

Monday, May 6, 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, May 6, 2019, the meeting was posted for public information on May 3, 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.

Chairman Jack Godberson called the meeting to order. Those present were as follows: John A. Wilson, Member; Jason Shanks, Member; Brian Hermanson, District Attorney (DA); Rob Davis, Assistant District Attorney (ADA); Kay County Assessor Susan Keen and Janell Leaming, First Deputy Assessor; Frank Cain, Terry Willits, Charles Blair; Caryl Morgan, Newkirk; Ken Bellmard, Kaw Nation; Sharon Rowen, kaynewscow.com; Claude Williams, Taxpayers for Transparency; Tammy Reese, Secretary/Kay County Clerk. (See sign in sheet).

Chairman Jack Godberson led the Flag Salute.

Motion was made by Shanks and seconded by Wilson approving regular meeting minutes of April 29, 2019. Motion carried: Godberson, abstained; Wilson, aye; Shanks, aye.

Ordinance resolution pertaining to wind farms: Chairman Godberson mentioned the meeting held on April 30th between Duke Energy and the citizens; he added he heard the meeting went well. Terry Willits stated the meeting only went well if Duke comes back with what we requested. DA Hermanson said he received a Road Use Agreement from Duke. Godberson stated the Road Use Agreement will not be signed until a map of where the turbines are going in is included. Mr. Willits said it was discussed between the two groups about moving location on the 55-63 turbines that are the located closest to city limits and the cemetery. Mr. Willits asked why the county received \$50,000 a mile on dirt roads on the wind farm project in Blackwell (several years ago) and on this project the county is agreeing to \$15,000 a mile, why the big difference. Commissioner Shanks said it could be road miles and stated there were no black top roads in that particular project. Mr. Willits asked again why the county would not request more money, and risk cutting their throats with Kaw Nation. He said it was several years ago when you received the \$50,000 a mile and stated gravel, labor and equipment is not going down; Mr. Willits said he personally thinks the county should ask for more. Frank Cain showed the BOCC a road map and questioned locations. Godberson told him west of Hwy. 77 has been taken off the plans and Shanks said no turbines are going on that side and said turbines are not being moved to the east side. Mr. Willits discussed the time frame and construction; Godberson said Duke is wanting to be up and running by 2020. Mr. Willits said he feels Duke Energy does not take "us" seriously; he told their group is not trying to stop the project they're just very skeptical of what Duke is trying to do. Godberson assured him the Road Use Agreement would not be signed until a map of where the turbines are going is presented to the BOCC. Mr. Willits brought up the dollar amount the BOCC would be receiving to maintain the roads; Godberson said gravel roads should be in better shape after the project. Mr. Ken Bellmard, Kaw Nation, brought up Section 106 cultural matters and federal nexus. Godberson told the two feed-in roads would be Brake and Prentice Rd. Shanks stated \$100,000 will not the cover the expenses and noted CED would have to core. Charlie Blair said the talk is west of Hwy. 77 is being eliminated but don't forget Phase III is coming from the Casino to Hwy. 11 around 40-70 turbines. Discussion took place regarding Phase II and Phase III. Caryl Morgan asked about an intersection being made in front of her house. Godberson said Duke would have to make a wide intersection in order to get to turbine location. Shanks said it needed to be 70 feet wide and told the intersection could not be put in unless land owner agreed. Ms. Morgan told there would seven (7) cement trucks, seven (7) gravel trucks and eleven (11) trucks traveling by her house just to get to turbine location. Ms. Morgan asked the BOCC how long they have known about the roads in consideration; Shanks said maybe two weeks and offered to share the email he received regarding the matter; he also said Earth and Longwood Rds. would be used. Mr. Bellmard showed BOCC updated maps from meeting held last Tuesday. Commissioner Shanks assured Ms. Morgan he would not allow Duke Energy to travel through her yard. Mr. Cain said he was bothered that Duke is moving Phase III into Phase II; Shanks said Phases were switched because of airport issues. Mr. Cain said he thought Duke Energy was going to be in attendance today for more discussion; Godberson said Duke representatives will be in attendance for next Monday's meeting.

