

Monday, April 29, 2019
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 29, 2019, the meeting was posted for public information on April 26, 2019, at 8:50 a.m. at the Courthouse front door, Commissioners Court, and basement handicapped entrance of the Kay County Courthouse in Newkirk, Oklahoma.

Member Jason Shanks called the meeting to order. Those present were as follows: John A. Wilson, Member; Brian Hermanson, District Attorney (DA); Shawna Taylor, Assistant District Attorney (ADA); Kay County Assessor Susan Keen and Janell Learning, First Deputy Assessor; Brenda Medlock, OSU Extension; Kristi Trueblood, Oklahoma Juvenile Affairs; Frank Cain, Terry Willits, Jay Fagan, Caryl Morgan, Newkirk; Sharon Rowen, kaynewscow.com; Claude Williams, Taxpayers for Transparency; Tammy Reese, Secretary/Kay County Clerk. Absent: Chairman Jack Godbersson (See sign in sheet).

Member Jason Shanks led the Flag Salute.

Motion was made by Wilson and seconded by Shanks approving regular meeting minutes of April 22, 2019. Motion carried: Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Wilson approving the following Oklahoma Juvenile Affairs Claims: October 2018-\$3,874.80; November 2018-\$3,023.80; December 2018-\$1,370.49 January 2019-\$854.70. Motion carried: Wilson, aye; Shanks, aye.

Ordinance resolution pertaining to wind farms: Frank Cain presented the BOCC with a transcript written by Robert Rand, ASA INCE, regarding infrasound and noise testing of large industrial wind turbines. DA Hermanson asked about comparison on the new turbines vs. the older turbines that were built. Caryl Morgan said the sounds are at a higher level on the new turbines being built. Terry Willits said regarding the meeting to be held tomorrow with Duke Energy it will be pointless unless the Duke Energy decision-makers are present. He said he will not meet under conditions of citizens vs. citizens. Willits said the questions they want answered are for Duke Energy and not his neighbor. Mr. Willits, along with Jay Fagan and others present expressed concerns about the upcoming meeting that seems to be, according to an email they referenced, a select few people that Duke invited. DA Hermanson asked would it not take all of the Duke Energy Board of Directors to make this decision. Commissioner Shanks asked Mr. Ken Bellmard, Kaw Nation, if he had questions ready for the meeting. Mr. Bellmard stated he doesn't know why he is coming to the meeting but he stated he doesn't want it to be a meeting of landowners vs. citizens. Ms. Morgan presented the BOCC with a "Constitution of United States of America 1789 (Rev. 1992)" regarding freedom of speech, of the press or the right of the people peaceably to assemble. She went on to tell that Duke Energy stated in their email that no media should be invited. Ms. Morgan then presented the BOCC with an article titled "Planning Board Recommends Denial of NextEra Permit for Reno County Wind Farm" and she told about the similar issues of a setback with the turbines and how it was resolved. Commissioner Shanks said the only thing the BOCC can vote on is the Road Use Agreement and if the Road Use Agreement is in the right form, etc. Several in the audience spoke out about the BOCC not informing them of this upcoming wind farm and referred to the Blackwell Economic Development Authority/Rock Falls. DA Hermanson told that particular wind farm was on the agenda and the one the group was referring to was not in the Newkirk area. He said the BOCC negotiated for a while and he stated the agenda is the county's way of putting a notice out to the public. Mr. Willits stated citizens are not being informed about wind farms going on and the BOCC have known for some time. Mr. Bellmard asked Commissioner Shanks what roads were being used by Duke Energy for this particular project; Shanks told him Prentice and Longwood in his district and Shanks told the blacktop roads are being taken off the agreement. Shanks said Brake Rd. in District No. 1. Mr. Cain said the rumor he is hearing now is everything west of 77 is now going on the east side. Commissioner Shanks reiterated the only thing the BOCC is aware of are the roads involved on the Road Use Agreement and at this time we only have a rough draft. The meeting to be held on Tuesday at 9:00 a.m. was brought up again and Jay Fagan expressed the need to talk about the setback distance from town. Commissioner Shanks said Graham Furlong, Duke Energy, would be in attendance and he is a decision maker for Duke. Ms. Morgan brought of the dust control and health concerns she has when the building process begins and the trucks start coming down the road she lives on. Commissioner Shanks told her about a chemical his crew can put on the roads to help control the dust. Mr. Cain stated landowners can't talk to them under the confidentiality contract. Mr. Fagan said he wanted everyone to be involved in the meeting tomorrow not just a few of the people. Mr. Bellmard stated he wanted substantiated issues, wind farm maps, etc. to be

