

February 22, 2021

The Board of Mayes County Commissioners met in a regularly scheduled meeting with all members present: Matt Swift, Chairman, Darrell Yoder and Ryan Ball members, Chrissy Rumsey, First Deputy for Brittany True-Howard, Mayes County Clerk. The initial notice of the meeting was received in writing December 15, 2020, and the agenda for this meeting was posted on the lower floor of the Court House at 4:30 p.m., February 18, 2021. Matt Swift called the meeting to order in compliance with the Open Meeting Law and the following business was done:

Commissioner Swift led the Pledge of Allegiance.

Commissioner Swift led the Invocation.

Agenda Items from the cancelled regularly scheduled BOCC meeting of February 16, 2021

Motion was made by Commissioner Ball, seconded by Commissioner Yoder, to approve the minutes of February 8, 2021. Swift, Yes; Yoder, Yes; Ball, Yes.

**PUBLIC COMMENTS:** Mike Reed spoke on the importance of keeping the peace during the BOCC Meeting.

**COUNTY ANNOUNCEMENTS:** NONE

**OLD BUSINESS:**

Motion was made by Commissioner Swift, seconded by Commissioner Ball to strike and revisit in May 2021 concerning the Cox Communication Courthouse internet renewal and possible upgrade contract. Swift, Yes; Yoder, Yes; Ball, Yes.

Motion was made by Commissioner Yoder, seconded by Commissioner Ball to Table the adoption of a Resolution levying and assessing a lodging tax of 5% upon the gross proceeds and gross receipts derived from the service of furnishing of rooms by and permanent structure that provides at least on lodging room which the public may, for consideration, obtain sleeping accommodations, with the exception of campsites, within Mayes County, in perpetuity, pursuant to 68.O.S. § 1370.9, except this tax will not apply within Municipalities in Mayes County that have previously enacted a lodging tax. Swift, Yes; Yoder, Yes; Ball, Yes.

Motion was made by Commissioner Swift, seconded by Commissioner Ball to approve the adoption of an Order authorizing the calling and holding of a special election on May 11, 2021 (deadline for April 6, 2021 has passed) in Mayes County, State of Oklahoma, for the purpose of submitting to the registered, qualified voters of Mayes County the question of approval or disapproval by said voters of the Resolution by the Board of County Commissioners levying and assessing a lodging tax 5% as described in the previous agenda item. Swift, Yes; Yoder, Yes; Ball, Yes.

Motion was made by Commissioner Swift, seconded by Commissioner Ball to approve the Notice of Election, based upon the approval of the Order by the Board of County Commissioners described in the previous agenda item, which will contain the Proposition for approval or disapproval by said voters of the Resolution by the Board of County Commissioners levying and assessing a lodging tax of 5% as describing in the above agenda item. Swift, Yes; Yoder, Yes; Ball, Yes.

**NEW BUSINESS:** NONE

Motion was made by Commissioner Ball, seconded by Commissioner Yoder, to approve Requisitioning and Receiving officers for: Mesta Requisitioning Matt Swift and alternate Darrell Yoder; Emergency Management Requisitioning Matt Swift and alternate Darrell Yoder, Receiving Johnny Janzen and Mike Dunham; Floodplain Requisitioning Matt Swift and alternate Darrell Yoder, Receiving Johnny Janzen; County Commissioners Office Requisitioning Matt Swift and alternate Darrell Yoder, Receiving Dana Thompson and Clint Dixon; Rural Water #5 Requisitioning Matt Swift and Darrell Yoder, Receiving James Armontrout and Curt Stutzman with alternate Gene Miller; PFA/FST Requisitioning Matt Swift and alternate Darrell Yoder, Receiving Micki Franks; Rental Fund Requisitioning Matt Swift and alternate Darrell Yoder, Receiving Danny Hedrick and Kelly Brown. Swift, Yes; Yoder, Yes; Ball, Yes.

Motion was made by Commissioner Ball, seconded by Commissioner Swift, to approve the verification of Mayes County 911 Public Safety Answering Point (PSAP) Boundaries for 2021. Swift, Yes; Yoder, Yes; Ball, Yes.

