

March 29, 2021

The Board of County Commissioners of Creek County (BOCC) met in Regular Session on Monday, March 29, 2021 at 9:00 a.m., date and time duly posted.

Item #1: Meeting was called to order at 9:02 a.m. by Chairman, Newt Stephens Jr. Roll Call Stephens present, Warner present, Roger Smith present.

Item #2: Statement of compliance with open meetings act-Chairman.

Item #3: Commissioner Stephens led the Pledge of Allegiance and Invocation.

Item #4: Motion was made by Warner and seconded by Smith to approve the minutes of March 22, 2021. Vote as follows: Stephens - Aye, Warner - Aye, Smith - Aye.

Item #5: Motion was made by Warner and seconded by Smith to approve Blanket Purchase Orders #5129- 5230; Purchase Orders **#2020-2021** 911 Phone 179, A T & T, 48.88, UTILITY180, MISSION CRITICAL PARTNERS, LLC, 7458.26, PROFESSIONAL SERVICES181, OK COMMUNICATIONS SYSTEMS, 221.44, FEES182, BEARCOM, 260.00, PROGRAMMING/FEES183, A T & T, 283.87, PHONE & INTERNET SERVICES; CH Improv-ST 6, CREEK CO PUBLIC FACILITIES, 88906.64, Agreement; Crt Clk Revolving 67, MIDWEST PRINTING, 925.00, Supplies68, MERRIFIELD OFFICE SUPPLIES, 90.06, Supplies; Excess Resale 11, Estate Of Glenda C Huddleston, 12025.64, EXCESS RESALE; Fair Board 12, CORNERSTONE CONCRETE COMPANY LLC, 11814.20, CONCRETE ; General 2391, OKLA BOARD OF TESTS FOR ALCOHOL, 24.00, RECERTIFICATION2397, Amazon Capital Services, 392.05, EQUIPMENT2398, Cox Business, 0.30, UTILITY2399, Cox Business, 67.88, UTILITY2400, A-1 REFUSE, 18.00, TRASH SERVICE2401, FIZZO WATER COMPANY, 21.75, SUPPLIES2402, Cox Business, 152.73, SERVICE2403, OSU-CTP, 130.00, TRAINING2404, SAPULPA DAILY HERALD, 109.40, PUBLICATION2405, Cox Business, 169.70, SERVICE2406, EMCO TERMITE & PEST CONTROL INC, 60.00, SERVICE2407, ALL PARTITIONS & PARTS LLC, 182.00, PARTS AND SUPPLIES2408, DIRT JOCKEY ENVIRONMENTAL LLC, 300.00, PROFESSIONAL SERVICES2409, WESTLAKE ACE HARDWARE OK-020, 217.43, SUPPLIES2410, OSU-CTP, 130.00, TRAINING2411, SAPULPA DAILY HERALD, 160.80, BOCC MINUTES2412, SAPULPA DAILY HERALD, 368.10, NEWSPAPER PUBLICATIONS2413, Amazon Capital Services, 61.51, SUPPLIES2414, SAPULPA DAILY HERALD, 419.40, BOCC MINUTES2415, O N G, 195.34, UTILITY2416, CREEK CO HOME FINANCE AUTH, 1500.00, Rent2417, COMMUNITYCARE EAP, 172.70, PROFESSIONAL SERVICES2418, Cox Business, 168.50, UTILITY2419, FIZZ-O WATER COMPANY, 27.00, SERVICE RENDERED2420, SHOW INC., 17.50, RECYCLE SERVICE2421, Whetstine, Shari, 70.00, Rent2422, Tulsa World, 197.60, SUBSCRIPTION2423, Cox Business, 16.97, SERVICE2424, Cox