

Monday, April 20, 2020
Newkirk, Oklahoma

The Board of County Commissioners (BOCC) of Kay County, Oklahoma, met in regular session at 9:00 o'clock a.m. on Monday, April 20, 2020, the meeting was posted for public information on April 17, 2020, at 8:50 a.m. on the Courthouse front door, Commissioners Court, basement handicapped entrance of the Kay County Courthouse, and Mark Branch Gymnasium in Newkirk, Oklahoma.

Chairman John Wilson called the meeting to order. Those present were as follows: Jason Shanks, Member; Jack Godberson, Member; Billie Chrz, First Assistant District Attorney (ADA); Jordan Miller, Collins, Zorn & Wagner, P.C. (telephonically); Steve Kelley, Kay County Sheriff; Susan Keen, Kay County Assessor; Christy Kennedy, Kay County Treasurer; Dennis Bonewell, Kay County Emergency Management Director; Claude Williams, Taxpayers for Transparency; Tammy Reese, Secretary/Kay County Clerk. (See sign in sheet).

Chairman Wilson led the flag salute.

Motion was made by Godberson and seconded by Shanks approving regular meeting minutes of April 13, 2020. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Godberson and seconded by Shanks tabling Application for Financial Assistance County Burial and Affidavit of Financial Inability to Pay for further review by Chairman Wilson. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Godberson approving Oklahoma Juvenile Affairs January 2020 Detention Transportation Claim in the amount of \$5,696.68. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Godberson approving/acknowledging the County Treasurer's Summary of Collections March 2020 Monthly Report. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Godberson and seconded by Shanks approving reimbursement claim regarding loss of revenue to Kay County and the School Districts due to the Additional Homestead Exemptions allowed for the year 2019 in the amount of \$21,853.97, 62 O.S. Section 193. Assessor Keen told this needs to be reported yearly to receive reimbursement but noted it has not been reimbursed back to the county in years. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Godberson approving BOK Financial Kay County 401(A) Plan on Formal Record of Action and Amendment Two-2020 in the Adoption Agreement, effective February 6, 2020, clarifying that only eligible employees who do not claim a dependent on health benefits are eligible to receive the \$100 contribution per pay period to the Plan. Clerk Reese said this is more clarification needed by BOK Financial regarding conversion between Nationwide and BOK Financial and proper placement of this monthly contribution. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Purchasing a Clorox 360 machine and the associated chemicals for the courthouse: Sheriff Kelley handed out information on this machine and told it is currently \$3,999.00 half off the normal costs due to the COVID-19 situation, and chemicals are \$130 per case. He told one gallon of the chemicals would disinfect 90,000 square feet. Kelley told about an air compressor and the different chemicals used with that machine and said Tulsa Fire Department, Ponca City Fire Department and Kay County Hospitals have used. Kelley said it is basically the same concept with different chemicals, although he did note it is not as easy to maneuver. It was noted the Kay County Detention Center has this same machine and loaned the machine to the BOCC for a disinfecting at the courthouse. Kelley told about a COVID-19 federal grant he has applied for and feels confident he will receive. He said the grant is for \$58,000 and he could be reimbursed for the Clorox 360 machine. Shanks said he thought the machine would be very useful at the courthouse, not only at this time, but during flu season as well. After much discussion between the BOCC and the Sheriff, the Sheriff recommended the county purchase the Clorox 360 and associated chemicals. He said he would pay for this out of the Courthouse Security Capital Outlay account and when he received the grant money he would deposit and replenish the account. Kelley provided quotes.

Motion was made by Godberson and seconded by Shanks approving to purchase the Clorox 360 machine and one (1) case of chemicals paying for this purchase out of the Courthouse Security Capital Outlay account. Sheriff Kelley will order. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

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No action was taken on Detention Services Agreement by and between the Board of County Commissioners for Tulsa County and the Board of County Commissioners for Kay County at a daily rate of \$68.25 because of the highly-priced rate.

Road and Bridge Projects/Circuit Engineering District (CED) No. 8 Road and Bridge Projects:
Commissioner Godberson noted his crews hauled and placed rip rap on a bridge east of South Ave., cleaned log jam from cement box bridge on West Prospect, hauled rock south on "Q" Str., bladed east and southwest region roads and sprayed road signs and bridges for weeds.