Motion was made by Shanks and seconded Godberson to enter into Executive Session in pursuant to and convened under authority of 25 O.S. Section 307.A.4 to discuss pending litigation Case No. CJ-2019-85

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and Case No. CJ-19-4. Shanks asked for county officers in attendance to stay for Executive Session. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Wilson approving to re-enter the BOCC regular meeting (9:50 a.m.). Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

No action was taken on Executive Session on pending litigation Case No. CJ-2019-85 and Case No. CJ-19-4.

Motion was made by Shanks and seconded by Godberson approving Agreement between Kay County and Oklahoma State University for computer software programs, file server and workstation support, technical support and maintenance, data management, file server and backup (remote and onsite), report generation and support and training for the County Assessor's office. Assessor Keen explained the importance of this agreement. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Wilson approving Reimbursement Claim for the Election Board Secretary Salary for the month of April 2019. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

(Moved to Item#17)

Kay Electric Public Service/Pipeline Crossing Line Installation: Godberson stated he gave two weeks for Kay Electric and property owners to discuss and try to come to an agreement. James Burnett, Kay Electric, said he was unable to get in touch with property owner. Angela Tipton, daughter of land owner, said her dad doesn't want it; she said her family doesn't feel safe there and if this line goes in it will be trapping her family in with no way to leave. Commissioner Shanks asked if the line is only going on the county easement and asked Kay Electric if the line would be stabilized. Mr. Burnett stated it would be and told Kay Electric board members will not pay the extra \$9,000 to install in a different location. The Tipton's again told the BOCC if this is approved, they will be forced to move because they don't want to be trapped with no way out if it floods.

Motion was made by Godberson and seconded by Shanks approving the following Public Service/Pipeline Crossing Line Installation: Kay Electric Cooperative, NE4/SE4 S29 T26N R1E ending SW4/NW4 S28 T26N R1E, crossing/parallel to "R" Str., D#1. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Commissioner Shanks asked Kay Electric if they have ever had a pole to fall due to a flood issue. Dennis Bonewell, Emergency Management said in 2013 the mobile home was put in this location and the Tipton's were aware of flooding problems. Bonewell said this location is in a floodplain area. The couple that Kay Electric is putting in the line for (building a new home) stated the Tipton's can get out of the area by going a different direction. Bonewell said the couple building the new home as followed all the rules and procedures to build in a floodplain area. Discussion continued.

(Moved to Item#11)

Motion was made by Shanks and seconded by Godberson approving \$10,000 additional money to be used for juvenile housing costs by the Sheriff's Department. Shanks said the money will be taken from the General Government Maintenance & Operation account and transferred to the Sheriff Department. Undersheriff Grigsba, standing in for Sheriff Kelley, told the department had spent \$52,881.61 from their budget and \$34,270.85 from the General Government M&O account to house juveniles. Undersheriff Grigsba told the \$10,000 would get the department through June expenditures and would be requesting additional funds as of July 1st for FY2020. DA Hermanson told there has been a huge increase in numbers of juveniles to place and told there are strict requirements regarding housing juveniles. Godberson asked if facility in Ponca City could be used for housing juveniles; he was told it could not. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Road and Bridge Projects/Circuit Engineering District (CED) No. 8 Road and Bridge Projects:

Commissioner Godberson told his crews have been blading and hauling material to roads, boom mowing, cutting trees and Big Snake Bridge and Rocky Ridge Rd., servicing and repairing equipment, crack sealing on Traders Bend Rd., and spraying on Furguson and 106 Rd.

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Commissioner Shanks said his crews, due to all the rain, would be working in the shop all week.

Commissioner Wilson told his crews have been grading roads when possible, hauling shale, welding, working on trucks and mowers, mowing right-of-way's and checking and draining roads and putting out high-water signs.

(Moved to Item#15)

Regarding fence material to be provided after the 44th Street Reconstruction Project in 2014: DA Hermanson told he read the past minutes regarding this item and wanted to explain his viewpoint. He said former Commissioner Tyson Rowe had a verbal agreement to purchase fence for a landowner, due to the work on the 44th Street Project that caused the fence to be torn down by the county, former Commissioner Rowe agreed to provide materials to replace the fence; DA Hermanson said the BOCC's word is their bond. DA Hermanson told Commissioner Wilson it was his legal advice to purchase the wire needed to complete this verbal agreement. Wilson told he found the original purchase ordering fence post and wire and it was obvious there was not enough wire ordered to complete the job. Commissioner Shanks told Wilson to make sure the fence was built in the location it was supposed to be built.

