

MEETING AGENDA

POWELL COUNTY FISCAL COURT
REGULAR CALLED MEETING

DATE: **May 14th, 2019**

Time: **6:00p.m.**

Location: **Powell County Judge Executive's Office**
Room # **102**

- I. Judge Calls Meeting to Order
- II. Roll Call
- III. Clerk's Report of Last Meeting
- IV. Bills Submitted for Payment
- V. Treasurer's Financial Statements
- VI. Treasurer's Transfer/Amendments
- VII. Public Comment
- VIII. Old Business
- IX. New Business:
 - Stanton Fire Dept. (Eddie)
 - Proclamation
 - Airport
 - Bowen Service Rd. (Utilities)
 - Ambulance Bids
 - Board Appointments
- X. Other

• 2019-2020
Annual Standing Order to
Pre-Approve Certain Recurring
Expenses

**POWELL COUNTY FISCAL COURT
REGULAR CALLED MEETING**

Date: **MAY 14TH, 2019**

Time: **6:00 p.m.**

Location: **Office of the County Judge Executive
Room 102**

The Powell County Fiscal Court met at the Office of the County Judge Executive Room 102 at 6:00 p.m. for their regular called meeting.

Those present for this meeting were Judge Executive James Anderson, Fiscal Court Clerk Connie Crabtree, County Attorney Robert King, CSEPP Director Kevin Babcock, EMA Director Steve Asbury, Solid Waste Coordinator Tim Snowden, Ambulance Director Nathan Hall, Asst. Ambulance Director Arlene Rogers, Elkins Insurance Representative Josie Hollon, Kentucky River Foothills Director Jodie Brandenburg, EMT Shawna Staton, Stanton Fire Department- Eddie Barnes and Jimmy McIntosh, Homestead Estate Residents Chris Taylor and Duane Sterns.

Judge Anderson called the meeting to order at 6:00 p.m.

Judge Anderson ask the Clerk to call roll for Magistrates in attendance for the meeting.

Magistrate Dennis Combs – Present

Magistrate Donna Gabbard – Present

Magistrate Mike Lockard – Present

Magistrate Chad Patton – Present

Magistrate Timmy Tipton – Present

All Magistrates were present for the meeting.

The meeting began with Judge Anderson reading a Proclamation for Community Action Month in Powell County and urge all citizens to mark this observance by recognizing the important work done by Kentucky River Foothills Development Council, Inc.

NOW, THEREFORE, BE IT RESOLVED THAT I, JUDGE EXECUTIVE JAMES ANDERSON DO HEREBY PROCLAIM MAY 2019 AS COMMUNITY ACTION MONTH.

Kentucky River Foothills Director Jodie Brandenburg told members that Judge Anderson had been very instrumental and appreciates him sitting on their board. She also told them that she was very thankful for the support that the county gives to the Powell County Senior Citizens Center.

Approval of the Clerk's Reports for the April 2019 meetings.

There were two meeting held during the month of April.

The Regular meeting was held on April 9th, 2019 and a special meeting held on April 29th, 2019

A motion was made by Magistrate Lockard seconded by Magistrate Gabbard to approve the Clerk's report for the regular called meeting dated April 9th, 2019 held at 6:00 p.m.

Motion passes

Magistrate Combs - Aye

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Patton – Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

A motion was made by Magistrate Patton seconded by Magistrate Combs to approve the Clerk's report for the special called meeting dated April 29th, 2019 held at 4:00 p.m.

Motion passes

Magistrate Combs – Aye

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Patton- Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

There were no objection to pay all the bills submitted for payment. Therefore, all bills will be paid.

Treasurer presented all of the financial reports for court to review.

Treasurer presented court members with a list of budget transfers that were made to balance the 3rd Quarter report.

A motion was made by Magistrate Gabbard seconded by Magistrate Patton to approve all of the interfund transfers along with the budget transfers to balance 3rd quarter report.

Motion passes

Magistrate Combs – Aye

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Patton- Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

Treasurer presented court members with Budget Amendment #6 for the 2nd Reading. This amendment was approved by The Department of Local Government on May 3rd, 2019.

Increasing General Fund - \$170,000.00

Increasing Road Fund – \$250,000.00

Increasing Jail Fund - \$122,000.00

Increasing CSEPP Fund – \$150,000.00

Increasing Ambulance Fund – \$30,000.00

Totaling - \$722,000.00

A motion was made by Magistrate Lockard seconded by Magistrate Tipton to approve the 2nd Reading of Budget Amendment #6 totaling \$722,00.00.

