

February 15, 2019  
Guthrie, Oklahoma  
9:00 A.M.

The Board of Logan County Commissioners met in Regular Session with Chairman Marven Goodman present, Member Michael Pearson present and Member Monty Piearcy present and transacted the following:

The Agenda was posted at 9:57 A.M. on January 11, 2019 at the Courthouse and Courthouse Annex.

The meeting was called to order by the Chairman.

The flag salute was given.

There were no citizens to be heard.

**MOTION ADOPTED TO APPROVE MINUTES**

Monty Piearcy made the motion which was duly seconded by Michael Pearson with the voting as follows: Pearson-AYE, Piearcy-AYE and Goodman-AYE;

THAT, the minutes of February 15, 2019, be approved.

**MOTION ADOPTED TO APPROVE FINAL PLAT O CHIMNEY HILL IN THE SW/4 OF 24-15N-2W**

Michael Pearson made the motion which was duly seconded by Marven Goodman with the voting as follows: Pearson-AYE, Piearcy-AYE and Goodman-AYE;

THAT, the Final Plat of Chimney Hill in the SW/4 of 24-15N-2W, be approved.

Open Sealed Bid #2019-12 5mo asphalt laid in place. Bids were received from:

Atlas Paving Co.	Various products/prices
Haskell Lemon Const.	Various products/prices
TJ Campbell Const.	Various products/prices

**MOTION ADOPTED TO AWARD SEALED BID 2019-12 FOR 5MO ASPHALT LAID IN PLACE TO ATLAS PAVING AND HASKELL LEMON CONST.**

Monty Piearcy made the motion which was duly seconded by Marven Goodman with the voting as follows: Pearson-AYE, Piearcy-AYE and Goodman-AYE;

THAT, Sealed Bid #2019-12 for 5mo asphalt laid in place be awarded as follows:

District #1 & District #3	Haskell Lemon Const.
District #2	Atlas Paving

Discussion was held pertaining to a request from the Oklahoma Department of Environmental Quality for Logan County to adopt a storm water management plan for the urbanized areas of Logan County.

Asst. District Attorney Lowell Barto said counties operate from the premise that counties may only do what is authorized to them by law. He said that counties have the authority to adopt floodplain management regulations and adopt regulations for oil and gas drilling near residences. He said that he cannot find any authority for counties to regulate storm water management. He said she searched DEQ regulations and did not find anything pertaining to counties. He said that often an agency will provide where to locate the authority in statute.

Mr. Barto said that the sample program provided by ODEQ pertains to cities and towns not counties.

Mr. Barto stated that Logan County does not have any land use regulations. He said the only way for the county to adopt land use regulations is by a Resolution approved by the voters.

Mr. Barto said the storm water management begins with federal law and the EPA is in charge of enforcement. He said that Oklahoma adopted the Oklahoma Pollutant Discharge Act, which is the act

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governing storm water management. He said he cannot find in that act any regulatory authority granted to counties. He said in 2015 ODEQ adopted the General Permit for Phase II Small Municipal Separate Storm Systems (MS4). He said the permit is a general five year permit. He said Logan County is being asked to apply for a permit. He said the permit requires that counties that lie within the urbanized area or if otherwise designated by ODEQ as being required to obtain coverage under the state's Phase II Storm Water program, the following must be done:

1. Submit Notice of Intent to apply for coverage for the general permit
2. Submit a Storm Water Management Program document that specifies for each of six minimum control measures, what activities will be performed along with schedules and goals to reduce pollutants to the maximum extent to protect water quality

Commissioner Goodman said that ODEQ has provided a map of the areas in Logan County that are in question for the storm water management. He said that the county had previously been threatened with \$10,000 per day fines for non-compliance. Commissioner Goodman stated that new ODEQ representatives have been more willing to work with the county.

Commissioner Piearcy asked what will happen if the county does not apply for the permit. Mr. Barto said that the county needs to see the authority that authorizes the county to do this.

Commissioner Goodman said if the county does not have statutory authority, then it should not be done. Mr. Barto said the plan provided mentions ordinance and enforcement. He said legislation would be needed to authorize the calling of a county question to create an ordinance for enforcement.

Mr. Barto said the current legislation states that ODEQ determines who will be included in the law to be required to obtain a permit. He said he can find nothing that addresses counties and urbanized areas. He said he found that municipalities may be required to comply. He said that he understands it pertaining to municipalities as municipalities have the power to adopt ordinances. He said the unincorporated areas of counties that have no authority to impose land use regulations raises a bigger question as to county compliance with the storm water requirements.

Mr. Barto said that the plan of Creek County, that ODEQ provided, sounds like a municipal storm sewer is being operated. He said it appears that they are operating a system. Commissioner Goodman said that statutes do allow counties to operate a sewer system, he asked if that were the case, would this storm water permit apply. Mr. Barto said it may apply depending on the circumstances. He said that ODEQ has pointed to statute that allows counties to enforce violations pertaining to flood plain, land use and storm water; however, the authority to adopt storm water regulations cannot be found.

Clerk Cole stated that Mr. Lyhane, ODEQ, has said that if the county is going to issue a question of authority then legal counsel needs to issue that on behalf of the Board. He said then ODEQ legal counsel will take up the issue.

