

March 25, 2024

The Board of County Commissioners of Osage County met at 10:00 A.M., March 25, 2024, in the OSU Extension Building at Osage County Fairgrounds. Members present were Everett Piper, Steve Talburt, and Charlie Cartwright.

Guests present were Leah Quinton-County Clerk Executive Assistant, Stacey Brace-County Clerk 1st Deputy/HR, Jerry Roberts-Emergency Management, Jerry Butterbaugh-OCIA, Nona Roach-OCIA, Kelly Pedigo-Fairgrounds Secretary, Dalton Higgins-Owners Rep, Ty Loftis-KPMG Radio, Sally Hulse-Treasurer, Matt Clark-Courthouse Security, Ed Quinton-Assessor, Robert Smith-Pawhuska Journal Capital, Dee Chambers-Free Fair, Anthony Hudson-1st Deputy District #1, Kay Kelley-E911, Gary Upton-Undersheriff, Ashley Kane-ADA, Kyme Vincent-Nutrition, Kelly Chouteau-Election Board, Wayne Ray Mitchell-Tourism Board, Randi Chesbro-Tourism Board, Mary Beth Moore-Tourism Director, Carol Connor-Fairfax Newspaper, Shawna Meyers, Christy Redeagle, Dave Slack, Christy McNeil, Alexis Martin, Pat Lyons, Wendy Stout, Joey Lee, Kevin Harrison, and Bud Beaston.

Charlie Cartwright called the meeting to order.

Everett Piper led the prayer.

Steve Talburt led the flag salute.

Under new business, Steve Talburt stated there was a rodeo at the Fairgrounds this past weekend hosted by Country Corner Community Church and the event was not brought before the Board requesting any type of fee waiver or reduction, but he would like to reimburse them for the deposit of \$250 paid for the event. Steve Talburt moved to approve the reimbursement of Country Corner Community Church for the cost of a \$250 deposit for the Fairgrounds Arena use. Talburt stated it was a special event where no money was accepted. Everett Piper seconded the motion. Piper-yes; Talburt-yes; Cartwright-yes. Motion carried. Sally Hulse stated the Treasurer's Office had a plumbing issue with the sewer backing up. Hulse stated Mullins Plumbing has temporarily corrected the problem, but there is a section of cast iron pipes in the middle of the parking lot that needs to be replaced. Hulse stated the quote to replace the pipes is \$10,500. Charlie Cartwright asked if there was money in building maintenance to fund problem and Robin Slack responded yes. Steve Talburt moved to approve quote of \$10,500 from Mullins Plumbing to replace cast iron pipes. Everett Piper seconded the motion. Piper-yes; Talburt-yes; Cartwright-yes. Motion carried. Slack stated that it was Everett Piper's last meeting, and she brought a cookie cake to celebrate him and wish him the best of luck in his future endeavors. Kyme Vincent presented the funding breakdown from the Area Agency on Aging to the Board. Vincent stated the money comes from the federal level and is funneled to the states where the states decide how to allocate. Vincent recommended the Board does not sign the contract this time. Vincent went on to state there is a \$60,000 hole in the Nutrition budget. Charlie Cartwright stated this is out of the scope of New Business. Vincent asked if she needed to place this on the agenda. Vincent went on to state Osage County received \$10.28 per meal while, Creek County gets \$14.35 per meal, and Tulsa County gets \$11.15 per meal from Sodexo. Cartwright stated this needs to be put on the Agenda and also bring recommendations for the County next time she presented. (#26964-#26965)

Everett Piper moved to approve and sign minutes for March 18, 2024. Steve Talburt seconded the motion. Piperyes; Talburt-yes; Cartwright-yes. Motion carried.

Steve Talburt moved to approve blanket purchase orders #245663-#245694. Everett Piper seconded the motion. Piper-yes; Talburt-yes; Cartwright-yes. Motion carried.