Motion passes

Magistrate Combs – Aye

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Patton – Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

Treasurer presented court members with the 2019/2020 Annual Standing Order to Pre-Approve Certain Recurring Expenses.

A motion was made by Magistrate Gabbard seconded by Magistrate Patton to approve the 2019/2020 Annual Stranding Order to Pre-Approve Certain Recurring Expenses.

Motion passes

Magistrate Combs- Aye

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Patton- Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

Public Comments

The first two signed in to speak were Chris Taylor and Duane Sterns.

These two individuals were present for the meeting to discuss their concerns about Homestead Estates. The first one to speak was Mr. Chris Taylor. He said until here recently they were unaware that they were not a public road in Powell County that they were a public drive. The paperwork was sent out about a month ago saying they were a private drive. There are a couple of different routes they want to go. He said they would love if the county would be willing to take their road in as a county road. Mr. Taylor said all of them pay city taxes but they are not recognized when there is a problem. They were here to try to figure something out and hopefully the court will work with them on this issue. The way it is set up now is if the road falls in tomorrow it's basically on them to fix. He said he knows the county has come out and helped before and that was very much appreciated. The roads is 1094, 1095 and 1096 which is Homestead, Ally and Abby Court. Sons Road is primarily in the city limits but considered a county road.

Mr. Sterns told members that he moved in 2006 he thought that since they was in the city limits they would be a city road. Kentucky Transportation Cabinet always signifies them as a city street. In 2014, 2017 and 2019 Judge Anderson formed up paper work so they could get their creeks fixed and Mayor Dale Allen signed off on it. They received Emergency funds for that and whenever Mayor Allen signed off on it Mr. Sterns said it plainly said CS 1094 and 1095 so this signifies as city streets. Now he said all the sudden the last two months they have been going back and forth to City Councils meeting and they are saying that they are a private road. On 4/3/19 the Transportation Cabinet got a letter from the City Attorney saying they are a private drive and were taken out of the system for 8 days only. Now you look on the Kentucky State Transportation Cabinet and they city roads but the City Council says that Jim Brewer and Harold Hurst never dedicated the roads to the city so they have lived in this subdivision for over 12 or 13 years thinking it was a city road and didn't know otherwise until they stated having problems and they didn't want to pay for it. They are now trying to make them private and in the process of making them private they did not follow the Kentucky Statues. They never announced to them that they were private. Mr. Sterns went on to say he does not know how 21 homes on a street can be legally considered private drive.

Magistrate Lockard told him that when he was on the council. When a subdivision is build the City has specs that they have to go by to build it. They maintain it for one year and after the one year the developer if it passes the city's specs can turn it over to the city.

Mr. Sterns said they adopted Brookside in the last City Council meeting because it met the city code.

Magistrate Tipton ask them if the city was receiving state aid revenue. Mr. Taylor told him that back in 2014 the city received \$33,000.00 for emergency funds. The state actually overpaid them and the city

has to write a check for \$3,000.00 to pay them back. In 2017 they received \$9,000.00 and in 2019 they received \$7,000.00 or \$8,000.00 to fix the last culvert. The city recognized these as city streets to receive federal and emergency funds then deny them as city streets otherwise.

Judge Anderson said if something goes wrong with those streets the county gets the call. He said back in 2014 we had an issue in front of Jim Potts and Mr. Sterns house. The creek was ready to undercut the road. At that time Mayor Allen was having some health issues. Judge Anderson said the city are in a MRA program which is similar to the counties coop program. At that time they were verified as city streets and were a participating member of that program which made them eligible for the funds. The state worked up their estimate of what needed to be done for a corrective action. Mayor Allen signed off on this and at that time they accepted a little over \$28,000.00 for that repair. Judge Anderson said per the Transportation Cabinet they came into the system in 2006. For sure in 2014 they were an acknowledgment that they were city streets. After the last regular meeting those roads went back into the city system. Judge Anderson told Mr. Sterns and Mr. Taylor that he feels that they are in good shape and they are in city streets. He said you would open up Pandora's box if they did get them removed because at this point you would have to acknowledge that you probably done two illegal things. One you defrauded the transportation cabinet as well as you worked on private roads.

Mr. Taylor said they just want to be acknowledge as a county road or be annex completely out of the city. Judge Anderson said they are back in the city street system so naturally whatever the process would be remove them would have to be done. Magistrate Tipton said that he does not think the county can legally adopt something that the city is receiving revenue on. Judge Anderson said at this time they are currently listed as city streets.

County Attorney Robert King told them he would check on this and he should have an answer for them by Thursday.

