

**POWELL COUNTY FISCAL COURT  
REGULAR CALLED MEETING  
MARCH 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 for the meeting were Judge Executive James Anderson, Fiscal Court Clerk Connie Crabtree, Ambulance Director Nathan Hall, Assistant Ambulance Director Arlene Rogers, Road Foreman Daniel Clair, EMT Shawna Staton, EMT Jason Randall, Solid Waste Coordinator Tim Snowden, CSEPP Director Kevin Babcock, City of Stanton Mayor Dale Allen, Ernest and Betty Foster, Jesse Miles, Clay City Times Reporter Cecil Pergram, Corbit Caudill, Jill Horn, Gray Tomlin from the Kentucky Transportation Cabinet, and County Attorney Robert King.

Judge Anderson called the meeting to Order:

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

**Magistrate Dennis Combs – Present**

**Magistrate Donna Gabbard – Present**

**Magistrate Mike Lockard – Present**

**Magistrate Chad Patton – Present**

**Magistrate Timmy Tipton - Present**

Public Speakers:

Members of the Kentucky Transportation Cabinet were present for the meeting.

Those present were Corbit Caudill from the District 10 Office in Jackson. Gray Tomlin and Jill Horn with Rural roads. They were at the meeting to discuss infrastructure needs of the county. Mr. Tomlin told the court that Kentucky Governor Matt Bevin's office was making it a priority to attempt to address infrastructure upgrades that he believes are required to make the state a distribution hub.

We have over 14,000 bridges across the Commonwealth, 27,000 state highway miles and another 53,000.00 county road miles so it's very important that we get feedback on what's going on in the county so they can prioritize because of the other 119 counties.

Judge Anderson told them that at the local level we have greatly benefitted from the flex funds and bridge programs. We have a bridge issue on Adams Ridge Road that needs attention now. The road has around 60 residents on it and are dealing with issues to where they can't use a school bus to transport children. The estimated cost to repair this road is approximately \$500,000.00. Judge Anderson also told him that the Industrial Park in Clay City needs paving and also mentioned the bridge on Cane Creek.

Mr. Tomlin told the members they would attempt to look at the issues the court has identified. Court members thanked them for attending the meeting.

February 2019 Clerk's report

A motion was made by Magistrate Lockard seconded by Magistrate Patton to approve the Clerk's report for the regular called meeting dated February 12<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 Combs seconded by Magistrate Gabbard to approve the Clerk's report for the special called meeting dated February 25<sup>th</sup>, 2019.

**Motion passes**

**Magistrate Combs – Aye**

**Magistrate Gabbard – Aye**

**Magistrate Lockard – Aye**

**Magistrate Patton – Aye**

**Magistrate Tipton – Aye**

**Judge Anderson - Aye**

The Treasurer presented all of the financial statements for court to review.

There were no objections in paying all bills submitted for payment including one submitted from Solid Waste Coordinator Tim Snowden to attend the Spring Smack meeting in April. Therefore, all of the bills submitted for payment will be paid.

A motion 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**

**Old Business and Updates:**

- Mill Stone Bridge is near complete.
- Little Hardwicks Creek Bridge is scheduled to do tomorrow.
- Fife Lick Bridge is be started in the next few weeks.
- After these bridges is finished it will complete this bridge's cycle and we can get our new one started.
- We are right under a ½ million on estimates for the storm damage for Powell County which includes slides and slips. FEMA is scheduled to be here tomorrow to go out and look at the damage.
- Meet with architect for the potential courthouse annex and EMS building. We are getting close to having some figures to look at.

- We heard back from our energy cost savings. We will be getting the RFP's in the paper to receive proposals.
- A reminder for a special meeting this Friday March 15 at 4:00 at the County Judges Office for the 2<sup>nd</sup> Reading of the amendments to the Site Ordinance.

City of Stanton Mayor Dale Allen was present for the meeting requesting the Fiscal Court to sign a resolution regarding the Use of County Roads and Right of Ways in Connection with the City of Stanton's current Line Extension Project. The City of Stanton is currently involved in a project relative to an extension of its existing sewer line system, (said project being donated as Stanton Sewer Extension Project – ARC project # 18a-031), including the extension of wastewater lines to areas outside the city limits of City of Stanton.