Steve Talburt moved to audit and allow purchase orders for payment on March 25 and 28, 2024, and payroll for payment on March 28, 2024. Everett Piper seconded the motion. Piper-yes; Talburt-yes; Cartwright-yes. Motion carried. The following purchase orders were approved for payment 243238 OKLAHOMA NATURAL GAS 127.43; 244984 AT&T 5320.31; 244544 OKLAHOMA DEPARTMENT OF PUBLIC SAFETY 25.00; 245085 COMPUTER PROJECTS OF ILLINOIS 198.00; 245093 AT&T U-VERSE 198.23; 245097 XEROX FINANCIAL SERVICES 357.25; 243229 OKLAHOMA NATURAL GAS 386.10; 243798 EMBASSY SUITES 210.00; 243799 EMBASSY SUITES 210.00; 243800 EMBASSY SUITES 210.00; 243953 TULSA-HILTON GARDEN INN MIDTOWN 428.00; 243979 EDDIE BEVARD 102.99; 244107 MERRIFIELD OFFICE SUPPLY 1124.79; 244329 AT&T 1776.07; 244513 TOMO DRUG TESTING 162.80; 244677 AT&T 209.64; 244825 TOUCHTONE COMMUNICATIONS 19.54; 244883 FORMBY OIL COMPANY 980.26; 245065 AT&T 390.17; 245202 TOMO DRUG TESTING 312.90; 245205 AT&T 321.11; 245297 XEROX CORPORATION 211.84; 245301 OKLAHOMA NATURAL GAS 945.48; 245358 TOUCHTONE COMMUNICATIONS 29.54; 245422 DEPOSITORY FUND #T-768-697 845.00; 245429 THE FAIRFAX CHIEF 474.58; 245448 THE FAIRFAX CHIEF 34.00; 245449 ALL LIT UP ELECTRIC 200.00; 245460 OKLAHOMA NATURAL GAS 2282.65; 245474 JJ KELLER & ASSOCIATES 849.49; 245520 QUILL 598.10; 245539 AT&T 209.65; 245540 SECRETARY OF STATE 50.00; 241333 EARNEST HEAT & AIR 1146.00; 244306 MICHAEL E. COLE 550.00; 244309 OKLAHOMA NATURAL GAS 47.06; 244965 AT&T 45.04; 244976 WILSON PEST & LAWN 75.00; 244977 TOUCHTONE COMMUNICATIONS 23.67; 245138 B&L HEATING & AIR CONDITIONING 400.00; 243119 APAC-CENTRAL 9406.46; 243207 BENSON LUMBER COMPANY 257.45; 243516 WARREN CAT 1683.05; 243731 WARREN CAT 1191.69; 244088 BENSON LUMBER COMPANY 55.34; 244129 APAC-CENTRAL 22469.47; 244192 APAC-CENTRAL 6892.13; 244530 APAC-CENTRAL 13776.04; 244701 WELDON PARTS 2006.30; 244706 KIMBALL MIDWEST 968.21; 244715 ANCHOR STONE COMPANY 4232.52; 244719 WELDON PARTS 1655.83; 245114 UNIFIRST FIRST AID & SAFETY 579.27; 245117 WILSON PEST & LAWN 65.00; 245118 RONNOCO COFFEE 148.19; 245121 UNIFIRST 356.02; 245164 TULSA COUNTY HIGHWAY CONSTRUCTION SIGNS 139.40; 245287 CITY OF SKIATOOK 1000.81; 245291 US CELLULAR 34.49; 245307 TULSA ASPHALT 3328.10; 245310 MERRIFIELD OFFICE SUPPLY 56.97; 245330 TULSA COUNTY HIGHWAY CONSTRUCTION SIGNS 166.70; 245408 UNIFIRST 401.86; 245409 UNIFIRST 361.71; 245420 FORMBY OIL COMPANY 10678.09; 245421 REDWING BUSINESS



