

Tuesday, January 3, 2023
Newkirk, Oklahoma

The Board of County Commissioners (BOCC) of Kay County, Oklahoma, met in regular session at 9:00 o'clock a.m. on Tuesday, January 3, 2023, the meeting was posted for public information on December 29, 2022, at 4:00 p.m. at the Commissioners Room, west entrance of the Kay County Administration Building in Newkirk, Oklahoma, and on the Kay County Website.

Member Jason Shanks called the meeting to order: Commissioners: Shane Jones, Member. Others present were as follows: Brian Hermanson, Kay County District Attorney (DA); John Wilson, First Deputy Dist#3; Christy Kennedy, Kay County Treasurer; Janell Leaming, Kay County Assessor; Carol Leaming, Election Board Secretary; Dennis Bonewell, Emergency Management Director; Brenda Medlock, OSU Extension; Craig Stevenson, City Manager, Ponca City; Butch Herring, Ponca City Fire Chief; Claude Williams, Taxpayers for Transparency; Tammy Reese, Secretary/Kay County Clerk.

Jason Shanks led the flag salute.

Motion was made by Jones and seconded by Shanks approving the regular meeting minutes of December 19, 2022. Motion carried: Jones, aye; Shanks, aye.

Motion was made by Jones and seconded by Shanks approving the Application for Financial Assistance/County Burial. Motion carried: Jones, aye; Shanks, aye.

Motion was made by Shanks and seconded by Jones approving and selecting Shane Jones as the Chairman of the BOCC for 2023. Motion carried: Jones, aye; Shanks, aye.

Motion was made by Jones and seconded by Shanks approving Jason Shanks to serve as a representative on the NODA Board of Trustees. Motion carried: Jones, aye; Shanks, aye.

Regarding Ponca City's request for a portion of rural fire/EMS sales tax: Craig Stevenson, City Manager of Ponca City, stated since the passing of the sales tax for the rural fire departments he would like to make a request for Ponca City to be a participating agency. Commissioner Shanks asked DA Hermanson if this was possible since the City of Ponca City came out against it. DA Hermanson said the law is silent about this, but said the language that was put forth for the voters is that this would go to participating fire departments/EMS. DA Hermanson said it is not defined whether the decision about participating must be made before the vote or after the vote. He said O.S. Title 68 does not provide a definition of what participation means. DA Hermanson said he has looked at discussions of the BOCC meetings prior to the sales tax vote and the minutes of August 22, 2022, when the BOCC decided to present this tax to the voters. He said the minutes did mention the fire departments that wanted to participate, but since that time one of them withdrew. DA Hermanson told the BOCC it was up to them to determine what participating means and whether or not they think a Fire Department/EMS can change their mind to participate at a later time. He reiterated it is the BOCC's decision. Mr. Stevenson said if the resolution read you must be supportive prior to the passing of the sales tax vote to be a participating agency in the county and yet you are a participating agency within the county. He asked if would you have to support a tax that you didn't support? DA Hermanson said it's not a matter of law. Mr. Stevenson said the City of Ponca City didn't support the tax, but now that it's passed and we are a qualifying agency we are requesting participation. DA Hermanson said it seems the City of Ponca City's argument is they didn't want the people to be taxed on this but since it passed and the money is being taken from the people then they would like the same share that everyone else is getting. Butch Herring, Ponca City Fire Chief said there was not a lot of information for the citizens of Ponca City. He said it was the understanding of the voters in Ponca City that they would receive a portion of the sales tax. Herring said when he talked to the people and told them there was a possibility Ponca City would not receive a portion of the tax then the people were opposed. He said there were a lot of uninformed voters in Ponca City. Herring added the voters believed Ponca City would receive part of these funds. Chairman Jones said personally he wouldn't be coming to ask for a portion if he had been against it prior to the sales tax being passed. Commissioner Shanks said that's what he didn't understand; he said it seems you, City of Ponca City, should have been neutral on this and this should have been left up to the voters, not the towns or the cities. Shanks said he was not the one who wrote this and stated he felt the fire departments/EMS should have had all this nailed down before coming to the BOCC. Both Commissioners said they must consider the voters and the fact is that the sales tax is to fund the fire departments and the EMS.