The Powell County Fiscal Court in order to assist the City of Stanton with its current sewer line extension project (ARC Project #18-A-031) does, hereby authorize the use of City of Stanton (to include it agents, assigns and designees) of those county roadways and county right of way owned by the Powell County Fiscal Court for the purpose of this project-namely those roadways known as Boone Creek Road and Pine view Heights.

The project is ready to be approved by the state and everything is a go but the one thing engineers have asked for is resolution from the county to go up the right of way of Boone Creek and Pine View Heights. Mayor Allen told court members that you do not have to hook up but if you chose to the tap will be free which is normally \$1000.00 and the homeowner will be allowed up to \$500.00 for the construction cost. The homeowner will hire the contractor to do the construction. After the construction is complete they can submit proof showing the amount that was paid to the contractor and then the City of Stanton will reimburse the homeowner up to \$500.00 for this cost.

Judge Anderson told Mayor Allen that he was totally for sewer expansion and wish that everybody had the ability to hook up to it but when we are turning our other citizens over to another entity I have to make sure that we are making the right decisions to what's in their best interest and doing what they want to do.

Judge Anderson ask the Mayor questions concerning the project. The questions and responses follows.

1. What exactly does this project intel as we have had several different versions relayed to us from citizens but never saw a formal project?  
**Mayor's response – Boone Creek and parts of Pine View**
2. Is Stanton Water a for profit organization?  
**Mayor's response – No.**
3. Has rate changed to you by the non-profit Red River Wastewater Authority ever increased since its establishment? If so when and how much?  
**Mayor's response – Same**
4. Have the rates city customers pay to City of Stanton been increased during that same time? If so, how many times and how much?  
**Mayor's response – Water couple times and Sewer none.**
5. Are any of the monies received for water and sewer used in any other capacity beyond those functions by the city?  
**Mayor's response – only for water and sewer**

6. Has there been a formal request to the Red River Wastewater to accept additional waste this project would generate? Do you know how many gallons this would increase?  
**Mayor's response – No**
7. What would these new customers be charged beyond what it cost you to dispose of water  
**Mayor's response – doesn't know, but sewer is like 1.25 on top water**
8. Has the other two members (Clay City and Powell County Fiscal Court) of the inter local agreement been consulted about the potential Project?
9. What is the necessity of this particular resolution?  
**Mayor's response – right away/only on road**
10. If we are agreeable what provisions are there to address current and future damages to county property such as roads, etc.?  
**Mayor's response- to fix at or above current condition**
11. If we accept will these new customers be at the mercy of whatever rates future increases will be and is there any kind of idea what these will look like?  
**Mayor's response – No idea**
12. Is it important to work with the other two members of the Wastewater Authority as well as the board to make sure were assessing all future needs of the entire community?
13. Are there any plans to address the water infrastructure in that end of the county as were know there are significant issues there.  
**Mayor's response – working on a time**
14. How many people on Boone Creek are in favor
15. Has Brick Plant provided any funding to the project? If so how much? Were there any promises made to them about this project.  
**Mayor's response - \$100,000.00**  
**Mayor's response – None**
16. How has the neighborhoods that will or won't be included kept changing.
17. What's total cost of this project and what's the complete funding model consist of? How many years to pay off?  
**Mayor's response – 1.3 million, \$500,000 (ARC), \$100,000(Brick Plant), 40 years 1.25%, don't know, 90 percent.**
18. If we're agreeable what assurances are there that the project will be completed and damages repaired  
**Mayor's response – Bonding**
19. What would be the cost and mandates to customers to hook up?  
**Mayor's response – tap will be free, \$500.00 credit**
20. Has there been a time you can think of that the County has not assisted the City of Stanton when asked to do so?  
**Mayor's response – No**

After a long discussion a motion was made by Judge Anderson seconded by Magistrate Lockard to table the discussion to allow more time for the members of the court to speak with people on Boone Creek to see if they are in favor or not for the Sewer Line Extension Project.

Judge Anderson ask the Clerk to call roll for Magistrates in agreeance with this motion.

**Motion passes**

**Magistrate Combs – Aye**

**Magistrate Gabbard – Aye**

**Magistrate Lockard – Opposed**

**Magistrate Patton – Aye**

**Magistrate Tipton – Opposed (due to not setting a court meeting date to sign the Resolution)**

**Judge Anderson – Aye**

**4 – Ayes**

**2 - Opposed**

Red River Wastewater Authority board member John Brewer also told the court members that he would try and answer any questions they may have concerning the project.

