

## DELAWARE COUNTY COMMISSIONER'S MEETING

May 20, 2019

The Board of County Commissioners of Delaware County met in Regular Session in the County Commissioner's meeting room in the Delaware County Courthouse at 9 a.m. on May 20, 2019. The Agenda was posted May 17, 2019, at 8:44 a.m. and placed in the kiosk located on the courthouse lawn.

Members of the Board present were Commissioner David Poindexter-Chairman, Commissioner Russell Martin-Member, 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 Martin to approve the minutes of the regularly scheduled meeting dated May 13, 2019. Roll call: Commissioner Poindexter-yes, Commissioner Martin-yes, Commissioner Kirk-yes. Motion carried.

**AGENDA #2-A** motion was made by Commissioner Kirk and seconded by Commissioner Martin to approve payment of claims presented by the County Clerk-Barbara Barnes as follows:

2018-2019

CBRI-105 ROADS & BRIDGES 62, ADVANCED WORKZONE SERVICES, 4753.14, STRIPING; 63, KEMP STONE CO INC., 1489.48, ROAD MATERIALS; County Health 244, BAILEY S, 66.00, MEDICAL SUPPLIES; 245, QUILL CORPORATION, 466.18, OFFICE SUPPLIES; Delaware County Economic Dev 14, CENTER FOR ECONOMIC DEV. LAW, 165.00, PROF SERVICES; Emergency Management Progress Grant 81, LAKELAND OFFICE SYSTEMS, 96.19, COPIES; 82, AEP, PUBLIC SERVICE CO. OF OKLA., 146.48, ELECTRIC SERVICE; 83, HOMETOWN BOTTLED WATER SERVICE, 30.00, WATER; Fire Department Sales Tax 983, LOU S PAINTING, 5600.00, PAINTING SERVICE; 984, THE BURROWS AGENCY, 1299.00, INSURANCE; 985, THE AMERICAN, 36.70, PUBLICATIONS; 986, KANSAS BUILDING SUPPLY INC., 427.89, BLANKET; 987, F & F LAWN CARE, 80.00, BLANKET; 988, QUANTIE AUTO SUPPLY (NAPA), 669.81, BLANKET; 989, CIRCLE N, 791.32, BLANKET; 990, REC/NE OKLA ELECTRIC COOP, 175.78, ELECTRIC SERVICE; 991, SST, 165.59, TELEPHONE SERVICE; 992, VERIZON WIRELESS, 146.05, WIRELESS SERVICE; 993, PARTS CITY LTE, 240.14, BLANKET; 994, O-REILLY AUTOMOTIVE INC., 235.74, BLANKET; 995, SST, 221.89, TELEPHONE SERVICE; 996, O-REILLY AUTOMOTIVE INC., 87.50, BLANKET; 997, EMERGENCY MEDICAL PRODUCTS, 180.05, BLANKET; 998, C&R OIL COMPANY, 598.79, BLANKET; 999, KENWOOD WATER DISTRICT, 18.00, UTILITIES; 1000, REC/NE OKLA ELECTRIC COOP, 124.97, ELECTRIC SERVICE; 1001, LOWE S, 727.51, WASHER; 1002, BANK OF GRAND LAKE, 2078.45, LEASE/PUR; 1003, O-REILLY AUTOMOTIVE INC., 152.15, BLANKET; 1004, CHIEF FIRE & SAFETY CO. INC., 530.00, GLOVES; 1005, GRAND LAKE TELECOMMUNICATIONS, 35.00, INTERNET; 1006, GRAND TELEPHONE CO., 81.46, TELEPHONE SERVICE; 1007, WALKER HARDWARE & LUMBER, 2000.00, BUILDING; 1008, CHIEF FIRE & SAFETY CO. INC., 6920.00, PUMP; 1009, WHITTON SUPPLY, 2602.56, CHAINSAW; 1010, REC/NE OKLA ELECTRIC COOP, 65.00, ELECTRIC SERVICE; 1011, NEW-MAC ELECTRIC COOPERATIVE, 35.93, ELECTRIC