

Monday, July 9, 2018  
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, July 9, 2018, in the Commissioners Court of the Kay County Courthouse in Newkirk, Oklahoma. Notice of the meeting was posted for public information on July 6, 2018, 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 Shanks called the meeting to order. Those present were as follows: Jack Godberson, Member; Brian Hermanson, District Attorney (DA); Susan Keen, Kay County Assessor; Christy Kennedy, Kay County Treasurer; Marilee Thornton, Kay County Court Clerk; Steve Kelley, Kay County Sheriff; Don Jones, Kay County Detention Center Director; Cheryl Howard, Kay County Election Board Secretary; Dennis Bonewell, Emergency Management; Karen Dye, Kim Shanks and Sean Love, Newkirk Main Street; Jane Thomas, City of Newkirk; Kip Byrd, American Telephone; John Wilson, Braman; Sharon Rowen, Ponca City News; Everett Brazil, Newkirk Herald Journal; Claude Williams, Taxpayers for Transparency; Tammy Reese, Secretary/Kay County Clerk. (See sign in sheet). Absent: Paul Skidmore, Member.

Chairman Jason Shanks led the Flag Salute.

Motion was made by Godberson to approve regular meeting minutes of July 2, 2018; motion died due to lack of a second.

Location for the amphitheater south of courthouse: Sean Love introduced himself as a representative for Newkirk Main Street Amphitheater Advisory Committee (AAC). He presented the BOCC with a "Request for Approval" handout and talked about the goals and project history. Love told on August 14, 2017 the BOCC gave approval to allow Newkirk Main Street (NMS) to deliberate, consider, support and lead the process of building an outdoor amphitheater with NMS's 501(c)3 status; NMS created the AAC to oversee the project, gain community support and raise funds. Love gave dates the AAC met and stated on December 5, 2017 the AAC was formed; he mentioned other dates along with the subject matter. Other paperwork included in the handouts were information on the structure that has been selected and an informal agreement with River Ridge Construction. Love said the goal today is to obtain approval for the location so that Phase One of the project may begin. He stated the funds are raised and an agreement with River Ridge Construction has been made. Love told the initial phase of the three-phase project cannot begin until the location on the property is authorized by the BOCC. He said the AAC is requesting the southwest corner of the courthouse property requiring use of the south 1/3 of the property in order to see the project through its final phases. Love told the AAC agrees this is the ideal location for several reasons, including traffic flow, daylight, and visual appeal, among other factors. He then told about each of the Phases and said funds have been raised for Phase One and said this would put them in a strong position as they begin to raise funds for Phase Two.

Godberson asked Shanks if 1/3 was stated and asked if the county had dimensions. Commissioner Shanks said he measured it off at one time. Kim Shanks said it was 250 feet to the green box and not sure from green box to courthouse. DA Hermanson asked where it goes compared to the green box. Kim Shanks said the green box is located in 1/2 of the property and said she didn't have specific feet dimensions. DA Hermanson said he will repeat what he has said all along, until we know where, at some point, the annex will be located it is inappropriate to do this. He stated we need to have an architect look at the needs and the size before moving forward; he said we do not want to landlock the county. Hermanson said we are premature in designating the location for the amphitheater. Karen Dye asked Hermanson if there is a time line on when this will happen. DA Hermanson said we asked the BOCC approximately one month ago for permission to talk with an architect so we could determine that and the BOCC declined that request. Treasurer Kennedy said we have been very open about our feelings and wanting to get something in place and for some reason we are being stonewalled. She said we can't give away any of the land until we know what the future needs are; she said it's the difference between a business decision and a personal decision. Kennedy said we are responsible for the business of this county and this decision will affect generations just like this building has affected generations. Kennedy said it is crucial and we have stated our case the entire time after realizing we had commissioners willing to give away land. Kennedy reiterated it is crucial to get a plan in place for the future business of this county; she said that has to take precedence and if it doesn't it is a disservice not only to the people and citizens but also for the future. DA Hermanson said both projects work well for Newkirk and the whole county. Karen Dye said she respects the decision of the annex and understands that decision must come

