



DELAWARE COUNTY COMMISSIONER MEETING MINUTES

May 7, 2024

The Board of County Commissioners of Delaware County met in Regular Session at 9:00 a.m. on May 7, 2024. The agenda was posted May 6, 2024, at 8:50 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. 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 and County Clerk, Commissioners' Assistant Kathy Parker, Assistant District Attorney Marianna McKnight, Human Resources Director Vicki Cossairt, Jack Wood, Mike Major, Debbie and Jim Bullard, Carl Jones, Stacey Lester and Stephanie Johnson of BKL, Tim McCrary, Russell Earls, Sheriff James Beck, Rob Endicott of Cherokee Nation, Ray Thomas, Justin Rowe, Undersheriff Nick O'Neal and Carolyn Boothe 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 April 30, 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

Emergency Mgmt 36, ATWOODS DISTRIBUTING L.P., 729.98, MISC; General 3404, AMERICAN FIDELITY HRA, 0.01, INSURANCE 3405, OSU-CTP, 65.00, MISC 3406, QUILL CORPORATION, 298.98, 3407, AMERICAN FIDELITY HRA, 0.02, INSURANCE 3408, OSBI, OKLA STATE BUREAU OF INVESTIGATION, 19.00, CRIMINAL HISTORY CHECK 3409, OSBI, OKLA STATE BUREAU OF INVESTIGATION, 19.00, CRIMINAL HISTORY CHECK 3410, U.S. POSTMASTER, 544.00, POSTAGE 3411, GROVE ELECTRIC & LIGHTING, 2200.00, LIGHTING SUPPLIES 3412, ELECTION BOARD DEPOSITORY ACCT, 370.00, ELECTION 3413, THE AMERICAN, 281.15, PUBLICATIONS 3414, HOMETOWN BOTTLED WATER SERVICE, 8.00, COOLER 3415, OME CORP. LLC, 255.00, POSTAGE 3416, BUTLER BAPTIST CHURCH, 25.00, RENTAL 3417, HOMETOWN BOTTLED WATER SERVICE, 40.00, WATER 3418, MCCORD, ROBERT D., 3850.00, JANITORIAL SERVICE 3419, DEL CO RURAL WATER DIST #3, 546.83, UTILITIES; Health 217, OKLAHOMA STATE DEPT. OF HEALTH, 21487.48, PERSONAL SERVICES 218, GOFF, DEBRAH, 900.00, JANITORIAL SERVICE 219, EDWARDS LAWN SERVICE, 430.00, LAWN CARE 220, AMAZON CAPITAL SERVICES, 682.70, AIR FILTER 221, AMAZON CAPITAL SERVICES, 2807.76, SUPPLIES; Highway 1966, KEMP STONE CO INC., 1902.78, ROAD MATERIAL 1967, LINDLY S INC., 166.22, MISC 1968, TRACTOR SUPPLY, 409.59, SUPPLIES 1969, AEP, PUBLIC SERVICE CO. OF OKLA., 219.30, ELECTRIC SERVICE 1970, LAKELAND-CPP, 2720.52, FUEL 1971, EUCHA TIRE & FEED, 90.00, REPAIRS 1972, SPRINGDALE TRACTOR, 388.46, OIL 1973, J & J AUTO SUPPLY, 2919.19, MISC 1974, EUCHA TIRE & FEED, 75.00, TIRE REPAIR 1975, WARREN CAT, 554.03, PARTS 1976, WARREN CAT, 