SERVICE; 1012, SOS TRUCK REPAIR & MOBILE SERVICE, 1377.92, FIRE TRUCK REPAIRS; General 3257, DIAMOND DRUGS INC., 1332.91, MISC; 3258, AMAZON.COM / SYNCB, 50.06, OFFICE SUPPLIES; 3259, QUILL CORPORATION, 224.64, OFFICE SUPPLIES; 3260, QUILL CORPORATION, 166.20, OFFICE SUPPLIES; 3261, AMAZON.COM / SYNCB, 88.39, SIGNS; 3262, QUILL CORPORATION, 95.99, PAPER PRODUCTS; 3263, TIM S ELECTRIC INC., 375.00, LABOR; 3264, THE AMERICAN, 189.25, PUBLICATIONS; 3265, THE AMERICAN, 37.20, PUBLICATIONS; 3266, THE AMERICAN, 37.20, PUBLICATIONS; 3267, THE AMERICAN, 37.90, PUBLICATIONS; 3268, TULSA CO. JUVENILE DET. CENTER, 1638.00, JUVENILE SERVICES; 3269, CRAIG COUNTY SHERIFF DEPT., 4995.00, INMATE HOUSING; 3270, JOHNSON CONTROLS FIRE PROTECTION, 6.24, REPAIR; 3271, REECE, ANNA TAWN, 27.84, TRAVEL; 3272, REC/NE OKLA ELECTRIC COOP, 202.00, ELECTRIC SERVICE; 3273, THOMSON REUTERS - WEST, 272.14, SUBSCRIPTION; HIGHWAY 1978, TAYLOR OVERHEAD DOORS, 1375.20, OVERHEAD DOORS; 1979, LONGAN CONSTRUCTION, 982.06, ROAD MATERIALS; 1980, LONGAN CONSTRUCTION, 2946.15, ROAD MATERIALS; 1981, KEMP STONE CO INC., 1989.12, ROAD MATERIALS; 1982, TOMO, 75.00, DRUG TESTING; 1983, KEMP STONE CO INC., 2569.75, ROAD MATERIALS; 1984, VICTOR L. PHILLIPS CO., 1252.68, BLADES; 1985, GMSA, 66.34, UTILITIES; 1986, KEMP STONE CO INC., 1942.06, ROAD MATERIALS; 1987, APAC-CENTRAL INC., 1704.16, ROAD MATERIALS; 1988, S&H FARM SUPPLY, 80.00, AIR FILTER; 1989, HAMILL METALS, 16.80, METAL; 1990, STRIBLING EQUIPMENT LLC, 650.42, WINDOWS; 1991, LAKELAND-CPP, 2418.79, FUEL; 1992, ROSE & MCCRARY PC, 500.00, ; 1993, HERITAGE TRACTOR INC, 347.38, PARTS; 1994, INTEGRIS HEALTH MEDICAL GROUP, 42.00, PHYSICAL; 1995, STRIBLING EQUIPMENT LLC, 210.59, PARTS; 1996, GREEN COUNTRY FARM & HOME, 1183.00, WEED KILLER; 1997, PIKE PASS, 16.40, TOLL FEES; 1998, LINDLY S INC., 129.62, MISC; 1999, CINTAS FIRST AID & SAFETY, 185.07, FIRST AID SUPPLIES; 2000, TRUCKPRO LLC, 217.05, MISC; 2001, LAKELAND-CPP, 3446.89, FUEL; 2002, KANSAS BUILDING SUPPLY INC., 30.28, MISC; 2003, UNIFIRST, 783.74, UNIFORMS; 2004, HOMETOWN BOTTLED WATER SERVICE, 26.75, WATER/RENT; 2005, PARTS CITY LTE, 524.23, MISC; 2006, KANSAS BUILDING SUPPLY INC., 598.76, SUPPLIES; 2007, REC/NE OKLA ELECTRIC COOP, 210.82, ELECTRIC SERVICE; 2008, PARTS CITY LTE, 317.70, MISC; 2009, HOMETOWN BOTTLED WATER SERVICE, 120.00, WATER; 2010, TRUCKPRO LLC, 211.80, PARTS; 2011, P & K EQUIPMENT INC., 140.11, PARTS; 2012, CINTAS FIRST AID & SAFETY, 188.35, SUPPLIES; 2013, LITTLE KANSAS TIRE LLC, 13.00, TIRE REPAIR; 2014, VANOVER METAL BLDs. SALES, 52.01, METAL; 2015, OSBOURN S AUTOMOTIVE STORE LLC, 343.83, VEHICLE REPAIRS; 2016, ODOT, 1495.95, LEASE/PUR; 2017, CATERPILLAR FINANCIAL SERVICES CORP., 1603.35, LEASE/PUR; 2018, ODOT, 1699.57, LEASE/PUR;

