

September 30, 2021
Guthrie, Oklahoma
9:00 A.M.

The Board of Logan County Commissioners met in Regular Session with Commissioners Marven Goodman present, Monty Pearcey present and Kody Ellis present and transacted following:

The agenda was posted at 1:49 P.M. on September 28, 2021 at the Courthouse, Courthouse Annex and LoganCountyOK.com.

1. Meeting called to order by the Chairman.
2. Flag Salute.
3. Any citizen desiring to be heard. (*Speakers are limited to no more than 3 minutes and must address an item on the agenda. Discussions regarding topics not on the agenda may be held with your Commissioner after the meeting.*)

None

4. Consideration and possible action on minutes of September 15, 2021.

Kody Ellis made the motion which was duly seconded by Monty Pearcey with the voting as follows: Ellis-AYE, Goodman-AYE and Pearcey-AYE;

THAT, the minutes of September 15, 2021 be approved.

5. Consideration and possible action on Final Plat of Koloa in the SE/4 of 20-15N-2W.

Kody Ellis made the motion which was duly seconded by Marven Goodman with the voting as follows: Ellis-AYE, Goodman-AYE and Pearcey-AYE;

THAT, the Final Plat of Koloa in the SE/4 of 20-15N-2W be approved.

6. Consideration and possible action on Final Plat of Re-plat of Charter Oak Hills, Section 4 in the SE/4 of 24-15N-2W.

Kody Ellis made the motion which was duly seconded by Monty Pearcey with the voting as follows: Ellis-AYE, Goodman-AYE and Pearcey-AYE;

THAT, the Final Plat of Re-plat of Charter Oak Hills, Section 4 in the SE/4 of 24-15N-2W be approved. (Re-plat to redraw lot lines adding common areas)

7. Consideration and possible action on discussion with Conservation District regarding log jam in District #1.

Gisette Greenwall, Logan County Conservation District, discussed the log jam in District #1. She said she is seeking funds from the county to assist in the project. She said Oklahoma County has committed \$25,000 to the project.

Ms. Greenwall said that the log jam is backing up water that could damage a bridge that is not designed to be in water. She said the adjacent property owners have been contacted for permission to enter their property to do the work.

Commissioner Goodman said that Asst. District Barto has issued an opinion that states that highway funds may not be used for this project. ADA Barto also provided 27A O.S. 3-3-404 that states that the Excise Board may, in its discretion, to appropriate funds from the general fund, upon request of the Conservation District, to be by the district serving the county. ADA Barto also stated that a resolution authorizing the payment of funds from the county general fund to the conservation district, with a memorandum of understanding from the district that the funds will be used for the specific purpose of doing whatever the Oklahoma legislature appropriated its funds to do in cleaning up the log jam, would be in order.

Commissioner Goodman said the problem is that the county excise board does not have any funds to appropriate. He said that Title 19 states the Board of County Commissioners requests appropriations that are sent to the Excise Board approval or disapproval. He said no where in

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Title 19 is it stated that the Excise Board may appropriate funds outside of what is requested by the Board of County Commissioners.

Commissioner Goodman said 2021 HB2900 Section 89 appropriated funds to the Oklahoma Conservation Commission but there was no specific line-item funding for the clean-up of the log jam.

Commissioner Goodman said that he has been told that the Conservation Commissioner has \$250,000 for the log jam project. He said he has issue with giving any money to a project that the cost is not known.

Commissioner Pearcy asked if the project has been bid. Ms. Greenwell said the bid is being prepared for letting in October.

Commissioner Pearcy said that he has a problem with working on private property. Commissioner Goodman said this is also a problem for him.

Ms. Greenwell said she understands the concern that other private property owners will expect the same type of assistance. She said she believes in this case it is about protecting life.

Ms. Greenwell said she will return to the Board of County Commissioners once the cost of the project is known.

Commissioner Goodman said that at a meeting the Chief Engineer of Oklahoma County told him that they have no information that the bridge is in distress. He said bridges are inspected every two years and no inspection has shown that the abutments have been eroded. He said water does back-up causing flooding which the Conservation Commission would be interested in clearing.

Commissioner Pearcy said he isn't against the project but wants to know the cost before he could approve any participation. Ms. Greenwell said she will request the RFP for the project.

Commissioner Goodman said he has spoken with Trey Lam who indicated he would be willing to have legal counsel work with ADA Barto to prepare any necessary agreements.

No formal action was taken on this item.