1030.75, PARTS 1977, AAVCOR, 76.00, RANDOM DRUG TESTING 1978, EUCHA TIRE & FEED, 100.00, REPAIRS 1979, UNIFIRST CORP, 362.62, UNIFORMS 1980, J & J AUTO SUPPLY, 513.98, BATTERY 1981, EXCAVATION UNLIMITED, 3750.00, ROAD MATERIALS 1982, EXCAVATION UNLIMITED, 1500.00, ROAD MATERIALS 1983, PHILLIPS SERVICES & WELDING, 795.00, SERVICE CALL 1984, LAKELAND-CPP, 4360.59, FUEL 1985, CINTAS FIRST AID & SAFETY, 125.54, FIRST AID SUPPLIES 1986, UNIFIRST CORP, 341.61, UNIFORMS 1987, JOHN FABICK TRACTOR CO, 428.03, MISC 1988, AMERICAN FIDELITY HRA, 498.18, INSURANCE 1989, CALLIHAN, JAKE, 66.67, TRAVEL 1990, LAKELAND-CPP, 3101.97, FUEL 1991, CINTAS FIRST AID & SAFETY, 180.26, FIRST AID SUPPLIES 1992, GRAND TRUCK EQUIPMENT CO. LLC, 199.00, PARTS 1993, CINTAS CORPORATION, 280.76, FIRST AID SUPPLIES 1994, AAVCOR, 38.00, DRUG TESTING 1995, LAKELAND-CPP, 3348.94, FUEL; Hwy-ST 107, KEMP STONE CO INC., 8987.85, ROAD MATERIAL 108, KEMP STONE CO INC., 4499.91, ROAD MATERIAL; Resale 264, AMERICAN FIDELITY HRA, 75.01, INSURANCE 265, TM CONSULTING INC., 149.99, REGISTRATION; RM&P 115, BARNES, BARBARA M., 258.65, TRAINING 116, AMERICAN STAMP & MKT PRODUCTS, 150.85, SELF INKING STAMPS 117, BARNES, BARBARA M., 107.00, LODGING; Rural Fire-ST 1195, BOLT FIBER, 96.81, MONTHLY SERVICE 1196, CAPITAL ONE/WAL-MART BUSINESS, 141.87, BLANKET 1197, CITY OF GROVE, 400.00, DISPATCH SERVICE 1198, ALERT360, 29.76, MONTHLY SERVICE 1199, ADT SECURITY SERVICES INC, 345.06, MONTHLY SERVICE 1200, REC/NE OKLA ELECTRIC COOP, 402.00, ELECTRIC SERVICE 1201, AT&T MOBILITY, 402.94, MONTHLY SERVICE 1202, SBA STEEL LLC, 158.02, RENT 1203, CITY OF GROVE, 400.00, DISPATCH SERVICE 1204, PIT STOP, 528.63, BLANKET 1205, O-REILLY AUTOMOTIVE INC., 150.15, BLANKET 1206, WELCH STATE BANK, 1747.10, LEASE/PURCH 1207, BANK OF GRAND LAKE, 895.00, LEASE/PURCH 1208, MUNICIPAL EMERGENCY SERVICES INC, 7265.00, FIRE DEPT BUNKER GEAR 1209, SST, 164.89, TELEPHONE SERVICE 1210, MCKESSON MEDICAL SURGICAL GOV'T SOLUTIONS LLC, 170.53, FIRE DEPARTMENT MEDICAL SUPPLIES 1211, SBA STEEL LLC, 158.02, RENT 1212, BOLT FIBER, 174.75, WIRELESS SERVICE 1213, BAKER S AUTO, 5700.00, REPAIRS 1214, VSC FIRE & SECURITY, 1373.75, FIRE EXTINGUISHER & SERVICE 1215, RURAL PROPANE, 1512.00, BLANKET 1216, SST, 124.04, TELEPHONE SERVICE 1217, SST, 169.53, TELEPHONE SERVICE 1218, O-REILLY AUTOMOTIVE INC., 865.23, BLANKET 1219, WALKER HARDWARE & LUMBER, 559.94,

