

Monday, April 25, 2022
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 25, 2022, the meeting was posted for public information on April 22, 2022, at 8:50 a.m. at the Commissioners Room, on the west entrance of the Kay County Administration Building in Newkirk, Oklahoma, and on the Kay County Website.

Chairman John Wilson called the meeting to order. Commissioners: Jack Godberson, Member, present; Jason Shanks, Member, present. Other's present were as follows: Brian Hermanson, District Attorney (DA); Steve Kelley, Kay County Sheriff; Janell Leaming, Kay County Assessor; Christy Kennedy, Kay County Treasurer; Brenda Medlock and Liz Nicholson, OSU Extension; Dennis Bonewell, Emergency Management; Cody Blair, County Employee; Scott Kempenich, Newkirk Public Schools Superintendent/Newkirk Main Street; Ryan Smykil, Newkirk City Manager/Newkirk Main Street; Alyssa McCleery, Kelle Cross, and Dawn Brakey, Newkirk Main Street; Dalton Cloud, HRI Roofing & Post Frame; Claude Williams, Taxpayers for Transparency; Tammy Reese, Secretary/Kay County Clerk.

Chairman John Wilson led the flag salute.

Motion was made by Shanks and seconded by Godberson approving the regular meeting minutes of April 18, 2022. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Gift Agreement between Newkirk Main Street and Kay County, the Kay County Amphitheatre Usage Agreement, storage & restroom facilities and landscaping concerns: Scott Kempenich asked if the BOCC was ready to approve the agreement. Shanks mentioned some items on the agreement he wanted to change, or did not feel it needed to be in the contract. One was relinquishing all rights, claims and action that are connected with the maintenance and condition of the property. Shanks said that does not need to be in the contract since the county owns the property. DA Hermanson said the BOCC would not want to place that responsibility on the county; he also stated the BOCC would hold Newkirk Main Street harmless with a harmless clause. A lengthy discussion regarding porta potties and placement of porta potties took place. Shanks asked Sheriff Kelley if the Administration Building could be opened during event times for public use, since the building has security cameras. DA Hermanson said he had several concerns with opening the building to the public to use; he said even though you would have security cameras in place it would still be after the skate boarding down the hallways and markers used on the walls happened. Treasurer Kennedy reminded the BOCC this is a multi-million dollar building that we are maintaining, and felt opening to the public was not a good solution to this problem. Scott Kempenich said having permanent bathrooms would be the best solution.

Motion was made by Shanks and seconded by Godberson approving allowing the Newkirk Main Street to bring in and set up porta potties on the sidewalk behind the OSU Extension Building. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Alyssa McCleery, Director of Newkirk Main Street, asked if a stamped approval of architect plans for the future building to hold equipment/bathrooms was needed.

DA Hermanson said, yes. He said if the building is built badly the county will be fixing. Chairman Wilson told her to speak with the City of Newkirk to meet specifications.

Discussion to appoint Shane Jones to become Kay County District No. 1 Commissioner with said appointment to be effective July 1, 2022, to replace retiring Kay County District No. 1 Commissioner Jack Godberson pursuant to 26 O.S. Section 12-111: DA Hermanson said he spoke with Commissioner Godberson last week after the BOCC meeting regarding this matter. DA Hermanson said since Jack was retiring June 30, 2022, and Shane Jones was the only person to file, it just makes sense to send a letter to the Governor requesting him to appoint Shane Jones to serve out the remaining term of Jack Godberson, Dist#1, effective July 1, 2022. DA Hermanson said this would be an irrevocable notice. DA Hermanson said this is in pursuant to Title 26 Oklahoma Statutes Section 12-111.

