

**COMMISSIONERS COURT OF UPSHUR COUNTY, TEXAS
TUESDAY, FEBRUARY 28, 2023
10:00 A.M. REGULAR SESSION**

A regular meeting of the Commissioners' Court of Upshur County, Texas was held on Tuesday, February 28, 2023 at 10:00 a.m., with the following members of the Court being present, to-wit:

Present: Dustin Nicholson – Commissioner Pct. #2 presiding,
 Gene Dolle – Commissioner Pct. #1,
 Mike Ashley – Commissioner Pct. #3,
 Jay W. Miller – Commissioner Pct. #4.

Absent: Todd Tefteller – County Judge

Dustin Nicholson called the meeting to order at 10:00 a.m.

1. Invocation and Pledges

Prayer was led by Gene Dolle.

Pledges to the U.S. & Texas flags led by Jay W. Miller.

2. Consider and take action on approval of:

- A. The minutes of the previous meeting;**
- B. Payroll changes;**
- C. Payroll;**
- D. Budget amendments;**
- E. Accounts Payable;**
- F. Accept for recording: Auditor reports; Treasurer reports; Bonds; Oaths; Deputations; Certificates; State and County Taxes Summary; refund of overpayment or erroneous tax payments in excess of \$2500.00; and, applications for use of Upshur County roads and rights-of way and permit requests.**

Motion by Gene Dolle with a second by Jay W. Miller to approve items A-F.

Motion carried 4-0. Unanimous vote in favor.

(SEE ATTACHED)

3. Discuss and take action to approve the request from the Upshur County Juneteenth Organization to use the County vacant lot on June 17, 2023 for activities during the 4th Annual Upshur County Juneteenth Celebration.

Iesha Fluellen was present to represent the Upshur County Juneteenth Organization and requested that they be given permission to use the vacant lot for their celebration. She

informed the Court that the date was a date that coincided with the Farmer's Market. She advised the Court that they could share the lot with the Farmer's Market if approved. Motion by Mike Ashley with a second by Gene Dolle to allow the Upshur County Juneteenth Organization to use the County vacant lot on June 17, 2023 for activities during the 4th Annual Upshur County Juneteenth Celebration as long as there are not any issues that arise with the construction of the Upshur County courthouse. Motion carried 4-0. Unanimous vote in favor.

4. Discuss and take action to accept bids for the County Bank Depository contract.

Brandy Vick, Upshur County Treasurer, advised the Court that the contract expires on May 31st and she is asking the Court to allow her to go out for bids for the County Bank Depository contract. Motion by Gene Dolle with a second by Jay W. Miller to give Brandy Vick, Upshur County Treasurer, permission to accept bids for the County Bank Depository contract. Motion carried 4-0. Unanimous vote in favor.

5. Discuss and take action to accept a donation for Constable Pct. 1 from Plains All American Pipeline in the amount of \$5000. The funds will be used to purchase equipment for use by the Constable.

Tim Barnett, Constable Pct. 1, advised the Court that he had received this donation and was asking the Court to allow him to accept it and put in his budget to purchase equipment. Motion by Gene Dolle with a second by Mike Ashley to accept the donation for Constable Pct. 1 from Plains All American Pipeline in the amount of \$5000.00. The funds will be used to purchase equipment for use by the Constable. Motion carried 4-0. Unanimous vote in favor.

6. Discuss and take action to declare two (2) vehicles and the scrap metal located at all the precinct barns and the pug mill on Cottonwood as surplus so that these items can be sold at auction.

Andy Jordan, Upshur County Road and Bridge Administrator, advised the Court that there is an assortment of scrap metal and two vehicles that he is requesting the Court to surplus so that they can be sold at auction. Motion by Mike Ashley with a second by Jay W. Miller to declare the two vehicles and the scrap metal located at all the precinct barns and the pug mill on Cottonwood as surplus so that these items can be sold at auction. Motion carried 4-0. Unanimous vote in favor.

