

Monday, May 13, 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 13, 2019, the meeting was posted for public information on May 10, 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); Kay County Assessor Susan Keen and Janell Leaming, First Deputy Assessor; Dennis Bonewell, Kay County Emergency Management Director; Frank Cain, Cody Blair; Caryl Morgan, Jay Fagan, 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 May 6, 2019. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Ordinance resolution pertaining to wind farms: Mr. Ken Bellmard, Kaw Nation, questioned the proposed Road Use Agreement. DA Hermanson stated Duke Energy will work to leave the roads as good or better than when the project started. Mr. Bellmard asked who holds Duke accountable. Chairman Godberson said once the agreement is signed and the project is completed Duke will walk away and be done. He said whatever is agreed on (Road Use Agreement) once it's done it will be the county's responsibility and the gravel roads will be better. Godberson talked about the truck route and the amount Duke will pay per mile and said Duke will pre-pay. DA Hermanson noted 50% is paid up-front and 50% at closing. It was noted this would affect 14 miles of gravel roads. Mr. Bellmard questioned the unanticipated damage. Godberson mentioned the route to the wind farm area. Mr. Bellmard asked what if the county has to absorb more maintenance than anticipated; he told the BOCC that Kaw Nation will not put more money into this road if it's destroyed. Cody Blair asked if construction would continue during the night and asked the BOCC to consider stating "no work during the night" in a contract. Godberson said Duke Energy could work 24/7. Commissioner Shanks stated in the past the only time wind farm employees worked at night was to take care of damaged roads. Cody Blair asked if the BOCC didn't sign the Road Use Agreement if Duke Energy would sue the county. DA Hermanson remarked anyone can sue for anything. Jay Fagan asked if the BOCC had a copy of the Road Use Agreement. Caryl Morgan presented to the BOCC information regarding Federal Interagency Wind Turbine Radar Interference Mitigation Strategy; the information told as wind turbines continue to be installed the probability to present conflicts, may cause clutter and interference, with radar missions related to air traffic control, weather forecasting, homeland security, and national defense is likely to increase. Ms. Morgan told wind farms could be endangering citizens for years to come. Several citizens expressed they wanted a map and wanted to see the Road Use Agreement. Mr. Bellmard said he would like a map and wanted to make sure Section 106 issues are covered. Frank Cain asked if Duke Energy agreed to move 10-11 turbines, if not, he asked for BOCC to support. He said it seems, the BOCC, is only interested in the roads. Mr. Cain asked if the BOCC would entertain an ordinance. Commissioner Shanks told the BOCC does not have the authority. Mr. Cain stated his main interest is for the town of Newkirk. DA Hermanson explained it would take time to set-up an ordinance; he said the BOCC has taken the citizens concerns into much consideration and have let them voice their concerns by allowing them on their agenda for several weeks. DA Hermanson said on one-hand you want zoning and on the other-hand you do not. Mr. Cain stated his concerns are for the citizens and he doesn't want the wind farms built too close to the people. He expressed his concerns for their health issues and said he would like something in place to prevent these types of issues. DA Hermanson stated the BOCC is not giving permission to Duke to put up the turbines the BOCC only has authority to put a Road Use Agreement in place for damages done to the roads they maintain. Godberson said the wind farms are an extra source of money for these family farmers. Mr. Cain said small number of farmers vs. 2,500 people. DA Hermanson said the BOCC can not do something to cause land owners not to receive turbines or they could get sued by landowner; BOCC can only oversee the damages to the roads BOCC does not have the power to tell the landowner they can or can't have a turbine on their private property. Mr. Cain said BOCC doesn't need to do a zoning permit they could put a nuisance ordinance in place. DA Hermanson asked where do you stop with this type of nuisance ordinance in place, cattle, pig farms, etc. Mr. Cain said you declare nuisance because of the wind turbines. DA Hermanson said he didn't think citizens would want government agencies dictating

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such ordinances. Mr. Cain mentioned what other states are doing to prevent wind turbines and told 30-year contracts and ordinances are being put in place. Commissioner Shanks asked if these states that have had wind turbines for some time have nuisance ordinances in place. Mr. Cain said he has had conversations with Senator Bill Coleman and Representative Ken Luttrell and he has been told laws are coming; he asked if there is a grandfather clause in the Road Use Agreement. Shanks said the contract the BOCC has is a one-year contract only dealing with roads. Jay Fagan said it seems to all come to money; he told how Kaw Nation has helped the county to build roads and bridges and hoped the BOCC would not be disrespectful to Kaw Nation. Mr. Bellmard said the money could be used to build parking lots. Chairman Godberson said he hoped Kaw Nation would not punish the county because of this situation. Mr. Bellmard said we have health concerns and cultural concerns; he mentioned the tribe is building turbines as well, but not by anyone's home. He said he wished Duke Energy would address some of these concerns. Mr. Fagan said the appraisal price of homes will drop; it affects all of us. Cody Blair said he appreciated the hours the BOCC have listened; he said the citizens have a lot to lose.

Motion was made by Shanks and seconded by Godberson approving Agreements between the BOCC and the following to have remote terminal capabilities with the Assessor's office: Tom Burg. 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 and mowing ditches, drove interlocking sheeting on Brake Rd. culvert, put rip rap on Hartford and LA Cann, removed trees on Tower Rd. and Rocky Bridge, patched potholes, put up and took down high water and road closing signs and checked roads for flood damage.

Commissioner Shanks said his crews were blading roads.

Commissioner Wilson told it rained all week and crews have been checking roads and putting out flood signs, hauled rock from Pawhuska and Ponca City, worked on heater loft for new building, repaired mower and mowed the shop area, rebuilt lift cylinders and serviced the loader, removed trees and debris from roadways and put out sandbags.