Motion was made by Godberson and seconded by Wilson approving sending a letter from the Kay County Commission to Governor Kevin Stitt asking the Governor to appoint Shane Jones to become Kay County District No. 1 Commissioner with said appointment to be effective July 1, 2022, to replace retiring Kay County District No. 1 Commissioner Jack Godberson pursuant to 26 O.S. Section 12-111. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

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Motion was made by Shanks and seconded by Wilson approving Agreements between the BOCC and the following to have remote terminal capabilities with the Assessor's office: Drew Garrison; Nancy Kerr; Smith-Roberts Land Services, Inc.; Smith & Oakes, Inc. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Resolution No. 21, 22-210; Resolution to elect the standard revenue loss on the 2nd half of funds, when received, provision for Coronavirus State and Local Fiscal Recovery Funds established under the American Rescue Plan Act: Treasurer Kennedy said she spoke with Cheryl Wilson, SA&I, said under \$10 million may be designated as replacement funds. Kennedy said a report is due by April 30, 2022 and this Resolution needed to be in place designating all the funds; she said the 2nd half of the funds should be in by June or July 2022. DA Hermanson asked if the funds would be put in the General Funds; Kennedy said the funds would be in a separate account and would be listed as ARPA. Clerk Reese said when funds are distributed it would be through sub-accounts under the ARPA fund.

Motion was made by Shanks and seconded by Godberson approving Resolution No. 21, 22-210; Resolution to elect the standard revenue loss on the 2nd half of funds, when received, provision for Coronavirus State and Local Fiscal Recovery Funds established under the American Rescue Plan Act. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Distributing ARPA funds to the highway districts for the purpose of general highway maintenance: Shanks said when the 2nd half of the funds are received, he would like to distribute \$1 million to each district; he said highway funds are down, districts do not receive any type of sales tax, and state funding is down. Kennedy asked if this could be done after April 30, 2022 because of time frame on reporting; Shanks said it could be done after the 2nd half comes in. Wilson said he didn't know if he was in favor of this because he wanted to make sure we had the funding in place in case it is needed for the courthouse renovation. DA Hermanson said there is some logic for waiting, and said last week he was told the courthouse finish date was December 2022. He said the county needed to look at all options. Shanks said approximately \$2 million of this money has already been set aside for the courthouse HVAC system; he reiterated the districts do not receive any sales tax and would like to have funding to spend on roads and bridges. Shanks told the other two commissioners this money must be spent by 2026 or it is returned. Sheriff Kelley said he wanted to make the BOCC aware of the fact that the Justice Facilities Authority would be presenting a request for ARPA funding for jail infrastructure equipment replacement.

Motion was made by Shanks and seconded by Godberson tabling distributing ARPA funds to the highway districts for the purpose of general highway maintenance. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Alcohol & Drug Testing Inc. (ADTI) Service & Price Agreement by and between ADTI, an Oklahoma Corporation, and Client to set forth the terms and provisions under which ADTI shall provide drug and alcohol testing services for the Client: Shanks said this agreement is for any officer that has vehicles or operates equipment, such as: Assessors, Districts, Sheriffs. EMS, all are considered safety sensitive positions. Sheriff said he didn't think he was included in this agreement and though his association was separate, but he said he would get more clarification on this from the Sheriffs Association.

Motion was made by Shanks and seconded by Godberson approving Alcohol & Drug Testing Inc. (ADTI) Service & Price Agreement by and between ADTI, an Oklahoma Corporation, and Client to set forth the terms and provisions under which ADTI shall provide drug and alcohol testing services for the Client. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Godberson approving Detention Transportation Claim for March 2022 in the amount of \$3,266.12. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

No action was taken on the Juvenile Detention Services Agreement by and between the BOCC for Tulsa County and the BOCC for Kay County, for a daily rate of \$68.25. Sheriff Kelley said this facility has not been used for three (3) years because of the high daily rate.

Road and Bridge Projects/Circuit Engineering District (CED) No. 8 Road and Bridge Projects: Commissioner Godberson said crews cleaned out a culvert pipe and ditch on "T" Str. south of Hwy. 60, removed trees, cleaned ditch and added rip rap on Prospect west of Ranch Dr., sent two men for two days to demo at courthouse, welded and repaired guardrail on Ranch Dr. south of Prospect, cleaned out ditch on Pecan south of Ferguson, put rip rap on Hubbard east of Pecan and on Prentice north of Kildare, boom mowed, hauled rock and bladed roads district wide.