ADVANTAGE ACCOUNT 150.00; 245455 INDIAN ELECTRIC COOPERATIVE 385.50; 245461 FORMBY OIL COMPANY 14671.33; 245494 TOUCHTONE COMMUNICATIONS 32.59; 245515 OKLAHOMA NATURAL GAS 249.62; 245516 OKLAHOMA NATURAL GAS 718.27; 245523 BANK OF GRAND LAKE 8697.32; 242600 BOB BARKER COMPANY 2499.90; 243937 LOWE'S 984.20; 244906 FARHA WAREHOUSE 3978.15; 245546 AUTO-CHLOR SERVICES 114.00; 243690 DIGI SECURITY SYSTEMS 961.29; 243732 SPECIAL OPS UNIFORMS 14918.63; 244248 AMAZON CAPITAL SERVICES 2886.58; 244255 SPECIAL OPS UNIFORMS 2986.35; 244256 SPECIAL OPS UNIFORMS 2992.24; 244502 HOMINY AUTO SUPPLY 1877.35; 244508 BENSON LUMBER COMPANY 951.58; 244511 O'REILLY AUTOMOTIVE 1985.02; 244560 IDLE TIME CREATIONS 1179.66; 244745 SPECIAL OPS UNIFORMS 458.00; 245066 OKLAHOMA NATURAL GAS 129.41; 245071 ALARMWORKS 29.99; 245072 OKLAHOMA NATURAL GAS 203.85; 245079 SYMMETRY ENERGY SOLUTIONS 597.31; 245248 MARC MILLER BUICK-GMC 110.88; 245293 ROMANS OUTDOOR POWER 539.17; 245384 JOHN STEWART PSY D.P.C. 140.00; 245450 B&H PHOTO VIDEO 595.10; 245452 CLIFFORD POWER SYSTEMS 1308.45; 245465 TOMO DRUG TESTING 80.00; 245466 TOMO DRUG TESTING 34.00; 245541 LOWE'S 631.22; 245543 LOWE'S 530.04; 245547 WILSON PEST & LAWN 220.00; 245553 B&H PHOTO VIDEO 134.33; 243378 GRIFFIN COMMUNICATIONS 2083.33; 243387 GRIFFIN COMMUNICATIONS 2083.33; 243394 GRIFFIN COMMUNICATIONS 400.00; 244594 VISIT WIDGET 426.00; 244595 VYVE BROADBAND 99.95; 244597 AT&T MOBILITY 98.73; 244601 KCD ENTERPRISES 1200.00; 244890 A PLUS PRINTING 483.05; 245315 SPC OFFICE 209.69; 244832 BUFFALO LAND ABSTRACT 24375.00; 245462 DOTCOM LEASING 411.00; 245534 PITNEY BOWES GLOBAL FINANCIAL SERVICES 182.58; 245536 MERRIFIELD OFFICE SUPPLY 236.28; 245468 OSAGE COUNTY SHERIFF'S OFFICE 2597.50; 245226 PREFERRED BUSINESS SYSTEMS 90.00; 245241 TOUCHTONE COMMUNICATIONS 30.36; 245277 HARPS FOOD STORES 177.16; 245464 CITY TELE COIN COMPANY 1640.60; 245484 CITY TELE COIN COMPANY 1404.40; 245485 CTC COMMISSARY 3912.70; 245548 PAWHUSKA HOSPITAL 1750.90; 245549 PAWHUSKA HOSPITAL 3279.62; 245551 PAWHUSKA HOSPITAL 4500.41; 245077 LEXIS NEXIS RISK SOLUTIONS 212.18; 245351 SPEARS TRAVEL 1547.52; 245538 US COURT SECURITY CONCEPTS 475.00; 245545 KPS 650.00; 245550 JEFF WILLIAMS 50.00. 245190 CHARLES A. REEVES 2050.00; 245191 MATTHEW CLARK 950.00; 245184 SURVIVAL FLIGHT EMS 20000.00; 245192 MATTHEW CLARK 2050.00; 245193 MONTE STOUT 1500.00; 245222 BRENDA STEPHENS 250.00; 245230 HOMINY SENIOR CITIZENS CENTER 600.00; 245233 CITY OF SKIATOOK 163.78; 245234 HELP WORKS 650.00; 245237 WEST OSAGE SENIOR CITIZENS 820.00; 245239 HOUSING AUTHORITY OF OSAGE COUNTY 600.00; 243725 NONA K ROACH 2000.00..

There were no Utility Permits.