Records Management/Preservation 94, DOUGLAS, TAYLA J., 121.10, TRAVEL; Resale 250, MAIL FINANCE, 165.89, LEASE PAYMENT; SHERIFF COMMISSARY PROFIT FUND 123, TIGER COMMISSARY SERVICES, 327.01, COMMISSARY SERVICES; SSF 788, LAKELAND OFFICE SYSTEMS, 263.35, COPIES; 789, TOMO, 35.00, DRUG TESTING; 790, FUELMAN OF OKLAHOMA, 6449.90, FUEL; 791, TOMO, 35.00, DRUG TESTING; 792, LAKELAND FINANCIAL SRVS, 265.75, LEASE; 793, PITNEY BOWES, 108.99, POSTAGE; 794, MONITOR TECHNOLOGY LLC., 65.00, MISC; 795, SECRETARY OF STATE, 10.00, NOTARY; 796, DELAWARE COUNTY HEALTH DEPT., 10.00, TB TEST; 797, AMAZON.COM / SYNCB, 79.00, SOFTWARE; 798, AMERICAN STAMP & MKT PRODUCTS, 66.77, NOTARY; 799, GRAVES MENU MAKER, 1689.43, FOOD; 800, GRAVES MENU MAKER, 276.40, FOOD; 801, U.S. BANK, 11.17, TRANSPORT; 802, J & J AUTO SUPPLY, 1376.54, REPAIRS; 803, FLOWER S BAKING CO., 112.70, FOOD; 804, AGUIRRE, LUIS MIGUEL, 3000.00, SERVICES.

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

**AGENDA #3-** A motion was made by Commissioner Kirk and seconded by Commissioner Martin to approve and file all monthly reports submitted by officers. One report was submitted from the Sheriff's Office. Roll call: Commissioner Poindexter-yes, Commissioner Martin-yes, Commissioner Kirk-yes. Motion carried.

**AGENDA #4-** A motion was made by Commissioner Kirk and seconded by Commissioner Martin to approve an invoice from Craig County Detention Center in the amount of \$1,300.00 for child care services. Roll call: Commissioner Poindexter-yes, Commissioner Martin-yes, Commissioner Kirk-yes. Motion carried.

**AGENDA #5-** A motion was made by Commissioner Kirk and seconded by Commissioner Martin to approve advertising for sealed bids on road materials for the county Highway Department for six months. Roll call: Commissioner Poindexter-yes, Commissioner Martin-yes, Commissioner Kirk-yes. Motion carried.

**AGENDA #6-** A motion was made by Commissioner Kirk and seconded by Commissioner Martin to approve an intrafund transfer of funds from account 20C to account 20D in the amount of \$60,000.00 to pay courthouse M&O expenses for the remainder of the fiscal year. Roll call: Commissioner Poindexter-yes, Commissioner Martin-yes, Commissioner Kirk-yes. Motion carried.

**AGENDA #7-** A motion was made by Commissioner Kirk and seconded by Commissioner Martin to approve a transfer of funds from Highway Cash to ETR (Emergency Transportation Revolving Fund) in the amount of \$171,000.00. Commissioner Martin affirmed with Commissioner Kirk that this is the Sewer Pond Road project in District 3.

**AGENDA #8-** A motion was made by Commissioner Kirk and seconded by Commissioner Martin to approve the NEO MMIR Rally on the Courthouse lawn May 27 from 2 p.m. until 5 p.m.

"Before we vote I have some questions," Commissioner Poindexter said.

Jim Wikel, the organizer of the event, said he is a Seneca-Cayuga tribe member and the event is for the purpose of raising awareness about missing or murdered natives from Northeast Oklahoma "peacefully and respectfully." Wikel said when the group learned Delaware County Veterans had an event scheduled the same day, his organization changed times to "stay out of the veterans' way." He gave the commissioners an agenda for the event.

Poindexter asked what provisions have been made for bathrooms and cleaning up trash, since the courthouse will not be open. Concerning restrooms, Wikel said, "we are working on it. We didn't think about that." He said the group will bring bins and trash bags and clean up the trash.

Co-organizer Yvonne Perryman-Matthews said the event will bring commerce to Jay and out of town people can use restrooms in the businesses they visit.