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first. Godberson said he thought the county land was not to give it away, but for the future of the county; he said but we have already committed to ACC an area for the amphitheater. Godberson said the BOCC needs to move forward and get that back on the agenda; he said we are the slow down for ACC. Godberson said we need a committee to study the county needs. Kim Shanks said we don't want to take the land we just want to beautify the county; she said this would be your amphitheater, it would be Kay County's amphitheater. Court Clerk Marilee Thornton asked who would pay the liability insurance and maintenance on the amphitheater. Kim Shanks stated Newkirk Main Street would build the facility and it would be maintained by Kay County; Kim Shanks said she checked into the insurance and it was going to be \$50-\$80 more a year; Commissioner Shanks said it wasn't very much. Godberson asked about the utilities. Kim Shanks said no water bills and the ACC needs the cities input regarding electrical needs. Kennedy asked if the committee had looked at other sites. Sean Love said they haven't been on site to review other options but was told by the Poligon there is very little maintenance once it's there. He said the electricity would only be used at events and that was something that wouldn't be on at all times so that cost would be minimal. Godberson stated the mowing is not an issue because the county already maintains the yard; he then asked about the building. Kim Shanks said it would be placed on a cement slab 4' high with wheelchair access to the stage. Godberson asked about the seating. Kim Shanks said they would use some of the high school stone, as a memorial, will be used as seating and she explained the seating layout. Godberson asked what Phase One was and he was told it was the cement slab. Sean Love said our main argument is we were approved to move forward, we have done a lot of work, money has been raised, but we can't move forward and keep asking people for donations if this is going to be tabled for years. Love said we want to show the people that have already donated money that it is going to be used and in a timely manner that is our urgency. Treasurer Kennedy said she appreciated that and hopes the committee appreciates that we have been fighting to get something planned because the annex has to be top priority space wise and everything. Clerk Reese said we have already been looking into this matter and there is a committee that was formed by the BOCC, but we have been put on hold by the board. DA Hermanson asked if we could put something on the agenda; he said he didn't hear anyone saying we don't want the amphitheater it's just a matter of how we do it. Kim Shanks said they're not saying they don't want the annex. Everyone agreed, both the ACC and county officers, they were being told different stories. Commissioner Shanks said he thinks the space issue has been blown out of proportion; he said it's not going to take up that much space because the annex is not going to be that big. Kennedy said we have no idea. Reese said parking is something that needs to be considered for the convenience of the citizens because the annex is something that will be used every day. Kim Shanks said she can't make the decision for the citizens regarding the annex, however, the stage is only 40' of the 250'. Love said the space they want is overflow grass in the very far corner; he said we want to move forward and get this approved. Reese said we have been told that this is not going to happen and sure not going to happen soon. Kennedy said the annex needs to be top priority regardless of space needed for the amphitheater the annex needs to come first because we are responsible for the business of this county. Commissioner Shanks said this courthouse is sustainable and been working for the county since 1926. DA Hermanson said every county officer that works here and has the day to day experience says otherwise. Kennedy said it would be nice to go back to the crime rate and case files of 1926. Reese said these issues have to be looked at in long term even if the annex is not built in the next 10 years we have to be careful we don't give away the land needed for future of Kay County. Marilee Thornton said she lives on the second floor and stated there is not enough room for attorneys to talk to their clients in a private place; she said on docket days when clients are there going through very rough times in their lives these people are sitting in a lobby talking about their personal lives and business because there is place for them to go. Thornton said there is no place for the jurors and they too are sitting in a lobby with criminals because there is no private place to go. She said more space is needed for the court system. Kim Shanks said unfortunately the amphitheater has come up when the annex has come up. Kennedy said that is not correct and we had no idea the BOCC was going to give land away; she said we have been trying to save money because we don't want to it to cost the taxpayers. Thornton said when the county bought the school we had inspectors to look at the building for an annex but we were told using that building was not feasible. It was at this time DA Hermanson told the two commissioners they could not discuss business privately. The cost of the annex was mentioned. Godberson said he didn't want the ACC to wait on the county; he said we have already obligated this land to them and they are sitting patiently waiting on us and it could be several years before an annex is built. Sean Love said a couple of people had said they were unaware that this was moving so quickly and he brought to attention that on February 26, 2018 the ACC asked for a specific location and so that is evidence. Kennedy said we are being told by the BOCC this is not moving