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discussed at the meeting. Commissioner Shanks said he had a road map if anyone was interested in looking at the map and stated he was not in control of anything else; he only has input regarding the Road Use Agreement. Commissioner Shanks told all to come to the meeting tomorrow at 9 a.m. Those in attendance objected about the kind of meeting Duke was going to hold. DA Hermanson told them if they didn't come Duke Energy could say they tried to hold a meeting but no one attended. More discussion was made regarding the meeting. Commissioner Wilson asked if the Oklahoma Corporation Commission had any regulations in place. Mr. Cain said he has been visiting with Senator Bill Coleman to try and get a group together to set regulations; Mr. Fagan said the industry standards is all that is set. Mr. Fagan asked the BOCC to not pass a Road Use Agreement until a proper substantiated meeting has been held. Shanks asked Mr. Bellmard if Kaw Nation had tried to get a meeting setup with Duke; Mr. Bellmard said Duke never tried to reach out to Kaw Nation. Shanks said he couldn't setup a meeting for them. The group asked BOCC to consider the health issues of the people in this county and reminded the BOCC that people owning 80 acres have just as much rights as the people owning 8,000 acres; they also mentioned that wind farms knock-off value from property. A Supreme Court Case Bristol vs. Harper Oil (1985) was read by Mr. Fagan. Discussion turned to what happens 30 years from now, will Duke Energy sell, etc. and the conversion ended with Duke Energy not having a sufficient contract in place.

Motion was made by Wilson and seconded by Shanks approving Agreements between the BOCC and the following to have remote terminal capabilities with the Assessor's office: Eastin Properties Inc. Motion carried: Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Wilson approving Contract for Services an Agreement by and between the Kay County Assessor's Office, by and through the BOCC and Total Assessment Solutions Corp. (TASC) allowing TASC to do assessments on personal properties in Kay County. Assessor Keen told this is the yearly contract allowing TASC to put values on pipelines, wind farms, etc. and is paid for out of the Visual Inspection budget. Motion carried: Wilson, aye; Shanks, aye.

DA Hermanson left the meeting and Shawna Taylor, ADA, substituted.

Motion was made by Wilson and seconded by Shanks approving Fixed Account Amendments 401(a)/457 with Nationwide Life Insurance Company. Clerk Reese explained this was the amendment referring to the Option Change selected earlier. Motion carried: Wilson, aye; Shanks, aye.

Road and Bridge Projects/Circuit Engineering District (CED) No. 8 Road and Bridge Projects:
Commissioner Shanks said his crews are working on Peckham Rd. trying to get the curb knocked off and getting bridge ready to put forms and drive piles.

Commissioner Wilson told his crews have been digging shale at the pit, hauling and laying shale, blading roads, fixed guard rail on Hubbard and hauled shale to 76th Street south of Highway 60; he told crews also worked on a truck.

Motion was made by Wilson and seconded by Shanks approving Cooperative Agreement USDA-APHIS Wildlife Services and BOCC for wildlife damage management activities. Member Shanks told the BOCC would divide the cost between districts and the cost per district would be \$800. Motion carried: Wilson, aye; Shanks, aye.

Fence material to be provided after the 44th Street Reconstruction Project in 2014: Commissioner Wilson said in 2014 former Commissioner Tyson Rowe had a verbal agreement to purchase fence for a landowner due to the work on the 44th Street Project caused the fence to be torn down by the county and the former Commissioner Rowe agreed to provide materials to replace the fence; he told District No. 3 bought enough fence posts to complete the project but didn't have enough wire to complete the project. The landowner at the time the verbal agreement was made since has passed away and his daughter is asking for the remainder of the wire be purchased by District No. 3 to complete. Wilson said when he visited with DA Hermanson, DA Hermanson told him if the BOCC approved for him to make this purchase he would be fine with this transaction. Commissioner Shanks questioned the amount of time that has lapsed since the time of the verbal agreement and cost. Wilson said ten (10) more rolls of wire are needed at a cost of \$800. ADA Taylor said she is not sure if the verbal agreement is still forceable.