Business, 33.94, UTILITY2425, O G & E, 52.02, UTILITY2426, Amazon Capital Services, 81.13, SUPPLIES2427, SHOW INC., 67.50, RECYCLE SERVICE2428, Amazon Capital Services, 299.97, Evidence Supplies2429, CHARLEY'S SOUTHSIDE LOCK & SAFE, 218.62, LOCKS2430, Amazon Capital Services, 129.10, Computer Memory2431, SPECIAL-OPS UNIFORMS, 376.52, UNIFORM & ACCESSORIES2432, TIMECLOCK PLUS, LLC, 72.00, TIME CLOCK/2433, Simply Scentsational, 18.00, AIR FRESHENERS2434, CORNERSTONE CONCRETE COMPANY LLC, 35840.80, CONCRETE ; Health 321, WALMART, 390.54, Supplies322, CLEANING TECHNOLOGIES INC, 1364.25, JANITORIAL323, CITY OF SAPULPA, 194.89, UTILITIES324, DOTCOM LEASING LLC, 445.00, LEASE325, MERRIFIELD OFFICE SUPPLIES, 199.61, Supplies326, Pitney Bowes Inc, 76.25, LEASE327, MCKESSON, 399.35, Supplies328, WALMART, 53.22, Supplies329, MERRIFIELD OFFICE SUPPLIES, 440.00, Supplies; Highway 1234, COMMUNITYCARE EAP, 60.50, PROFESSIONAL SERVICES1235, TULSA COUNTY HIGHWAY CONSTRUCTION SIGNS, 129.20, SIGNS1236, O G & E, 373.15, UTILITIES1237, CREEK CO RURAL WATER D#2, 62.15, WATER BILL1238, O G & E, 124.21, UTILITIES1239, EMCO TERMITE & PEST CONTROL INC, 65.00, SERVICE CONTRACT1240, MANNFORD LAWN AND GARDEN, 299.99, EQUIPMENT1241, CINTAS CORPORATION NO 2, 399.85, SUPPLIES1242, FENSCO INC, 1119.60, CULVERTS1243, FARMERS FEED, 49.92, Propane1244, TULSA AUTO SPRING CO INC, 1169.68, PARTS AND REPAIR1245, P&K EQUIPMENT, 1037.76, PARTS/SUPPLIES1246, THE QUAPAW COMPANY, 19583.98, ROAD MATERIALS1247, ANCHOR STONE COMPANY, 32706.15, Gravel1248, ANCHOR STONE COMPANY, 31298.99, Gravel; Hwy-ST 437, WATKINS SAND CO INC, 594.00, Sand; Jail-ST 663, BEARCOM, 7173.02, RADIOS/BATTERY664, BAYSINGERS UNIFORMS AND EQUIPMENT, 1966.49, UNIFORM & ACCESSORIES665, DASH GLOVES, 1325.40, GLOVES666, CITY OF SAPULPA, 2277.06, UTILITIES WATER667, O N G, 293.81, UTILITIES GAS SERVICES; Juv Dent-ST 375, MERRIFIELD OFFICE SUPPLIES, 254.56, JUVENILE DETENTION376, A T & T, 448.86, PHONE & INTERNET SERVICES; Planning/Zoning 51, Cox Business, 50.91, UTILITY; Resale 333, Cox Business, 186.67, SERVICE334, DYNAMIC RECRUITING SPECIALIST, 640.46, TEMPORARY EMPLOYEE335, DYNAMIC RECRUITING SPECIALIST, 826.40, TEMPORARY EMPLOYEE336, DYNAMIC RECRUITING SPECIALIST, 826.40, TEMPORARY EMPLOYEE337, DYNAMIC RECRUITING SPECIALIST, 516.50, TEMPORARY EMPLOYEE338, WACOM SYSTEMS, 11.00, Supplies; SH Commissary 65, TIGER CORRECTIONAL, 2112.07, Commissary; SH Svc Fee 97, TIGER CORRECTIONAL, 4774.42, FOOD FOR INMATES. Vote as follows: Stephens - Aye, Warner - Aye, Smith - Aye.

