

Tuesday, May 31, 2022
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, May 31, 2022, the meeting was posted for public information on May 27, 2022, at 8:50 a.m. at the Commissioners Room, at the west entrance of the Kay County Administration Building in Newkirk, Oklahoma, and on the Kay County Website.

Chairman John Wilson called the meeting to order. Commissioners: Jack Godberson, Member, present; Jason Shanks, Member, present. Other's present were as follows: Billie Chrz, First Assistant District Attorney (ADA); Steve Kelley, Kay County Sheriff; Shannon Mallory, OSU Extension; Dennis Bonewell, Emergency Management; Eric Fladie, Garver/City of Enid; Carol Lahman and Josh Conaway, City of Enid; Claude Williams, Taxpayers for Transparency; Tammy Reese, Secretary/Kay County Clerk.

Chairman John Wilson led the flag salute.

Motion was made by Shanks and seconded by Godberson approving the regular meeting minutes of May 23, 2022. Motion carried: Godberson, aye; Wilson, aye Shanks, aye.

Granite Telecommunications money savings analysis for the county regarding AT&T phone lines: BOCC tried to contact Robert Wager on a conference call and were unable to reach him. Chairman Wilson suggested moving on and coming back to this item.

Commissioners' discussion regarding legal opinion of statutory right-of-way and section line jurisdiction of Fountain Road between Union and Waverly roads (Sections 16, Township 25N, Range 2E) and consider future permitting approval to allow City of Enid to install a 30-inch raw water pipeline with this right-of-way: Eric Fladie, Garver/City of Enid said as was mentioned in last week's meeting the county has statutory rights to grant this water way to the City of Enid, statutory miles are on county roads as credited miles. Wilson Pipestem, Ponca Tribe Attorney, encouraged the BOCC not to grant permission. He disputed the county's authority of this right-of-way and added he has not seen the agreement being presented. Mr. Pipestem went on to say the roads are not in use and would like to see who has the rights; he said if the BOCC permits this it could lead to litigation because there is much to consider. He reiterated he would like more time. Commissioner Godberson asked how much time he would need. Mr. Pipestem said he would like two weeks; he said because the law regarding rights-of-way on roads that have been out for sometime brings to question who has that right-of-way if the road has not been in use. Mr. Pipestem said there is a lot at stake for the Ponca Tribe. Carol Lahman, City of Enid, said it has been approved for the entire route and we have been given permission to alter the route and noted cultural resources are being protected for all 70 miles of the route. Commissioner Godberson said everyone that has land down that road (Fountain Rd.) are using the road and he stated it is considered a county easement. Mr. Fladie said there are 230 parcels and two have been fully approved and have gained 51% approval and all other allottees have been met. He said there is a small percentage of ownership by the BIA. Ms. Lahman said we need this route because that is the only alternative; she added the United States Supreme Court case states the county can grant right-of-way. Mr. Pipestem said the Ponca Tribe has cultural resources and we want to make sure we are protected, and we want to make sure all areas are considered and worked through, and we want facts on alternative route. ADA Chrz mentioned a huge power line that goes through that area with the same easement. It was discussed where the pipeline is compared to the powerline. Mr. Fladie stated the city will support Ponca Tribe to further look at the risk for tribal land; he said we want to be honorable to the tribes. Mr. Fladie said we have been working on this for two years and he asked the BOCC to support this for needed water for the City of Enid. Environmental clearance was mentioned. Ms. Lahman stated they did not want to have to start that process over. The right-of-way was again mentioned. Mr. Pipestem said we are not looking for conflict. He said cultural resources is their main concerns and asked for time to review the agreement. Commissioner Shanks said the BOCC did not have to get a legal opinion to grant right-of-way for public utilities. He repeated, we do not have to have an attorney give us permission. ADA Chrz agreed that typically you do not need attorney permission, but felt the BIA should be allowed time to review this agreement. Shanks said the tribe will need to get a legal opinion and bring back to the BOCC.

Motion was made by Godberson and seconded by Shanks tabling until June 13, 2022, at which time a decision will be made, right-of-way and section line jurisdiction of Fountain Road between Union and Waverly roads (Sections 16, Township 25N, Range 2E) and consider future permitting approval to allow City of Enid to install a 30-inch raw water pipeline with this right-of-way. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Tuesday, May 31, 2022
Newkirk, Oklahoma

Motion was made by Godberson and seconded by Wilson approving reimbursement claim for Election Board Secretary Salary for the month of May 2022. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Godberson and seconded by Shanks approving Application for Financial Assistance/County Burial (not to exceed \$500.00). Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Wilson approving Agreements between the BOCC and the following to have remote terminal capabilities with the Assessor's office: Oath Law; Savion, LLC; Lyle Nickel Insurance, Inc.; Amshore US Wind, LLC. DA Hermanson approved as to form. 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 have been hauling rock to Prentice and Prospect Rds., putting up bridge reflectors and signs, picking up road trash, servicing equipment and working in the shop.