The organizers assured Poindexter the event will end at 5 p.m., whether people are finished speaking or not.

Poindexter asked if the organizers have spoken to anyone from the City of Jay concerning parking. Wikel said he has discussed the event with Mike Shambaugh and "he's behind what we're doing."

"I just want to make sure the event is well-organized and safe," Poindexter said.

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

**AGENDA #9-** A motion was made by Commissioner Kirk and seconded by Commissioner Martin to approve discussion on the account for road bore and utility permits with possible action. Roll call: Commissioner Poindexter-yes, Commissioner Martin-yes, Commissioner Kirk-yes. Motion carried. Barnes told the commissioners this falls under the state's new directive changing the county's accounts. This money must be moved into a designated account instead of kept in a cash account. The state also requires a written policy for

road bores and utility permits. Commissioners were presented with research and documents from surrounding counties concerning their policies.

"The resolution needs a time limit," Martin said. "I have people pay the deposit and a year later I go there and they've never started." Martin also suggested setting up an amount for the permit and an amount for the deposit, which will be returned.

The commissioners decided to study the information and come up with a resolution tailored for Delaware County.

**AGENDA #10-** A motion was made by Commissioner Kirk and seconded by Commissioner Martin to approve presentation of a report from the Solid Waste Trust Authority. Roll call: Commissioner Poindexter-yes, Commissioner Martin-yes, Commissioner Kirk-yes. Motion carried.

General Manager David Morris said "trash has been up since before spring break. I don't know who's idea it was for us to always have new equipment, because the new \$300,000 truck keeps breaking." The commissioners asked what is wrong with the truck. "It's a lemon," Morris said. "It's in Joplin right now. This is the third time and twice we had to do it. We're better off with the older equipment. I gave \$50,000 for two trucks that are 20 years old and have never had any trouble with them. I have \$300,000 for this truck and it can't make it one week. The backhoe is down.

"We have a handshake agreement to do a job for Cherokee Nation which will gain us \$80,000. We have new signs but they are not up yet. It's \$4,000 worth of signs and they'll just thirty aught six them, but it's what everybody wanted, so we got them. The sheriff says he needs signs to enforce no dumping.

"The Colcord-Keithly fence (around the dumpsters) has been stolen three times, so I'm not putting it up anymore. The first two times it was chain link, and this time it was that plastic web. That's \$1,000 worth of material, so I'm not doing that anymore.

"The money's holding tight as far as I know," Morris said. "We've hired Ober & Littlefield to do our audit. The old board (of commissioners) requested all the permits be transferred to Solid Waste. The county was operating on 1989 permits, so they had to be brought up to date. I offered the concrete company \$5,200 for the land we have been encroaching on for 30 years. It's 5.2 acres. They're supposed to have a board of directors meeting to approve it. Tommy Dyer has made a deed."

Barnes said agenda item 18 also concerned a deed for solid waste. Commissioners moved agenda item 18 forward.

**AGENDA #18-** A motion was made by Commissioner Martin and seconded by Commissioner Kirk to approve execution of a quit claim deed from the Board of Commissioners to the Delaware County Solid Waste Trust Authority. Roll call: Commissioner Poindexter-yes, Commissioner Martin-yes, Commissioner Kirk-yes. Motion carried.

David Morris told the commissioners the property on which the solid waste plant stands was still owned by the county, therefore, the county would be liable for anything that happened on that property. Liability was the commissioners' concern, so Grand River Abstract researched the property to make sure the boundaries were accurate in order to prepare a quit claim deed transferring the property to Solid Waste.

**AGENDA #11-** A motion was made by Commissioner Martin and seconded by Commissioner Kirk to approve the showing of the movie "E. T." on the courthouse square June 27 at 8:30 p.m. in conjunction with the library's summer reading program. Roll call: Commissioner Poindexter-yes, Commissioner Martin-yes, Commissioner Kirk-yes. Motion carried.

**AGENDA #12-** A motion was made by Commissioner Martin and seconded by Commissioner Poindexter to approve the resolution for the replacement of Piney Bridge over Beaty Creek (E. 450 Rd., Bridge 56). Roll call: Commissioner Poindexter-yes, Commissioner Martin-yes, Commissioner Kirk-yes. Motion carried. "I got more calls for not having the bridge open than having it open," Martin said, "because it cut the traffic down."

