

Monday, October 29, 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, October 29, 2018, in the Commissioners Court of the Kay County Courthouse in Newkirk, Oklahoma. Notice of the meeting was posted for public information on October 26, 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; Paul Skidmore, Member; Brian Hermanson, District Attorney (DA); Dennis Bonewell, Emergency Management; Brenda Medlock, OSU Extension; John Wilson, Braman; Everett Brazil, Newkirk Herald; Sharon Rowen, Ponca City News; Claude Williams, Taxpayers for Transparency; Tammy Reese, Secretary/Kay County Clerk. (See sign in sheet).

Chairman Jason Shanks led the Flag Salute.

Motion was made by Godberson and seconded by Shanks approving regular meeting minutes of October 22, 2018. Motion carried: Shanks, aye; Godberson, aye; Skidmore, aye.

Motion was made by Godberson and seconded by Shanks approving the following Resolutions Authorizing Application for Financial Assistance from the Rural Economic Action Plan (REAP): Res#18, 19-70, Kildare Fire Department is seeking funding to build a new fire station; Res#18, 19-71, River Road Fire Department is seeking funding to purchase a tanker. Motion carried: Shanks, aye; Godberson, aye; Skidmore, aye.

Hiring an architect firm for annex plans/amphitheater and definitive location for the amphitheater south of the courthouse and discussion regarding annex: Commissioner Godberson said the annex committee (Jack Godberson, Christy Kennedy, Susan Keen, Tammy Reese) along with District Attorney Brian Hermanson met with two different architect firms, BKL-Tulsa and AIP-Norman where both firms made presentations regarding their company. BKL's approximate cost for plans was \$40,000-\$60,000 and AIP's approximate cost was \$40,000. Godberson told the following week the annex committee met again to decide on firm and they thought both firms would do a great job but it was the consensus to recommend BKL Architect to the BOCC; he also mentioned having the firm to include in their plans a location to coordinate the location of the amphitheater with the annex and paying for the plans out of the Use Tax Account. Chairman Shanks suggested that seeing both companies were equally qualified, using AIP because their cost to draw up the plans was lower; he asked if both companies would include the amphitheater location in their plans. Commissioner Godberson answered yes. Commissioner Skidmore suggested going with the lowest bidder and paying for services out of the Use Tax Account. DA Hermanson said these are professional services you are seeking and told BOCC they should determine what architectural firm they wanted to use regardless of price.

Motion was made by Godberson and seconded by Shanks to hire AIP Architect Firm for the annex/amphitheater plans, and the cost to draw up the plans is not to exceed \$40,000 to be paid out of the Use Tax Account. Motion carried: Shanks, aye; Godberson, aye; Skidmore, aye.

No action was taken on the definitive location for the amphitheater south of the courthouse and discussion regarding annex.

Troy & Banks Utility and Telecom Audit Proposal to conduct a forensic, retro-active audit of all utility and telecommunications accounts: Clerk Reese said the company contacted her seeking to do a retro-active audit to identify overcharges and billing errors made by service providers; she told five other counties that are doing this. Reese said Troy & Banks will implement cost saving measures that will lower future utility and/or telecom bills and services are performance based, if there is not refund or cost savings then Troy & Banks would not receive a fee. DA Hermanson said it's a way to save money. Commissioner's Shanks and Skidmore said they were not interested. No action was taken.

Hire additional counsel regarding pending litigation: DA Hermanson noted there are two pending lawsuits, one with Thunder Ranch and one with Rock Falls Wind Farm. He told no additional outside

