

Monday, April 15, 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 15, 2019, the meeting was posted for public information on April 12, 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; Kay County Sheriff Steve Kelley; Cheryl Howard, Election Board Secretary; Brenda Medlock, OSU Extension; Dennis Bonewell, Emergency Management Director; Frank Cain, Jay Fagan, Caryl Morgan, Newkirk; Everett Brazil III, Newkirk Herald Journal; 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 Wilson and seconded by Godberson approving regular and special meeting minutes of April 8, 2019. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Report given by Donna Parker, Oklahoma Court Services, presenting the number of community service hour's defendants are working and the projects they are involved in: Ms. Parker told the total monthly completed hours for March 2019: New Community Service Clients-14; Regular Community Service Clients turned in for the month-56; Sanction Community Service hours completed-140; Total hours completed-801.36; Community Service Offender Completions-16. She told clients completed events assisting with various clean-up, mowing, weed eating, stocking shelves and picking up branches and trash at Friendship Feast, Habitat Restore, Camp McFadden, Blackwell Fire Department, Wheatheart Nutrition, Harmony House, My Favorite Things, Community Supportive Ranch and Ponca City Disc Golf. Ms. Parker told clients upcoming events will be at My Favorite Things, Habitat for Humanity, Victims of Domestic Violence Benefit, Blackwell Youth Center, Community Supportive Ranch, Wheatheart Nutrition, Friendship Feast and Camp McFadden. Ms. Parker also presented flyers with different volunteer opportunities at CS Ranch.

Ordinance resolution pertaining to wind farms: Member Shanks told the county can not pass an ordinance resolution because the county has a no zoning/no permitting policy. He said the only thing the county can do is approve a Road Use Agreement that updates/maintains the roads leading to the wind farms. DA Hermanson said if the county wrongfully interferes with the landowner the county could be faced with a lawsuit for those actions. DA Hermanson said he did not feel what the citizens were requesting of Duke Energy was unreasonable. Chairman Godberson stated the BOCC does not want county zoning. Ken Bellmard, Kaw Nation, stated his concerns are he does not know what roads are going to be impacted. He said when Duke Energy speaks about "anything" they consider it a meeting even though wind farms may not even be mentioned. Commissioner Shanks told the BOCC has not approved a Road Use Agreement because of the black top roads. Graham Furlong, Duke Energy, said he would meet and work on a final layout with Kaw Nation and the community, and get feedback from the community. Godberson said the asphalt roads are the BOCC's biggest concerns. Mr. Bellmard said Kaw Nation wants strict perimeters and he mentioned Section 106, the cultural impact, referring to ground; he stated he wants cultural attributes when built in tribal areas. Mr. Furlong told he respected Kaw Nation's concerns. Jay Fagan asked the BOCC to Table the Road Use Agreement until a meeting could be held with BOCC, community and Duke Energy. Mr. Furlong said Duke Energy met with citizens two weeks ago on a Wednesday. Jeff Neves, Amshore, stated if you don't like wind energy there is not much more we can do. Jay Fagan said he has never stated he doesn't like wind farms or he doesn't want them; he said we just want them moved from 1.5 miles to 3 miles from city limits. Frank Cain brought up the infra sound from the wind farms and also asked for a 3-mile setback. Mr. Furlong told there are no health affects from the wind farms. Caryl Morgan said Canada was one of the first places to get wind farms and after several years of them in place there has been medical problems/issues. DA Hermanson said we are drifting away from the actual topic of the agenda. Mr. Cain asked if there is a Phase III planned; Mr. Furlong said west and south of Highway 11 originally Frontier II project and told they may be built out of order.

