

Monday, June 17, 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, June 17, 2019, the meeting was posted for public information on June 14, 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); Susan Keen, Kay County Assessor; Steve Kelley, Kay County Sheriff; Dennis Bonewell, Emergency Management Director; Shannon Mallery, OSU Extension; Donna Parker, Oklahoma Court Services; Skyler Matthew, Kaw Nation; Claude Williams, Taxpayers for Transparency; Sharon Rowen, kaynewscow.com; 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 June 10, 2019. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Wilson approving to enter into Executive Session in pursuant to and convened under authority of 25 O.S. Section 307.B.4 to discuss pending litigation on Case No. CJ-2019-85 (9:04 a.m.). Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Commissioner Shanks briefly stepped out and returned.

Motion was made by Shanks and seconded by Wilson approving to re-enter the BOCC regular meeting (9:20 a.m.). Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

No action was taken regarding Executive Session on pending litigation Case No. CJ-2019-85.

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 reported new community service clients-24, regular community service clients turned in for the month-65, sanction community service hours completed-360, total hours completed-958.40 and community service offender completions-20. Completed events where clients cleaned, painted, cleaned equipment and flagged, picked up trash in Newkirk and at the cemetery, put out buoys, hung new signs, picked up brush from the flooding and assisted with feeding the animals at the following places: Santa's Helper Flea Market, Friendship Feast, Habitat for Humanity, Kay County Dist#1, City of Newkirk, Wheatheart Nutrition, Ponca City Lake, Ponca City Disc Golf and new Life Trails. Upcoming events: Habitat for Humanity, Santa's Helper & Flea Market, Ponca City Disc Golf, Blackwell Museum, Ponca City Lake, Wheatheart Nutrition and Friendship Feast.

Client Agreement with Troy & Banks, Inc. to conduct a forensic, retro-active audit of all utility and telecommunications accounts paid by Kay County to identify overcharges and billing errors made by service providers: DA Hermanson explained their services and told the company looks at bills, determines if overpaid. If they find the county has been overcharged Troy & Banks will get 35% of back due money and 35% moving forward for the next 12 months; Troy & Banks only get paid if they find the county is entitled to a refund.

Motion was made by Wilson and seconded by Godberson approving Client Agreement with Troy & Banks, Inc. to conduct a forensic, retro-active audit of all utility and telecommunications accounts paid by Kay County to identify overcharges and billing errors made by service providers. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Clearwater Enterprise Renewal Amendment to the Gas Sales Agreement for further review: DA Hermanson stated the charges will not increase but after reviewing the 2017 Contract he realized it was a two-year contract. DA Hermanson said the county doesn't enter into any contract other than yearly contracts unless there is a benefit. He said he doesn't like the automatic renewal language either and asked the BOCC to table so he could have further discussion with Clearwater.

Monday, June 17, 2019
Newkirk, Oklahoma

Motion was made by Godberson and seconded by Shanks tabling the Clearwater Enterprise Renewal Amendment to the Gas Sales Agreement for further review. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Agreement with Architect In Partnership to design an Annex to the Kay County Courthouse: DA Hermanson said he and ADA Billie Chrz have spent much time reviewing this contract. He explained AIP initially sent wrong contract and after receiving the correct contract it was noticed the overall project increased from 6%-8%. DA Hermanson said his question to AIP is why the cost went up because of the size of the job; he asked BOCC to table until he can discuss the situation further.