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counsel is needed on the Thunder Ranch Wind Farm because the lawsuit filed is protesting valuations. However, DA Hermanson went on to say, Rock Falls Wind Farm is owned by Blackwell Economic Development Authority (BEDA) which is a tax-exempt entity and this lawsuit will have a huge affect on counties and schools, this particular lawsuit involves Grant and Kay County. DA Hermanson explained the turbines located in Kay County are in the Newkirk/Braman School District; Grant County's will affect the Deer Creek-Lamont School District. DA Hermanson said Grant County has hired Attorney Mart Tisdale as their outside counsel to represent Grant County and Hermanson suggested Kay County hire him as well. He said the hourly cost is \$275. DA Hermanson told Mr. Tisdale is an outstanding lawyer and stated he could work with him. Court Clerk Marilee Thornton explained Grant County would pay the larger percentage of the cost because Grant County has more turbines than Kay County. Assessor Susan Keen told BEDA held a meeting offering to pay monies to Newkirk/Braman and Deer Creek-Lamont School Districts for ten years; Keen said the amount they offered was much less than school districts would receive otherwise. Keen said they offered in their contract money for the Blackwell School District as well and Blackwell School District does not have any Rock Falls turbines in their district. She said the way this is set up the county and the Health Department would not receive any money. Treasurer Kennedy asked if the referenced schools have legal counsel because the schools have a much bigger stake than the rest. DA Hermanson noted this is unconstitutional and the first time in the state this has happened. Commissioner Shanks said this would be detrimental not only to Kay County, but the entire state if this happens and mentioned other scenarios. Shanks asked who was going to light a fire on outside counsel and make sure this didn't get put on the back burner; DA Hermanson replied, he would.

Motion was made by Godberson and seconded by Shanks to hire outside counsel, Attorney Mart Tisdale, for the pending lawsuit with Rock Falls Wind. Motion carried: Shanks, aye; Godberson, aye; Skidmore, aye.

Motion was made by Skidmore and seconded by Shanks Tabling a Resolution setting restrictions for firing county employees. Motion carried: Shanks, aye; Godberson, aye; Skidmore, aye.

Road and Bridge Projects/Circuit Engineering District (CED) No. 8 Road and Bridge Projects: D#1 Commissioner Godberson stated crews were blading and hauling material to roads district wide, mowing ditches, fixing washouts from heavy rains, asphalt patching, cleaning ditches and installing culvert extension north on Prentice Rd. He noted crews attended a safety simulator training.

Commissioner Shanks stated crews were still hauling rock from Pawhuska because it was too wet to haul from ACG, crews will be hauling rock to Hardy Lane, Bear Creek and Union, and boom mowing. He noted crews would not be blading this week but would continue to haul rock.

BOCC discussed where to get rock.

Commissioner Skidmore told his crews attended a driving simulator training this week. He noted crews are ripping shale at pit, hauling shale and sand to roads, cleaning out culverts, patching blacktop, spraying trees and working in the shop on trucks. He said crews continue to update inventory and are working on the new shop floor and stairs.

Competitive quotes to crack seal and mastic seal from Highway 11 to Adobe Rd. on 29th Street and between 29th and 44th Street on West Furguson, Dist#3. Commissioner Skidmore said he only had two quotes on and was still seeking a third quote. He asked DA Hermanson if he was fine using the Public Competitive Bidding Act (PCBA) for materials and labor. DA Hermanson said he would look at the law to make sure. Chairman Shanks stepped out of the meeting and called Cheryl Wilson at the State Auditors office. Shanks told Commissioner Skidmore that he could use the PCBA statutes for both materials and labor and could move forward with this matter, per Cheryl Wilson at the SA&I office.

Motion was made by Skidmore and seconded by Shanks Tabling competitive quotes to crack seal and mastic seal from Highway 11 to Adobe Rd. on 29th Street and between 29th and 44th Street on West Furguson, Dist#3 to obtain additional quotes. Motion carried: Shanks, aye; Godberson, aye; Skidmore, aye.

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Motion was made by Godberson and seconded by Shanks approving to go out for six-month bids on commonly used items. Motion carried: Shanks, aye; Godberson, aye; Skidmore, aye.

Motion was made by Skidmore and seconded by Godberson approving Public Service/Pipeline Crossing Line Installation on the following: Basin Operating Services, NE/4 SW/4 S28 T25N R1W ending NE/4 NE/4 S23 T25N R1W, 100 (S. 13th Str), D#3. Motion carried: Shanks, aye; Godberson, aye; Skidmore, aye.

Motion was made by Skidmore and seconded by Godberson approving the following Resolutions to Deposit Funds: Res#18, 19-67, Highway Dist#1-\$132.50, sale of culvert pipe; Res#18, 19-68, Highway Dist#3-\$750.00 Public Service/Pipeline Crossing Line Installation. Motion carried: Shanks, aye; Godberson, aye; Skidmore, aye.