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Commissioner Shanks said his crews pulled 1 ¾ mile and put rock on Furguson, will start Union Str. project next week. Crews are also blading and doing regular road maintenance.

Commissioner Wilson told crews have been blading roads, laying sand, shale and putting rock on roads, boom mowing, helping with demo at the courthouse, and working on Bridge#176.

Motion was made by Wilson and seconded by Shanks tabling request for permission to conduct a geophysical survey on said property: Newkirk TWP 23-28-2E 19' strip off south side NW4 1.15 acres & Newkirk TWP 27-28-2E PT TR#1 descr. as beg. NE/C NE4 TH S. 442.3' W 136.4' as TR POB TH W 330.35' S 140' E 330.35' N 140' to POB 11.09 acres & Newkirk TWP 23-28-2E 26' strip across N edge SW4 0.39 acres. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Quotes to install a restroom for the EMS building: Adams Plumbing-\$19,821.75; Stolhand Plumbing, Heating & Air Conditioning-\$10,970.00-These bids were not equivalent in what they quoted, and because we only received two quotes, BOCC is tabling.

Motion was made by Shanks and seconded by Godberson tabling quotes to install a restroom for the EMS building. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Resolutions for Disposing of Equipment: Commissioner Shanks said he spoke with Cheryl Wilson, SA&I, and was told the BOCC can not dispose of equipment because two commissioners were in an election. DA Hermanson said maybe Chairman Wilson should abstain since he was facing an election but felt Godberson could vote; Shanks said according to SA&I since Godberson would not be receding himself he could not vote. DA Hermanson agreed.

Motion was made by Shanks and seconded by Godberson rescinding the motion made in BOCC meeting 4-18-22 on the following Resolutions for Disposing of Equipment: Court Clerk-HP ProBook Laptop, J-218-91, not booting up, sent to AOC/MIS (Res#21, 22-205); Court Clerk-Credit Card Reader, J-221-39, quit working, returned to AOC/MIS (Res#21, 22-206). Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Godberson and seconded by Shanks approving County Treasurer's Summary of Collections March 2022 Monthly Report. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Wilson approving the following Kay County Monthly Reports for March 2022: Court Clerk. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Godberson and seconded by Shanks approving the following Resolutions to deposit funds: Res#21, 22-207, Hwy. D#1-\$68,080.00, proceeds from Oklahoma Statewide County Surplus Auction; Res#21, 22-208, Hwy. D#3-\$63,250.00, proceeds from Oklahoma Statewide County Surplus Auction; Res#21, 22-209, Hwy. D#1-\$250.00, Certificate of Compliance. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

No action was taken on Transfer of Appropriations (none were presented).

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.

DA Hermanson left the meeting to attend court.

10:34 a.m. the following bids were opened: Bid#2022-17 Labor to Erect Shop Building, Dist#2 – HRI Roofing & Post Frame-\$39,886.00, Highpoint Partners, LLC-\$49,669.69; Bid#2022-18 Labor/Material Concrete Pad Shop Building, Dist#2 – Highpoint Partners, LLC-\$64,470.00

Motion was made by Shanks and seconded by Godberson tabling Bid#2022-17 Labor to Erect Shop Building, Dist#2. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Wilson tabling Bid#2022-18, Labor/Material Concrete Pad Shop Building, Dist#2. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

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Motion was made by Godberson and seconded by Shanks approving Payroll with warrants to be released on April 28, 2022, Maintenance & Operation Claims, Blanket Purchase Orders. Motion carried: Shanks, aye; Godberson, aye; Wilson, aye.