BLANKET 1220, REC/NE OKLA ELECTRIC COOP, 264.25, ELECTRIC SERVICE 1221, PIT STOP, 618.00, BLANKET 1222, OTC, 1027.00, TAG & TITLE 1223, COUNTRY BOY'S TIRE & AUTO REPAIR, 400.00, FIRE DEPT EQUIP 1224, THE BURROWS AGENCY, 11868.00, INSURANCE 1225, ADT SECURITY SERVICES INC, 131.18, SECURITY SYSTEM/REPAIR 1226, REC/NE OKLA ELECTRIC COOP, 496.32, ELECTRIC SERVICE 1227, ADT SECURITY SERVICES INC, 71.99, SECURITY SYSTEM/REPAIR 1228, ADT SECURITY SERVICES INC, 133.84, SECURITY SYSTEM/REPAIR 1229, ADT SECURITY SERVICES INC, 149.93, SECURITY SYSTEM/REPAIR 1230, DEL CO RURAL WATER DIST #3, 113.21, UTILITIES; SH Svc Fee 505, HOMETOWN BOTTLED WATER SERVICE, 108.00, LEASE 506, J & J AUTO SUPPLY, 518.22, PARTS 507, VANCE CHRYSLER DODGE JEEP RAM, 795.00, PARTS; Use-ST 93, GRAND RIVER ABSTRACT & TITLE CO., 352024.00, REAL PROPERTY 94, SWOPE CONSULTING, 6400.00, ENGINEERING SERVICES Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; 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; Commissioner Beck-yes. Motion carried. Reports were submitted by the Assessor, County Health Department, Sheriff, and Election Board.

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 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 the county has 135 full-time employees today. Since the last meeting, three employees have terminated. There are 15 positions posted, with five actually open. The posting has been made for E-911 Communications Specialists. Those hired for this position will probably not begin work until July, but the posting has been made to have ample time for selection and training. Cossairt reminded elected officials the county gives employees three days for bereavement, but that time may be extended if circumstances warrant.

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 open sealed bids on annual janitorial services for the Delaware County Courthouse with acceptance at a later date. County Bid# 23-24/14. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried. One bid was received from David McCord in the amount of \$3,850 per month.

AGENDA #10- A motion was made by Callihan and seconded by Beck to open sealed bids on annual uniform service with acceptance at a later date. County Bid# 23-24/15. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried. No action was taken. No bids were received.

AGENDA #11- A motion was made by Callihan and seconded by Beck to open sealed bids on annual cleaning and paper products with acceptance at a later date. County Bid# 23-24/16. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried. One bid was received from Paper Clip. Various prices were quoted for an array of products. Poindexter said any citizen who would like a copy of the bid prices is welcome to get one.

AGENDA #12- A motion was made by Callihan and seconded by Beck to advertise for sealed bids on annual election ballots. Persons interested in submitting a bid are to contact Michael Baker, P. A., located in the County Clerk's Office, Jay, Okla. Bids will be opened and reviewed May 21, 2024, at 9 a.m. with possible acceptance. Bids will be received no later than 3 p.m. in the County Clerk's Office on May 17, 2024. Board reserves the right to accept/reject any and all bids and the right to re-advertise. County Bid# 23-24/18. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #13- A motion was made by Callihan and seconded by Beck to discuss with possible action Tiajuana Streets on behalf of Jack Wood. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried. Jack Wood said he retired and moved back here seven years ago. He said one year ago a man named Addison bought four lots in Tia Juana from Ian Moody. Surveys found discrepancies in the property boundaries between Addison and Wood, but Wood granted access across his property. Eventually Addison made his own road and left a travel trailer on Wood's land. "I'm done allowing access on a paper street," Wood said. Wood said a year ago, Commissioner Callihan confirmed that the county has no interest and he doesn't take care of Tia Juana roads. Wood said he has proof of ownership of his land, but he has been to four lawyers for help and each one has sent him back to the BOCC. Callihan said county record research shows no plats were ever recorded for Tia Juana, but there is a picture of a proposed plat drawn in 1941. A hand written note on the plat said it was vacated in 2011, but the plats were never recorded and no roads were ever taken into the county system. "The BOCC has no interest, is all we can tell you," Callihan said. McKnight said the BOCC is not here to give Wood legal advice and he needs an attorney to proceed. No action was taken.