Motion was made by Shanks and seconded by Godberson approving the following Resolution for Declaration of Surplus: Res#18, 19-69, Treasurer, 4 monitors, junked. Motion carried: Shanks, aye; Godberson, aye; Skidmore, 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.

Commissioner Godberson and DA Hermanson stepped out of the meeting. Godberson returned to meeting and DA Hermanson left to attend court.

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

FY 2017/2018 PURCHASE ORDERS:

Resale Domain Name 4234 TM Consulting 139.95

FY 2018/2019 PURCHASE ORDERS:

General Internet 1333 AT&T 96.17; Lease 2 MailFinance 1125.00; Phone 290 Touchtone Communications 22.54; 923 Touchtone Communications 19.69; 926 AT&T 1357.16; 1401 AT&T 277.62; 1402 AT&T 532.62; 1404 AT&T 30.93; Signs 1489 Patriot Signage Inc. 225.00; Storage 1693 Newkirk Mini-Storage 480.00; Supplies 516 Staples 12.00; 1422 Southwest Business Products 130.20; Telephone 1207 AT&T 138.64; 1208 Birch Communications 442.91; Travel 1548 Harp, Jennifer L. 259.24; 1622 Ratliff, Maribeth 79.54; Water 859 Quality Water Service 47.90; 1198 Quality Water Service 90.95; Health Billing 1354 OK Natural Gas 112.17; Forms 1338 Pearson 389.66; Materials 1336 Houghton Mifflin Harcourt Publishing Co 91.95; Phone 899 AT&T Mobility 102.24; 1352 AT&T 303.63; Translation 766 Language Line Services 125.98; Utilities 898 Ponca City Utility Authority 1345.15; Highway null 1154 AT&T 231.93; 1515 Shepherd Oil Co. 17049.61; Billing 1378 Dish 23.60; 1379 Encounter Wireless Service 41.00; Diesel 1534 Kelle Oil Company 15860.00; Dumpster 1062 Davis Sanitation 55.00; Equipment 1484 Atwoods 219.98; Filing Fee 1635 Secretary of State 50.00; Filters 560 John Deere Financial 158.71; Grease 608 John Deere Financial 5.40; Insulation 1176 Kool Foam 17710.00; Internet 1325 Encounter Wireless Service 68.00; Lumber 1466 Hughes Lumber 92.28; Maintenance 1382 Standley Systems Inc 36.00; Mileage 1418 Tucker, Teena M. 132.98; Paint 1255 Kool Foam 7700.00; Parts 573 John Deere Financial 167.56; 721 John Deere Financial 428.12; 1443 Moonlight Machine LLC 213.00; 1457 Action Truck Parts 798.68; 1532 John Deere Financial 65.21; 1533 Yellowhouse Machinery Co 500.00; Repairs 1415 Kelle Oil Company 160.00; 1509 Wrights Machine Shop 110.00; Rock 927 APAC-Central Inc 6892.55; 1461 ACG Materials 3043.44; 1553 ACG Materials 1324.06; Satellite service 1324 Dish 17.03; Tape 1469 Circuit Engineering District #8 148.68; Telephone 1375 AT&T 255.25; Tools 1414 Myers Tire & Supply 294.05; Uniforms 1383 Cintas Corporation Loc 833.26; Upholstery 1510 B & E Upholstery 95.00; Utilities 1015 Ponca City Utility Authority 516.01; Water 1057 Quality Water Service 35.75; SH Svc Fee Maintenance 1191 Harrell Automotive & Recovery 1995.00; Mileage 1462 Kay County Detention Center 151.03; Oil 1627 Galaxie Business 32.60; OLETS 1187 Dept. of Public Safety 350.00; Supplies 512 Walmart Community BRC 251.23; 1211 Lowes Companies Inc. 28.01

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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, 10:17 a.m. Motion carried: Shanks, aye; Godberson, aye; Skidmore, aye.

Approved this 5th day of November, 2018.

JASON SHANKS, CHAIRMAN

JACK GODBERSON, MEMBER

PAUL SKIDMORE, MEMBER

ATTEST:

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