Tom Mertz addressed the Board regarding the West .7 miles of the total 1.4 miles length of George Braden Road (located off of 9-mile road) in District #3. Mertz presented the Board with a packet that included aerial maps of the road from 1981 and 2021, an ODOT map from 1981 showing the entire road, a letter from past Commissioner Darren McKinney stating the whole 1.4 miles of the road is open, and a letter from ADA Kane stating the road is open. Mertz stated that after the last meeting, he was encouraged by District #3 to find more information, and they searched for documentation as to when the road stopped being maintained and have yet to find anything. Mertz showed a photo of a map in the County Clerk's office showing the 1.4 miles maintained and labeled as a County Highway. Mertz stated he had substantial documentation to prove the whole road was maintained; yet no documents to stop the maintenance. Steve Talburt inquired how the road had gotten so overgrown and why the Mertz family had not reached out sooner. Mertz stated they reached out to McKinney in 2014 and received a letter from McKinney. Talburt stated that 2014 is still ten years ago. Mertz stated the map shows the road as a County road and no documents show abandonments. Charlie Cartwright inquired if they found a Resolution for the County adopting the road, and Mertz stated no, but the County Engineer and Commissioner signed the map at the time. Marilyn Sharp stated they searched the minutes starting in 1985 and going forward and did not find anything. When they received the letter from McKinney in 2014, they believed the County would return to maintaining the road. Sharp stated they have been negligent in pushing the issue with the County, but they cannot access their property. Sharp went on stating they would now like to subdivide the land among the heirs, but are unable because they don't have access to that section of the property. Sharp stated they have done their best with what has been published and have been to the Courthouse multiple times to search. Sharp stated the County Clerk's office has been helpful, but there is nothing pro or con that has been found. Jerry Butterbaugh inquired if this road has a bridge out. Cartwright stated yes. Mertz stated there is no bridge on the road. Bud Beaston inquired if the road was in District #3. Cartwright stated yes. Everett Piper inquired if it was a dead-end road, and Mertz said yes. Cartwright stated he has more areas in need with more people and is not convinced this was a road as he has employees that have been at the County for thirty years and they have never maintained the road. Cartwright stated he is uncomfortable spending taxpayer dollars on this, but that if the Mertz family wanted to bring the road to County standards, he would be willing to maintain it moving afterward. Mertz inquired why they could drive .85 miles down the road, but the County only maintains .7 miles, and Cartwright stated he did not know. Talburt stated the Board cannot speak for past Commissioners and there should be documentation, but they cannot say when or why it happened. Mertz asked the Board to show the Resolution where the County stopped maintaining it, and Cartwright stated there may not be a Resolution. Mertz stated he realizes it was before the Board's time, but asks the Board to make it right. Cartwright stated he cannot use the taxpayer's money without a Resolution stating it is a County-maintained Road. Everett Piper inquired if the cost issue is for the construction or the maintenance. Cartwright stated the construction cost. Bud Beaston inquired if the road is a section line and Cartwright stated yes. Kane stated that as a public road, it does not require maintenance. Mertz stated the map shows the road as maintained. Talburt stated it would be different if a document showed the road dedicated to the County, not just a 1970 map. Cartwright inquired if the Board had had enough. Sharp thanked the Board for their time. (#26966)

March 25, 2024

Steve Talburt moved to approve Mary Beth Moore's Tourism contract starting April 1, 2024 for six months contingent on documents showing the change of issues. Wayne Ray Mitchell, Tourism Board Chair, stated he has been on the board for eight years and has gone through multiple directors. Mitchell stated he believes Mary Beth Moore has followed the direction of the Board with advertising events, TV commercials, and electronic billboards. Mitchell noted that when he first got on the Board, the budget was \$36,000/year and the Tourism Budget is now \$200,000. Mitchell stated tax dollar metrics are the only way to hold the Tourism Board accountable. Steve Talburt stated he believes in Mary Beth, but things need to change, like adding bylaws. He used to see Tourism everywhere in the County, but he doesn't see that anymore. Mitchell stated they look forward to any input they are given from the Commissioners. Talburt stated Broken Bow has excellent Tourism and Osage County need to change our direction. Everett Piper noted that some local business owners favor Mary Beth while some oppose her. Piper suggested that those with issues write them out and contact the Board to address them. Laura Teague stated she provided the Commissioners with a document with issues outlined and inquired how she should get those to them again. Teague stated she has been on Economic and Tourism Boards and has a great set of bylaws she can give the Tourism Board. Everett Piper seconded the motion. Piper-yes; Talburt-yes; Cartwright-yes. Motion carried. (#26967)

Robin Slack updated the Board on the critical records management preservation and imaging projects for the County Clerk with the plats. Slack stated the County Clerk office sent off 100 sleeves which is about half of all the plats in the office and in each sleeve, there are multiple maps and documents. The total cost of the job was \$155,325.48. Slack stated she felt this was an important project, and the County Clerk's Office is paying the additional \$55,000 along with the \$100,000 the BOCC provided to get the job done. Slack stated with budget time coming, she would come back to ask for help with the remaining plats. (#26968)

Steve Talburt moved to approve to reappoint Housing Authority of Osage County Commissioner Alan Brown for a one-year term expiring 03/15/2025. Everett Piper seconded the motion. Piper-yes; Talburt-yes; Cartwright-yes.

