

# MEETING AGENDA

POWELL COUNTY FISCAL COURT

REGULAR CALLED MEETING

Date: FEBRUARY 12<sup>TH</sup>, 2019

Time: 6:00 p.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. Treasurers Financial Statements
- VI. Treasurers Transfers/Amendments *None advised #4*
- VII. Old Business
- VIII. New Business
- IX. Public Comments
- X. Other

## Items on Agenda

- Committee Reports
- District Reports
- Road Audit
- Rocket Docket
- Trailer Bids
- Road Agreement
- Department Head Updates

POWELL COUNTY FISCAL COURT  
REGULAR CALLED MEETING  
FEBRUARY 12<sup>TH</sup>, 2019  
6:00 p.m.

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

Those present at the meeting were Judge James Anderson, Fiscal Court Clerk Connie Crabtree, Asst. Ambulance Director Arlene Rogers, Solid Waste Coordinator Tim Snowden, County Attorney Robert King, Commonwealth Attorney Miranda King, Clay City Times Reporter Cecil Pergram and Chris Chaney.

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

The meeting began with the court approving the Clerk's reports for the January meetings.

A motion was made by Magistrate Patton seconded by Magistrate Lockard to approve the Clerk's report for the regular called meeting dated January 8<sup>th</sup>, 2019.

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 Lockard seconded by Magistrate Gabbard to approve the Clerk's report for the special called meeting dated January 18<sup>th</sup>, 2019.

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 Lockard to approve all of the

Treasurers transfers as presented.

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 all of the financial reports for them to review.

Treasurer presented court members with the 1<sup>st</sup> Reading of Budget Amendment #4 increasing the Road Fund \$39,144.00 and increasing the Ambulance Fund by \$3,944.00.

There were no objections in paying all the bills submitted for payment. Therefore all bills will be paid.

Public Comments:

Mr. Ernest Foster was present for the meeting in regards to the proposed Stanton Sewer Expansion. He requested members of the court attend the next Stanton City Council meeting. Mr. Foster stills has concerns and questions as to what is being proposed. Court members said they would try to be available to attend the meeting.

SPARK Director Jenell Keith was present for the meeting to ask if the court members would have a problem with the Sheriff's office donating 2 vehicles to the SPARK Program. These vehicles would be used for transporting individuals to rehabilitation facilities. Mrs. Brewer said that the Sheriff's Office said they have talked to the auditors concerning the donation and they had no problem with them donating the vehicles.

The vehicles are a 2003 Crown Victoria and an Impala. Both vehicles are in need of minor work. A motion was made by Judge Anderson seconded by Magistrate Gabbard to allow this request contingent that the sheriff's office get a letter from the state auditor saying this donation would be allowed.

Motion passes

Magistrate Combs – Aye

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Patton – Aye

Magistrate Tipton – Aye

Judge Anderson - Aye

A few citizens from the Virden Ridge area was present for the meeting to see if the court had any updates on the proposed CD landfill. Beckie Woods approached the court to discuss the public

hearing the Division of Waste Management has scheduled for February 21<sup>st</sup>; it will be held at the Clay City Elementary at 6:00 p.m. and she was requesting that the court help with making sure as many citizens were aware of this meeting.

David Neal approached the court to discuss the Beech Fork Water Commission appointments made by Judge Anderson during the January 18<sup>th</sup>, 2019 fiscal court meeting. Mr. Neal complained to the court members about him not being named to the Beech Fork Water Commission board. He said he believed that the Fiscal Court didn't act within the commission's bylaws or the KRS relating to the removal of water commissioner. Judge Anderson told him he felt like he was completely within the laws but he would welcome him to seek whatever legal means he feels necessary if he felt convinced otherwise. Judge Anderson told Mr. Neal that removal is different than appointment and that he did not remove Mr. Neal from the board. Mr. Neal went on to say he thought he had done a good job serving on the board and he was disappointed.

Judge Anderson spoke briefly about the Public Hearing scheduled for February 21 at the Clay City Elementary proposing a CCD Landfill. The county ordinance was in place in a timely but if the state approves this request it does not mean that the county ordinance overrides this. County Attorney Robert King recommended that we tell the state that the county had passed an ordinance against this landfill. Judge Anderson said we need to make sure that the people that plan on attending the public hearing are educated about the landfill and have legitimate reasons to why this proposed landfill should not be approved.

Judge Anderson gave the court an update on the alcohol sales.

