

**MAY 23, 2022**

**WISE COUNTY COMMISSIONERS' COURT MEETING**

On this the 23<sup>rd</sup> day of May, A.D., 2022 at 9:01 A.M. came on to be had a Special Meeting of the Commissioners' Court of Wise County, Texas held in the County Court at Law Court Room (3<sup>rd</sup>) Floor in County Courthouse of said County in the town of Decatur with the following members present and presiding:

J.D. Clark	County Judge
John "Biff" Hayes	Commissioner, Precinct No. 1
Kevin Burns	Commissioner, Precinct No. 2
Danny Lambert	Commissioner, Precinct No. 3
Gaylord Kennedy	Commissioner, Precinct No. 4

Sherry Lemon, County Clerk and Ex-Officio Clerk of Commissioners' Court when and where the following proceedings were had, to-wit:

All attachments referred to in the minutes of the Wise County Commissioners' Court are designated original or copy and are provided at the time of action by the Court unless otherwise indicated by provider.

County Judge Clark votes aye on all agenda items unless otherwise indicated.

- 1) Clark called the meeting to order at 9:01 AM. All court members were present.
- 2) Invocation
- 3) Pledge of Allegiance
- 4) Community Forum: None
- 5) Correspondence: None
- 6) Precinct Cooperation/Coordination:

Kennedy thanked the other commissioners for their assistance on CR 3225 in Precinct. No 4. Lambert requested a belly dump for one mile of roadwork in Precinct No. 3. Lambert thanked Burns for the use of a rock hammer.

- 7) Plats:

Motion made by Kennedy seconded by Burns and unanimously adopted by the Court to approve the following plats, as presented:

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Replat J.N.J. Estate, Lots 2R-1 and 2R-2, Block 1, located in Precinct No. 2, as presented, granting a variance on a drainage study, and including a letter of conformance from Wise County Development Services. (See attachment)

Final Plat Prairie Estates, Lots 1 and 2, Block 1, located in Precinct No. 4, as presented, granting variances on drainage plan and building line, including a letter of conformance from Wise County Development Services. (See attachment)

Final Plat Murphy 2123 Estates, Lots 1 and 2, Block 1, located in Precinct No. 4, as presented, granting variances for drainage plan, building line, and TxDOT permit variance, as presented, including a letter request from owner Ritchard Murphy. (See attachment)

8) Clark reminded the court of County Court at Law #2 Judge Stephen J. Wren's retirement effective September 1, 2022. Clark discussed the committee and selection process for appointment of a Judge to fill Wren's unexpired term. Clark told the court that Wren's last day will be August 31, 2022 and presented Attorney Dana Davis Manoushagian's application letter and resume to fill Wren's unexpired term.

Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to appoint attorney Dana Davis Manoushagian as Wise County Court at Law #2 judge to fill current Judge Stephen Wren's unexpired term effective September 1, 2022. (See attachments)

Manoushagian thanked the court and the committee for the opportunity to serve as the County Court at Law #2 judge citing her Wise County residency, experience, and praising Judge Wren with hopes to continue his legacy.

9) Clark briefly discussed Wise and Parker Counties representation on the Regional Transportation Council (RTC) of the North Central Texas Council of Governments sub-committee. Clark discussed the weight of the votes as well as the two year rotation on the council.

Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to authorize Clark to sit on the RTC if the opportunity arises and to appoint Clark as Wise County's primary representative with Parker County Judge Dean as the alternate. (No attachment)

10) Clark introduced Cameron Kilton of Nextlink for the purpose of a proposal to Wise County for high-speed broadband coverage. Clark discussed the extensive research done by the county for the broadband project. Clark reviewed the Nextlink proposal to Wise County for high-speed broadband coverage. (See attachment)

Clark stated the cost of the Nextlink coverage public/private partnership with Wise County will be paid from American Rescue Plan (ARP) funds. Clark stated this proposal will provide fiber-based internet services to eighteen of twenty county offices (two Bridgeport offices receiving a licensed fixed wireless link); create a secure IT network within the county at all county offices;

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and, provide residential/business coverage countywide fixed wireless 100mb download speed up to 500 mb download speed for 95% of households. Clark discussed upgrade to current Nextlink technology in Wise County.

Clark estimated expansion of the wireless network would begin within forty-five days of agreement with Wise County estimating completion by December 31, 2022 should the county agree to this public private partnership.

Clark briefly discussed the residential cost and FCC subsidy for households that cannot afford internet. Clark continued that Nextlink has committed to providing a 25mb download for households that qualify for the FCC subsidy. Kilton discussed working with school districts.