Everett Piper moved to award Bid #24-14 Purchase Installation and Construction of Bucking Chutes and Pens to Preifert for \$111,542.18. Everett Piper stated the pens are necessary and the Fairgrounds has the funds to purchase them. Steve Talburt seconded the motion. Piper-yes; Talburt-yes; Cartwright-yes. Motion carried.

Steve Talburt moved to approve and sign a contract with Ambler Architects for architectural services for the Osage County Courthouse renovation project for a \$130,500 fee plus a \$1,500 per month fee for CA services during construction; this includes the structural engineering services from Wallace Engineering. Everett Piper stated the County has until December 31, 2026 to spend the ARPA money or to give it back. Piper added Dalton Higgins is present if there are any questions. Alexis Martin stated this is her first meeting and is unsure how to get on the agenda, but she would like to speak to the Board regarding the ARPA funds and grants. Charlie Cartwright stated she would need to get on the agenda and could talk to any of the Commissioners to get an item placed on agenda. Everett Piper seconded the motion. Piper-yes; Talburt-yes; Cartwright-yes. Motion carried. (#26969)

Steve Talburt moved to approve adoption of an Anti-Displacement Plan for Osage County 18622 CDBG 22 and 18623 CDBG 21. JT Darling stated this is to prepare the administration procedures for the RWD #20 project. Everett Piper seconded the motion. Piper-yes; Talburt-yes; Cartwright-yes. Motion carried. (#26970)

Steve Talburt moved to approve adoption of Section 3 Resolution and Section 3 Plan for Osage County 18622 CDBG 22 and 18623 CDBG 21. JT Darling stated this is to stay compliant with HUD in Section 3 for low-income rural areas. Everett Piper seconded the motion. Piper-yes; Talburt-yes; Cartwright-yes. Motion carried. (#26971)

Steve Talburt moved to approve adoption of Resolution declaring April as Fair Housing Month. Everett Piper seconded the motion. Piper-yes; Talburt-yes; Cartwright-yes. Motion carried. (#26972)

Everett Piper moved to approve payment to Ward Engineering LLC for topographic services in the amount of \$9,500 to be paid for with 18622 CDBG 22 and 18623 CDBG 21 grant funds. JT Darling stated the County will pay RWD #20, which will pay Ward Engineering LLC. Steve Talburt seconded the motion. Piper-yes; Talburt-yes; Cartwright-yes. Motion carried.

The Board acknowledged the purchase of a 2024 Dynapac Pneumatic Rubber Tire Roller for District #2 off of Sourcewell Contract #060122-DYN for \$107,500.00.

Everett Piper moved to approve and sign Letter for Oklahoma Department of Mental Health and Substance Abuse Services. Steve Talburt seconded the motion. Piper-yes; Talburt-yes; Cartwright-yes. Motion carried. (#26973)

Steve Talburt moved to approve and sign Cash Fund Estimate of Needs (SAI 308) for the City of Barnsdall for \$706.19 and the Town of Osage for \$1,146.09. Everett Piper seconded the motion. Piper-yes; Talburt-yes; Cartwright-yes. Motion carried.

Everett Piper moved to approve reports for February 2024 Sheriff Service Fee Report (#26974) and Sheriff Jail Account (#26975). Steve Talburt seconded the motion. Piper-yes; Talburt-yes; Cartwright-yes. Motion carried.

March 25, 2024

Everett Piper moved to approve and sign Transfer of Funds for District #2 to 1102-6-4200-4110 (Capital Outlay) of \$28,000 from 1102-6-4200-1221 (Retirement) \$10,000, 1102-6-4200-1110 (Salaries) \$10,000, and 1102-6-6520-2005 (CIRB) \$8,000. Steve Talburt seconded the motion. Piper-yes; Talburt-yes; Cartwright-yes. Motion carried.