Resolution No. 18, 19-134, Contract Agreement Renewal Emergency and Transportation Revolving, ETR Fund: DA Hermanson told he approved the Agreement Renewal but told BOCC to complete the reason for renewal on the contract. Commissioner Shanks stepped out of the meeting to make a telephone call to CED#8.

Motion was made by Shanks and seconded by Godberson approving Resolution No. 18, 19-134, Contract Agreement Renewal Emergency and Transportation Revolving, ETR Fund. Shanks told this was Peckham Road Project for Dist#2. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Godberson approving Enviro Clean Invoice#ECE1256, Project KAYECO1001 for professional services rendered through April 26, 2019 in the amount of \$69,365.53. DA Hermanson explained the process to Commissioner Wilson; Clerk Reese told Wilson he needed to verify the services were completed that's listed on this invoice. Wilson said services were completed. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Wilson and seconded by Shanks approving to go out on bid to sell a 2001 Orange Peterbilt Truck Tractor, Dist#3. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Faye Askew's lowest quote of \$250.00 was accepted upon contingency the quote would include three (3) appraisals 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 spoke with Ms. Askew and the quote only listed one appraisal for the tracks of land. Ms. Askew said since she would have to get two additional appraisals the cost would increase to \$425.00. Other quotes received: Robert Howard-\$450.00; Johnny Shaw-\$500.00.

Motion was made by Godberson and seconded by Shanks approving and accepting Faye Askew lowest quote of \$425.00 to include three (3) appraisals of the tracks of land (Cross TWP 30-26-3E 150' strip off

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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 Shanks and seconded by Wilson approving the following Cash Fund Estimate of Needs and Request for Appropriations: Highway-\$523,515.74 - D#1-\$146,842.15; D#2-\$97,843.40; D#3-\$278,830.19; Highway-CBRIF-\$38,385.61; Mortgage Certification Fee-\$475.00; Resale Property-\$24,832.59; Drug Court-\$9,616.17; County Clerk Lien Fee-\$426.00; Open Dumping Reward-\$73.75; Public Building Authority (PBA)-\$1,408.84; PBA - KCD#3-\$7.74; PBA - McCord Public School-\$0.48; PBA - Pioneer Technology Center-\$5.70; PBA - Ponca City Schools-\$20.13; PBA - Tonkawa Schools-\$6.52; County Clerk Records Management & Preservation-\$3,835.00; Assessor Revolving Fee-\$1,253.53; Jail - Sales Tax-\$290,747.40; Home Finance Trust Authority-\$1.94; Sheriff Service Fee-\$24,708.74; Use Tax-\$34,517.11. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Wilson approving the following Transfer of Appropriations: General Government Maintenance & Operation-\$10,000.00 to Sheriff Juvenile Shelter. 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.]
Emergency Management Dennis Bonewell told BOCC they made need to make a Disaster Declaration. He said damages are extensive and told representatives from Oklahoma State Emergency will be coming to assess damages and try to determine a dollar amount. Bonewell told BOCC they need to document time spent working the flood areas for recovery. Godberson told Hubbard Rd. south to Hwy. 177 and south on Pecan Rd. are closed.

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

FY 2017/2018 PURCHASE ORDERS:

General Pistols 4236 GT Distributors Inc. 446.00;

FY 2018/2019 PURCHASE ORDERS:

Assr Rev Fee Envelopes 3676 Merrifield Office Supply 38.08; Supplies 3675 B & C Business Products 229.90; General Detention 3577 OK Juvenile Justice SVCS 7480.00; Engineering 2760 050 Engineering Company 5000.00; Internet 3093 AT&T 72.60; Juvenile Detention 3517 OK Juvenile Justice SVCS 6120.00; Labor 3063 The Clean-up Crew 120.00; Maintenance 3092 Standley Corp 60.41; Mileage 3073 Krider, John G. 111.36; Surveying 3496 Altman & Osage Surveying Services LLC 2500.00; Telephone 3258 Fusion 286.25; Training 3507 Ponca City Chamber of Commerce 20.00; Travel 3091 Mallory, Shannon 354.45; Utilities 3095 City of Newkirk 3556.48; Water 3090 Quality Water Service 22.85; Health Bulbs 3573 Lektron Industrial Supply Inc 160.93; Copier 3075 R.K. Black Inc 151.41; 3076 R.K. Black Inc 119.21; Repairs 3574 Adams Plumbing 382.30; Service 3656 McDonald Electric 352.00; Highway Lease 3454 OK Dept. of Transportation 1416.85; 3648 OK Dept. of Transportation 4095.40; Pump 3669 Yellowhouse Machinery Co 1968.73; Seals 3674 Warren Cat 237.78; Supplies 3703 Cintas Corporation 97.40; 3716 Merrifield Office Supply 73.84; Uniforms 3521 Unifirst Holdings Inc 256.18; 3668 Unifirst Holdings Inc 205.23; Welder 3641 OMES- State Surplus 245.00; PBA Repairs 3056 Birdwell Refrigeration 240.00; Resale Fees 3319 Forte 234.00; SH Svc Fee Equipment 3139 Applied Concepts 3358.00; 3294 ABT Solutions LLC 702.20; Fuel 3508 Kaw One Stop 49.00; Repairs 3571 Safelite Fulfillment Inc 74.94; Transports 3390 Security Transport Services 428.04; 3510 Feinburg, Josh 315.00; 3518 Sheets, Troy 36.00

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 Wilson to adjourn, 10:29 a.m. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

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Approved this 20th 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)