Tuesday, January 3, 2023
Newkirk, Oklahoma

Motion was made by Shanks and seconded by Jones approving to allow Ponca City to receive their portion of the sales tax for the rural Fire Departments and EMS. Motion carried: Jones, aye; Shanks, aye.

Shanks asked DA Hermanson about putting a resolution in place authorizing the participating agencies. DA Hermanson said he would see that was done.

Increase of Excise/Equalization Board compensation: Clerk Reese said she put this on the agenda. She told the BOCC the compensation allowed by law has been changed and she said she would like to see the Excise/Equalization Board receive the increase that has been allowed by law. She said the allowable amount is \$100 per day and noted the amount is determined by the county's assessed valuation. Commissioner Shanks asked the amount they currently receive; Reese said \$50.

Motion was made by Shanks and seconded by Jones approving to increase the Excise/Equalization Board compensation from \$50.00 to \$100.00 beginning in January 2023. (Said language/allowable amount was approved by DA Brian Hermanson and Billie Chrz). Motion carried: Jones, aye; Shanks, aye.

Motion was made by Shanks and seconded by Jones approving reimbursement from the State on Election Board Secretary's salary for October, November, and December 2022. Motion carried: Jones, aye; Shanks, aye.

Motion was made by Shanks and seconded by Jones approving Agreements between the BOCC and the following to have remote terminal capabilities with the Assessor's office: DA Hermanson approved as to form. Ellery Wittmer; Titan Title & Closing, LLC; Blubaugh Insurance Agency; Munson Appraisal; Redbud Appraisal Service, LLC; Myers Agency Inc.; M4 Enterprises, LLC; Inskeep Appraisal Co.; City of Newkirk; First National Bank of Oklahoma; Brett Powers; RCB Bank; Kay Electric Cooperative. Motion carried: Jones, aye; Shanks, aye.

Motion was made by Shanks and seconded by Jones approving rebidding 1 1/2" Crusher Run 30-40% wear (Road Rock Bid). Motion carried: Jones, aye; Shanks, aye.

Motion was made by Shanks and seconded by Jones approving Interstate 40 Crosstown Steel Beam Transfer Form. DA Hermanson approved as to form. Commissioner Shanks said this is on Silverdale Lane. Motion carried: Jones, aye; Shanks, aye.

Road and Bridge Projects/Circuit Engineering District (CED) No. 8 Road and Bridge Projects: Commissioner Jones said crews hauled rock to stockpile, graded roads, spread sand/salt on slick spots district-wide, washed equipment and vehicles and worked in the shop.

Commissioner Shanks said his crews are blading and hauling rock and will start back-filling a bridge on "W" Street.

First Deputy Wilson said crews bladed roads, dug shale, put an extension on a culvert on "Q" Street, and hauled rock to the yard.

Motion was made by Jones and seconded by Shanks ODOT Claim Form 324a, Peckham Rd. Project, J/P 25055(08) for services ending 11/30/22, Dist#2. Shanks said this is a right-of-way acquisition. Motion carried: Jones, aye; Shanks, aye.

Motion was made by Shanks and seconded by Jones approving the following Resolutions for Disposing of Equipment: Res#22, 23-77 (Pgs. 1-5), Hwy. Dist#3, 2 chairs, grease gun, hand grinder, an overhead heater-to be junked. Motion carried: Jones, aye; Shanks, aye.

Motion was made by Shanks and seconded by Jones approving the following Resolutions to deposit funds: Res#22, 23-80, Hwy. Dist#1-\$1,087.28, premium refund; Res#22, 23-81, Hwy. Dist#2-\$93,360.00, consignment sale of equipment. Motion carried: Jones, aye; Shanks, aye.

Tuesday, January 3, 2023
Newkirk, Oklahoma

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.] DA Hermanson said the local law enforcement and other emergency responders were conducting an active shooter drill at Newkirk Schools and reported the active shooter was taken down in four minutes.

DA Brian Hermanson left the meeting to attend court.