Motion was made by Godberson and seconded by Shanks tabling Agreement with Architect In Partnership to design an Annex to the Kay County Courthouse. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Wilson approving on County Treasurer's Summary of Collections May 2019 Monthly Report. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Godberson and seconded by Shanks approving Texas County, \$41 per child per day, Juvenile Detention Contract. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Godberson and seconded by Shanks tabling the following Juvenile Detention Contracts: Northwest Oklahoma Regional, \$58 per child per day; Beckham County Regional, \$58 per child per day. DA Hermanson said the contract language reads the contract is between Northwest Oklahoma Regional and Beckham County; DA Hermanson said he needed to make a phone call regarding the language. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Purchasing a rescue boat for the Sheriff's Department: Sheriff Kelley stated this is a matter his department has been looking into for some time. He said although the flooding issues may not happen again for several years, after looking back, it has been an issue over the past 10 years where his department has received around 26 emergency calls of this nature. Sheriff Kelley said after he contacted he then has to contact the Highway Patrol for assistance with resources; he said he feels we owe it to the public to be able to help in this regard. Chairman Godberson asked if there was a charge from the people that are helping; Sheriff responded, there is no charge. Sheriff said there could be liability issues if something happens from a private boat owner. The size of the boat, the motor, approximate cost of \$34,000, and needs were discussed. Commissioner Shanks stated he didn't think the county needed and didn't feel it was a priority. Sheriff Kelley told people in these situations need to be rescued and time can be of the essence in some situations. Godberson asked where the boat would be stored. Sheriff said a carport would need to be built. Sheriff said his department could pay \$20,000 plus the maintenance and training and would like the county to pay the remainder of the balance. Commissioner Wilson asked if he could get grant money for this purchase. Sheriff said he didn't know of any grants available. Godberson asked Skyler Matthew, Kaw Nation, if this is something the tribe would be willing to help out with; Mr. Matthew said he would check. The number of deputies to be trained, deputies available to rescue, rescue/recover, different scenarios of rescue and training were all discussed.

Motion was made by Godberson and seconded by Shanks tabling purchasing a rescue boat for the Sheriff's Department. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Godberson approving Agreement by and between the Kay County Clerk and KellPro, Inc. allowing KellPro, Inc. to provide software and services to the Clerk's office. DA Hermanson mentioned the contract is strangely written and mentioned there is signature place for the officer. Several officers present stated due to the lack of upgrades needed by KellPro they were disappointed with KellPro. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Wilson approving Professional Legal Services Contract between the BOCC, Kay County Assessor (both parties referred to as "Client") and Tisdal & O'Hara, PLLC (T&O) where necessary, T&O shall appear as counsel, and may act on behalf of Client, or at the direction of Client, with regard to the Issues, including, without limitation, in any hearing, trial or appellate

Monday, June 17, 2019
Newkirk, Oklahoma

proceeding. DA Hermanson said this is the lawsuit concerning the wind farms and Blackwell Economic Development Authority (BEDA); Hermanson said he works closely with this law firm to help keep amount of time to a minimum. DA Hermanson said this firm represents several other counties who are dealing with the same type of tax issues; he said the contract can be terminated at any time. Assessor Susan Keen told the cost of services is divided with Grant County; Grant County paying for 60% and Kay County responsible for 40%. Motion carried: Godbersen, aye; Wilson, aye; Shanks, aye.

Road and Bridge Projects/Circuit Engineering District (CED) No. 8 Road and Bridge Projects: Commissioner Godbersen told his crews have been blading and hauling material to roads district wide, mowing ditches, boom mowing, filling in washouts on Lake Rd., and road was opened last Thursday morning.

Commissioner Shanks said his crews are working on "R" Street getting pipes and tank cars put in where needed and hauling rock.

Commissioner Wilson said crews are working to get roads opened, hauling shale, grading roads, temporarily fixed a culvert on Chrysler and Brake Rd., digging shale, checking roads, pickup up and putting out more road closed signs, working on one haul truck in the shop, and, by recommendation from an engineer, closed Hunnewell Bridge.

No action was taken on declaring an emergency on Lake and South Pecan Rds., Dist#1. Godbersen questioned Commissioner Shanks. Shanks said this was a major collector road and ER money through ODOT could be used for funding. Godbersen said it was not a major collector road and FEMA is supposed to fund.