Motion was made by Commissioner Yoder, seconded by Commissioner Swift, to approve the resolutions to dispose 1991 International Truck IHC4000, D302-0245 Vin# 1438; Rosco Patching Unit D448-0201; 2000 Chevrolet Silverado Pickup 2500, D301-0211 Vin# 7490; Rosco Patching Unit RA 2000 D448-0200; Toshiba Copier D213-4. Swift, Yes; Yoder, Yes; Ball, Yes.

After discussion from various elected officials, No Action was taken on Line Item #12.

Motion was made by Commissioner Ball, seconded by Commissioner Yoder, to award the Bid for Breathing Air Compressor, Fill Station and Storage Cylinders for Osage Fire to Tescorp at \$18,950.00 for Breathing Air Compressor; \$8,400.00 for Fill Station; \$5,450.00 for Storage Cylinders. Swift, Yes; Yoder, Yes; Ball, Yes.

Motion was made by Commissioner Yoder, seconded by Commissioner Ball, to Table the bid for used Patch Machine in District 2. Swift, Yes; Yoder, Yes; Ball, Yes.

Motion was made by Commissioner Ball, seconded by Commissioner Swift, to Table the bid for Preform Bridge System for Bridge 11 in District 3. Swift, Yes; Yoder, Yes; Ball, Yes.

Motion was made by Commissioner Ball, seconded by Commissioner Yoder, to approve the purchase of a hopper spreader for the use of spreading ice melt (salt) and other materials as necessary for the Courthouse and other county facilities at a cost of no more than \$2,000.00. Swift, Yes; Yoder, Yes; Ball, Yes.

Motion was made by Commissioner Swift, seconded by Commissioner Ball, to approve the following OMMA Certificate of Compliance Forms: Market Farm's; RezinRick. Swift, Yes; Yoder, Yes; Ball, Yes.

**ACCESS AGREEMENT: NONE**

Motion was made by Commissioner Swift, seconded by Commissioner Ball, to approve a Utility Permit Request from OCSI dba Telecom for installation of Telephone line at N4400 Rd and Lakeside Dr N intersection and further described as 1300ft North of SE corner of Section 4 T22N R20E. Swift, Yes; Yoder, Yes; Ball, Yes

Motion made by Commissioner Yoder, seconded by Commissioner Ball, to approve the Claims as submitted on February 16, 2021. Swift, Yes; Yoder, Yes; Ball, Yes.

Motion made by Commissioner Ball, seconded by Commissioner Yoder, to approve the blanket purchase orders of February 16, 2021. Swift, Yes; Yoder, Yes; Ball, Yes.

Return to agenda items on the regularly scheduled BOCC meeting agenda of February 22, 2021

**PUBLIC COMMENTS: NONE**

**COUNTY ANNOUNCEMENTS:** Debbie Pennypacker, 911 Coordinator, spoke on an upcoming grant approved for 911 in the amount of \$360,706.00.

**OLD BUSINESS: NONE**

**NEW BUSINESS: NONE**

Motion was made by Commissioner Yoder, seconded by Commissioner Ball, to approve a Resolution to deposit \$243.90, from Woodward County for reimbursement to Emergency Management, to General Fund 0001-2-2700-2005. Swift, Yes; Yoder, Yes; Ball, Yes.

Motion was made by Commissioner Ball, seconded by Commissioner Swift, to approve the proposal to name private drive W 405 LN for 3 or more home sites currently addressed in range of 8529-8537 N 428, Adair. Swift, Yes; Yoder, Yes; Ball, Yes.

Motion was made by Commissioner Ball, seconded by Commissioner Swift, to Table possible action regarding the hospital building and the county expending funds to help with the cost of such repairs; Attorney Darrell Moore spoke on behalf of the hospital regarding the weather-related damage to the building and equipment, and effect of such damage on the operations of the hospital; but did not have as of yet, the cost of repairs for such damage. Swift, Yes; Yoder, Yes; Ball, Yes.

Motion was made by Commissioner Ball, seconded by Commissioner Swift, to exit regular session and enter into Public Hearing, pursuant to 25 O.S § 311. Swift, Yes; Yoder, Yes; Ball, Yes.