AGENDA #14- No action was taken on this item for possible action changing speed limit from 25 mph to 15 mph on Bass Wood Drive and Red Oak Lane.

AGENDA #15- A motion was made by Callihan and seconded by Beck to discuss settlement agreement for dismissal of claim of Mark Tuttle and Janice Tuttle vs. the Board of County Commissioners of Delaware County in Delaware County District Court Case #CV-2023-108; Tuttle vs. Board of County Commissioners of Delaware County with John Ordelheide and Melissa Ordelheide as intervenors and possible action regarding

approval of legal documents related to settlement of this claim. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried. McKnight said this is the lawsuit discussed in an executive session earlier and nothing has changed in the agreement reached there except Forrest Hummel has withdrawn his objection. Callihan made a motion to approve the amended findings and approve submission of the documents to the court. Beck seconded the motion. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #16- A motion was made by Callihan and seconded by Beck to discuss with possible action E-911 Center remodel items including storm shelter and lightning protection. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried. Callihan said he had concerns about the strength of the storm shelter and possible leaks. Lester said steel plate can be added and the top sealed, but conduit and cable coming into the enclosure makes it impossible to ever get it 100 percent water proof. She said all the air cannot be sealed out anyway, because people and equipment need air. Johnson said she has no information about the lightning protection, but it is usually recommended on taller buildings and this one is one story. The additional charge would be \$3,800, but the Stolz engineer said their surge protectors will be sufficient. "If we don't need it, we don't need it," Callihan said. No action was taken.

AGENDA #17- A motion was made by Callihan and seconded by Beck to discuss issues with the New Life Ranch (JP# 29344) project right of way acquisition with ODOT and Cherokee Nation, specifically a parcel involving landowner heirs and the State Parks Department. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried. ODOT engineer Brandon Dudgeon gave a recap of the project. He said the project is over 12 years old. The road is a high-traffic collector and a number of bad accidents have happened on the seven-mile stretch. Plans were originally drawn by Tim McCrary. Everything got in a mess when a property owner made a dedication deed of her property to the state parks association. That meant no right-of-way could be secured on her land, which is the best route for the road. The heirs retain ownership, but the dedication is for recreational park use only with no improvements. However, if the park guidelines are infringed, the land reverts back to the heirs. Dudgeon said ODOT looked at options, had two public meetings, and came up with three options for building the road: straight north – over two mountains; the original plan across the valley which was stopped by a landowner, this is the public's choice; or move the whole road further east, which would mean beginning right-of-way acquisition all over again. But, "any option hits the park," Dudgeon said. McCrary looked at a fourth plan, but among other things, it included a 570-foot culvert which was 80 feet deep that would be impossible to maintain. The recommendation is still straight through the park. Dudgeon said ODOT's legal department looked at the deed and the right-of-way cannot be secured as a quit claim deed because of the way the dedication is written. Callihan asked what the park says about all this. Dudgeon said the park does not want the road at all. The governor could file a condemnation, but Dudgeon doubts he would. So, "talk to the heirs or find another way," Dudgeon said. "If the state parks will return the land to the heirs, we can work with them." Callihan asked about the funding. Rob Endicott from Cherokee Nation said the MOA was a 70/30 cost share, but that agreement has long expired. He said right now it is a \$14 million dollar project that includes a \$3 million bridge. Costs have gone way up because so much time has gone by. Endicott said Cherokee Nation had \$10 million ready to build the road for years. Endicott said the parcel needed for the road is about 18 acres, so work on the acquisition of the parcel to see if it's possible. "We need to get answers from the park and heirs," Endicott said. "Some of these options are astronomical costs with impossible builds." Everyone agrees the bridge must be replaced whether the road is rebuilt or not. Poindexter asked Beck what he had to say since the project is his. "I hate for it to die without looking at all the options," Beck said. Callihan asked who should talk to the heirs. Dudgeon said since Pinnacle Real Estate has been working on securing right of ways, they should find the true heirs and send them letters. "It's 160 acres; they may want it back." Dudgeon said if the heirs still want the state park, it's a mess, but no discussion has taken place since the woman who made the dedication deed died. Dudgeon said Commissioner Beck should contact Pinnacle and continue with parcel discussion on the 18 acres. A motion was made by Callihan and seconded by Poindexter to approve District #3 getting Pinnacle to open a dialog with the heirs and parks department. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried. Endicott said the project may be more money than the \$14 million estimated total. "We (Cherokee Nation) had \$10 million set aside for 10 years," Endicott said. "We don't want 160 acres, we need to get answers on 18 acres."