FY 2021/2022 PURCHASE ORDER:

Assr Rev Fee Supplies 3033 Staples 465.79; General Animal Care 3478 OSU Veterinary Teaching Hospital 3320.68; Auditing 1787 OK State Auditor & Inspector 2662.50; Computer 3514 McDonald Computer Services LLC 920.00; Equipment 3464 Zero 9 Solutions 806.35; Fees 2448 Kellpro Computer 432.50; 3106 Civic Plus 5200.00; Fuel 2884 Fuelman 2391.91; Maintenance 2822 Stuteville Chevrolet Buick GMC 118.95; Monitor 3587 Staples 2299.90; Name plates 3002 Redlands Office Solutions LLC 14.72; Natural Gas Service 2858 Clearwater Enterprises LLC 162.35; Phone 1788 AT&T 1615.62; 1974 AT&T 1592.02; Repairs 2099 JP Plumbing 60.00; 2527 Chuck Hoddy Glass Co. 2350.00; Services 1506 County Budgeting Services LLC 625.00; Shredding 3475 Top Secret Document Destruction Svcs 21.00; Supplies 3168 Amazon Capital Services 80.74; 3169 Amazon Capital Services 83.52; 3444 Staples 98.17; 3470 Amazon Capital Services 35.98; Training 1786 Pioneer Technology Center 80.00; 3565 Pioneer Technology Center 80.00; Vacuum Sweeper 3186 Amazon Capital Services 1437.00; Health Payroll 1238 Oklahoma State Department Of Health 39513.70; Phone 2660 AT&T 236.86; Service 3059 Chavez, Leonel 1800.00; 3060 OK Natural Gas 363.50; Shredding 3350 The Meadows Center For Opportunity 90.00; Highway null 3540 OK Corporation Commission 50.00; 3559 Southwest Kleenpower Inc 882.00; Bands 3564 Dub Ross Co. Inc. 192.69; Electrical Work 3537 POWELL ELECTRIC 800.00; Filters 3618 Hats Auto Supply 3673.50; Filter Service 3620 Rolling Prairie 92.15; Fuel 3566 Earnheart Crescent LLC 28624.02; Gases 3602 S & K Direct Steel LLC 124.00; Installation 3567 Door Rescue 911 1475.00; Lamination 3188 Staples Credit Plan 22.80; Lease 3382 Security National Bank 1319.76; 3383 Security National Bank 2038.69; Lease Pmt 3556 CNB Of Okarche 7276.19; MILEAGE 3608 Godberson, Jack 109.51; Pads 3571 Warren Power And Machinery 113.70; Parts 3137 Cummins Equipment Co. 14080.88; 3145 The Hydraulic Center 99.89; 3217 Rolling Prairie 271.35; 3546 John Deere Credit 1470.60; 3548 Southwest Truck Parts 578.09; 3549 Southwest Truck Parts 249.68; Phone Service 3380 Lingo Communications 129.09; Repairs 2764 G & B Auto Service Inc 180.00; 2849 G & B Auto Service Inc 110.00; 3635 Daniel Garage Doors 1080.00; ROCK 3289 Burbank Materials LLP 4618.48; Roof Repair 2438 DURNAL CONSTRUCTION, LLC 24600.00; Services 1370 Pinnacle Structures Inc 2100.00; supplies 3276 Brandts 184.89; 3509 Brandts 184.33; Testing 3312 Alcohol & Drug Testing Inc 204.80; Title 3263 Oklahoma Tax Commission 68.50; Utilities 3554 City of Blackwell 585.62; ML Fee Furniture 3018 Amazon Capital Services 22.55; Monitors 1382 Kellpro Computer 1252.00; RM&P Digitizing 631 Midwest Printing 49611.54; Equipment 3601 Amazon Capital Services 106.00; Scanner 2850 Kellpro Computer 1304.00; Storage 3463 Amazon Capital Services 287.00; SH Svc Fee Banner 3553 Makekings LLP 120.00; Installation 3234 Burkes Auto Body & Restoration 2690.00; Maintenance 3241 Galaxie Business 129.00

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.

There being no other business, motion was made by Godberson and seconded by Shanks to adjourn at 11:00 a.m. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Approved this 2nd day of May, 2022.

JOHN A. WILSON, CHAIRMAN, D#3

JACK GODBERSON, MEMBER, D#1

JASON SHANKS, MEMBER, D#2

ATTEST:

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