



**Official Minutes of
PAYNE COUNTY
BOARD OF COUNTY COMMISSIONERS**

The Payne County Board of County Commissioners met in a regular meeting of the board at 9:00 a.m. on **January 30, 2019** at the Payne County Administration Building, Gloria Hesser Commissioner Meeting Room 200, located in Stillwater, Oklahoma.

Chairman Reding called the meeting to order: 9:00 a.m.

The following members were present:

Chairman - Chris Reding, District 2, Vice-Chairman Zach Cavett, Commissioner District 1, Rocky Blasier, Commissioner District 3, Glenna Craig-County Clerk. Invocation by Chris Reding, and Flag Salute to our country by Dewey Clapp.

Approve minutes of the previous meeting of the board:

Clerk's office presented minutes of the January 22nd meeting for approval. Motion to approve minutes as presented by Cavett, second by Blasier. Roll Call Vote: Cavett-Yes, Blasier-Yes, Reding-Yes.

Miscellaneous items from the audience: None presented on this date.

Discussion and Possible Action on Bid Openings 9:30 A.M.:

None presented on this date.

Discussion and Possible Action on Evaluations:

None presented on this date.

Discussion and Possible Action on Reports from Officers and Boards:

Resolution 2019-03 – Acceptance of Donated Funds to Payne County, Oklahoma and Authorizing Use of Said Funds:

Cavett presented the Resolution for residents at Longview and 47th which are donating the funds that it will take to repair that public road to get at county road standards. This resolution lists the amount being donated along with those who have donated. Motion by Cavett to approve Resolution 2019-03, second by Blasier. Roll Call Vote: Cavett-Yes, Blasier-Yes, Reding-Yes.

Approval Contract for Phone System for Payne County Health Department:

Reding presented the contract for the Payne County Health Department with the Chairman signing on behalf. Reding stated the costs are now \$746.38 as compared to \$3,000 they were paying with AT&T so there is a huge savings there. Motion by Cavett to approve the contract as presented with Chairman signing on behalf, second by Blasier. Roll Call Vote: Cavett-Yes, Blasier-Yes, Reding-Yes.

Termination of Contract with MPower, Inc:

Reding stated that Lowell and Reding had been working on this contract with recent discussions over the last few months. After looking over both lease agreements one from 1983 and the other from 1984 they are almost identically with one exception of the description of the property. Reding stated it was very clear that in Section III the usage of the said real property and premises are being leased by Lessor to Lessee for the purpose of maintaining and operating a place of sheltered employment and workplace opportunities for mentally, socially and physically disabled persons and Lessee shall not use said real property for any other purpose without the written consent of Lessor having been first obtained. It is agreed that any other use of the property shall be grounds for termination of this lease. Reding then referred to Section VIII where it states should Lessee violate or fail to comply with any of the covenants, terms or conditions of this lease agreement including failure to pay rent when due, Lessor, at its option may declare this lease agreement terminated by giving Lessee fifteen (15) days' notice of Lessor's election to do so. In the event of any such termination, Lessee shall forthwith remove all of its equipment and other personal property from the leased premises, and peacefully deliver possession of said premises to Lessor. Reding stated that is the agreement that everyone signed back in 1984 with this being the most recent documents the board has which was signed in both 1983 and 1984. On the door of the MPower building currently is a sign that states "We are moving and will be closed Thursday, November 8th, Friday, November 9th to begin moving to our new location and open on Monday, November 12th at our new building 316 S. Stallard. The building has been vacant since then with the exception of them moving which confirms that it is no longer being used for the purpose that it was originally intended to be used for. Reding stated that because the county wants the properties to be used in the best interests of our county he began to work with Lowell on a letter for the Board of Commissioners to agree upon to present to MPower's Board asking that the lease be terminated. Reding referred to the letter which is addressed to the Board of MPower stating that Payne County and MPower have had a long and fruitful relationship for a very long time, and we are proud of our association with you. We also celebrated with you on the purchase of your new building, the former Highland Park Elementary School. However, as stewards of county property for the citizens of Payne County, we must bring our business relationship to an end and request that you turn over the building at 516 Expo Circle S back to the County Commissioners, so that another suitable tenant can use it. Reding ended with we are hereby giving your fifteen (15) days' notice from the date of receipt of this letter to remove all personal property and equipment from the premises and deliver the keys to the buildings to the county commissioners office. Should more time be required, please notify us as soon as it is known with a proposed final date for a possible extension. We wish you the best in your new location and thank you for the great service MPower provides to your clients and the citizens of Payne County. Randy Wall with MPower approached the Board stating that MPower approached a resolution