AGENDA #18- A motion was made by Callihan and seconded by Beck to advertise for sealed bids for the purchase of a GPM pump with installation for the Lakemont Shores Volunteer Fire Department. Persons interested in submitting a bid are to contact Michael Baker, P.A., located in the County Clerk's Office, Jay, Okla. Bids will be received no later than 5/30/24 at 4 p.m. in the County Clerk's Office, Jay, Okla. Bids will be opened and reviewed in regular meeting dated 6/4/24 at 9 a.m. Board reserves the right to accept/reject any or all bids and the right to re-advertise. Bid# 23-24/20. Fire Chief Josh Rowe said the pump on the truck needs to be replaced as it is cheaper than buying a new pumper truck. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #19- A motion was made by Callihan and seconded by Beck, to discuss with possible action annual contract between Delaware County Sheriff's Office and Offender Watch. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried. Sheriff Beck said this is a program to track sex offenders, which includes other police departments. He said the program provides for better addresses. There are 134 sex offenders registered in Delaware County. The annual contract cost of the contract is \$6,500. A motion was made by Callihan and seconded by Poindexter to table the item until May 21 to allow time for the D.A. to review the contract. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #20- A motion was made by Callihan and seconded by Beck to open a hearing concerning the petition to vacate the alley between Block 27 and Block 28 and the street north of Lots 2 and 3 in Block A in the town of Cleora on behalf of Debbie and James Bullard. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried. Poindexter said a new Cleora town plat was drawn after the dam was constructed and this road was never opened. This is now the Bullards' front yard. McKnight presented pictures of the area and said she has contacted any adjacent landowners who might object. All the adjacent land is owned by Debbie and James Bullard,

except one parcel who belongs to an uncle. McKnight said the statutory procedures for the vacation have been followed. Debbie Bullard said she has lived on the property 60 years and there has never been a road there.

AGENDA #21- A motion was made by Callihan and seconded by Beck to approve possible vote for item #20. A motion was made by Poindexter and seconded by Callihan to vacate the platted public road. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

AGENDA #22- A motion was made by Callihan and seconded by Beck to close at Grand River Abstract on the property purchased from Jay Public Schools by the BOCC on Thursday, May 9, with purchase price and closing costs of \$352,024.00. Purchase Order #6165. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.


AGENDA #23- A motion was made by Callihan and seconded by Beck to adjourn at 10:23 a.m. Roll call: Commissioner Poindexter-yes; Commissioner Callihan-yes; and Commissioner Beck-yes. Motion carried.

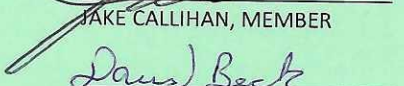
ATTEST:

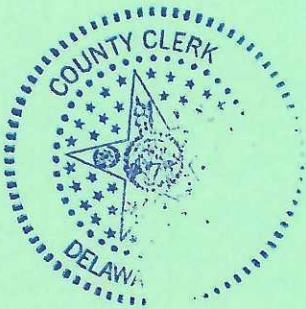

BARBARA BARNES- COUNTY CLERK

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 MAY 7, 2024.

POINDEXTER y CALLIHAN y BECK y

MOTION CARRIED.

WITNESS OUR HANDS THIS 14TH DAY OF MAY, 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