Item #6: NO DISCUSSION of new business. (In accordance with the Open Meetings Act, Title 25 O.S. § 311(A) (9), new business defined as any matter not known about or which could not have been reasonably foreseen within 24 hours of this meeting.

Item #7: Motion was made by Stephens and seconded by Warner to request the District Attorney send a letter of non-compliance to the resident of S. 155th W. Avenue, Sapulpa, OK 74066. Warner stated he has received several complaints from neighbors, this property is located within a subdivision in the county and we have regulations in place. The poultry regulation limits the number of poultry you can have and they are exceeding that number. The Creek County Planning Office has mailed three certified notification of non-compliance, with no response. Wendy Murray, Planner stated we have sent notice and visited the property, there was no one home and they are not returning phone calls. There is concern that they are raising fighting chickens as well. Stephens reviewed the process, we do not have to do this process very often, but I usually get their attention. Andrew Goforth, Assistant District Attorney stated in the past we have worked alongside the Sheriff and this process seems to get their attention. With the allegations being made, further investigation may be required. Vote as follows: Stephens - Aye, Warner - Aye, Smith - Aye.

Item #8: Motion was made by Stephens and seconded by Smith to certify Creek County Roads on the ODOT map to the best of our knowledge and send an approved copy to the Clerk and ODOT. The Commissioners reviewed the ODOT map and had discussion of some roads, we have drawn on all three districts to the best of our knowledge stated Stephens. We will submit one to the Clerk and the other to ODOT. ODOT will then update the County Map. Vote as follows: Stephens - Aye, Warner - Aye, Smith - Aye.

Item #9: Motion was made by Warner and seconded by Smith to sign ODOT 324A Claim Form for project J/P30473(04)-Carson Ridge Bridge over Salt Creek near HWY 48 (Bridge CN 23), assigned to Meshek and Associates in District #3 for \$1,850.00. Warner stated this project has been in the works for some time and this is purchasing a permanent highway easement. Vote as follows: Stephens - Aye, Warner - Aye, Smith - Aye.

Item #10: Motion was made by Warner and seconded by Smith to sign **Resolution#2021-40** rezoning request CCZ-2033-Jeff and Diane Whitley per recommendations of CCPC. Rezoning from Light Residential and Manufactured Home to Agricultural District to allow Agricultural use. The combined two tracts will be 5.27 acres more or less. The tract will meet all minimum requirements and the tract is surrounded by Agricultural. There has been no opposition. The CCPC recommended approval on 3/23/21, along with the Planning Office. Property located at 7680 S. 97th W. Ave, Tulsa, OK.-Wendy Murray, Planner. Vote as follows: Stephens - Aye, Warner - Aye, Smith - Aye.

Item #11: Motion was made by Warner and seconded by Smith to sign **Resolution#2021-41** rezoning request CCZ-2035-James and Teresa McKown per recommendations of CCPC. Rezoning from Light Residential District to Agricultural District to allow handicapped Manufactured Home and Agricultural use. Tract will contain 13.43 acres more or less. The tract will meet all requirements. This tract was rezoned from Agricultural to Light Residential with the hopes of dividing out 10 acres into five 2.5-acre tracts, this was approved by the SMAPC. There is Light Residential and Agricultural that surrounds property. We have a Representative here for the family. The CCPC recommended approval on 3/23/21, along with the Planning Office. Property located at 24765 W. HWY 33. Sapulpa, OK.-Wendy Murray Planner. Vote as follows: Stephens - Aye, Warner - Aye, Smith - Aye.

Item #12: Motion was made by Stephens and seconded by Warner to sign **Resolution#2021-42** surplussing two Winter Force Tires 215/60R16, one Douglas P155/80R13, one Dayton Timberline LT 245/75R16, one Bridgestone LT 245/75R16, one General P255/70R16 and **Resolution#2021-42A** disposing of the same to be recycled through Bristow Tire and Auto Service at no cost. **Resolution#2021-43** surplussing three wooden desks with overhead storage, six small wooden desks, one metal four drawer file cabinet, one metal three drawer file cabinet, one metal two drawer file cabinet, one cloth upholstered office chair, six round overhead pod lights, two unholstered arm chairs and HP Office Jet 4630 copier, printer Model #SNPRH-1201 SN#CN495390WG and **Resolution#2021-43A** disposing of the same to be junked. Dean Wise, Sheriff Deputy stated we are continuing to clean out old items from previous administration. Vote as follows: Stephens - Aye, Warner - Aye, Smith - Aye.

Warner notified the Board and Public at 9:24 a.m., that he has to leave the meeting to attend a Judge scheduled settlement conference. One of the Commissioner has to attend on behalf of the Board and County.

Item #13: Motion was made by Stephens and seconded by Smith to sign **Resolution#2021-44** directing the Creek County Treasurer to credit the Creek County General Government Maintenance and Operations Fund 001-1-2000-2005/R2 with funds from the Creek County Court Clerk's Office Fund for reimbursement of utility payments, in the amount of \$1,237.03, cancelling Resolution#2021-39, as per 62 O.S. § 335, and procedures implemented by the State Auditor's Office. Vote as follows: Stephens - Aye, Smith - Aye.

Item #14: Motion was made by Smith and seconded by Stephens to approve Utility Permit from Oklahoma Natural Gas Company, Smith stated this is a hard surface road and can only be bored per County Specs if issues a rise they will need to contact myself or Glen Musser, Project Coordinator for gas service line, by direct bury size of line $\frac{3}{4}$ ", to parallel W. 281st Pl. S. approximately 4.1 miles E. of HWY 66 further described as 975' E. of the corner of N 3620 RD in Milfay in District #3. The Board discussed that the request was not clear of what they are trying to do, with this the County Spec's were discussed and since this is a hard surface road, it can only be bored. Musser was not able to be present in meeting, but Stephens stated that ONG needs to work with you and Musser on this permit request. Vote as follows: Stephens - Aye, Smith - Aye.