Aaron Sipple along with his wife was present at the meeting to let court members know that he had signed a 15 –year lease to operate what is now being called the Kentucky Drag Way. He said they have worked hard on getting things ready but the last thing he needed to do was coming to talk about of an ambulance agreement for their facility.

Judge Anderson we want to support economic development but we are bleeding money into our EMS service and we have to get to where it's not exhausting our equipment and employees but at the same time provide some kind of liable service. Mr. Sipple said his insurance reads that he has to have an ambulance plus 2 EMT's.

The agreement that was put in place with the former owners was to pay each EMT \$12.00 an hour cash and \$100.00 a day for the ambulance. Ambulance Director Nathan Hall said they actually lose money because of buying fuel, replacing wind shields that get busted and fixing the ambulance because of it having to sit and run for hours. Mr. Sipple ask if the ambulance has to sit and run by law. Judge Anderson told him that if the temperate is above 85 and below 35 it has to stay running due to medications and IV's.

Mr. Sipple said having his own ambulance didn't bother him because he understood if the EMT's got an emergency call they would have to leave but then he would have racers look at him like he was doing something wrong when the ambulance left. That is one of the reason he talked about getting his own ambulance and knows he cannot stock to the level that they do because of the expense.

Mr. Hall said he would have to talk to the Kentucky Board of Medicine to see what could be done for Mr. Sipple to have his own ambulance.

After discussion a motion was made by Magistrate Dennis seconded by Magistrate Tipton to keep the current agreement for the next three weeks and then look into a long term solution that everyone agrees one.

**Motion passes**

**Magistrate Combs – Aye**

**Magistrate Gabbard – Aye**

**Magistrate Lockard – Aye**

**Magistrate Patton – Aye**

**Magistrate Tipton – Aye**

**Judge Anderson – Aye**

**Committee Updates**

**Timmy Tipton – Transportation Committee**

Wants to schedule a committee meeting next week to discuss several issues and talk about purchasing a ditcher.

**Dennis Combs – Emergency Service Committee**

Middle fork Fire Department has a truck down  
Ambulance Service is getting prices on new ambulance  
CSEPP purchased 4 new trailers.

**Chad Patton – Jail Committee**

Rocket Docket is starting off good.  
Need to have a committee meeting to discuss the jail budget. It is due to court by April 1<sup>st</sup>.

**Mike Lockard – Building and Grounds**

No update

**Donna Gabbard – Administration Committee**

No update

Judge Anderson gave some updates:

He said there was an ambulance company wanting to have a meeting with the Emergency Services to discuss an ambulance purchase. Ambulance Director Nathan Hall gave Magistrate Combs the RFP's. Judge Anderson told Mr. Hall to move forward with putting them in the paper to accept bids. Judge Anderson ask Magistrate Gabbard to move forward in getting health insurance quotes for the new budget.

We still have questions about vacation in the policy and procedures. We need to know if we are going to use calendar year or anniversary date.

Time sheets issues

Issues with maintenance personnel.

Magistrate Tipton – evaluating part-time people and going ahead with hires

After the evaluation at the road department we need to do any follow up actions.

District Reports:

Magistrate Gabbard –

- Water standing at Hummingbird Lane needs ditching.

Magistrate Lockard

- No update

Magistrate Patton

- No Update on potential landfill

Magistrate Combs

- Mill Stone Rd bridge nearly complete

Magistrate Tipton

- Rain making rock roads bad again. Magistrate Tipton feels like we really need to focus on them.

Pilot Road Flex Fund Paperwork

Judge Anderson told members that there was a gentleman in the transportation cabinet that was there for around a month and left therefore no one could access his email so they are claiming they never received the flex fund paperwork.

Back last year the Magistrates were awarded their roads to be repaired. Magistrate Tipton's roads totaled around \$87,000.00. The court agreed to let Magistrate Tipton use the Flex Fund monies to repair Pilot Road from beginning to end this upcoming spring. Judge Anderson said the original

agreement for flex money was in the amount of \$142,066.00. The carry over amount was around \$207,000.00.

A motion was made by Magistrate Tipton seconded by Magistrate Gabbard to enter into this cycle of Flex Fund Money in the amount of \$207,000.00 with the understanding that these funds be distributed entirely on Pilot Road from beginning to end and motion to include giving Judge Anderson authorization to sign all necessary papers concerning this Resolution.