No Action Taken

Eddie Barnes and Jimmy McIntosh approached the court to request more funding this upcoming fiscal year for the Stanton Fire Department. They were requesting that the county give them an additional \$5,000.00 for their county contribution. They said they need to replace their cascade system and purchase 46 cylinders which are around \$1,110.00 each. Judge Anderson ask him how they would come up with the remainder of the money. Mr. Barnes told him that the City of Stanton is going to purchase some of the cylinders and the department has already purchased 11. Judge Anderson told him that the proposed budget had already been submitted and it had about a 3.5 percent increase on top of the county contribution for the fire departments. Judge Anderson told him that since he has been in office the county have increased the contribution by 41 percent and we know that's not enough but our funds are dwindling. Mr. Barnes thanked the court members for listening to them.

Old Business:

Discussion of the Interlocal Cooperation Agreement between the Powell County Fiscal Court and the City of Clay City.

Whereas, pursuant to Kentucky Revised Statutes 65.210-65.300, (the Interlocal Cooperation Act.), the Powell County Fiscal Court and the City of Clay City, Kentucky, a municipal incorporation are desirous of entering into a written interlocal agreement providing for the sharing of revenue generated by the County from the regulatory fees, license fees and other fees or revenues generated as a result of the existing County municipal boundaries of Clay City, Kentucky.

There were a couple of changes that were made to the agreement.

- Annual License fee amounts imposed per Powell County Ordinance 18-2-06 will be sent to the City, (pursuant to the agreements contained in this Interlocal Agreement), on a 1/12 per month basis. All other fees payable to the City of Clay City per the terms of this Interlocal Agreement shall be provided to the City of Clay City on a monthly basis.
It is further agreed and recognized that the City of Clay City shall receive 100 % of all revenues Generated by the City of Clay City's restaurant tax ordinance and any business license Ordinances.
- Section 6: The City of Clay City also agrees to provide the Alcohol Beverage Control Administrator for Powell County with a copy of the monthly bank statements relative to City of Clay City's segregated fund account established for deposit of ABC funds received from the County pursuant to this Interlocal Agreement.

Judge Anderson said he had spoken with Clay City Mayor Kenneth Rice and he agreed to Interlocal Cooperation Agreement.

Contingent on the state approving this said agreement and with these changes being made the court feels comfortable with passing this Interlocal Cooperation Agreement.

A motion was made by Magistrate Lockard seconded by Magistrate Patton to approve this said Interlocal Cooperation Agreement between the Powell County Fiscal Court and the City of Clay City providing for the sharing of revenue generated as a result of the existing County Ordinance (being Powell County Ordinance 18-29-06), on sales of alcohol within the municipal boundaries of Clay City, Kentucky.

Motion passes

Magistrate Combs – Aye

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Patton – Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

Department Head Updates:

- Asst. Ambulance Director Arlene Rogers made everyone aware that EMS week would be May 20th through May 24th.

Road Department Supervisor Arron Marcess made the court aware of these updates.

- Paving should be done by tomorrow
- Mowing is 40 to 50% complete
- Has been working on cemetery roads
- He also ask the court to hire a full time equipment operator at the Road Department.

A motion was made by Judge Anderson seconded by Magistrate Gabbard to hire Melvin Atkinson as a full time equipment operator at the Powell County Road Department.

Motion passes

Magistrate Combs – Aye

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Patton – Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

Judge Anderson said that Mr. Masee has got a lot accomplished in the past two months. Mr. Masee said he would like to thank Craig Lindon for what he had done with getting the road audits complete.

Judge Anderson said there should be a list available to the court members by next week to show what has been accomplished and what is going to be done in the future.

Magistrate Tipton also commented on what a great job that Mr. Lindon had done on getting the survey done with the ditches and roads. He also told members that he thinks we should move forward with purchasing a ditcher to address some of the ditching issues we have so we don't have to tie up a bunch of man power to do it.

Mr. Masee told members that he would like to purchase a ditching bucket for the new backhoe. Judge Anderson told him to go ahead and order one.

Solid Waste Coordinator Tim Snowden made everyone aware that Saturday May 18th, 2019 is free dump day. He estimates that they will do around 90 tons.

Shawna Staton with Middlefork Fire Department made court aware of the following updates:

- Still have 2 trucks down.
- They have partner with American Red Cross to provide smoke detectors in their district for people that don't have any in their homes. Hopefully they can install around 20 detectors a month.
- Search and Rescue has been very busy. Partnership with Red Star and ambulance service they were able to save a life a week and a half ago in the Red River Gorge.
- Ambulance Director Nathan Hall told court members that St. Joe East called to thank them.
- Judge Anderson also said that they had another thank you concerning someone that had broken an ankle. He said they were planning on donating to the Search and Rescue and might even join the team.
- Magistrate Tipton ask Ms. Staton how successful the fund raiser was. She was getting ready to go there and see once she left the meeting.
- Judge Anderson ask her about the ISO rating. She told him as long as they have trucks down they cannot do their ISO rating.