**AGENDA #13-** A motion was made by Commissioner Kirk and seconded by Commissioner Martin to receive and file requisitioning and receiving officers for Delaware County District Attorney's Office: 2018-19, Kenny Wright and Nicholas P. Lelecas, Requisitioning Officers; Laura Jackson and Becky Maples, Receiving Officers; 2019-20, Kenny Wright and Nicholas P. Lelecas, Requisitioning Officers; Laura Jackson and Becky

Maples, Receiving Officers. Roll call: Commissioner Poindexter-yes, Commissioner Martin-yes, Commissioner Kirk-yes. Motion carried.

AGENDA #14- A motion was made by Commissioner Kirk and seconded by Commissioner Martin to approve Highway Cash and Blanket Purchase Orders for June 2019. Roll call: Commissioner Poindexter-yes, Commissioner Martin-yes, Commissioner Kirk-yes. Motion carried.

AGENDA #15- A motion was made by Commissioner Kirk and seconded by Commissioner Martin to receive and file insurance, officers and board of directors for Oaks Fire Department. Board of directors: Julienne Sanders, Mayor; Nancy Kimbrell, City Clerk; Jessie Reed, member; Virginia Gritts, member; Vince Osburn, Fire Chief; Phred Spodnick, Asst. Chief; Vince Osburn and Barbara Barnes, requisitioning/purchasing officers; Melvin Blossom, receiving officer; Anthony Hertzler, inventory officer. Roll call: Commissioner Poindexter-yes, Commissioner Martin-yes, Commissioner Kirk-yes. Motion carried.

AGENDA #16- A motion was made by Commissioner Martin and seconded by Commissioner Kirk to approve intafund transfer from FD-FR2 (M&O) to FD-FR3 (Capital) in the amount of \$10,000.00 for Flint Ridge Fire Department. Roll call: Commissioner Poindexter-yes, Commissioner Martin-yes, Commissioner Kirk-yes. Motion carried.

AGENDA #17- A motion was made by Commissioner Martin and seconded by Commissioner Kirk to approve intrafund transfer from CCRCF TO CCRCF-2 in the amount of \$201.67 on behalf of the Court Clerk. Roll call: Commissioner Poindexter-yes, Commissioner Martin-yes, Commissioner Kirk-yes. Motion carried.

AGENDA #19- A motion was made by Commissioner Kirk and seconded by Commissioner Martin to open the floor for any new business. Roll call: Commissioner Poindexter-yes, Commissioner Martin-yes, Commissioner Kirk-yes. Motion carried. There was no new business.

AGENDA #20-A motion was made by Commissioner Kirk and seconded by Commissioner Martin to open the floor for citizen's participation or public comments. Roll call: Commissioner Poindexter-yes, Commissioner Martin-yes, Commissioner Kirk-yes. Motion carried.

Ron Cate of Ross Acres asked the commissioners to approve a resolution to complete paving on Ross Acres Road. He said the road is a lake access and well travelled. In 2013, the commissioners signed a resolution requesting funding to pave the road from Oklahoma Department of Transportation, as a result of a petition signed by residents who live on the road. Cate said half the road was paved and then the project stalled.

"I've already talked to Shambaugh on that and we're going to try to get it done next year," said Commissioner Kirk. The road is in his district. Mike Shambaugh is a Cherokee Nation representative, and Cate said the tribe was willing to pay for completing the paving.

"The money is there now," Cate said.

"He said he had a couple of things he wanted to do first," Kirk said.

Another resident stood and said Representative Josh West said there is no state money for Delaware County now, but the legislature is about to approve giving it \$30 million. Commissioner Martin explained that bridge and road money is for the entire state, not for one county, so Delaware County can expect a 77<sup>th</sup> share since there are 77 counties in Oklahoma.

AGENDA #21-A motion was made by Commissioner Kirk and seconded by Commissioner Martin to adjourn the meeting at 9:52 a.m. Roll call: Commissioner Poindexter-yes, Commissioner Martin-yes, Commissioner Kirk-yes. Motion carried.

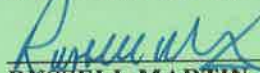
ATTEST:



**BARBARA BARNES, Delaware County Clerk**



**DAVID POINDEXTER-Chairman of the Board**



**RUSSELL MARTIN-Member**



**MARTIN KIRK-Member**