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forward; Hermanson said he thought he remembered fund raising for the amphitheater would start and then maybe in a year the ACC would come back with a location spot. Love said the evidence is here and we have asked and my plea is to fix whatever the problem is with moving this forward. Love said if we have to wait 20 years or so then this project is over. Reese said we are not trying to put you off 20 years we were just wanting an architect to tell us the amount of space and parking needed before you put in the amphitheater to make sure county needs were met first. Kennedy said you can't just put an annex anywhere but you can put the amphitheater other places; she said business wise the annex has to be put next to this building. Commissioner Shanks said that's why they want the far south end. Kennedy reiterated the annex has to be here the amphitheater does not. Love said the committee has not looked at other locations because this is where the committee wants it and this is where the committee has been approved to build. Kennedy said we had a jail that had stairs that went to nowhere, bad planning and bad decisions. She said we are being treated like our opinions don't matter, our combined years of service is over 90 years, we work in this building day after day, the BOCC visit. Godberson said don't you think there is a sufficient amount of land south of here for them to build. Kennedy said she didn't know because we have not been allowed to research the matter. DA Hermanson said all we are asking is to contact an architect and let them determine the amount of space needed. Commissioner Shanks said the architect for the amphitheater has already done that for the annex and said there is plenty of room. Reese said, and again, we were never told this information. Kennedy said they have no idea because they don't know the space we need. Godberson said compared to this building and the space needed for the annex it would not be much. DA Hermanson said obviously it is your decision and you are going against every other county officer and creating a problem for this courthouse. Hermanson asked before the BOCC makes a decision that they come up here on a Thursday morning during a juvenile docket and Thursday before a delinquent docket and Monday morning and see how the people are packed in there like sardines. He said come during a jury trial when jurors are sitting next to defendants in the hallway. One of the citizens in the room said if you have the money in place then what is the hold-up on getting an architect. DA Hermanson said we requested that several months ago and we were told no. She asked by whom and was told by the BOCC. Love asked what it would take to get an architect and see what the outline would be for the annex so everyone would feel comfortable. Commissioner Shanks gave the dimensions of the amphitheater and said it would take approximately 60 feet and told the BOCC would control the seating portion according to space and the annex etc. DA Hermanson said he had no problem with them building the stage in the corner because it would still leave everything else up for discussion. Commissioner Shanks told the ACC group they would still have plenty of room for seating. Kim Shanks said originally, they asked for a baseball diamond shape but realized that probably wouldn't work with the annex so decided to go east/west. Kim Shanks said River Ridge is 90 days out so we can't start the slab phase until 90 days. Godberson asked if they would get more use out of ball diamond shape vs. east/west. Kim Shanks said for beautification purposes to go with the annex east/west would probably be better. DA Hermanson asked if it would be appropriate to postpone this decision for one week and put the architect on the agenda too. Love said the decision doesn't have to be made today but we are ready to move forward; he told the whole plan was changed because of the annex. DA Hermanson said he would recommend postponing for one week and let the ACC provide copies to each of courthouse officers the plans to be reviewed, put the architect plans on the agenda so we can address it all at the same time. Kim Shanks said if we wait too long they have been told by River Ridge prices will go up with concrete, etc. Another citizen questioned the zoning laws. Newkirk City Manager Jane Thomas said she would like to see the plans as well. Thomas said she would like to look at the ordinances to check zoning in that area because it's going to be on the corner. Several people began discussing the zoning issues. Love explained the drawings and said the drawings they have are not going to look like what they are actually doing because they are not using an architect they are using the Polygon Product Specs. Love said it's a simple layout of a square. Godberson asked for two weeks and then put this back on the agenda. Kennedy asked if the location was definite and Godberson said no. Godberson said let us get all of our ducks in a row and put this back on in two weeks.