Monday, April 15, 2019
Newkirk, Oklahoma

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: Ken Carpenter Auction & Realty LLC. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Godberson approving Claim for loss of revenue to Kay County and the School Districts due to the Additional Homestead Exemptions allowed for the year 2018 in the amount of \$22,755.99. Assessor Keen said this is turned in yearly but because statutes read "may" reimburse the county has not received a payment since the early 1990's. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Godberson approving Detention Services Agreement by and between Sac and Fox Nation and the BOCC, \$23.00 a day per child. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Road and Bridge Projects/Circuit Engineering District (CED) No. 8 Road and Bridge Projects: Commissioner Godberson said crews were blading and hauling materials to roads district wide, boom mowing, cleaning ditches on Oakland, crack sealing asphalt roads, put in new culvert on Prospect and Traders Bend Rd., drove interlocking sheeting on LA Cann and removed and cleaned pipe on Canteen Rd.

Commissioner Shanks said his crews are hauling sand, putting in pipe driving, tearing out Bridge 28 on Bender Rd. west of Union Rd. and noted road would be closed for over a month and pulling ditches on Peckham Rd.; he noted it would be passable but crews will be working.

Commissioner Wilson told his crews have been digging shale at the pit, hauling and laying shale, grading roads, fixed a culvert on "W" Str., and building a new loft for Hotsy in new shop; he noted they have one truck down needing a new turbo.

Motion was made by Shanks and seconded by Godberson approving Bridge Invoice and Report of Conference from CED, Bridge Inspection Contract EC-2002D, Invoice No. 436365, No of Bridges inspected this invoice-16, amount \$230.81. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Wilson and seconded by Godberson approving funding agreement Bridge and Approaches on EW-23 Over Deer Creek, 0.5 miles West, 1.0 miles South and 0.3 miles West of JCT. I-35/US-60. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Godberson approving ODOT Claim Form 324a, Parcel 3-1.43 acres of highway easement, Project: J2-5085(004), Job Piece 25085(04), \$7,600.00/ ODOT Claim Form 324a, Parcel 3-1.43 acres of highway easement, Project J2-5085(004), Job Piece 25085(04), Parcel 3-\$7,600.00. Shanks explained these items are the same but have two different owners needing two separate payments; he noted it was a right-of-way on a CIRB Project. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Godberson approving hiring Altman & Osage Surveying Systems LLC in the amount of \$2,500 to be paid out of General Government M&O; Shanks noted after surveyed the county will get one appraisal with three proposals this is in regards to selling two (2) tracks of land (selling as one), paying to have property surveyed and appraised. 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 the first survey amount he received was \$5,200 but after further discussion with Altman & Osage Surveying Systems LLC the cost went down to \$2,500. DA Hermanson explained a survey was necessary to obtain a legal description and this would be considered a Professional Service to follow through with hiring. Godberson asked Sheriff Kelley if he had any issues with this and Sheriff said he did not and it would be considered private property after the sell instead of public property. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Wilson and seconded by Shanks approving to go out for bid to purchase a used excavator, Dist#3. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Monday, April 15, 2019
Newkirk, Oklahoma

Motion was made by Shanks and seconded by Wilson approving to go out for bid (River Rd.) Hot In-Place Recycle and Chip Seal, Dist#2. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Godberson approving the board shall issue an order to void any easement pertaining to the road, if such easement exists, and required that the road be closed in such a manner as to prevent the use of the road by the general public. The decision of the board to vacate shall be final. This action is pertaining to vacate a certain portion of "O" Road lying between Indian Road and Home Road in Kay County. Shanks said he has tried to contact the couple that attended last weeks meeting that was opposed. Shanks stated according to O.S. Title 69 Section 646 the county has followed the appropriate steps; he noted the road has been closed to the public for a long time. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Wilson approving the following Public Service/Pipeline Crossing Line Installation: EDF Renewables, NE4 S9 T28N R2W ending NW4 S8 T28N R2W, Dist#3. Shanks asked if the lawsuit matter has been resolved. DA Hermanson said a motion to dismiss has not been made but he is working with Grant County attorneys to finalize. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Godberson approving the following Kay County Monthly Reports for March 2019: Court Clerk; Health Department. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Godberson and seconded by Wilson approving the following Resolutions to deposit funds: Res#18, 19-123, Highway Dist#3-\$179,055.00, Rock Falls Road Use Agreement; Res#18, 19-124, Highway Dist#1-\$347.70, sale of crusher run and culvert pipe; Res#18, 19-125, Highway Dist#2-\$177.95, share of cooperative's margins; Res#18, 19-127, Highway Dist#1-\$48,829.00, Auction Sales; Res#18, 19-128, Open Dump Reward-\$73.75, March 2019 Fees. 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.] DA Hermanson congratulated Clerk Reese on her son receiving another "Coach of the Year" award. Dennis Bonewell, Emergency Management, told he would be out-of-the-office to attend a Flood Plain meeting.