8. Consideration and possible action on Ingress and Egress agreement with John McDougal, Wildcat Canyon LLC, to access his property in the E/2 of 33-19N-4W for placing riprap and bedding for slope protection on the SW corner (NRCS Project).

Marven Goodman made the motion which was duly seconded by Kody Ellis with the voting as follows: Ellis-AYE, Goodman-AYE and Pearcy-AYE;

THAT, an Ingress and Egress Agreement with Wildcat Canyon, LLC, John T. McDougal, manager, be approved to enter the property in the E/2 of 33-19N-4W to place riprap and bedding for slope protection on the SW corner of the MacArthur bridge crossing Skeleton Creek. (NRCS Project, be approved.

9. Consideration and possible action on assurances to the Natural Resources Conservation Service for MacArthur and Skeleton Creek Bridge riprap project in District #3.

Monty Pearcy made the motion which was duly seconded by Kody Ellis with the voting as follows: Ellis-AYE, Goodman-AYE and Pearcy-AYE;

THAT, the Assurances Relating to Real Property Acquisition document for the Natural Resources Conservation Service (NRCS) for the riprap and bedding for slope protection on the SW corner of the MacArthur bridge crossing Skeleton Creek. (NRCS Project, be approved.

10. Consideration and possible action on Memorandum of Understanding with Twin Lakes Fire Department for receipt of insurance proceeds for vehicles purchased with county sales tax and destroyed by fire on February 21, 2021 with funds being returned to the Twin Lakes Fire Department county sales tax account.

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Clerk Cole said that this Memorandum of Understanding was prepared by ADA Barto for receiving the insurance proceeds for vehicles purchase with county sales tax that were destroyed by fire. She said the insurance company will not pay the county directly for the cost of the vehicles and this MoU states that Twin Lakes Fire Department will pay to the county the amount of \$164,485.00, to be deposited to the Twin Lake Fire Department Sales Tax account, once received from the insurance company.

Monty Pearcy made the motion which was duly seconded by Kody Ellis with the voting as follows: Ellis-AYE, Goodman-AYE and Pearcy-AYE;

THAT, the Memorandum of Understanding with Twin Lakes Fire Department be approved.

11. Consideration and possible action on Resolution establishing rules and procedures for citizens to address the Board of County Commissioners.

Commissioner Goodman said this is a result of previous discussion of needed changes.

Kody Ellis made the motion which was duly seconded by Monty Pearcy with the voting as follows: Ellis-AYE, Goodman-AYE and Pearcy-AYE;

THAT, Resolution #21-094 establishing the rules and procedures for citizens to address the Board of County Commissioners and the request form to be used be approved.

Rules of the Board of County Commissioners of Logan County, Oklahoma for Citizen Comments

WHEREAS, Title 25 of Oklahoma Statutes, the Open Meeting Act, does not require a public body to provide an opportunity for citizens to express their views but a public body may voluntarily choose to allow for such comments (Oklahoma Attorney General Opinion, 02-26); and,

WHEREAS, pursuant to Oklahoma Attorney General Opinion 02-26, a public body which voluntarily chooses to allow for public comment may limit comment to items on the agenda and provide on the agenda that comments are limited; and a public body may also allow for open comment; and,

WHEREAS, the Board of County Commissioners of Logan County, Oklahoma, hereafter referred to as "Board", wishes to provide time for public comments on any agenda item discussion; and one general comments period at the beginning of the meeting; and,

WHEREAS, IAW OK AG Opinion (02-26) the Board cannot engage a member of the public, during an open meeting, in direct discussions on topics not specifically identified on the meeting agenda.

WHEREAS, members of the public wishing to make comments will have no more than three (3) minutes to speak to the Board; and,

WHEREAS, members of the public wishing to speak must complete a request form and present it to the County Clerk before statement(s) will be heard; and,

WHEREAS, any further discussion needed outside of said time limit may be held with their district commissioner after the close of the meeting or at a date and time set by mutual agreement; and,

WHEREAS, the Board reserves the right to limit the number of speakers on a single topic. Groups are encouraged to select no more than two (2) speakers to represent their side of a topic; and,

WHEREAS, statements shall not be inflammatory, derogatory, or contain offensive language. The Board will preserve order with the powers granted to them by 19 O.S. § 331.

THEREFORE, the Board of County Commissioners of Logan County, Oklahoma have set forth the rules and procedures for members of the public to make comments and those rules and procedures are approved.