Public hearing on whether to approve accepting roads into the County Road System for the Following:

- a. Sun Prairie Village subdivision: Those present hand no objections.
- b. Lake Acres subdivision: None present.
- c. Hammons Heights Lake Site subdivision: Those present hand no objections.
- d. Hammons Heights Lake Site Second subdivision: Those present hand no objections.
- e. Conley Road: Those present hand no objections.

Motion was made by Commissioner Swift, seconded by Commissioner Yoder, to exit Public Hearing and enter back into regular session. Swift, Yes; Yoder, Yes; Ball, Yes.

Motions were made to approve the accepting of roads into the County Road System with the addendum to address easements in the next 2-3 weeks for the following:

- a. Motion was made by Commissioner Yoder, seconded by Commissioner Ball, to accept Sun Prairie Village subdivision into the County Road System. Swift, Yes; Yoder, Yes; Ball, Yes.
- b. Motion was made by Commissioner Yoder, seconded by Commissioner Ball, to accept Lake Acres subdivision into the County Road System. Swift, Yes; Yoder, Yes; Ball, Yes.
- c. Motion was made by Commissioner Ball, seconded by Commissioner Yoder, to accept Hammons Heights Lake Site subdivision into the County Road System. Swift, Yes; Yoder, Yes; Ball, Yes.
- d. Motion was made by Commissioner Ball, seconded by Commissioner Yoder, to accept Hammons Heights Lake Site Second subdivision into the County Road System. Swift, Yes; Yoder, Yes; Ball, Yes.
- e. Motion was made by Commissioner Yoder, seconded by Commissioner Ball, to accept Conley Road into the County Road System. Swift, Yes; Yoder, Yes; Ball, Yes.

Motion was made by Commissioner Ball, seconded by Commissioner Swift, to enter into executive session for the following matters Amber Gooch with Collins, Zorn & Wagner (appearing by teleconference); and ADA Tom Sayer regarding these litigations listed. Swift, Yes; Yoder, Yes; Ball, Yes.

- a. Natasha Dodson, Plaintiff v. Mike Reed, in his official capacity, and Jennifer Eastwood, Defendants, United States District Court for the Northern District of Oklahoma, Case No. CIV-18—221-TCK-CLD
- b. Kaylee Thurlo, as Personal Representative of the Estate of W.L., deceased minor child, Plaintiff v. Brittany Burnett, in her individual capacity and the Board of

County Commissioners of Mayes County, State of Oklahoma, Defendants,  
District Court of Mayes County, Case NO. CJ-2019-236

- c. Gary Scott Moreland, individually., Rebecca Jane Nichols, individually and Rebecca Jane Nichols, on behalf of and as next of J.W.S., Plaintiff v. Board of County Commissioners of the County of Mayes, City of Chouteau, Brett Alan Mull, individually and Keisha Oberg, individually, Defendants, United States District Court for the Northern District of Oklahoma, Case No. CIV-20-366-JED-FHM.

Motion was made by Commissioner Ball, seconded by Commissioner Swift, to terminate the executive session above and resume regular session. Swift, Yes; Yoder, Yes; Ball, Yes.

Actions regarding matters discussed in the executive session above regarding said above listed litigations:

- a. No Action  
b. Motion made by Commissioner Swift, seconded by Commissioner Ball, to have Sheriff Mike Reed answer and respond to the discovery request in Mayes County District Court case CJ-19-236 and to coordinate such answers & Responses with Amber Gooch. Swift, Yes; Yoder, Yes; Ball, Yes.  
c. No Action

Motion was made by Commissioner Swift, seconded by Commissioner Ball, to approve the following OMMA Certificate of Compliance Forms: High Sierra Farms, LLC; Heaven's Blossom, LLC; Happy Dank, LLC; Greenleaf. Swift, Yes; Yoder, Yes; Ball, Yes.