Total Combined License Fees Collected: \$7,433.30

Total Combined Regulatory Fees Collected: \$10,593.12

Total money collected as of 1/31/19: \$18,026.42

Total money spent as of 1/31/19: \$27,786.93

Owe to General Fund: -\$13,000.00

Total Regulatory fees paid to Clay City: \$3,988.86

Clay City cannot collect any regulatory fees because of the size so the city agreed to fall under the county's jurisdiction. We are splitting those funds and the City of Clay City will have money to aid law enforcement because the money from the regulatory fees can only be spent on certain things. The City of Stanton collects its own regulatory fees separate from the Powell County Fiscal Court. Also there were a brief discussion on the Alcohol Ordinance. The county attorney along with Nancy Mann is working on amending the ordinance to where the county can collect on some financial gains. For instance, if state investigators comes into a business and catches the business in violation that business would be charged with fines and penalties and the state would collect these. If the County amends their ordinance the county could profit on some of these monies. The county attorney is also working on a few other amendments to the ordinance at this time.

There were a brief discussion concerning vacation time for county employees. Judge Anderson copied the page about vacation time out of the Policy and Procedures manual and gave each Magistrate one. 1 to 5 years – 40 hours vacation  
6 to 15 years – 80 hours of vacation

15 thereafter - 120 weeks of vacation

A county employee has to work 1 (one) full year before receiving their first week of vacation time. Should it fall on their calendar year or their anniversary date? There are pros and cons to both but calendar year would be much easier for the HR Department to keep up with verses their anniversary date.

Magistrate Tipton said he thought calendar year would be must easier but would need to get input for the payroll clerk. Judge Anderson recommended that Magistrate Donna Gabbard along with the department heads and payroll Clerk Kacey Davidson get together to discuss what they think would be best. Changes can be made every year in the month of June to the policy and procedures manual without having to go through the 1<sup>st</sup> and 2<sup>nd</sup> reading to make changes.

Judge Anderson assigned each Magistrate to a chair committee during the January 8<sup>th</sup>, 2019 fiscal court meeting. Part of the magistrate's duties include serving on court committees. He bragged on the members for being so involved in the first two months of this term. Each magistrate which had meetings or activity in their committee had a presentation on the activity as well as reports on the district they represent. These committees being so involved has helped our ability to get things accomplished and making the court move effective and informed. Magistrate Donna Gabbard - **Administration Committee** - No updates for the court at this time.

Magistrate Mike Lockard - **Buildings & Grounds Committee** - Had a list of various things that he had addressed. (List will follow minutes)

- Several lights out in courthouse
  - Circuit Clerk's office needs one light cover and has bulb out.
  - Outside lights of courthouse not working
  - Toilet at jail not working
  - Employees parking in handicap spaces at jail
  - Phones not working at jail
  - Several lights not working at jail
- Judge Anderson said we now have a maintenance guy that will hopefully address some of these issues at the jail.

**Magistrate Chad Patton - Jail Committee**

- 12 new state inmates coming on Monday
  - Parking issues at jail
  - 3 cells that was down is up and running now
  - Protek working on smoke evacuation system
  - Life safety issues at the old jail should be completely in the next two weeks
  - Need to install new duct work and dampers into the new system and until this is fixed they have to have guards in this area until it is fixed
- Magistrate Tipton said he thinks there should be some kind of system in place at the jail that is shared with the judges office so we could track how many state prisoners we have monthly basis so we will know if we are staying within budget.

- Magistrate Dennis Combs – Emergency Services Committee

He spoke with Ambulance Director Nathan Hall, Wireless 911 Coordinator Cory Graham, DES Director Steve Asbury and CSEPP Director Kevin Babcock to see if they had any updates. Mr. Graham said he had no issues at this time

Mr. Babcock just spoke of the meeting he had attended.

Mr. Hall and Mr. Asbury showed their interest in becoming full time employees for Powell County.

Magistrate Combs said he talked to Mr. Hall about the ambulances not being backed in when they stop at a place of business.

Judge Anderson said if the temperature outside is over 35 or under 85 degrees no ambulances should be left idling.

**Magistrate Timmy Tipton – Transportation Committee**

Magistrate Tipton met with the transportation committee on January 18.