**Motion passes**

**Magistrate Combs – Aye**

**Magistrate Gabbard – Aye**

**Magistrate Lockard – Aye**

**Magistrate Patton – Aye**

**Magistrate Tipton – Aye**

**Judge Anderson – Aye**

**Road Issues**

In relation to Holler wood Park and Powell County Roads in Sand Lick we are currently dealing with a situation pertaining to Bretagne Oil Company. This company has put in a park running adjacent to ours. They have placed “posts” in order to install a large gate spanning the road in two places. They also have debris piles blocking Lick Road which is indicated on the highlighted map. Judge Anderson gave each Magistrate a copy of this map to show the blockage.

Both spurs of Lick Road to KY 1036 have seen unimpeded use and are shown on either 1937 Powell County Map or the 1954 Powell County Map. Both of these said roads are vital to Holler wood.

An official letter needs to be sent to Bretagne Oil Company warning them against gating any part of the Powell County roads indicated on this highlighted map. The letter should state they have twenty four hours to remove the debris piles.

John Brewer said that Holler wood is starting to make money and this company is shutting off the roads to hinder our park.

Judge Anderson said he thinks it is a competition thing. These roads were identified and unless they can prove that these roads have been legally removed the Judge said he would be comfortable voting to re-affirm with these contingencies if they can prove or any legal action or legally removed up to this point we will view as them are listed on the historical transportation cabinet maps. The court will instruct County Attorney Robert King to forward send a letter pursuant to statue to remove these obstructions with a time frame and if not authorize Road Foreman Daniel Clair to remove them.

A motion was made by Judge Anderson seconded Magistrate Tipton that we acknowledge the highlighted maps (a copy of these will follow minutes) so long as there is no legal records that these roads have been removed and the court does acknowledge the 1944 and 1937 maps to their entirely.

**Motion passes**

**Magistrate Combs – Aye**

**Magistrate Gabbard – Aye**

**Magistrate Lockard – Aye**

**Magistrate Patton – Aye**

**Magistrate Tipton – Aye**

**Judge Anderson – Aye**

Discussion of the amended Alcohol Beverage Control Ordinance

1<sup>st</sup> Reading amending the previously passed Alcohol Beverage Control Ordinance NO: 18-29-06.

**1<sup>st</sup> Amendment** – Section 9 – Hours of Sale and Delivery of Alcohol, Paragraph C

Section 9, Paragraph C shall be amended to read:

Distilled spirits, wine and malt beverage may be sold by the drink or by the package Monday through Saturday between the hours of 6:00 a.m. and 12:00 midnight. Distilled spirits, wine and malt beverage may be sold between the hours of 1:00 p.m. until 10:00 p.m. on Sunday provided that no sales of alcohol are permitted on Easter Sunday or Christmas Day if with should fall on a Sunday.

**2<sup>nd</sup> Amendment** – Section 14 Regulatory License Fee, Paragraph D

Section 14, Paragraph D shall be amended to read:

Failure to pay such remittance within five (5) days of the due date constitutes a violation of this section and shall subject the licensee to a fine, suspension of license or revocation of license.

Penalty for failure to file a return and pay remittance by the due date shall subject the licensee to a fine of \$25.00 per day for a period up to 10 days. Any licensee who fails to file a return or make a remittance for longer than 10 days from the date the return or remittance was due shall appear at an administrative hearing where the licensee is subject to a fine of \$250.00 and loss of any licenses to sell alcohol they may hold.

It is the obligation of the licensee to accurately and truthfully report inventory and regulatory license fees collected at the point of sale. Any willful violation of the obligation to accurately report inventory or regulatory license fees shall result in a 1000.00 fine and the potential of loss of any licenses the licensee may hold to sell alcohol.

**ANY PRE-EXISTING LANGUAGE OF ORDINANCE NO: 18-29-06 SECTION 14, PARAGRAPH D IS REPEALED.**

Some other changes is the seller has to keep records for six (6) months for auditing and the county collecting some of the fees if the state ABC fines the seller \$2500.00 for underage sales. Changes can be made to the Ordinance between the 1<sup>st</sup> and 2<sup>nd</sup> Reading.