Motion was made by Godberson and seconded by Shanks to Table definitive location for the amphitheater south of courthouse. Motion carried: Shanks, aye; Godberson, aye.

eFax in the offices of the courthouse: DA Hermanson said he asked for this to be on the Agenda. He said in Noble County eFax was being considered and after hearing it was a money saving conversion he wanted it mentioned in Kay County. Kip Byrd with American Telephone spoke and explained how eFax worked and told the money saving scenarios.

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Motion was made by Godberson and seconded by Shanks approving and allowing eFax in be installed in the offices that want to use eFax. Motion carried: Shanks, aye; Godberson, aye.

Polling booths and storage and delivery of booths for elections: Election Board Secretary Cheryl Howard asked if she would be able to order the booths and order them in time to use for the November election. Shanks told her to get three quotes and stated he didn't think this could be considered a single sore item. He also told her to get three quotes for storage and delivery of booths.

Motion was made by Shanks and seconded by Godberson to Table purchasing polling booths and storage and delivery of booths for elections. Motion carried: Shanks, aye; Godberson, aye.

Motion was made by Shanks and seconded by Godberson rejecting Contract with Western Plains Youth & Family Services, Inc. Kay County for Services at Beckham County Regional Juvenile Detention Center, \$58.00 per child per day, at the recommendation of Sheriff Kelley due to high cost of housing. Motion carried: Shanks, aye; Godberson, aye.

Juvenile Shelter Account used for housing juveniles: Sheriff Kelley told the BOCC he didn't include this in his budget request but was coming now asking for \$30,000 to be put in his Juvenile Shelter Account, an account that was newly set up last fiscal year. He told he had a carry over of approximately \$12,000 from last fiscal year.

Motion was made by Shanks and seconded by Godberson approving Clerk Reese to put \$30,000 in the Juvenile Shelter Account and to transfer the funds from General Government Maintenance & Operation. Motion carried: Shanks, aye; Godberson, aye.

Motion was made by Shanks and seconded by Godberson approving a Service Agreement/Business Associate Agreement by and between the Kay County Health Department and R.K. Black, Inc., to provide copier maintenance service on Four (4) copiers for the Blackwell and the Ponca City locations. Moore Water Treatment; Tom Burg. Motion carried: Shanks, aye; Godberson, aye.

Motion was made by Shanks and seconded by Godberson approving County Officers & Deputies Association Annual Membership dues for FY 2018/2019 in the amount of \$1,027.00. Motion carried: Shanks, aye; Godberson, aye.

Road and Bridge Projects/Circuit Engineering District (CED) No.8 Road and Bridge Projects: Commissioner Godberson said crews were blading, hauling materials, mowing ditches and boom mowing district wide. Crews are also putting guard rails on east Hubbard Rd. Bridge.

Commissioner Shanks noted crews were mowing blacktop intersections, blading, and working on a bad spot on Earth & "R" Roads where a culvert washed out. He said crews will be repairing that area this week and installing guard rails around the bridge and hauling rock.

Quotes for labor and supplies to install a fuel shut-off valve for Dist#3 fuel system: Hetrick Electric-\$991.14; Younger Holmes-\$1,380.72; McDonalds Electric-\$940.00.

Motion was made by Godberson and seconded by Shanks approving and accepting the lowest quote from McDonalds Electric-\$940.00 for labor and supplies to install a fuel shut-off valve for Dist#3 fuel system. Motion carried: Shanks, aye; Godberson, aye.

Motion was made by Shanks and seconded by Godberson approving Memorandum of Understanding between Sumner County, Kansas and Highway Dist#2 pertaining to Bridge 960827807140 (7.8 miles east of Highway 177) that lies on the state line and Memorandum of Understanding between Sumner County, Kansas and Highway Dist#2 pertaining to Bridge 960831807140 (9.8 miles east of Highway 177) that lies on the state line. Motion carried: Shanks, aye; Godberson, aye.