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Motion was made by Wilson and seconded by Shanks to Table purchasing fence material to be provided after the 44th Street Reconstruction Project in 2014 until speaking with DA Hermanson. Motion carried: Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Wilson approving an ODOT Claim Form 324a, Bitter Creek Project J/P 25085(04)-\$2,050.00, Dist#2. Motion carried: Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Wilson approving the following Public Service/Pipeline Crossing Line Installation: Kay Electric Cooperative, SE4/NE4 S16 T27N R1W ending SE4/NE4 S16 T27N R1W, 13th Str., Dist#3. Motion carried: Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Wilson approving the following Resolutions to Dispose of Equipment: Res#18, 19-130, Hwy. Dist#3-2001 Peterbilt Truck Tractor, surplus to be sold at auction. Motion carried: 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.

ADA Shawna Taylor left the meeting to attend court.

10:00 a.m. opening of Bid#2019-11 Excavator, Dist#3: Murphy Tractor & Equipment Co.-No Bid; Yellowhouse Machinery Co.-\$155,027.00 for a 2016 John Deere 250 GLC with 2,295 hours

Motion was made by Wilson and seconded by Shanks Tabling Bid#2019-11 Excavator, Dist#3 for further review. Motion carried: Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Wilson approving Blanket Purchase Orders and Maintenance & Operation Claims. Motion carried: Wilson, aye; Shanks, aye.

FY 2018/2019 PURCHASE ORDERS:

Drug Court Coordinator Fees 3522 Roquemore Court Services LLC 6870.00; General Billing 3242 Quality Water Service 29.35; Contractual Services 3088 Oklahoma State University 6143.00; Internet 2382 AT&T U Verse 77.78; Juvenile Detention 3441 OK Juvenile Justice SVCS 6120.00; 3442 OK Juvenile Justice SVCS 5200.00; Lodging 3027 Shangri-la Resort 470.00; Pest Control 2753 Ultimate Pest Management LLC 52.00; 2921 Ultimate Pest Management LLC 52.00; Registration 3550 Oklahoma IAAO Chapter 900.00; Telephone 3202 Birch Communications 442.83; Travel 3089 Medlock, Brenda 696.56; 3368 Reese, Tammy J. 291.09; Health Lease 2656 MailFinance 313.11; Phone 3004 AT&T Mobility 102.13; Postage 3569 USPS - HASLER 1500.00; Testing 2906 Newkirk Family Health Center 180.00; Training 3392 OKACAA 1375.00; Travel 3169 Walters, Ashley 18.00; 3398 Banister, Elizabeth 223.25; Utilities 3308 Ponca City Utility Authority 1282.08; Highway Billing 3015 Ponca City Utility Authority 545.30; Chemicals 3429 Two Rivers Consumers Coop Assn 943.50; Parts 2780 Brandts 274.99; 2979 S & K Direct Steel LLC 160.00; 3514 Yellowhouse Machinery Co 126.97; Repairs 2919 Standley Systems Inc 36.00; Service 3338 Dish 36.61; Supplies 3352 Brandts 188.95; 3427 Cintas Corporation 46.07; Telephone 3336 AT&T 261.54; Tire 3497 G & B Auto Service Inc 235.85; Tires 3431 Kelle Oil Company 448.00; 3555 Take Ten Tire 3656.00; Jail Debt-ST Tax Collections 3458 Kay County JFA #124183 269912.02; Mtg Cert Mileage 3502 Stieber, Leah M. 178.64; PBA Contractual Services 3232 Choate, Calie Jo 1400.00; Lawn Care 1773 Ultimate Pest Management LLC 155.00; Pest Control 2071 Ultimate Pest Management LLC 44.00; 2754 Ultimate Pest Management LLC 44.00; Resale Fees 3019 Forte 714.00; SH Svc Fee Fuel 3456 Casey's General Store #3787 40.19; Maintenance 3570 Burkes Auto Body & Restoration 239.97; Supplies 3195 Staples 30.98; Transport Prisoner 3445 Locke, Wade S. 57.00

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 Shanks and seconded by Wilson to adjourn, 10:16 a.m. Motion carried: Wilson, aye; Shanks, aye.

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Approved this 6th day of May, 2019.

JACK GODBERSON, CHAIRMAN

JOHN A. WILSON, MEMBER

JASON SHANKS, MEMBER

ATTEST:

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