**Road Evaluation**

- – Craig Lindon presented his completed road audit that we have asked him to do, the scope of his audit included a detailed road inventory and assessment, and we have approximately 120 miles of paved roads and approximately 38 miles of rock roads for a total of 158 miles of total county roads.
- Craig scored the paved roads as to the condition of the pavement, on all the roads (paved and gravel) he noted any deficiencies such as inadequate ditches, drainage failures, slips, etc.
- Discussed the need to verify and adopt the road inventory and then request Bluegrass Add to remap

**Implementation of Road Plan**

- Our hope is this will help us to better prioritize our efforts and enable us to develop a comprehensive road plan.
- We discussed what a road plan would consist of and look like, and help us continuing to improve our efficiency and effectiveness in addressing our roads needs and be a tool for better budget forecasting
- These efforts should enable us to better plan our work schedules in a proactive way

**Work Schedule**

- Now having a complete list of deficiencies and a priority of them will allow us to more effectively address the most severe issues first.

**Staffing**

- Discussed our staffing needs and the evaluation process
- Discussed the need of completing our tier system prior to hiring, this would enable us to better evaluate as well compensate them more fairly for their skills. This should help in the future to be more competitive in recruiting for vacancies as well as letting current employees have a better idea what the criteria is for advancement.

**Reporting**

- We discussed what kind of reporting it would take, to track completed work as well as continuing to add new problems to our work schedules. This world not only improve our daily operations but would be another way to provide information to our citizens.

**Motion Passes**  
**Magistrate Combs – Aye**  
**Magistrate Gabbard – Aye**

After discussing the agreement a motion was made by Judge Anderson seconded by Magistrate Lockard to enter into a 1 (one) year agreement with Craig Lindon for Independent Consulting.

- \$750.00 per month Retainer Fee
- \$300.00 per Site Evaluation
- \$1,000.00 per Presentation

**Compensation**

hereby agrees to provide such services

- The Services will also include any other tasks with the Parties may agree on. The Consultant
- Give presentations to the Fiscal Court when requested.
- Prepare estimates and proposals for all repairs, improvements and maintenance
- the application for emergency funding would be necessary.
- Serve as an advisor to the county regarding transportation needs, especially during times that for the overall quality of those roads.
- Record data collected on length of roads within the county, as well as implement a rating system
- install or replace small drainage structures.
- implement a rating system for payment, record and catalog all data collected
- travelers.
- Access's the overall condition of roads, including pavement conditions, slippages, embankment failures, ditches, as well as slides and slips that would in any way compromise the safety of

The services provided follows:

Judge Anderson presented the court with an Independent Consulting Agreement from Craig Lindon

continue to improve our effectiveness and efficiency.

creating a comprehensive road plan that will prioritize work schedules according to needs to hopefully of drainage structures, and other deficiencies such as slips, slides, etc. This has helped us to start on audit included road miles, condition score of asphalt on each paved road, condition of ditches, condition This is the most comprehensive evaluation that has been conducted on our transportation system. This

Magistrate Tipton also talked to the court about Craig Lindon doing the road audit which came in under budget. Beyond doing the audit we have kept Mr. Lindon as a consultant to help with prioritizing and work scheduling. Every year the county gets state maintenance flex money for paving and occasionally we get discretionary money. Magistrate Tipton said that Mr. Lindon knows all the ends and outs and has done a great job with what we have ask him to do.

- James, noted that these evaluations were being throughout all the departments and that the road department leadership shouldn't feel they are being singled out as we are constantly looking at ways to continue to improve all our departments.
- We discussed some current operational issues that needed attention and reviewed some budget items

**Operational Issues**

Magistrate Lockard – Aye  
Magistrate Patton – Aye  
Magistrate Tipton – Aye  
Judge Anderson – Aye

Commonwealth Attorney Miranda King was present for the meeting to speak to the court about the opportunity for her office to save the county some money by using Rocket Docket in the Powell County Court system. She has been using Rocket Docket in Breathitt and Wolfe counties since taking office. Her office was already receiving a grant for those two counties. Mrs. King said she didn't have an explanation to why Powell County wasn't made part of the grant or why nobody ever asked for the funds for Powell County. She provided court members with a hypothetical rocket docket scenario that was based on the numbers we would likely use.

12 people per month – 60 day stay costs the county - \$12,960.00  
She said she can have the person out in approximately 2 weeks or converted to state in 4 weeks. That being the case, at the very least she can cut the \$12,960.00 in half, (\$6,480.00 for 2 months), which would be approximately cost savings of \$3,240.00 per month. Also once she opens the beds up, those same 12 beds can then be filled with state inmates, which the county gets paid to house. Instead of paying to house those 12 people, you are making \$264.00 a day on them. This will be an opportunity to save the tax payers thousands of dollars by more effectively moving people charged with crimes through the system. Those charged with crimes could be moved either into treatment, circuit court or state custody much quicker reducing the number of county inmates that not only cost us money but take up beds that could be filled with state inmates that provide a revenue for the jail.