Motion was made by Shanks and seconded by Godberson approving Application for Eligibility for Federal Property Donation Program to Receive Federal Surplus Property, Dist#2. Shanks said this will allow him to make purchases at surplus. Motion carried: Shanks, aye; Godberson, aye.

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Motion was made by Shanks and seconded by Godberson approving and authorizing Requisitioning Officer-Judge Phil Ross/Judge Jennifer Brock; Receiving Agent-Carmon Roquemore/Heather Roquemore; Inventory Clerks- Carmon Roquemore/Heather Roquemore in the General Fund and Cash Accounts for FY 2018-2019. Motion carried: Shanks, aye; Godberson, aye.

Motion was made by Shanks and seconded by Godberson approving the following Kay County Monthly Reports for June 2018: Treasurer. Motion carried: Shanks, aye; Godberson, aye.

Motion was made by Shanks and seconded by Godberson approving the following Resolutions on Declaration of Surplus: Res#18, 19-23, Court Clerk, Courtroom bench cushions (18), junked. Motion carried: Shanks, aye; Godberson, aye.

Motion was made by Godberson and seconded by Shanks approving the following Resolutions to Deposit Funds: Res#18, 19-21, Highway Dist#1-\$22.50, Cemetery Street Sign. Motion carried: Shanks, aye; Godberson, aye.

Motion was made by Shanks and seconded by Godberson approving the following Cash Fund Estimate of Needs and Request for Appropriations: Highway-\$336,870.48, D#1-113,018.23; D#2-\$111,527.03; D#3-\$112,325.22; Highway-CBRIF-\$32,786.14; Mortgage Certification Fee-\$515.00; Resale Property-\$21,185.37 (corrected from Agenda that read \$23,185.37); Child Abuse Prevention-\$210.18; Drug Court-\$16,632.30; County Clerk Lien Fee-\$478.25; Open Dumping Reward-\$69.51;Public Building Authority (PBA)-\$1,447.56, PBA .-\$1,408.84; PBA Tonkawa Schools-\$5.99; PBA Pioneer Technology Center-\$5.67; PBA Ponca City Schools-\$16.26; PBA KCD#3-\$10.80; County Clerk Records Management & Preservation-\$4,995.00; Assessor Revolving Fee-\$531.60; Jail - Sales Tax-\$295,309.41; Home Finance Trust Authority-\$1.93; Sheriff Service Fee-\$15,257.45; Use Tax-\$34,436.48. Motion carried: Shanks, aye; Godberson, 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.]** Jack Godberson introduced Karen Kekahbah. Ms. Kekahbah told she took Ray Balls position with Kaw Nation.

DA Hermanson stepped out of the meeting, returned and then left the meeting to attend court.

Commissioner Shanks left the meeting to visit with Karen Kekahbah, Kaw Nation.

Motion was made by Shanks and seconded by Godberson approving Payroll Verifications for June 2018, Maintenance & Operation Claims and Blanket Purchase Orders. Motion carried: Shanks, aye; Godberson, aye.