Commissioner Shanks said his crews are hoping to finish today pulling a quarter of a mile ditch; he said due to traffic they have had to restart this several times.

Commissioner Wilson told crews have been hauling shale and rocks to roads, grading roads, filling in holes in Nardin and east of Blackwell areas, hauling asphalt to yard, cutting down trees on the east side of town, hauling crusher run from Dolese to yard and installing guardrails on 44th Str.

Motion was made by Godberson and seconded by Shanks approving the following FEMA Project Damage Statements/ODOT Major Collector Projects, D#3. Chairman Wilson said he is trying to closeout these projects: Hubbard Rd., 92-108, Project 7; Hubbard Rd., 124-140, Project 7. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Godberson tabling the following Public Service Pipeline/Crossing Line Installations: Kay County RWD#3, SW4/SW4 S2 T26N R2E ending SE4/SE4 S3 T26N R2E, Pleasant View Rd. Shanks said he has not spoken with anyone regarding this request; City of Enid, SE4/SE4 S9 T25N R2E ending SW4/SW4 S9 T25N R2E, E0250 (Fountain Rd. between Union & Waverly), D#1; City of Enid, SW4/SW4 S11 T25N R2E ending SE4/SE4 S10 T25N R2E, N0333 Road (S. Pleasant View Rd.), D#1; City of Enid, SE4/SE4 S10 T25N R2E ending NE4/NE4 S15 T25N R2E, E0250 Road (Fountain Road), D#1; City of Enid, NE4/NE4 S16 T25N R2E ending SE4/SE4 S9 T25N R2E, E0250 (Fountain Rd. & Union Rd. vicinity), D#1; City of Enid, SW4/SW4 S9 T25N R2E ending NW4/NW4 S16 T25N R2E, E0250 (Fountain Rd. & Waverly Rd. vicinity), D#1. 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#21, 22-223, Highway Dist#1-\$250.00, Certificate of Compliance; Res#21, 22-224, Highway Dist#3-\$250.00, Certificate of Compliance. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Motion was made by Shanks and seconded by Godberson approving to rescind the low quote/bid from Highpoint Partners-\$1,900.00 (bidder declined) (bid accepted in BOCC meeting 5-16-22), and approve the next low quote/bidder Gary Faul Construction-\$2,900.00 to build shelving in the OSU Extension garage. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Quotes to spray foam Dist#2 Shop Building: Freedom Foam-no quote was received; Kool Foam-\$27,110/\$1,110-option to paint ceiling; Silva Spray Foam, Inc.-\$41,678/\$9,240-option to paint ceiling.

Motion was made by Shanks and seconded by Godberson approving and accepting the low quote from Kool Foam (Enid, OK)-\$27,110/\$1,110, including the option to paint ceiling. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Filing cabinets for the courthouse renovation: ADA Chrz explained the need for the filing cabinets. She said mill wood would be built around these cabinets to form a wall in the area, so therefore, the cabinets will need to be ordered in ample time for mill wood to be built around them. ADA Chrz said these cabinets have significantly increased in price from a year ago stating the price a year ago of \$26,000 and now \$41,000. She told the BOCC she has checked with other companies with similar cabinets and thinks

Tuesday, May 31, 2022
Newkirk, Oklahoma

she will need around \$35,000 for these cabinets. Godberson asked her to do more research and then revisit the BOCC.

Motion was made by Shanks and seconded by Godberson approving the following Transfer of Appropriations: Hwy. Dist#2 Personal Service-\$21,512.00 to Hwy. Capital Outlay; Resale Maintenance and Operations-\$260,000.00 to Personal Services-\$200,000.00; Part Time-\$10,000.00; Travel-\$50,000.00; Sheriff (General) Travel-\$839.59 to Maintenance and Operations. Motion carried: Shanks, aye; Godberson, aye; Wilson, aye.

Motion was made by Godberson and seconded by Shanks approving Juvenile Detention Services Agreement by and between the BOCC and: ROCMND Area Youth Services, Inc., \$25.00 per day per child. Motion carried: Shanks, aye; Godberson, aye; Wilson, aye.

Motion was made by Godberson and seconded by Shanks approving Contract and Notice to Proceed by and between Highpoint Partners, LLC and BOCC, Bid#2022-15 Construction Bridge 93A, Dist#2. Motion carried: Shanks, aye; Godberson, aye; Wilson, aye.

Shanks accepted a phone call.

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 Godberson and seconded by Shanks approving Payroll Verifications for May 2022, Maintenance & Operation Claims, Blanket Purchase Orders. Motion carried: Shanks, aye; Godberson, aye; Wilson, aye.