ACCESS AGREEMENTS: NONE

UTILITY PERMITS: NONE

The following claims were allowed or disallowed as the case may be:

2020-2021 911-WAGES: 270,EGID, 2338.32; 271,OPERS, 2198.26; 272,OTC, 351.00; 273,RCB BANK, 2874.32.  
911: 275,VOICE PRODUCTS, 2793.00, SERV; 276,POWERPHONE, 129.00, TRAINING; 277,COMDATA, 48.93,  
FUEL; 278,SSTELCO, 131.90, UTIL; 279,GRAND TEL, 120.20, UTIL; 280,CONSOLIDATED COMMUN, 164.06, UTIL;  
281,MESTA, 377.37, SERV; 282,AT&T, 20.45, UTIL; 283,DISH, 102.06, UTIL; 284,CONSOLIDATED COMMUN, 1991.77,  
UTIL; 285,OK NATURAL GAS, 49.45, UTIL.

CRT-WAGES: EGID, 2465.92; 89; 90,OPERS, 1852.44; 91,OTC, 121.00; 92,RCB BANK, 1885.21.

FP: 6,JANZEN, JOHNNY, 100.00, SERV.

GEN-WAGES: COMMISSIONERS: 2395,EGID, 360.07; 2398,OPERS, 9291.28; 2400,OTC, 1411.00; 2401,RCB BANK, 10173.27; 2499,EGID, 80821.50; 2502,OPERS, 58920.27; 2504,OTC, 9652.00; 2506,RCB BANK, 67311.27.

GEN: 2509,WESTERN AUTO, 427.98, SERV; 2510,FLEETCOR, 2879.73, FUEL; 2511,TURLEY, 2925.00, SERV;  
2512,VERIZON, 1127.94, UTIL; 2513-8610.55; 2514-8610.55; 2515-8610.55,VISUAL FORCE, EQPT; 2517,OSU COOP,  
6666.66; 2518,ROSE, MICHAEL, 196.00, TRV; 2519,AT&T, 194.72, UTIL; 2520,SUNDANCE, 100.60, SUPS; 2521,INDOFF,  
188.78, EQPT; 2522,HBW, 239.50, SERV; 2523,EXPRESS, 1453.90, SERV; 2524,LOCKE, 202.36, SUPS; 2525,TURN KEY  
5967.62, SERV; 2526-1374.17; 2527-1444.52,EXPRESS, SERV; 2528,C&R OIL, 55.54, FUEL; 2529-270.00; 2530-  
270.00,CHOUTEAU LIME, SUPS; 2531,COX, 387.95, UTIL; 2532,COMDATA, 215.87, FUEL; 2533,MESTA, 96838.76,  
TAXES; 2534,MUSKOGEE COMMUN, 760.00, AGREE; 2535,KELLPRO, 314.00, CARTRIDGE; 2536,SUNDANCE, 163.79,  
SUPS; 2537,PRYOR STONE, 3194.45, ROCK; 2538,OZARK MATERIALS, 900.00, SAND; 2539,C&R OIL, 16163.63, FUEL;  
2540- 2744.67; 2541-2720.66; 2542-768.82; 2543-3228.81,PRYOR STONE, ROCK; 2544,BOGLE, JERRY, 1225.00,  
2545,PRYOR STONE, 2645.07; 2546,OZARK MATERIALS, 2100.00, SAND; 2547,C&R OIL, 12870.22, FUEL.

MD: 189,OSDH-FINANCIAL, 17173.90; 190,HUBBARD, SARAH, 246.00, TRV; 191,BRINGARDNER, LANA,  
13.44, TRV; 192,RICOH, 957.61, SUPS; 193,MCKESSON, 1134.65, SUPS; 194,RICOH, 212.49, SUPS; 195,AMAZON, 154.94,  
COVID19; 196,HOME DEPOT, 217.60, SUPS; 197,AT&T, 71.97, UTIL; 198,US CELL, 76.66, SERV.

HWY-WAGES: 1150,EGID, 80.29; 1152,OPERS, 3918.22; 1153,OTC, 585.00; 1154,RCB BANK, 4606.52.