**MOTION ADOPTED TO AUTHORIZE ASSISTANT DISTRICT LOWELL BARTO TO REPRESENT THE BOARD OF COUNTY COMMISSIONERS IN ASKING OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY TO PROVIDE LEGAL AUTHORITY FOR STORM WATER REGULATION BY LOGAN COUNTY**

Monty Piearcy made the motion which was duly seconded by Michael Pearson with the voting as follows: Pearson-AYE, Piearcy-AYE and Goodman-AYE;

THAT, Assistant District Attorney Lowell Barto be authorized to represent the Board of County Commissioners asking the Oklahoma Department of Environmental Quality to provide the legal authority for storm water regulation by Logan County.

**MOTION TO APPOINT WILLIE ADAMS TO THE LOGAN COUNTY FREE FAIR BOARD**

Monty Piearcy made the motion which was duly seconded by Michael Pearson with the voting as follows: Pearson-AYE, Piearcy-AYE and Goodman-AYE;

THAT, Willie Adams be appointed to fill the vacancy left by the resignation of Jerry Brooks to represent District #1 on the Logan County Free Fair Board.

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**MOTION ADOPTED TO APPROVE RESOLUTION DESIGNATING SIGNATORIES TO THE  
INMATE TRUST ACCOUNT**

Monty Piearcy made the motion which was duly seconded by Michael Pearson with the voting as follows: Pearson-AYE, Piearcy-AYE and Goodman-AYE;

THAT, Resolution #19-005 designating the following as signatories to the Sheriff's Inmate Trust Account:

Damon Devereaux	Troy Dykes	Kandy Mize
MonTressa Gosnell	Dorothy Kuehl	Leandra James
Randy Lester	Amanda Birt	Michael Bertwell
Christopher Tillman		

**MOTION ADOPTED TO APPROVE DETENTION TRANSPORTATION CLAIM FOR  
DECEMBER 2018**

Monty Piearcy made the motion which was duly seconded by Marven Goodman with the voting as follows: Pearson-AYE, Piearcy-AYE and Goodman-AYE;

THAT, the Detention Transportation Claim for December 2018 in the amount of \$385.41, be approved.

There were no Resolutions appointing Requisitioning or Receiving Officers.

**MOTION ADOPTED TO APPROVE TEMPORARY ROAD CROSSING PERMITS**

Monty Piearcy made the motion which was duly seconded by Michael Pearson with the voting as follows: Pearson-AYE, Piearcy-AYE and Goodman-AYE;

THAT, the following Temporary Road Crossing Permits be approved:

TETRA TECH  
(12" WATER LINE)  
RCP #19-012 Cross/Parallel E 0660 Rd .25 miles east of E 0660 Rd & N 2990 Rd 50' east of the NW/C of 7-18N-4W

**MOTION ADOPTED TO APPROVE PERMANENT ROAD CROSSING PERMITS**

Monty Piearcy made the motion which was duly seconded by Michael Pearson with the voting as follows: Pearson-AYE, Piearcy-AYE and Goodman-AYE;

THAT, the following Permanent Road Crossing Permits be approved:

ONG  
(2" GAS LINE)  
RCP #19-013 Cross Waterloo Rd 6.5 miles south of US 77 & I-35 2,039' east of the SW/C of 32-15N-2W

**MOTION ADOPTED TO ADOPT, APPROVE AND ACCEPT THE FOLLOWING ITEMS  
ON THE CONSENT AGENDA**

Monty Piearcy made the motion which was duly seconded by Michael Pearson with the voting as follows: Pearson-AYE, Piearcy-AYE and Goodman-AYE

THAT, the following items on the Consent Agenda be approved, accepted and adopted:

Payroll for 1st installment of February 2019  
Batch 573  
(See pages beginning 32-014-A)

There were no Transfers of Appropriations

Blanket Purchase Orders #193727 - #193752

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Accept Monthly Reports of County Officers  
Court Clerk  
County Clerk  
Assessor  
Treasurer  
Election Board Monthly  
Health Dept Monthly

**MOTION ADOPTED TO APPROVE CLAIMS FOR COUNTY EXPENDITURES  
FEBRUARY 2019**

Monty Piearcy made the motion which was duly seconded by Michael Pearson with the voting as follows: Pearson-AYE, Piearcy-AYE and Goodman-AYE;

THAT, the printout of claims for County Expenditures for February 15, 2019, Batch 027, \$392,516.97 be approved and signed. The County Clerk is instructed to issue warrants for said claims in stated amounts. (See pages beginning 32-015-1).

There were no Purchase Card payments.

Citizens to be heard:

David Franklin, Sooner Fire Department, wanted the Board to know that the truck purchased in 2018 has title concerns and is being investigated. Lowell Barto said that an investigation is ongoing and may become litigation.

Comments by the Board: None

**MOTION TO ADJOURN**

Monty Piearcy made the motion which was duly seconded by Michael Pearson with the voting as follows: Pearson-AYE, Piearcy-AYE and Goodman-AYE

THAT, there being no further business to come before the board the meeting was adjourned until 9:00 A.M., February 28, 2019.

ATTEST: \_\_\_\_\_  
Logan County Clerk

\_\_\_\_\_  
Chairman, Board of Logan  
County Commissioners