Motion was made by Shanks and seconded by Godberson approving to purchase enough fence material needed to complete the job due to the 44th Street Reconstruction Project in 2014. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

DA Hermanson left the meeting to attend court (10:15 a.m.).

(Moved to Item#13)

Six-month bids for commonly used items: Bid#2019-15 Asphalt; Bid#2019-16 Bridge Materials; Bid#2019-17 Grader Blades; Bid#2019-18 Concrete; Bid#2019-19 Road Rock; Bid#2019-20 Culvert Pipe; Bid#2019-21 Office Supplies; Bid#2019-22 Janitorial Supplies. Clerk Reese asked BOCC to let her know immediately if changes or additions needs to be made. BOCC asked to add truck/trailer tires and scrap metal to the bid list.

Motion was made by Shanks and seconded by Godberson approving going out on six-month bids for commonly used items: Bid#2019-15 Asphalt; Bid#2019-16 Bridge Materials; Bid#2019-17 Grader Blades; Bid#2019-18 Concrete; Bid#2019-19 Road Rock; Bid#2019-20 Culvert Pipe; Bid#2019-21 Office Supplies; Bid#2019-22 Janitorial Supplies and adding truck/trailer tires and scrap metal to the bid list. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Quotes received to have the property appraised to sell two (2) tracks of land (selling as one). Tracks of land: Cross TWP 30-26-3E 150' strip off west side NW/4 for road; Cross TWP 30-26-3E a strip 50'x253' off north side of L-1 NW/4: Godberson told he has had property surveyed (\$2,500) and now he is presenting quotes for the appraisal: Robert Howard-\$450.00; Johnny Shaw-\$500.00; Faye Askew-\$250.00

Motion was made by Shanks and seconded by Godberson approving Faye Askew lowest quote of \$250 upon contingency the quote will include three (3) appraisals of the tracks of land (Cross TWP 30-26-3E 150' strip off west side NW/4 for road; Cross TWP 30-26-3E a strip 50'x253' off north side of L-1 NW/4). Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Wilson and seconded by Shanks approving and awarding Bid#2019-11 Excavator, Dist#3 (opened 4-29-19) to Yellowhouse Machinery Co.-\$155,027.00 for a 2016 John Deere 250 GLC with 2,295 hours. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Godberson approving the following Kay County Monthly Reports: Treasurer; Assessor; County Clerk. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Godberson approving the following Resolutions to Dispose of Equipment: Res#18, 19-133, Court Clerk – HP Jet Direct-junked/Laser Printer returning to AOC. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

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Motion was made by Shanks and seconded by Godberson approving the following Resolutions to deposit funds: Res#18, 19-131, Hwy. Dist#3-\$816.75, reimbursement for culvert pipe; Res#18, 19-132, Hwy. Dist#2-\$513.00, sale of scrap metal. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Wilson and seconded by Godberson approving the following Transfer of Appropriations: Hwy. Dist#3 Maintenance & Operation-\$160,000.00 to Capital Outlay. 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 Godberson and seconded by Shanks to recess (10:34 a.m.). Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Godberson and seconded by Shanks approving to re-enter into the regular meeting (10:42 a.m.). Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Godberson and seconded by Wilson approving Payroll Verifications for April 2019, Blanket Purchase Orders and Maintenance & Operation Claims. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

FY 2018/2019 PURCHASE ORDERS:

Assr Rev Fee Parts 3706 Locke Auto Parts 53.99; Repairs 3655 Locke Auto Parts 303.03; Drug Court Attorney Fees 3254 Terrell Law Firm PLLC 250.00; Supplies 3528 Staples 190.25; Testing 2984 Redwood Toxicology Laboratory 37.50; General null 1815 Galls 436.47; 3226 Ponca City Chamber of Commerce 30.00; Community Service Coordinator 3330 Northern Ok Court Services Inc. 2750.00; Contractual Services 467 County Budgeting Services LLC 520.84; Fees 3672 Tisdal & O'Hara PLLC 121.50; Fuel 2995 Valero Short Stops 113.87; Gear 3437 Special-Ops Uniforms 102.98; 3572 GT Distributors Inc. 549.90; Internet 3318 AT&T 57.04; 3357 AT&T 88.15; Juvenile Detention 2097 Craig Co. Detention Center 150.00; Maintenance 2218 McDonald Computer Services LLC 539.94; Phone 2488 Touchtone Communications 30.45; 2494 Touchtone Communications 29.28; 2750 AT&T 1867.73; 2751 AT&T 276.96; 2752 AT&T 528.63; 2935 AT&T 35.98; Registration 3028 OSU/CLGT 375.00; Retirement 3721 OK Public Emp.Retirement Sys. 766.13; Supplies 3118 Staples 66.76; Targets 3296 Action Target 80.68; Training 2740 OSU-CTP 280.00; Travel 2649 Stephens Rhonda 153.12; Uniforms 3433 Village Screen Print 323.72; Water 2996 Quality Water Service 61.60; 3197 Quality Water Service 78.05; 3356 Quality Water Service 26.90; windshield 3438 Safelite Auto Glass 367.98; Health Billing 3006 Centerpoint Energy 128.28; Lawn Care 3180 Turf Surfers Inc. 195.00; Service 3306 AT&T 377.80; Services 3171 Bray, Bill 710.00; 3395 Marvel's Handyman Service 360.00; Shredding 3176 The Meadows Center For Opportunity 180.00; Supplies 3177 Merrifield Office Supply 521.00; 3179 Southwest Business Products 751.88; 3181 Walmart Community BRC 12.94; Testing 3178 Newkirk Family Health Center 270.00; Travel 3157 Beaston, Amanda 12.00; 3158 Bray, Bill 86.00; 3159 Brownfield, Mistina 54.70; 3161 June Fetters 176.40; 3162 Forman, Tammy 166.90; 3166 Mollet, Michelle 236.10; 3167 Oldfield, Amy 26.00; Highway Billing 3013 OK Natural Gas 78.80; 3014 OK Natural Gas 21.65; 3047 OK Natural Gas 238.18; Copies 3449 Galaxie Business 71.00; Fuel 3511 Kelle Oil Company 13420.00; Internet 3448 KanOkla Networks 35.00; Lease 3324 OK Dept. of Transportation 4095.40; 3451 SNB NA 1704.06; 3453 CNB Of Okarche 7276.19; 3455 Security National Bank 2038.69; Metal 3578 Ponca Iron & Metal 16.90; Overlay 1628 Evans & Associates 32759.95; Parts 2705 O Reilly Auto Parts 25.99; 2809 Newkirk Auto Parts 211.77; 2988 Owen Auto Supply 1124.75; 3124 G & B Auto Service Inc 242.00; 3252 P & K Equipment 88.52; 3412 Lampton Welding 199.00; 3553 P & K Equipment 259.95; Pipe 3430 Dub Ross Co. Inc. 371.42; Reimbursement 3520 Tucker, Teena M. 24.70; 3576 Lively, Pete E. 20.96; Repairs 3244 G & B Auto Service Inc 284.43; 3246 Blackwell Tire Service 137.00; 3575 C Johnstone LLC 225.00; Rock 3552 ACG Materials 3433.15; Service 3328 Dish 17.04; Shale 3230 Mike Redding 489.00; Shirts 3551 Village Screen Print 41.20; Signs 3554 Makekings LLP 165.00; Supplies 3251 Blackwell Auto Supply 402.26; Telephone 2726 Lingo Communications 2.06; 3325 Lingo Communications 102.62; Tires 3556 Direct Discount Tire 136.01; 3557 Direct Discount Tire 3900.00; Tires 3642 Kelle Oil Company 437.00; Uniforms

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3243 Cintas Corporation Loc 975.63; 3249 Unifirst Holdings Inc 959.33; Water 2723 Rural Water District #3 54.66; Mtg Cert Mileage 3505 Kennedy, Christine L. 62.64; Travel 3504 Kennedy, Christine L. 187.92; SH Svc Fee Business cards 3443 A Plus Printing LLC 91.00; Computers 3440 Staples 809.97; Fuel 3192 Fuelman 1751.49; 3464 Fuelman 1783.69; Gear 2542 Galls 181.92; OLETS 3190 Dept. of Public Safety 350.00; Rental 2647 Carys Sanitation 82.50; Supplies 2210 Galls 949.51; 2888 Lowes Companies Inc. 33.96; Uniforms 2626 COPS Products LLC 215.21

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, 11:05 a.m. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Approved this 13th 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)