Clark discussed Nextlink installation time; possible local field office; and, expansion of field office staff. Clark continued discussing Nextlink installation for Wise County including fiber installation for all housing in Wise County. Kilton discussed this further. Clark stated there are no data caps or usage limits for customers.

Clark stated the estimated cost of \$1.95 million with county funding through ARP at \$1.3 million with the balance funded by Nextlink. Clark noted going forward Nextlink will fund 100% of all operating cost. Clark discussed gig service to all county buildings at a cost of \$6,000.00 per month being 50% less than the county currently pays to Centurylink.

Burns asked about bidding rules? Systems Administrator Steven Melton commented that it is his and Commissioners Court Attorney Thomas Aaberg's understanding that the county doesn't have to bid for internet service as a utility. Clark confirmed with Aaberg that this can be handled as a public/private grant.

Clark stated the request that Commissioners Court Attorney Thomas Aaberg and Nextlink work together to figure out ARP funding and a plan goal.

Clark and Kilton discussed field office requirements.

Motion made by Kennedy seconded by Burns and unanimously adopted by the Court to authorize Commissioners Court Attorney Thomas Aaberg to begin working with Nextlink to determine the legal work and bring back to Commissioners Court an agreement based on the high-speed broadband proposal presented today.

11) Kimley-Horn and Associates representative Shelby Warchesik reviewed the Development Rules and Regulations Appendix Amendment No. 4 revisions, as presented. (See attachment)

Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to approve the Wise County Development Rules and Regulations Appendix Amendment No. 4, as presented. (See attachment)

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12) Donations: None

13) Bids:

Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to approve the request to destroy non-working Tasers at the Wise County Sheriff's Office. (No attachment)

Kennedy mentioned the need to purchase some 4.5" OD pipe as an emergency purchase due to an accident on a bridge in Precinct No. 4. Commissioners Court Attorney Thomas Aaberg confirmed this item doesn't have to be bid if it is an emergency situation (public safety).

Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to award Bid No. 22-BID-018 for the purchase of metal to build bridges to The Railroad Yard, as presented, with the piling size that meets county specifications. (See attachment)

Asset Control Officer Diana Allen requested clarification from the court whether the court wants to do general approval for purchase of items approved last court using capital funds (2022 Tax Note Series for purchase of heavy equipment and vehicle equipment for Precincts and Public Works) via bid, cooperative or straight purchase of items; or, whether the court wants each individual purchase brought back to court each time.

Burns recommended approving all items listed at once and bring it back to court if there are changes. (No attachment)

Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to approve items listed for purchase under Tax Note Series 2022 for Precincts and Public Works via bid, cooperative or straight purchase, as presented. (No attachment)

Public Works Director Joey Highfill requested to change his vehicle from a Tahoe to a truck within the same price range.

Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to amend the previous motion above to include Highfill's change.

Motion made by Burns seconded by Kennedy and unanimously adopted by the Court to accept the price increase from Austin Asphalt effective June 1, 2022 for asphalt road surfacing materials under Bid No. 21-Bid-011 for the purchase of asphalt road surfacing materials for all precincts.

Sheriff Lane Akin stated for court record the District Court orders of 111 confiscated weapons to use, sell or destroy said weapons and trade to GT Distributors for approximately \$16,000.00 so the department can purchase police equipment. (No attachment)

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14) Consent Agenda Item:

a) Minutes:

May 3, 2022 (Development Rules and Regulations Committee meeting); May 9, 2022 Regular Meeting; May 16, 2022 (Canvass meeting). (No attachments)

b) Department Head Reports:

- Items submitted in Dropbox but not provided for court record. (No attachments)
- Constable Precinct No. 3 Charles Applewhite request for an additional reserve deputy, Leland Krieger, who has completed all of his background review. Clark noted this will total seven (7) constable reserve deputies for Precinct No. 3. (No attachment)
- Wise County Fourteen (14) Year Property Tax History Report provided by County Auditor Ann McCuiston reviewed by McCuiston and Clark. Systems Administrator Steven Melton commented on the tax information posted to the county website. (See attachment)
- Davis verbal re: steel beams available through TxDOT and Wise County's designated allotment from TxDOT. (No attachment)
- Treasurer's Report for April 2022. (See attachment)
- Melton re: Odyssey upgrade process from current version to 2022 version with estimated completion within 90 days.
- Clark verbal re: Melton and Powell working on an illegal dumping reporting hotline similar to the burn ban log.

c) Budget Amendments: FY22-13 for various line item transfers. (No attachment)

d) Capital Expenditures: McCuiston referenced funding of a mower for Precinct No. 1 and reimbursement of said funds when capital funds are available in June 2022.

e) Claims/Payroll:

Clark and McCuiston discussed funding on the New Fairview Emergency Medical Services (EMS) building project. Clark requested the household items not be paid from American Rescue

Plan funds and to get with Emergency Medical Services (EMS) Director Randall Preuninger regarding the funding source.

f) Utility Requests:

- Nextlink for CR 1300 located in Precinct No. 2 **(No attachment)**
- Dawson Geophysical (seismic testing) for a seven (7) square mile area southwest of Rhome contingent on Davis' review/approval since that wasn't received by Davis until late Friday. **(No attachment)**

g) Interlocal Agreements/Contracts:

(Original Interlocal Agreements and Contracts are filed in the Asset Control Office by Diana Allen.)