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

FY 2022/2023 PURCHASE ORDER:

ARPA 2021 Labor 1452 Kyler Construction 10708.95; Vehicle 846 John Vance Motors 43579.40; Assr Rev Fee Supplies 2307 Staples Credit Plan 61.26; Toner 2277 Ink Technologies LLC 288.00; Drug Court Contract Labor 2087 Butler, Kristopher 481.08; Family Drug Court Supplies 2213 Staples 301.69; General First aid supplies 1820 Cintas Corporation 114.08; Ink pads 2138 Redlands Office Solutions LLC 37.57; Internet 2164 Verizon Wireless 80.02; Services 2254 County Budgeting Services LLC 625.00; supplies 828 Staples 35.98; Supplies 1456 Amazon Capital Services 180.66; Vouchers 1894 Midwest Printing 208.72; Health Forms 2225 NCS Pearson Inc 657.72; Furniture 2063 Amazon Capital Services 1037.98; Internet 2108 Get Real Cable 50.00; Maintenance 2112 B & C Business Products 25.00; Monitoring 1756 Falco Alarm Co. 213.00; Phone 2114 AT&T 114.96; Service 2100 Sparklight 237.27; 2111 Summit Utilities Oklahoma Inc 321.66; Service call 2152 Adams Plumbing 309.40; Travel 1674 Wehunt, Amy 125.00; 1677 Schmidt, Trilby 164.00; 2118 Todd, Cassie 30.00; Utilities 2103 Ponca City Utility Authority 1539.93; Vaccines 2196 Sanofi Pasteur Inc 169.31; Highway null 2074 Yellowhouse Machinery Co 33256.26; 2355 Yellowhouse Machinery Co 2740.68; COPIER LEASE 1985 Galaxie Business 77.50; DEF 2250 Earnheart Crescent LLC 783.00; Fuel Additive 2192 Certified Laboratories 458.15; Hose Assembly 2199 The Hydraulic Center 607.90; Iron 2241 C Johnstone LLC 117.00; Lodging 1960 Waterford Hotel 104.00; 1961 Waterford Hotel 104.00; MILEAGE 2222 Jones, Shane D. 136.25; Parts 1531 Highway 60 Tire & Service Inc 603.50; 2248 The Hydraulic Center 450.00; Phone Service 2018 Lingo Communications 161.30; Reimbursement 2351 Tucker, Teena M. 192.74; ROCK 2156 Dolese Bros. Co 4256.28; Sand 1913 Dolese Bros. Co 7239.92; 2240 Dolese Bros. Co 498.65; Service 1548 OK Natural Gas 168.82; 1995 Dish Network 17.10; Shale 1463 Mike Redding 991.75; Signs 2249 Circuit Engineering District #8 104.00; supplies 1535 S & K Direct Steel LLC 418.00; 1864 Brandts 187.50; Supplies 2173 Redlands Office Solutions LLC 132.81; 2200 Lowes Companies Inc. 593.67; 2205 Lowes Companies Inc. 305.31; Training 472 OSU-CTP 40.00; Uniforms 1863 Cintas Corporation Loc 1959.38; Mental Health Testing 1735 Averhealth 2221.25; ML Fee COMPUTER 1267 Kellpro Computer 1877.00; RM&P Plat Map Scanning 1777 Kellpro Computer 29.00; SH Svc Fee FUEL 1814 Fuelman 1242.52; Notary 1886 Secretary of State 20.00; Registration 1385 OK Board Of Tests For Alcohol 72.00; Software 1421 Dept. of Public Safety 420.00; supplies 1817 Redlands Office Solutions LLC 161.12

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 the same during regular office hours.

10:02 a.m. Bids were opened as follows:

Bid#2023-11 Image Processing & Indexing Service, County Clerk: Mid-West Printing Co.-\$47,274.55, Kofile Technologies Inc.-\$54,100.80.

Motion was made by Shanks and seconded by Jones tabling Bid#2023-11 Image Processing & Indexing Service, County Clerk for further review. Motion carried: Jones, aye; Shanks, aye.

Bid#2023-12-Election Ballots, Election Board: Mid-West Printing Co. - .14/.145 per ballot; Royal Printing Co. - .145/.155 per ballot; Tulsa County HQ-No bid.

Motion was made by Shanks and seconded by Jones approving and awarding Bid#2023-12-Election Ballots, Election Board to the lowest bidder Mid-West Printing Co., at the Election Board Secretary's recommendation. Motion carried: Jones, aye; Shanks, aye.

Tuesday, January 3, 2023
Newkirk, Oklahoma

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

Approved this 9th day of January 2023.

SHANE JONES, DIST#1, MEMBER

JASON SHANKS, DIST#2, MEMBER

DIST#3, MEMBER

ATTEST:

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