DA Brian Hermanson left the meeting to attend court.

Chairman Godberson stepped out of the meeting to visit with Sheriff Kelley and then Godberson returned to the regular meeting.

Motion was made by Godberson and seconded by Shanks approving Payroll Warrants to be released on April 29, 2019, Blanket Purchase Orders and Maintenance & Operation Claims. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

FY 2018/2019 PURCHASE ORDERS:

Drug Court Training 2987 Bridgeway Inc. 130.00; General Ammunition 3220 Good Ole Boys Guns & Ammo 1063.40; Checks 3112 Midwest Printing 876.01; Detention 2640 Sac & Fox Juvenile Detention 717.74; Engineering 2760 050 Engineering Company 5000.00; Expenses 2898 Card Service Center 525.83; Fuel 3200 Fuelman 1406.17; Gas delivery 2761 OK Natural Gas 170.13; Hat 3365 Atwoods Distributing 34.99; Ink 3384 Southwest Business Products 454.00; Linen Service 2530 Cintas Corporation Loc 278.01; 2901 Cintas Corporation Loc 278.01; Maintenance 2882 Bumper To Bumper 53.62; 2937 Standley Corp 78.35; Permits 751 Postmaster 235.00; Repairs 1801 Jackson Boiler & Tank Co. 2108.34; Supplies 1877 Briggs Hardware 107.83; 2523 J & P Supply 359.53; 2525 J & P Supply 773.31; 3207 Petsense 44.99; Training 2864 Pioneer Technology Center 80.00; Travel 3369 Harp, Jennifer L. 299.27; Health Service call 3239 Adams Plumbing 125.00; Services 2857 Bray, Bill 660.00; Supplies 2903 Walmart Community BRC 37.35; Translation 2841 Language Line Services 100.61; Travel 2844 Bray, Bill 95.00; 2846 Elfving, Janell 44.80; Highway Billing 2768 Kay Electric Cooperative 323.00; Blades 2029 Valk Manufacturing Company 1680.00; Diesel 3382 Farmers Grain Company 15803.13; Dumpster 3043 Davis

Monday, April 15, 2019
Newkirk, Oklahoma

Sanitation 55.00; Fuel 3334 Farmers Grain Company 14551.94; Lease 3403 RCB Bank 3096.08; 3404 SNB NA 857.19; 3405 SNB NA 4113.38; 3406 Welch State Bank 2136.55; 3407 Caterpillar Financial Services Corp 3846.88; Parts 3217 Action Truck Parts 480.99; Registration 2479 OSU-CTP 40.00; Repairs 2086 Kelle Oil Company 358.69; Supplies 3389 Locke Supply 67.78; Training 2480 OSU-CTP 40.00; 2481 OSU-CTP 40.00; 2482 OSU-CTP 65.00; 2483 OSU-CTP 65.00; Uniforms 3055 Cintas Corporation Loc 1095.07; Resale Fees 2749 Forte 253.00; SH Svc Fee Supplies 2665 Briggs Hardware 3.77; 3187 Farha Wholesale Co. 203.49; Transports 1844 Creppel, Alayna B. 129.00; 2220 Creppel, Charles Dale 342.00; 2633 Creppel, Charles Dale 192.00; 2896 Barrows, Charles Raymond 324.00; 3182 Barrows, Patricia 114.00

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, 10:32 a.m. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Approved this 22nd day of April, 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)