12. Consideration and possible action on Resolution accepting \$1060.00 donation from Abe Ghassempour to District #3 for purchase of gravel to be placed on Henney Rd between SH33 and County Rd 75.

Monty Pearcy made the motion which was duly seconded by Kody Ellis with the voting as follows: Ellis-AYE, Goodman-AYE and Pearcy-AYE;

THAT, Resolution #21-095 accepting \$1060.00 donation from Abe Ghassempour to District #3 for gravel on Henney Rd, be approved.

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13. Consideration and possible action on Resolution accepting \$299.20 donation from Kevin Sorrell to District #1 for purchase of a culvert to be placed at 18740 W Triplett.

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

THAT, Resolution #21-096 accepting \$299.20 donation from Kevin Sorrell to District #1 for culvert at 18740 W Triplett, be approved.

14. Consideration and possible action on Resolution declaring the following equipment as surplus for the Sheriff's Office:

2006 Jeep Cherokee	Vin ending 15754
2012 Ford F150	Vin ending 01940
2013 Ford F150	Vin ending 57600
2012 Ford F150	Vin ending 60611
2010 Dodge Charger	Vin ending 28677
1997 Ford Crown Vic	Vin ending 68919
2009 Dodge Charger	Vin ending 08465
2002 Ford Crown Vic	Vin ending 11405

Monty Pearcey made the motion which was duly seconded by Kody Ellis with the voting as follows: Ellis-AYE, Goodman-AYE and Pearcey-AYE;

THAT, Resolution #21-097 declaring surplus vehicles for the Sheriff's Office, be approved.

15. Consideration and possible action on Ingress and Egress Agreement with Ken Judge to utilize property at 944 N Indian Meridian, Coyle, OK. for tree debris as part of a drainage project in District #2.

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

THAT, an Ingress and Egress Agreement with Ken Judge, be approved.

16. Consideration and Possible Action on approving the following Permanent Road Crossing Permits:

Monty Pearcey made the motion which was duly seconded by Kody Ellis with the voting as follows: Ellis-AYE, Goodman-AYE and Pearcey-AYE;

THAT, the following Permanent Road Crossing Permits be approved.

CoxCom LLC
(.625 HDPE Line)

RCP #21-020 Parallel Santa Fe Ave 4 miles east of SH 74 2,231' south of the NW/C of 34-15N-3W.

ETC Texas Pipeline
(6" Gas Line)

RCP #21-021 Cross CR 70 .62 miles west of Bryant Rd and CR 70 750' west of the SE/C of 25-18N-3W.

Cross CR 70 .62 miles west of Bryant Rd and CR 70 750' west of the NE/C of 36-18N3W.
RCP #21-022

17. Consideration and possible action on Resolution(s) appointing Requisitioning Officers for various accounts.

None

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18. Consideration and possible action on Resolution(s) Appointing Receiving Officers for various accounts.

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

THAT, Resolution #21-098 appointing Receiving Officers be approved as follows for Twin Lakes Fire Department:

Kelli Adams Lauren Wells

19. Consideration and possible action on the Consent Agenda:

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

THAT, the Consent Agenda be approved:

Approve Payroll Claims for second installment of September 2021
Batch 673 & 674
(See pages 33-133-A)

Transfer of Appropriations within various accounts

1321-2-8204-4110 to 1321-2-8204-2005	\$ 8000.00
1321-2-8201-4130 to 1321-2-8201-4110	\$20000.00

Blanket Purchase Orders: #221578 - #221622

Sign State Election Board Claim for Salary Expenses of Election Board Salary in the amount of \$4911.98 for the month of September 2021

Allocation of Alcoholic Beverage Tax

Guthrie	\$15,958.48
Crescent	\$ 1,928.56
Mulhall	\$ 314.74
Coyle	\$ 519.63
Marshall	\$ 311.77
Langston	\$ 2,403.65
Meridian	\$ 20.78
Orlando	\$ 193.01
Cedar Valley	\$ 601.28
Cimarron	\$ 230.12

20. Consideration and possible action on Claims for payment for September 2021.

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

THAT, the printout of claims for County Expenditures for September 30, 2021, Batch 011, \$209,542.68, Batch 12, \$122.88 and Reserve Batch 055, \$2,323.42, be approved and signed. The County Clerk is instructed to issue warrants for said claims in stated amounts. (See pages beginning 33-1-1).

21. Consideration and possible action on Purchase Card Payments for September 2021.

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