Item #15: Motion was made by Smith and seconded by Stephens to approve Utility Permit from Windstream KDL LLC per County Specs for buried fiber optic cable, size of line 48-count fiber, size of casing 1.25" HDPE to parallel W. 211th St. S. approximately E. of S. 337th W. Ave further described as 500' E. of Section 21, T16N, R9E in District #3. Vote as follows: Stephens - Aye, Smith - Aye.

Item #16: Motion was made by Smith and died due to a lack of a second on Discussion and possible action on updating, modifying, or taking any additional protective measures or emergency action regarding the COVID-19 virus outbreak. Stephens stated the Health Department has quite sending out The Health Department quit sending out numbers a couple of weeks ago. The only updates that we are now receiving is a category update for your county. We currently are in the low-risk category. Smith stated he would sure like Warner here to discuss continuing the Resolution, we have in place. I haven't spoken to the Judges this week to get an update Smith stated. Goforth stated that this is the second week for Jury terms, we have had jurors in the courthouse and the City Mandate is still in place. There has been discussion with the Deputies at the Courthouse they really like the in one door and out the other, it helps with the flow of traffic and knowing who is entering the Courthouse. Stephens stated the Resolution that is in place doesn't address the entrance, it just mandates that while in the building you must have a mask on. The Sheriff has the ability to set the standards for the Courthouse due to public safety, I think the one entrance is a great idea. The Governor has stated that we need to get back to normal and we are beyond that point. The ones that have wanted to receive their vaccines have and I think the we need to get back to normal, you can still keep your distance to remain safe. Goforth touched base on how they have been handling the jurors, the judges have been using the bigger courtrooms to allow social distancing and then moving back down to the smaller courtrooms, but still allowing social distancing for jurors. The City put the mask mandate in place on 1/4/21, to last for 120 days, so there is still time remaining on that mandate. The judges and offices can set their own requirements as they see fit. Smith again stated he wished Warner was present, if I make a motion what will happen if I do not receive a second. The motion will die due to a lack of a second. The item can always be added to a future agenda if the need is there stated Stephens.

Public Comment: Stephens informed the Candidates that their possibility will be a forum coming up at the Fairgrounds. Mrs. Brook Delong stated she has not contacted or arranged the forum just yet.

Item #14: PROPOSED EXECUTIVE SESSION (per 25 O.S. § 307(B)(4)): Discussion of confidential communications between the Board, its litigation attorney, and the District Attorney's Office concerning ongoing an lawsuit that upon advice of counsel, disclosure of which will seriously impair the ability of the County to process the actions in the best interest of the public: Janice Bush, for the Estate of Ronald Garland v. Creek County, Case No. CIV-19-0098-JFH-FHM, in the United States District Court for the Northern District of Oklahoma. There was discussion of the Executive Session item, Goforth stated we are not sure if it will be needed today or not. You can recess and come back to see what the progress is on the settlement conference.

Item #15: Discussion and any possible action of the Board regarding the aforementioned case.

There was discussion of the Executive Session item, Goforth stated we are not sure if it will be needed today or not. You can recess and come back to see what the progress is on the settlement conference.

Recess: Motion was made by Stephens and seconded by Smith to recess until 4:00 p.m. on 3/29/21. Vote as follows: Stephens - Aye, Smith - Aye. Stephens called the meeting back to order at 4:00 p.m. Roll Call Stephens present, Warner present, Roger Smith absent.

Item #14: NO DISCUSSION/NO ACTION PROPOSED EXECUTIVE SESSION (per 25 O.S. § 307(B)(4)): Discussion of confidential communications between the Board, its litigation attorney, and the District Attorney's Office concerning ongoing an lawsuit that upon advice of counsel, disclosure of which will seriously impair the ability of the County to process the actions in the best interest of the public: Janice Bush, for the Estate of Ronald Garland v. Creek County, Case No. CIV-19-0098-JFH-FHM, in the United States District Court for the Northern District of Oklahoma. There was discussion of the Executive Session item, Goforth stated we are not sure if it will be needed today or not. You can recess and come back to see what the progress is on the settlement conference.

Item #15: NO DISCUSSION/NO ACTION regarding the aforementioned case.

Adjournment: Motion was made by Stephens and seconded by Warner at 4:01 p.m. to adjourn and meet again 4-5-21. Vote as follows: Stephens - Aye, Warner -Aye.