Motion was made by Shanks and seconded by Godbersen tabling going out on bid for two (2) bridges, Bridge#44 & Bridge#260 on BIA Six (6) Bridge Contract, Dist#2., waiting for specifications. Motion carried: Godbersen, aye; Wilson, aye; Shanks, aye.

Motion was made by Godbersen and seconded by Shanks approving going out on bid to replace 140' of asphalt roadway on east Lake Rd. due to recent flood damage, Dist#1. Shanks asked Godbersen if he had an estimate and Godbersen replied it would cost around \$25,000. Shanks told Godbersen he could use the Public Competitive Bidding Act under Title 61 for this project and Godbersen told he wanted to bid it out this way for FEMA. Motion carried: Godbersen, aye; Wilson, aye; Shanks, aye.

Motion was made by Wilson and seconded by Godbersen approving Resolution No. 18, 19-143 to approve closure of Hunnewell Bridge, D#3. Motion carried: Godbersen, aye; Wilson, aye; Shanks, aye.

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

Motion was made by Shanks and seconded by Wilson approving the following Resolutions to Dispose of Equipment: Res#18, 19-144, Court Clerk, two (2) wireless handset systems and Olympus Dictation System, junked. Motion carried: Godbersen, aye; Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Wilson approving the following Resolutions to deposit funds: Res#18, 19-142, Open Dump Reward-\$100.00, monthly reward fees. Motion carried: Godbersen, aye; Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Wilson approving the following Transfer of Appropriations: Treasurer Resale Capital Outlay-\$200,000.00 to Resale Maintenance & Operation; Treasurer Travel-\$1,162.48 to Personal Service. Motion carried: Godbersen, aye; Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Wilson approving and awarding the lowest/best bidder on the six-month bids for commonly used items (opened in BOCC meeting on 6-10-19) as follows:

Monday, June 17, 2019
Newkirk, Oklahoma

NOTE: EACH SIX-MONTH BID IS LINE-ITEMIZED LISTING SEVERAL DIFFERENT PRODUCTS PER BID NUMBER. THE LOWEST BIDDER (unless noted) IS SELECTED PER LINE ITEM, FOR THAT REASON, MORE THAN ONE VENDOR WILL BE AWARDED TO EACH BID NUMBER.

Bid#2019-15 Asphalt- Asphalt Producers, Inc.; Daniels Ready-Mix; Evans & Associates; Logan County Asphalt Co.; McConnell & Associates; T&C Asphalt Materials-(\$0.50 higher) selected because of \$0.50 a bag delivery charge and the fact you can't drive to location and pick up for that cost; Tulsa Asphalt, LLC. Motion carried: Godbersen, 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 Shanks and seconded by Wilson approving Payroll with warrants to be released on June 27, 2019, Blanket Purchase Orders and Maintenance & Operation Claims. Motion carried: Godbersen, aye; Wilson, aye; Shanks, aye.

FY 2018/2019 PURCHASE ORDERS:

Assr Rev Fee Maps 3740 Pioneer Technology Center 30.00; Supplies 3734 Staples 71.08; 4013 Southwest Business Products 87.40; Tablet 3964 Apple Inc 668.00; Drug Court Attorney Fees 3529 Terrell Law Firm PLLC 500.00; Billing 3920 Roquemore Court Services LLC 6870.00; Plaques 3904 Ball Trophy & Engraving Co. 27.50; Refreshments 3768 Ramey Price Cutter Supermarkets 88.25; Supplies 3527 Redwood Reditest Screening Devices 973.90; General Antivirus 2816 Staples 43.46; Attorney Fees 4008 Tisdal & O'Hara PLLC 2782.75; Contractual Services 3744 Oklahoma State University 6143.00; Fuel 3832 Fuelman 1360.37; Gas bill 2495 Clearwater Enterprises LLC 62.72; Juvenile Detention 3214 OK Juvenile Justice SVCS 1800.00; 3482 Communityworks 2485.00; 3486 OK Juvenile Justice SVCS 1880.00; Maintenance 2204 Oklahoma State University 384.25; 4003 Standley Systems Inc 51.13; Mileage 3856 Ratliff, Maribeth 18.50; OLETS 3203 Dept. of Public Safety 70.00; 3833 Dept. of Public Safety 350.00; Phone 3257 Touchtone Communications 29.56; Plants 3346 Greenfield Greenhouses 199.40; Repairs 3344 Jackson Boiler & Tank Co. 35332.00; 3801 Watchguard Video 410.00; Service 4067 Take Ten Tire 210.83; Stamps 4031 Postmaster 110.00; Subscription 3206 LiveView GPS Inc 119.85; Supplies 3644 Staples 57.94; 3825 Cintas Corporation 389.32; 3827 Southwest Business Products 963.91; 3828 Farha Wholesale Co. 324.41; 3921 Farha Wholesale Co. 995.51; Training 318 ACCO 268.13; Uniforms 3793 Village Screen Print 50.73; windshield 3927 Safelite Fulfillment Inc 377.98; Health Billing 3588 City of Blackwell 367.17; Copier 3393 R.K. Black Inc 151.41; 3394 R.K. Black Inc 175.13; Janitorial 3584 ANCO Services 2085.00; Lease 3149 Pitney Bowes Global Financial Service LLC 144.93; Payroll 3755 Oklahoma State Dept of Health 34500.56; 3756 Oklahoma State Dept of Health 33066.25; Phone 3583 AT&T 318.11; Services 3705 Marvel's Handyman Service 180.00; Translation 3446 Language Line Services 368.41; Highway null 3654 River Ridge Construction Llc 450.00; Billing 3340 Kay Electric Cooperative 264.00; Diesel 4017 Farmers Grain Company 13482.68; Dumpster 3708 Davis Sanitation 55.00; Folders 3966 Southwest Business Products 34.50; Lease 4038 Welch State Bank 2136.55; 4039 SNB NA 857.19; 4040 SNB NA 4113.38; 4041 RCB Bank 3096.08; 4042 Caterpillar Financial Services Corp 3846.88; Mileage 4060 Shanks, Jason R. 150.22; Parts 3807 G.W. Van Keppel Co. 281.43; 3984 P & K Equipment 331.24; 4007 Custom Hydraulics LLC 183.98; 4047 Action Truck Parts 781.31; Phone 3853 AT&T 236.57; Pipe 4006 Railroad Yard 689.70; Reimbursement 4010 Wilson, John 10.00; Road project 3515 Circuit Engineering District #8 4924.45; Rock 4005 APAC-Central Inc 700.14; Shale 3785 Mike Redding 490.50; Signs 3909 Circuit Engineering District #8 1020.00; Supplies 3932 Cintas Corporation 133.01; 3989 Cintas Corporation 79.33; 4004 Cintas Corporation 111.92; Telephone 3977 Lingo Communications 103.59; Jail Debt-ST Tax Collections 4057 Kay County JFA #124183 301924.85; Resale Fees 3671 Forte 56.00; Publication 3415 Tonkawa News 279.10; 3416 Tonkawa News 1379.65; RM&P Risers 4029 B & C Business Products 539.97; SH Svc Fee Expenses 3478 Card Service Center 74.32; Fuel 3928 Casey's General Store #3787 15.78; Juvenile Transports 3488 Barrows, Charles Raymond 426.00; Maintenance 3846 Burkes Auto Body & Restoration 842.00; Supplies 3474 Farha Wholesale Co. 317.96; Transports 3490 Creppel, Charles Dale 201.00; 3893 Feinburg, Josh 198.00; 3894 Carter, Lynzy 51.00; 3983 Presley, Hope 105.00

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.

Monday, June 17, 2019
Newkirk, Oklahoma

There being no other business, motion was made by Shanks and seconded by Wilson to adjourn,
11:18 a.m. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Approved this 24th day of June, 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)