Steve Talburt moved to approve and sign Transfer of Funds for County Clerk from Salaries (Account 0001-1-1000-1110) to Travel (Account 0001-1-1000-1310) for \$3,000. Everett Piper seconded the motion. Piper-yes; Talburt-yes; Cartwright-yes. Motion carried.

Steve Talburt moved to accept a Resignation Letter from Commissioner Everett Piper dated February 5, 2024, with a resignation date of March 31, 2024. Steve Talburt stated he appreciates everything Piper has done and the Board is better because of him. Everett Piper stated it was a joy to work with them. Everett Piper seconded the motion. Piper-yes; Talburt-yes; Cartwright-yes. Motion carried.

Charlie Cartwright moved to appoint Anthony Hudson as replacement for District #1 Commissioner upon vacancy on March 31, 2024. Steve Talburt seconded the motion. Piper-yes; Talburt-yes; Cartwright-yes. Motion carried.

Under Citizen's Input, Kevin Harrison inquired on agenda item #14 if there will be an issue spending the ARPA money before the 2026 deadline with the Annex project. Harrison also inquired about the \$1,500/month payment. Dalton Higgins stated the Annex is projected to be completed in the summer of 2025 and the Courthouse remodel should start in the fall of 2025 giving the County all of 2026 to spend the money. Higgins stated the \$1,500/month payment is just for the construction phase as drawings can be skewed and Ambler can answer questions during the construction phase. Tom Mertz inquired if they could receive in writing that the Board would maintain George Braden Road after the Mertz family brought it up to County Standards. Charlie Cartwright stated it would be in the meeting minutes. Mertz inquired if the Commissioners are over all the roads or just their Districts and Steve Talburt responded just their Districts. Ashley Kane corrected Talburt stating by statute that the Commissioners are over all roads; this is just the way it is set up. Bud Beaston asked Kane if it is illegal for a Commissioner to visit different District roads. Kane stated it was not. Beaston inquired why the other Commissioners had not looked at George Braden Road. Talburt stated that if asked to look at the road, he would be happy to do so, but he cannot make decisions as it is not his District. Alexis Martin stated she is with Osage Nation Counseling and would like to discuss a Behavior Care Center with the Board. Talburt stated they cannot talk about that as it is not an agenda item, but to get the email addresses of the Board. Jerry Butterbaugh stated he hopes the BOCC will change the process regarding agenda item #9, George Braden Road. Secondly, if the BOCC know that an issue is coming to the Board, could they get legal advice regarding if the road has been vacated. Ashley Kane stated the road is a public road, but that does not mean it is maintained; the County can choose not to maintain a portion of the road, but you cannot vacate a section. Kane stated that in Osage County, you cannot abandon section lines. Butterbaugh stated he is a big supporter of Tourism and Tourism has ridden the coattails of Ree Drummond, David Grann, and the Killers of the Flower Moon and now Tourism needs to work on their mission and strategy. Butterbaugh stated that the Board is about to go into an Executive Session and he is one of the people who disagree with the removal of wind turbines. Beaston inquired about what Ashley Kane had stated about the road and asked if the Board would reconsider it. Cartwright stated he appreciated his thoughts.

Everett Piper moved to enter into Executive Session as per 25 O.S. Section 307 B. 4. to discuss whether or not to join in an Amicus Brief or contact for the drafting of an Amicus Brief in the United States V. Osage Wind LLC, Case No. 14-CV-704-JFK-JFJ. Steve Talburt seconded the motion. Piper-yes; Talburt-yes; Cartwright-yes. Motion carried.

Steve Talburt moved to reconvene from Executive Session. Everett Piper seconded the motion. Piper-yes; Talburt-yes; Cartwright-yes. Motion carried.

Everett Piper made a motion that Ashley Kane will do some research and obtain quotes with the intent of drafting a friend of the court filing. Steve Talburt seconded the motion. Piper-yes; Talburt-yes; Cartwright-yes. Motion carried.

Steve Talburt moved to adjourn. Everett Piper seconded the motion. Piper-yes; Talburt-yes; Cartwright-yes. Motion carried.

Read and approved this 1st day of April, 2024.

Robin Slack, Osage County Clerk

Charlie Cartweent, Chairman

oard of County Commission
Osage County, Oklahoma

Steve Talburt, Vice-Chairman

Everett Piper, Member