CSEPP Director Kevin Babcock made court members aware of the following updates:

- Has 2 bids that are still out - \$12,000.00 for HVAC systems for the EOC shelter tower sites behind the EOC enclosure. FEMA said they are in the life cycle to be replaced. He will be using \$6,000.00 for 2018 funds and \$6,000.00 from 2019 funds. The 2019 funds are here in Kentucky but not dropped to the county yet. At this time it's critical that these be replaced. Mr. Babcock ask for court approval to allow him to go ahead and purchase these systems.
- The grounding at the EOC. FEMA requires that the fence in the back be grounded which is expected to cost around \$30,000.00. He said he has \$35,000.00 has been dedicated to this project. This project will be bided out also. Mr. Babcock said he would like to move as quickly as possible with these projects. He ask for court approval to move forward with these project as long as they are FEMA approved and is within budget.

All members of the court agreed to authorize Mr. Babcock to move forward with the projects so as long as they are FEMA approved and within budget.

- Mr. Babcock made court members aware that he has a little over \$600,000.00 to spend in 2019 funds and \$180,000.00 to \$200,000.00 in 2018 funds. The 2018 funds has to be spent has to be spent by September 2019.
- The bonding issue was resolved today. The counties that the bonding issue was resolved should be able to start getting advancement again.
- We are looking at \$80,000.00 for two heavy haulers, \$200,000.00 for communication upgrades including handhelds and mobiles and \$107,000.00 to \$112,000.00 for SCBA (self-contained breathing apparatus). We will be switching from one emergency breathing apparatus to a self-contained emergency breathing apparatus.
- Starting De'Mil in June 2019. There will be a public meeting.
- Has been working close with all the Fire Departments. Middlefork and Clay City has been doing really well. They have developed a good robust program. We have 11 technician levels. We hope to get them their own bag and mask so that they can take their own SCBA's. We also have new laptops and a white board.
- Mr. Babcock said he was unaware of the fire departments cascade systems when he did his budget for 2019/2020. He did say he thinks he has enough information to at least ask for a portable cascade system.
- Mr. Babcock he is in the process of purchasing medical bags for all units in the county.
- Judge Anderson said he would like to make everyone aware that the county did not take a truck from Middlefork Fire Department.

Ambulance Director Nathan Hall made court aware of the following updates:

- Two bids were received for a new ambulance.
- Judge Anderson said that they need to make a decision on purchasing a new ambulance. We may potentially get a grant to help purchase one. Judge Anderson said we had 20,000.00 in LGEA to go towards the purchase and \$30,000.00 KBEAMS grant. He said he thinks we could easily pay for ½ of it. We could pay it off by July 1.
- Ambulance Director Nathan Hall presented the bids to members of the court.

The bids received was from Southeast Apparatus.

2019 Chevrolet G3500 Type II Ambulance - \$79,591.00 (6.0 Vortec gasoline V-8)

2019 Ford Transit Type II Ambulance - \$79,591.00 (v6 3.7L TI V6 Gasoline Engine)

The turnaround time would be 45 days.

LGEA - \$20,000.00- Ambulance purchase line

Ambulance - \$5,000.00 - vehicle purchase line

Total \$25,000 left for this fiscal year.

A motion was made by Judge Anderson seconded by Magistrate Combs to allow Ambulance Director Nathan Hall to purchase whichever ambulance he feels that would be best for the ambulance service.

Motion passes

Magistrate Combs – Aye

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Patton – Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

Judge Anderson told Mr. Hall to check on the standard lease and make sure there is no early payoff.

Judge Anderson told court members William Bill Harrison with the Stanton – Powell County Airport had approached about the Marshall Street Project. Mr. Harrison is requesting that the county pay a couple of invoices. He said that they needed a tenth more of an acre to complete the project. Judge Anderson said that the court knew that we may occur some additional cost beyond the norm.

Hanson Professional Services - Invoice # 1070949 in the amount of \$5,537.45 for professional services through March 23, 2019.

Hanson Professional Services – Invoice # 1071597 in the amount of \$4,104.65 for professional services through April 29th, 2019.

A motion was made by Magistrate Lockard seconded by Magistrate Gabbard to pay the invoice from Hanson Professional Services in the \$5,537.45.

Motion passes

Magistrate Combs – Aye

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Patton – Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

Judge Anderson said he was in favor to pay both invoices.