HWY: 1156,CABIN DIESEL, 378.25, SERV; 1157,FASTENAL, 145.16, SUPS; 1158-400.21; 1159-42.00,WINZER,  
SUPS; 1160,BATTERY OUTFITTERS, 402.92, BATTERIES; 1161,SAMS, 12.00, TIRE; 1162,US CELL, 165.71, UTIL;  
1163,BOLT FIBER OPTIC, 194.95, SERV; 1164,CABIN DIESEL, 3686.80, SERV; 1165,TULSA COUNTY, 880.80, SIGNS;  
1166,PREMIER, 594.45, SERV/PTS; 1167-1112.02; 1168-468.01,CABIN DIESEL, SERV/PTS; 1169,TULSA COUNTY, 724.80,  
SIGNS; 1170,YODER, GARY, 4488.60, SERV; 1171,PRYOR WASTE, 295.00, SERV; 1172,STEWART MARTIN KUBOTA,  
73476.74, EQPT; 1173,QUANTIE, 544.53, SUPS; 1174,KAMAN INDUSTRIAL TECH, 182.88; 1175,BATTERY OUTFITTERS,  
211.50,SUP; 1176,NEO, 224.31, UTIL; 1177,PSOKLAHOMA, 139.83, UTIL; 1178,OK NATURAL GAS, 306.27, UTIL;  
1179,BALL, RYAN, 11.65, TRV; 1180,ARMSTRONG BANK, 1400.47, LEASE.

CJSTR-WAGES: 149,EGID, 725.62;151,OPERS, 6504.70; 152,OTC, 957.00; 153,RCB BANK, 7185.77.

RESALE-WAGES: 135,EGID, 1408.12; 136,OPERS, 1481.22; 137,OTC, 273.00; 138,RCB BANK, 1743.19.

FF: 388,RWD#9, 94.30, UTIL; 389,NEO, 207.00, UTIL; 390,OREILLY, 413.54, SUPS; 391,COMDATA, 114.02,  
FUEL; 392,VERIZON, 80.06, UTIL; 393,METRO WASTE, 40.00, FEE; 394,CHIEF FIRE&SAFETY, 210.00, EQPT;  
395,COMDATA, 126.06, FUEL; 396,BOLT, 75.99, SERV; 397,PSOKLAHOMA, 155.06, UTIL; 398,OK NATURAL GAS,  
530.97, UTIL; 399,UNITED RENTALS TULSA, 6000.00, EQPT; 400,OK NATURAL GAS, 88.31, UTIL; 401,NTC, 2400.00,  
TRAINING; 402,METRO WASTE, 100.00, FEE; 403,BURROWS AGENCY, 2443.00, INS.

STR-WAGES: 197,OPERS, 4888.31; 199,OTC, 596.00; 200,RCB BANK, 4303.78.

STR: 201,BARKER CO, 1171.92, SERV; 202,DIAMOND DRUGS, 1076.03, SUPS; 203,TURN KEY, 456.00, SUPS;  
204,HOLDERS, 615.84, SERV; 205,TURN KEY, 5967.62, SERV; 206,VYVE, 62.90, SERV; 207,LAKELAND OFFICE, 35.23,  
FEE.

SSFCA-WAGES: 374,EGID, 84.76; 375,OPERS, 1144.97; 376,OTC, 375.00; 378,RCB BANK, 2193.38.

SSFCA: 380,APPLIED CONCEPTS, 5062.50, RADIO & ACC; 381,MUSKOGEE COMMUN, 183.75, RADIO &  
ACC; 382,LAKELAND, 289.58, COPIER.

Motion made by Commissioner Yoder, seconded by Commissioner Swift, to approve the Claims as submitted on February 22, 2021. Swift, Yes; Yoder, Yes; Ball, Yes.

Motion made by Commissioner Swift, seconded by Commissioner Yoder, to approve the blanket purchase orders of February 22, 2021. Swift, Yes; Yoder, Yes; Ball, Yes.

Motion made by Commissioner Yoder, seconded by Commissioner Ball, to Adjourn. Swift, Yes; Yoder, Yes; Ball, Yes

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Approved this March 1, 2021

(SEAL)

BOARD OF MAYES COUNTY COMMISSIONERS

MATT SWIFT  
CHAIRMAN

ATTEST:

DARRELL YODER  
MEMBER

BRITTANY TRUE-HOWARD  
COUNTY CLERK  
BY: CHRISSY RUMSEY

RYAN BALL  
MEMBER

Mayes County does not discriminate on the basis of handicapped status in its admission to, or access to, or treatment in or employment in its programs or activities.