FY 2021/2022 PURCHASE ORDER:

Assr Rev Fee Repairs 4131 G & B Auto Service Inc 20.00; Donations Food Service 4030 Dannys BBQ Headquarters 270.00; Family Drug Court Reimbursement 3928 Roquemore, Carmon Chastine 154.23; General Contribution 1571 OK Public Emp.Retirement Sys. 4291.71; CSSP 2400 Northern Ok Court Services Inc. 2750.00; Equipment 2868 COPS Products LLC 2052.28; Fuel 3705 Fuelman 2184.06; 3706 Fuelman 2244.21; Gear 3901 Tactical Tailor 1882.58; Maintenance 3704 Accurate Auto 797.17; Maintenance Agree. 1789 Jackson Mechanical Service Inc 2355.00; Name plates 3920 Redlands Office Solutions LLC 16.35; Rental 3822 Newkirk Mini-Storage 68.00; Repairs 2802 Stolhand Heating & Air 3138.46; 3097 Stolhand Heating & Air 882.98; 3390 Stolhand Heating & Air 1715.28; Service 1556 Wards Air Conditioning 173.95; Services 1507 County Budgeting Services LLC 625.00; Stamp 3919 Redlands Office Solutions LLC 18.22; Storage 3208 Newkirk Mini-Storage 166.00; 3209 Newkirk Mini-Storage 166.00; Supplies 4023 Redlands Office Solutions LLC 171.78; Toner 3960 McDonald Computer Services LLC 1720.00; Travel 3823 Nicholson, Elizabeth 959.34; 3824 Medlock, Brenda 122.21; 4011 Leaming, Janell M. 230.66; 4012 Belair, Staci Nicole 22.73; 4033 Shwayat, John William 125.78; Uniforms 3391 Safe Life Defense 1253.70; Health Internet 3647 Get Real Cable 50.00; Payroll 2675 Oklahoma State Dept of Health 45155.86; Service 3641 AT&T Mobility 113.68; 3644 Centerpoint Energy 63.65; Travel 3366 Laura Pruett 149.88; 3667 Oldfield, Amy 25.27; Utilities 3652 Ponca City Utility Authority 1756.67; Highway null 4029 P & K Equipment 533.68; Asphalt 4067 Logan County Asphalt Co. 1606.46; COPIER LEASE 3680 Galaxie Business 95.32; DEF 3936 Cross Oil 770.00; Drug Test 3140 AMC Urgent Care PlusLLC 82.00; FILTERS 3371 Safety Kleen 193.60; Fuel 3687 Kelle Oil Company 3047.07; Maintenance 3496 Standley Corp 48.00; Mower 2754 P & K Equipment Inc 21511.04; Oil 3787 Cross Oil 2587.50; Parts 2795 Southwest Truck Parts 531.50; 3384 John Deere Credit 891.68; 3578 John Deere Credit 639.06; 3879 P & K Equipment 67.10; 4022 Hats Auto Supply 247.21; Phone Service 3683 Lingo Communications 135.69; Service 3502 OK Natural Gas 4.52; Snow plow 1545 Industrial Truck Equipment 20419.96; Supplies 2761 Brandts 173.18; Testing 3624 AMC Urgent Care PlusLLC 60.00; 3788 AMC Urgent Care PlusLLC 120.00; Tires 4034 Direct Discount Tire 1502.20; Uniforms 3581 Cintas Corporation Loc 1363.36; Utilities 3504 Ponca City Utility Authority 496.08; 3914 City of Blackwell 477.60; Mental Health Labor 3719 Bookout, Steven 720.00; ML Fee Electrical Work 2826 Welborn Electric Co. 600.00; Equipment 1971 Kellpro Computer 10787.50; Furniture 2757 Oklahoma Correctional Industries 15520.33; Installation 3917 Stolhand-Wells Group 1220.00; Lodging 3810 Best Western 332.00; 3865 Best Western Plus Choctaw Inn 557.94; Resale Publication 3484 Column Software PBC 219.10; RM&P Maps 2145 Kellpro Computer 12.00; SH Svc Fee Labor 3862 American Telephone Inc 140.00; Patches 3852 Emblem Enterprises Inc. 716.21; Rental 2495 Carys Sanitation 165.00; Supplies 3230 Redlands Office Solutions LLC 96.45; 3738 Staples 58.72; Transports 3701 O'Brien, John Trevor 63.00; 4021 Feinburg, Josh 147.00; Uniforms 3638 COPS Products LLC 95.38; 3744 Village Screen Print 1746.71

Tuesday, May 31, 2022
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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 Wilson to adjourn at 10:28 a.m. Motion carried: Godberson, aye; Wilson, aye; Shanks, aye.

Approved this 6th day of June, 2022.

JOHN A. WILSON, DIST#3, CHAIRMAN

JACK GODBERSON, DIST#1, MEMBER

JASON SHANKS, DIST#2, MEMBER

ATTEST:

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