Discussion of Inter-Local with the City of Clay City,

Judge Anderson had met with Clay City Mayor Kenny Rice last week. They had plans to meet again but Mr. Rice had something to come up.

Judge Anderson said where you are for or you are against the sale of alcohol it passed county wide. The City of Stanton was able to create their own entity because of their size. Anything in the corporate area is Stanton and the county does not receive one dime of the sales.

He said he had approached them about an inter-local agreement to allow us to share in the revenues but they were not agreeable.

Because of the size of the City of Clay City they were unable to collect regulatory fees but could collect license fees.

Judge Anderson said the Former Clay City Mayor Caudill and now Clay City Mayor Rice was and is on board with it so we both can benefit from the sales.

Clay City sees more revenue as a result of the regulatory fees from the county that they couldn't have received.

The agreement between the county and the City of Clay City has never been formally wrote down in an agreement.

Judge Anderson said he had met with Attorney Scott Graham expressed some of the changes he wanted made. The agreement should be ready to discussed by the next regular fiscal court meeting.



No Action Taken

Resolution for the Case 580 Loader Backhoe

Resolution Authorizing the Execution and delivery of an equipment lease/purchase agreement and related instruments, and determining other matters in connection therewith.

A motion was made by Magistrate Tipton seconded by Magistrate Patton to approve the said Resolution of the Case 580 Loader Backhoe and to authorize Judge Anderson to sign all necessary papers concerning this lease agreement.

**Motion passes**

**Magistrate Combs – Aye**

**Magistrate Gabbard – Aye**

**Magistrate Lockard – Aye**

**Magistrate Patton – Aye**

**Magistrate Tipton – Aye**

**Judge Anderson – Aye**

Department Head Updates:

CSEPP Director Kevin Babcock made the court aware that CSEPP had purchased 4 new homesteader trailers.

Solid Waste Coordinator Tim Snowden made the court aware that on amnesty day they took in 13,693 tires.

Soil Conservation is will having their district meeting on March 20<sup>th</sup>, 2019 at 9:00 a.m. at the Powell County Extension Office.

Hopefully schedule a free dump day sometime in May.

EMT Shawna Staton made the court aware that the fire departments is going to start a kids program ages 14-21.

Middle fork Fire Department ISO dropped by 2 points.

Mention of getting the guy to come back for a meeting to discuss ISO.

Road Foreman Daniel Clair made the court aware that the road department would be receiving the new backhoe tomorrow.

Will be picking up equipment at Surplus property one day this week.

A motion was made by Magistrate Gabbard seconded by Magistrate Lockard to go into closed session.

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 Combs seconded by Magistrate Gabbard 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    No Action Taken In Closed Session**

Ambulance Director Nathan Hall ask the court for approval to terminate Paramedic Sierra Bishop from the Powell County Ambulance Service with the stipulation that this fiscal court body or any other fiscal court body never hire her back to the Powell County Ambulance Service.

**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 Judge Anderson seconded by Magistrate Gabbard to forward the recorded tape to K beams relating to the incident for the termination of Sierra Bishop.

**Motion passes**

**Magistrate Combs – Aye**

**Magistrate Gabbard – Aye**

**Magistrate Lockard – Aye**

**Magistrate Patton – Aye**

**Magistrate Tipton – Aye**

**Judge Anderson – Aye**

Ambulance Director Nathan Hall also ask the court for approval for personal changes at the Powell County Ambulance Service.

He is requesting to move Paramedics Jessica Ousley and Nathan Zackary from a part-time status to a full time status Paramedic at the Powell County Ambulance Service.

A motion was made by Magistrate Gabbard seconded by Magistrate Combs to move Jessica Ousley and Nathan Zackary to full time position as paramedics to the Powell County Ambulance Service.

**Motion passes**

**Magistrate Combs – Aye**

**Magistrate Gabbard – Aye**

**Magistrate Lockard –Aye**

**Magistrate Patton – Aye**

**Magistrate Tipton – Aye**

**Judge Anderson – Aye**

Ambulance Director Nathan Hall and staff has been working a new policy for the Powell County Ambulance Service. Mr. Hall said he would look over it again and then submit to court members for them to review.

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**

  
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James Anderson

  
\_\_\_\_\_

Dennis Combs

  
\_\_\_\_\_

Donna Gabbard

\_\_\_\_\_  
Mike Lockard

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Chad Patton

  
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Timmy Tipton