- State Comptroller: Texas SmartBuy Membership Program annual membership renewal. (See attachment)
- Fully Executed: Hall County MOU (See attachments)
- Axon Education Clinical Affiliation Template MOU (No attachment)
- Snow, Garrett, Williams engagement letters for three audits (No attachments)
- Close out Kirby Smith equipment rental as it is no longer needed. (No attachment)
- Burns noted discussing with Nextlink representative about exemption of depth of digging.

Motion made by Burns seconded by Lambert and unanimously adopted by the Court to approve all items listed under agenda item 14, as presented, and with any changes or additions noted.

15) Project Agreements for Road Repair:

No action taken by the court regarding Project Agreement Numbers 3034 with City of Rhome (various roads) or #3035 with the City of Boyd. Lamance stated he hasn't heard from either city for those road projects. Clark recommended tabling this item until Lambert can contact the cities. (No attachments)

16) Hazard Mitigation Plan: Emergency Management Coordinator Cody Powell discussed recently submitted grant applications. Powell stated there will be no more updates until this grant application is finished. Clark stated this item will be removed from the agenda until needed.

17) Right-of-Way Improvements:

Motion made by Burns seconded by Hayes and unanimously adopted by the Court to approve the following right-of-way improvement requests, as presented:

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- David Bagwell 131 PR 4700 in Precinct No. 3 at Cemetery Road to remove trees and knock down an old fence row. (No attachment)
- Gary Shelton on CR 1110 in Precinct No. 2 to improve drainage and have the county rebuild a section of fence that will have to be removed. (No attachment)

18) Burn Ban: None

19) Committee Reports:

Clark noted that the Wise County Development Rules and Regulations Committee will meet quarterly on the same day as the first Commissioners Court meeting of the quarter. Clark stated the committee will begin quarterly meetings on June 13, 2022 with meetings being held at 1:30 PM.

Clark recapped the important works the court has done over the last year that will positively impact the county in the future.

Back to agenda item 17: Right-of-Way Improvements

Motion made by Kennedy seconded by Burns and unanimously adopted by the Court to approve the right-of-way improvement request from William Lachenal for School House Road in Precinct No. 4 to smooth out the roadway so the owner can mow the area that is now steep.

Clark asked Burns about a TxDOT update on the Acorn Bridge in Precinct No. 2? Burns told Clark TxDOT hopes to be finished within the next week.

20) Clark announced the next county holiday as Monday, May 30, 2022 (Memorial Day) and noted the Memorial Day Program at the Veteran's Park and the installation of plaques at the park for Bob Johnson and Ray Singleton (Wise County first Veteran's Service Officer.).

21) Clark announced the next meeting on Monday, June 13, 2022.

22) Clark adjourned the meeting at 10:12 AM, there being no further business to be had by the court.

Minutes approved this 13<sup>th</sup> day of June, 2022, as printed.

J.D. Clark  
J.D. Clark, County Judge, Wise County

John "Biff" Hayes  
John "Biff" Hayes, Commr. Pct. No. 1

Kevin Burns  
Kevin Burns, Commr. Pct. No. 2

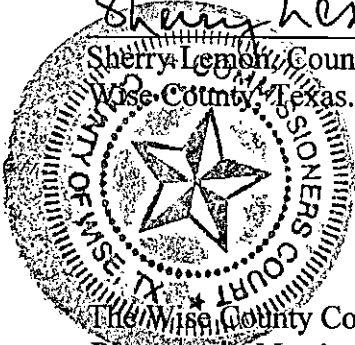
Danny Lambert  
Danny Lambert, Commr. Pct. No. 3

Gaylord Kennedy  
Gaylord Kennedy, Commr. Pct. No. 4

ATTEST:

Sherry Lemon

Sherry Lemon, County Clerk and Ex-Officio Clerk of Commissioners' Court,  
Wise County, Texas.



The Wise County Commissioners' Court adopted revised *Rules of Procedures, Conduct & Decorum at Meetings of Wise County Commissioners' Court* on March 25, 2019.