Commissioner Shanks said his crews were finishing up pulling ditches on Pleasant View and will begin putting in pipes, then will start tearing out Bridge#54.

Commissioner Wilson reported his crews dug shale at the pit and hauled shale to roads, grading and laying shale for FEMA projects as much as possible and working on two (2) trucks in the shop.

Motion was made by Shanks and seconded by Wilson approving Title Page on FEMA Bridge, Bridge Structure 36N31 40E00400000, Local No. 175AA, Dist#3. Commissioner Wilson said this is the cover sheet taking out a concrete box on a bridge on Home Rd. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Godberson approving the following Kay County Monthly Reports for March 2020: Assessor; Health Department; County Clerk; Court Clerk. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Wilson approving the following Resolutions to Dispose of Equipment: Res#19, 20-136, Hwy. Dist#1, Scanner (handheld), junked; Res#19, 20-137, Hwy. Dist#1, Toshiba Color Printer/Copier, junked; Res#19, 20-138, Hwy. Dist#3, sold 3 trailers and grid roller at Elk City Auction; Res#19, 20-139, Hwy. Dist#3, sold 2010 pickup, wheel loader and snow plow at Elk City Auction. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Godberson approving the following Resolutions to Deposit Funds: Res#19, 20-134, Hwy. Dist#2-\$189.98/Hwy. Dist#3-\$8.75-Total-\$198.73, share of the Kay Electric Cooperative's Margins; Res#19, 20-135, Hwy. Dist#1-\$39,100.00-sale of 2005 JD200CLC HYD Excavator/Hwy. Dist#3-\$19,711.00-sale of misc. equip. - Total-\$58,811.00; Res#19, 20-140, Open Dump Reward-\$121.88, March 2020 Monthly Fees for Newkirk Reward Fund; Res#19, 20-141, Highway Dist#3-\$25,280.27, PA FEMA DR 4438 PW 452 Proj#116077 Ranch & Main Str. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Godberson tabling Bid#2019-28 River Road Pavement Repair, Dist#2. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

New Business [As per 1991 O.S. 25§311. A.9- 'New Business', as used herein, shall mean any matter not known about or which could not have been reasonably foreseen prior to the time of posting. None.

Motion was made by Shanks and seconded by Godberson approving to enter into Executive Session pursuant to 25 O.S., Section 307(B)(4) to discuss with legal counsel pending litigation, including possible settlement, in Pete Lively, Marvin Swopes and Dorvin Constant v. Kay County, Case No. CIV-19-446-D., filed in the Western District of Oklahoma, with counsel (9:33 a.m.). The executive session is at the recommendation of legal counsel. Counsel may appear telephonically. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Godberson approving to adjourn Executive Session and reconvene in open session (9:48 a.m.). Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Wilson and seconded by Godberson approving settlement in Pete Lively, Marvin Swopes and Dorvin Constant v. Kay County, Case No. CIV-19-446-D., filed in the Western District of Oklahoma, which includes restoring to Pete Lively-sick leave of 77 hours, vacation leave of 152 hours, accrued sick leave of 360.25 hours and installing him with the vacation allotment going forward that he had prior to being terminated; Marvin Swopes-sick leave of 62 hours, vacation leave of 120 hours, accrued sick leave of 355.75 hours and installing him with the vacation allotment going forward that he had prior to being terminated. ADA Chrz noted the settlement is finalized. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

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Motion was made by Shanks and seconded by Godberson approving the following Transfer of Appropriations: Hwy. Dist#2 BIA 6 Bridges Project-\$4,604.59 to Maintenance & Operations (M&O); Election Board M&O-\$3,981.60 to Capital Outlay; General Government M&O-\$16,000.00 to Sheriff Personal Service; Hwy. Dist#3 ETR Bridge Account-\$97.75 to M&O. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Godberson approving Payroll warrants to be released on April 29, 2020, Maintenance & Operation Claims and Blanket Purchase Orders. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

FY 2019/2020 PURCHASE ORDERS:

Assr Rev Fee Computer 3069 Dell Marketing L.P. 2274.04; Paper 3420 Redlands Office Solutions LLC 162.45; Drug Court Attorney Fees 2846 Holmes Yates Taylor & Johnson 250.00; Supplies 3055 Staples 79.15; Testing 3071 Omega Laboratories Inc 44.00; General Billing 325 OK Natural Gas 247.19; 326 OK Natural Gas 184.98; Detention 2467 OK Juvenile Justice SVCS 2560.00; Expenses 2484 Card Service Center 1506.63; Maintenance 2979 R.K. Black Inc 123.20; Notary commission 3426 Secretary of State 25.00; Paper 3239 Redlands Office Solutions LLC 386.43; 3326 Redlands Office Solutions LLC 324.90; Retirement 2821 OK Public Emp.Retirement Sys. 4947.39; 2849 OK Public Emp.Retirement Sys. 6018.04; 3065 OK Public Emp.Retirement Sys. 6263.26; Service 3049 P & K Equipment 526.07; Supplies 3321 OMECORP, LLC 766.00; Training 2847 Pioneer Technology Center 80.00; Health Billing 2940 OK Natural Gas 144.15; Janitorial Services 3258 ANCO Services 2085.00; Lease 2553 MailFinance 313.11; Maintenance 2402 R.K. Black Inc 116.33; Pest Control 2552 Parker Pest Control 178.00; Phone 3102 AT&T 365.07; Repairs 3347 Stolhand Heating & Air 90.00; Services 2842 Bray, Bill 380.00; Shredding 1985 The Meadows Center For Opportunity 90.00; Testing 2844 Newkirk Family Health Center 135.00; Translation 3257 Language Line Services 175.11; Travel 2927 Bray, Bill 46.50; 2935 Wehunt, Amy 51.52; Utilities 2756 City of Blackwell 315.98; Vaccines 2909 GlaxoSmithKline Pharmaceutical 1691.10; Highway Billing 2642 Kay Electric Cooperative 252.00; Bridge Project 2566 High Point Partners LLC 119767.80; Dumpster 2641 Davis Sanitation 55.00; 2998 Davis Sanitation 55.00; Filter Service 2579 Safety Kleen 165.57; Lease 3406 Caterpillar Financial Services Corp 2941.97; 3407 RCB Bank 3096.08; 3408 SNB NA 4113.38; 3409 SNB NA 857.19; 3410 Welch State Bank 2136.55; Maintenance 3311 Standley Corp 40.70; Parts 2835 Warren Power And Machinery 579.58; 3037 Hats Auto Supply 145.74; 3041 Kelle Oil Company 500.30; 3340 Southwest Truck Parts 334.09; Registration 2666 OSU-CTP 80.00; Repairs 2661 G & B Auto Service Inc 288.00; Service 3044 Rolling Prairie 175.55; Shirts 3348 Village Screen Print 355.44; Supplies 3125 Cintas Corporation 97.01; 3320 Farha Wholesale Co. 219.00; Tire 3324 Direct Discount Tire 449.00; 3325 Blackwell Tire Service 315.25; Toilet Tissue 3327 Farha Wholesale Co. 26.95; Utilities 3341 City of Blackwell 604.27; Jail Debt-ST Tax Collections 3434 Kay County JFA #124183 355762.57; Resale Fees 2946 Forte 258.00; SH Svc Fee Fuel 3413 Secretary of State 20.00; Transports 1836 Chouteau, Danny J. 66.00; 2776 Feinburg, Josh 75.00; 2777 Suppes, Tearston 75.00

Details' concerning the above listed purchase orders/claims are available in the County Clerk's Office. All records are open to the public, and any person may examine same during regular office hours.

Opening of Bid#2020-14 Kildare Fire Department Tanker Remount and Equipment: No bid received.

Motion was made by Shanks and seconded by Godberson approving to rebid Bid#2020-14 Kildare Fire Department Tanker Remount and Equipment. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

There being no other business, motion was made by Godberson and seconded by Shanks to adjourn at 10:46 a.m. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

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Approved this 27th day of April, 2020.

JOHN A. WILSON, CHAIRMAN

JASON SHANKS, MEMBER

JACK GODBERSON, MEMBER

ATTEST:

TAMMY REESE, COUNTY CLERK
COUNTY OF KAY, STATE OF OKLAHOMA SECRETARY,
BOARD OF COUNTY COMMISSIONERS
(SEAL)