A motion was made by Judge Anderson seconded by Magistrate Gabbard to pay the invoice from Hanson Professional Services in the amount of \$ 4,104.65.

Motion passes

Magistrate Combs – Aye

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Patton – Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

Magistrate Tipton ask if the second invoice could be paid in next year's budget.

Judge Anderson told him that currently we are at roughly 40 percent under for our expenditures in the LGEA fund.

We still will be spending \$20,000.00 out of the ambulance purchase line. We may also spend some out of the asphalt line which will affect it some. Judge Anderson said he sees no problem with paying the invoices for this year's budget.

Judge Anderson told court members that Harold Faulkner gave him a letter requesting permission to put a water line running down the side of Bowen Service Road around 800 feet. The Judge told Road Supervisor Mr. Marcee that he would give him Mr. Faulkner's cell number so he could go look at the condition before he starts digging.

A motion was made by Judge Anderson seconded by Magistrate Tipton to grant Mr. Faulkner permission to put a water line running down the side of Bowen Service Road around 800 feet contingent that Mr. Faulkner put everything back in the same shape or better state that it was in.

Motion passes

Magistrate Combs – Aye

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Patton – Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

Judge Anderson told members that Mike Briggs had approached him with a road issue.

Mike Briggs is wanted to sell a track of land off of Gritter's Ridge. Judge Anderson said its land locked to some degree. The Judge said he would not have a problem if the estate or the realtor wanted to use that easement and replace the culvert so they could have access. Magistrate Tipton ask if it would be considered a public pass way. Judge Anderson told him that was his understanding.

Judge Anderson said the email that Mr. Briggs sent said that they are requesting replacing the culvert or permission for the Estate to replace the culvert. He also sent pictures and maps.

Judge Anderson said he would never want to get in the situation that it would be deemed a county road. County Attorney Robert King looked over the letter from the United State Department of Agriculture that was sent to Judge Anderson.

He read this paragraph to the court members.

In reviewing this particular easement, attached, the provisions of the easement allows the Powell County to construct, operate and maintain this road with the stated construction limits of the road. This would include any work authorized by the county to a contractor or the associated private land owner. Magistrate Tipton said he wanted to clarify in the minutes that we recognize that this is **NOT** a county road.

After discussion a motion was made by Judge Anderson seconded by Magistrate Lockard that based on the letter from the United States Department of Agriculture (US Forestry Service) acknowledge that there is an easement granted to the county and states it's not a county road and within this easement we would allow the property owner of the estate that realtor Mr. Briggs refers to in the attached letter would have our blessings to put in a culvert using the county's easement should they need to so they can access their property.

Motion passes

Magistrate Combs – Aye

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Patton – Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

Emergency Management Director Steve Asbury left a message to the court the Clark Energy is going to look at the siren located at former Kathy's Country Kitchen location to figure out what needs to be done.

Board Appointments

Judge Anderson appointments will be made to the followings boards at a later date.

Pine Ridge
Industrial Authority
Powell's Valley Water
Tourism

Judge Anderson made the court aware that Mrs. Elkins should have us some quotes for our insurance by the end of the week. She said that everything has been released to United Health Care, Anthem, and Humana. Judge Anderson said that a special meeting will have to be held so the committees could discuss the budget and insurance. Also June is the month that the court can make any changes to the Policy and Procedures Manual without having to go through the Ordinance process.

Judge Anderson said that if the county insurance keeps rising they will have to set a threshold and part of the reason is to take care of the people that is already in the system. One thing would be that new hires after a certain date would have to pay a portion of their insurance. He said the Policy and Procedures states that the county furnish health care of the employee at this time.

Closed Session:

A motion was made by Magistrate Gabbard seconded by Magistrate Patton to go into closed session KRS 61.810 Paragraph (F).

Motion passes

Magistrate Combs – Aye

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Patton – Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

A motion was made by Magistrate Gabbard seconded by Magistrate Patton to come out of closed session.

Motion passes

Magistrate Combs – Aye

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Patton – Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

Court Resumes

No Action was taken in closed session

With no further discussion a motion was made by Magistrate Tipton seconded by Magistrate Gabbard to adjourn.

Motion passes

Magistrate Combs – Aye

Magistrate Gabbard – Aye

Magistrate Lockard - Aye

Magistrate Patton – Aye

Magistrate Tipton – Aye

Judge Anderson - Aye

Judge Anderson

Dennis Combs

Donna Gabbard

Donna Gabbard

Mike Lockard

Mike Lockard

Chad Patton

Timmy Tipton

Timmy Tipton