7. Discuss and take action to award the bids for Road & Bridge fuel and materials.

Dustin Nicholson announced to the Court that he would be abstaining from all discussion as well as voting on this matter. Andy Jordan, Upshur County Road and Bridge Administrator, announced to the Court that he went with all low bids straight across the board. Motion by Gene Dolle with a second by Mike Ashley to award the following bids for road and bridge

fuel and materials as Mr. Jordan has stated and accepted as low bids. The following bids were awarded:

Gasoline & Diesel: Petroleum Traders Corporation;
Plant Mixed Oil Dirt: Longview Asphalt;
Hot Oil Sand: Longview Asphalt;
Refined Road Oil: Bryan & Bryan Asphalt;
Polymer Modified Emulsions: Material Resources, Inc.;
Pug Milling: J&B Production & Service, LLC;
Rip Rap/Rock: Longview Asphalt;
Limestone Flex Base: Longview Asphalt.

Motion carried 3-0 with Dustin Nicholson abstaining.

THE COURT ADJOURNED FOR A SHORT RECESS AT 10:15 A.M.

THE COURT RECONVENED AT 10:29 A.M.

10. Hear any updates and discuss and take necessary action concerning the Round XII Courthouse Grant Renovation and/or the Courthouse employee relocation during the renovation.

Judge Leward LeFleur had a couple of announcements to present to the Court. One being that the County Clerk has moved her records from the courthouse to the depository that was recently built. He also commented that the moving service did a great job and was a lot cheaper than the other bid which saved the taxpayers a ton of money. He also announced that engineers will be here in a week or so to update the plans up to 100% after which they will then be able to send their design to the State for their approval. Judge LeFleur also discussed converting the 5th floor for office space. He said that the "McFadden" cell will need to be added to a future agenda for discussion. Judge LeFleur informed the Court of the expense involved with moving the County employees to the old school administration building. He advised the Court that to get that property to an adequate place just to make people comfortable, we are looking at \$350-400,000.00 which does not include HVAC, plumbing, data, electrical. He also discussed the expense involved with moving the employees to the Upshur Rural building. He then presented the Court with the possibility of leasing modular offices to be moved onto property which will run around \$100-125,000.00 a year for 8 units. He discussed the possibility of moving these to the old school administration property. Jay W. Miller made a motion that we go with the modular buildings, with flexibility, that they be located on the old school administration property but if we get down there and something throws a wrench in things, then we can go somewhere else. The Court will check with our county attorney to see if we are required to seek bids. Location can be later determined as well. Jay W. Miller asked Judge LeFleur to get at least 2 bids so that we can be ready to go in case we have to go out for bids. Jay W. Miller amended his motion to allow Judge LeFleur to go out and talk to Satellite and to design a plan and also reach out to other vendors that might have a comparable or better option to

house the employees of the courthouse. Gene Dolle seconded the motion. Motion carried 4-0. Unanimous vote in favor.

8. The Court will go into CLOSED SESSION under Texas Open Meetings Act, Texas Government Code, Chapter 551 as indicated:

- Section 551.071 (consultation with attorney(s));
- Section 551.072 (deliberation regarding real property);
- Section 551.073 (deliberation about gifts and donations);
- Section 551.074 and 551.0745 (personnel matters);
- Section 551.076 (deliberation about security audits or security devices).

TO WIT:

- A. Deliberation regarding real property at Upshur County Road & Bridge Dept.; and**
- B. Consider security issues as authorized under Texas Government Code, Chapter 551.074(a)(1) and 551.176.**

The Court went into CLOSED SESSION at 11:04 a.m.

9. The Court will re-convene into open session and take any action necessary as a result of Executive Session.

The Court re-convened at 11:49 a.m. No action.

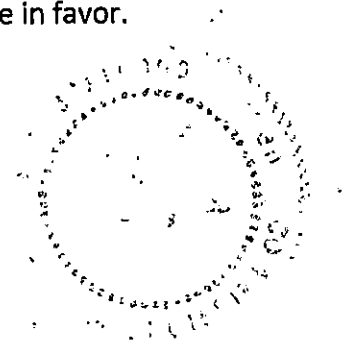
11. Adjourn.

Motion by Gene Dolle with a second by Jay W. Miller to adjourn the meeting. Meeting adjourned at 11:50 a.m. Motion carried 4-0. Unanimous vote in favor.

ATTEST:



TERRI ROSS, UPSHUR COUNTY CLERK



Attendance sheet placed into minutes for recording purposes only.
Bills previously approved placed into minutes for recording purposes only.
Jury payroll placed into minutes for recording purposes only.