**FY 2017/2018 PURCHASE ORDERS:**

Drug Court 116, Call2 Test, 165.00, Scheduling; 117, Bridgeway Inc., 130.00, Class; General 2417, Tulsa-Home 2 Suites, 182.00, Lodging; 2418, OSU/CLGT, 125.00, Registration; 2419, Valero Short Stops, 409.62, Fuel; 2420, Quality Water Service, 54.60, Water; 2421, Quality Water Service, 31.10, Water; 2422, AT&T, 70.87, Internet; 2423, Quality Water Service, 32.80, Water; 2424, Merrifield Office Supply, 54.60, Flash Drive; 2425, Shannon, Mallory, 190.87, Travel; 2426, Quality Water Service, 35.10, Water; 2427, Southwest Business Products, 747.20, Toner; 2428, Gregg Storage Warehouse, 600.00, Delivery; 2429, Midwest Printing, 730.65, Checks; 2430, J & P Supply, 433.97, Supplies; Health 440, Mollet, Michelle, 156.51, Travel; 441, Walters, Ashley, 41.36, Travel; 442, Harley, Wanda, 17.39, Travel; 443, Forman, Tammy, 18.42, Travel; 444, June Fetters, 92.12, Travel; 445, R.K. Black Inc, 2.93, Maintenance; 446, Newkirk Family Health Center, 45.00, Testing; 447, Southwest Business Products, 170.14, Supplies; 448, Turf Surfers Inc., 640.00, Lawn Care; 449, Walmart Community BRC, 37.35, Supplies; 450, Farha Wholesale Co., 108.08, Supplies; Highway 1918, Brandts, 84.30, Parts; 1919, Hetrick Electric, 7279.00, Electrical Work; 1920, Custom Hydraulics LLC, 109.18, Parts; 1921, G & B Auto Service Inc, 125.00, Parts; 1922, Triple C LLC, 482.00, Sand; 1923, G & B Auto Service Inc, 324.30, Parts; 1924, Yellowhouse Machinery Co, 144.76, Repairs; 1925, Sober Brothers, 1962.24, Rock; 1926, Rural Water District #3, 77.61, Billing; 1927, APAC-Central Inc, 6694.31, Rock; 1928, Mike Redding, 15.00, Shale; 1929, Hats Auto Supply, 111.61, Repairs; 1930, Galaxie Business, 67.90, Copier

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contract; 1931, Action Truck Parts, 226.64, Parts; 1932, Harlands Diesel, 717.64, Repairs; 1933, P & K Equipment, 21.13, Parts & supplies; 1934, Kelle Oil Company, 245.04, Repairs; 1935, Blackwell Auto Supply, 16.04, Supplies; 1936, Smethers Shale Pit, Mabel Smethers, 541.20, Shale; 1937, Blackwell Tire Service, 70.00, Repairs; 1938, Blackwell True Value Hardware, 3.99, Repairs; 1939, Smethers Shale Pit, Mabel Smethers, 231.00, Shale; 1940, American Telephone Inc, 156.00, Camera; 1941, Muret, Brian G., 17.22, Meals; 1942, Hembree & Hodgson Construction, 87799.00, Labor

**FY 2018/2019 PURCHASE ORDERS:**

Assr Rev Fee 1, ESRI, 400.00, Maintenance; 2, Computer Mapping Co., 3900.00, Software; Drug Court 1, Roquemore Court Services LLC, 8000.00, Coordinator Fees; General 2, Oklahoma IAAO Chapter, 90.00, Dues; 3, R.K. Black Inc, 54.95, Maintenance; 4, Ponca City News, 96.00, Subscription; 5, Newkirk Mini-Storage, 612.50, Storage; 6, Tonkawa News, 30.00, Subscription; 7, Ponca City News, 96.00, Subscription; 8, Blackwell Journal Tribune, 42.00, Subscription; 9, County Computer Assistance Program, CLGT, 2500.00, Software; 10, OTC Fund, 540.00, Registration; 11, Decorative Dimensions, JKN Inc, 19134.47, Carpet ; 12, Briggs Hardware, 34.99,; Highway 1, Encounter Wireless Service, 68.00, Internet; 2, OK Dept. of Transportation, 4095.40, Lease; 3, Kellpro Computer, 1872.80, Software; 4, Deere Credit Inc, 1381.36, Lease; 5, Lock Shop, 175.00, Locks; 6, RCB Bank, 1814.15, Lease; 7, Kellpro Computer, 1872.80, Software; 8, CNB Of Okarche, 7276.19, Lease; 9, SNB NA, 1704.06, Lease; Resale 1, TM Consulting, 15924.00, Software; 2, Kay County Treasurer, 103419.66, Overage

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 Shanks and seconded by Godberson to adjourn, 11:05 a.m. Motion carried: Shanks, aye; Godberson, aye.

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Approved this 16th day of July, 2018.

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JASON SHANKS, CHAIRMAN

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JACK GODBERSON, MEMBER

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PAUL SKIDMORE, MEMBER

ATTEST:

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

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