is a section line, there is a permanent easement to the county, whether the road is developed or not. Dyer said the first thing to find out is if this section line exists, since some tribes do not recognize them. Dyer said Mark Shouse owns the property to the east and the part in question is only 16.5 feet wide. Dyer thinks a long-ago survey put half the width of an easement on Shouse's property. Dyer said he is only interested in 16.5 feet and not the county easement, if it does exist. Dyer said the platted road surveyed "B" has been abandoned and the road used in the subdivision now is "C" Street. He said "B" Street actually has trees growing in it and was never built as a road. "This is the only portion we are seeking to vacate," Dyer said. He said 15 years of non-use qualifies the proposed road as abandoned. "It leads nowhere and only borders Lot 11," Dyer said. "It's a grassy lane. There is a chainlink fence that

defines the subdivision." Dyer said there is not much help in the statutes for this situation, it is up to the BOCC to decide. "Your only question is to vacate as a public road."

Jerry Curley owns Lots 15, 16, 17 and 18. He says this is the way residents of these lots get to the lake. He said it would decrease the value of these lots to close this road. Curley said people walk or use golf carts on this grassy track to access the lake. He said he mows the track. Shouse said lots of people use this road with golf carts, and he believes 16.5 feet is not the correct measurement. He said the width is as much as 28 feet along his property.

Poindexter said people who signed the petition are not residents of the actual plat lots. Hewitt said she and Burton knocked on every door, and those who answered signed the petition. She said many doors were not answered.

Billy Cornell said the BOCC might consider a reserve instead of vacating the road, which means the road would remain as is unless they wanted to vacate it later. Dyer said reserve status is good for section line easements, but not for public access roads.

Poindexter said his issue is the lack of subdivision residents' signatures on the petition. Callihan agreed and said there seemed to be more opposition than support for the vacation. "People right there want it, but do they want it to be a public road?" Dyer said. He said a limited access agreement could be reached in the courts. The BOCC's question is whether or not it is a road.

Poindexter said he would like to ask the other owners. Callihan said it seems more people want to keep it a road than to vacate. He said he wants to please the majority.

McKnight said "if you reserve a section line, you must reserve the whole thing." Dyer said his clients are only interested in 16.5 feet. "The civilized tribes have section line easements and the Quapaws do not, and this is the Quapaw Nation."

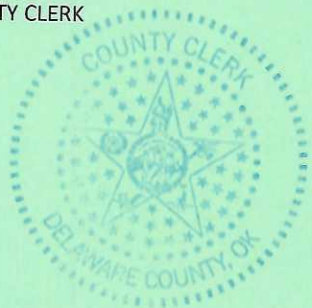
All parties agreed to take two weeks to try to work out a solution.

AGENDA #17- A motion was made by Commissioner Callihan and seconded by Commissioner Beck to adjourn the meeting at 9:47 a.m. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

ATTEST:



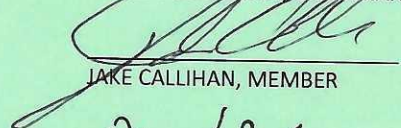
BARBARA BARNES- COUNTY CLERK



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 JANUARY 23, 2023.

POINDEXTER Y CALLIHAN Y BECK Y
MOTION CARRIED.

WITNESS OUR HANDS THIS 30TH DAY OF JANUARY, 2024.

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