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with simply good faith knowing that sometimes that doesn't always work when you're dealing with an entity like this. Mr. Wall stated the commissioners are aware of what MPower does, and that they are state funded with a lot of donations and volunteer work. Wall stated that MPower has put approximately \$425,000 into the building that sits on county land which includes the safe room that was installed by them recently. It has been hard for MPower to walk away from the location even with the lease stating what it does. Wall said that had he been around at the time it was signed they would have never signed it stating the terms currently in the agreement, he felt it was a one-way lease. Wall stated he had hoped that the county and MPower could have come to agreement and felt the citizens would feel the same, but understanding that in black and white, the county is legally correct. Reding stated that he and Mr. Wall have worked together looking at different ways to make something happen, but they are bound by the laws of the state. Reding stated he would love to have a good and fair resolution but, there is not one that can be worked out reasonably on our end. Reding stated to Mr. Wall that he hoped that when he expresses their side of the story that he remembers to voice that the county has made efforts to work towards a resolution. Reding continued by stating the other side of it as well that for all of these years MPower has rented the land for one (1) dollar a year which has value far greater if they would have had to pay a regular lease on the land. Reding stated you would have continued to have value of the property for the extended period of the lease, and at that time probably have extended that lease at a one (1) dollar a year. Reding stated he understands that is probably outside of their means with federal requirements, and understands it was probably less expensive to purchase a building rather than remodel the current one. Wall stated yes, the chain of events happened due to laws and regulation changes requiring them to make decisions and had the state not made those new requirements MPower would not have had to do anything. Reding restated those changes that were required of MPower were not changes that were requested by the Board rather the state, and we did not in any way encourage you, or force you to make those changes or move out; Mr. Wall agreed. Reding stated that the boards responsibilities were to make sure they were good stewards of the facilities of Payne County and that they are being used to their best capabilities possible to benefit all members of our community. Amy Spiva from MPower stated she just wanted to thank the county and was appreciative for the land the county allowed them to use. Spiva also wanted to just state that MPower built the building and safe room those structures were not there prior. Reding acknowledges that yes that was correct but any real property on the property stays with the property, and again they did not pay more than 1 dollar a year to lease the land, that otherwise would have cost several thousand over the years. Motion by Cavett to terminate the lease and send the letter presented to the board, second by Blasier. Roll Call Vote: Cavett-Yes, Blasier-Yes, Reding-Yes.

Approval – Use of Courthouse Lawn for National Day of Prayer on May 2, 2019:

Reding stated that Center Church is coordinating it this year from 10:30am – 1:30pm for May 2, 2019. Motion by Cavett to approve the request, second by Blasier. Roll Call Vote: Cavett-Yes, Blasier-Yes, Reding-Yes.

Notice of Use of County Deductible for repair of Sheriff Vehicle that hit a deer:

Reding stated that he received an email from Jim Daughtery from ACCO informing the board that they needed to use \$7,431.90 of the county deductible to repair a dodge charger that struck a deer in the Sheriff's department. ACCO is requesting authorization from the board to pay the claim. Motion by Cavett to approve the request as presented, second by Blasier. Roll Call Vote: Cavett-Yes, Blasier-Yes, Reding-Yes.

Notice of Filing – Magnolia Ridge II, an Affordable Housing Tax Credit Development:

Reding stated this notice of filing is just a standard requirement from Oklahoma Housing Finance Agency going to Senators, the Representatives, Mayors, and Board of County Commissioners. It is an application for affordable housing tax credit for Magnolia Ridge II off Jardot. Motion by Cavett to acknowledge, second by Blasier. Roll Call Vote: Cavett-Yes, Blasier-Yes, Reding-Yes.

Request for Traffic Control Signs:

None presented at this time.

Ingress and Egress Agreements:

Cavett presented an Ingress and Egress agreement with Marty and Delania Goforth off of Battle Ridge Rd. at 2201 N Battle Ridge Rd to clear and slope banks allowing District 1 to go beyond their easement. Motion by Cavett to approve agreement as presented, second by Blasier. Roll Call Vote: Cavett-Yes, Blasier-Yes, Reding-Yes.

Removal of Equipment items from Inventory:

Reding stated his office was removing a netgear 16 port fast ethernet switch, D622.004. This item is to be junked. Motion by Cavett to approve removal of inventory as presented, second by Blasier. Roll Call Vote: Cavett-Yes, Blasier-Yes, Reding-Yes.

Appointment of Requisitioning and Receiving Officers:

None presented on this date.

Discussion and Possible Action on Financials:

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Cash Appropriations:

None presented on this date.

Transfer of Appropriations:

None presented at this time.

Purchase Orders:

The following purchase orders were presented by the Clerk's office for approval of payment in the amount of \$77,651.69

Blanket:

The Clerk's office presented February blankets totaling \$239,115.31

Tabled:

None presented at this time.

Disallowed:

None presented at this time.

Payroll/Longevity:

Payroll for the month of January 2019 totaling \$726,778.22

Motion to approve purchase orders upon signatures by Blasier, second by Cavett. Roll Call Vote: Cavett-Yes, Blasier-Yes, Reding-yes.

Monthly Reports of Officers:

None presented at this time.

Public Announcements by the Board:

None presented.

Discussion and Possible Action on:

Telephone and Utility Permits:

None presented at this time.

Road Crossing:

Cavett presented one (1) D1-2019-001 with ONG and one (1) D1-2019-002 with Rural Water & Sewer District #4. Motion by Cavett to approve crossings as presented, second by Blasier. Roll Call Vote: Cavett-Yes, Blasier-Yes, Reding-yes.

New Business:

None presented at this time.

Adjournment:

Motion by Reding to adjourn, second by Cavett. Roll Call Vote: Cavett-Yes, Blasier-Yes, Reding-yes.

Minutes of the Board attested to

By _____
Glenna Craig, Payne County Clerk
Seal of office

Approved by the Board of Commissioners

On the ____ day of _____ 2019

Chairman _____

Commissioner _____

Commissioner _____