Mrs. King is asking for \$1,000.00 each month until the end of the fiscal year. At the end of the fiscal year she would use the statistics to ask for a grant for Powell County to continue the Rocket Docket program. County Attorney Robert King told court members that the remaining money he had left in his budget line for this fiscal year that had been used for a part-time worker could be used to go towards this cost. A motion was made by Judge Anderson seconded by Magistrate Combs to approve the county to use the Rocket Docket program for the remainder of the fiscal year.

**Motion passes**

Magistrate Combs – Aye  
Magistrate Gabbard – Aye  
Magistrate Lockard – Aye  
Magistrate Patton – Aye  
Magistrate Tipton – Aye  
Judge Anderson – Aye

Powell County CSEPP Director Kevin Babcock had advertised in the local paper for 4 (four) trailers. The only sealed bid received was submitted from CRS Auto & Trailer Sales.

Judge Anderson opened the sealed bid.  
7X20 Challenger 7000 GVWR - \$6,990.00 per trailer. The CSEPP program will fully reimburse the county for the purchase of these trailers.

A motion was made by Magistrate Lockard seconded by Magistrate Gabbard to purchase 4 trailers at \$6,990.00 each contingent that the bid is approved CSEPP Director Kevin Babcock.

**Motion passes**



Magistrate Combs – Aye  
Magistrate Gabbard – Aye  
Magistrate Lockard d- Aye  
Magistrate Patton – Aye  
Magistrate Tipton – Aye  
Judge Anderson – Abstained (due to kinship)

Judge Anderson presented court members with a resolution supporting addressing the modernization of Kentucky's transportation funding mechanisms to address transportation funding needs throughout the Commonwealth.  
Whereas, all Kentucky benefits from an interconnected, multi-modal transportation network that contains 57 airports, 2,600 freight rail miles, 8 operating public river ports, a statewide transit network, more than 14,000 bridges, and nearly 80,000 center-line miles of roadways.  
A motion was made by Magistrate Tipton seconded by Magistrate Patton to approve this said Resolution and authorize Judge Anderson to sign all necessary papers.

Motion Passes  
Magistrate Combs – Aye  
Magistrate Gabbard – Aye  
Magistrate Lockard – Aye  
Magistrate Patton – Aye  
Magistrate Tipton – Aye  
Judge Anderson - Aye

Judge Anderson presented court members with the District Ten 2019-2020 Rural Secondary Recommendations.

Allotment - \$860,804.00  
County Judge Executive Fund - \$2,400.00  
Maintenance/Traffic - \$358,300.00  
County Road Allotment - \$140,670.00  
Balance - \$359,434.00

KY 599  
0.027 miles North of Edward Road  
0.513 miles North of King and Napier Cemetery  
\$75,000.00  
KY 1639

0.900 miles North of Barker Branch  
0.182 miles South of Halls Cemetery Road  
\$94,000.00  
KY 1057

0.220 miles West of McCoy Cemetery Road  
0.128 miles West of Pilot Road  
\$132,000.00  
KY 2073

0.619 miles

KY11

KY 2026

\$66,000.00

KY 2001

Powell/Estill Line

0.052 miles East of Happy Top Road

\$132,000.00

KY 1050

0.325 miles

KY 599

Montgomery/Powell County Line

\$34,000.00

Total - \$533,000.00

After reviewing the District Ten 2019-2020 Rural Secondary Recommendations a motion was made by

Magistrate Combs seconded by Magistrate Tipton to approve the District Ten 2019-2020 Rural

Secondary Recommendations as presented and authorize Judge Anderson to sign all necessary papers.

Motion passes

Magistrate Combs - Aye

Magistrate Gabbard - Aye

Magistrate Lockard - Aye

Magistrate Patton - Aye

Magistrate Tipton - Aye

Judge Anderson - Aye

Having completed all business with no further discussion a motion was made by Magistrate Combs

seconded by Magistrate Lockard to adjourn.

Motion passes

Magistrate Combs - Aye

Magistrate Gabbard - Aye

Magistrate Lockard - Aye

Magistrate Patton - Aye

Magistrate Tipton - Aye

Judge Anderson - Aye

Timmy Tipton

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Chad Patton

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Mike Lockard

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Donna Gabbard

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Dennis Combs

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James Anderson

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