

**POWELL COUNTY FISCAL COURT
REGULAR CALLED MEETING**

Date: JUNE 11TH, 2019

Time: 6:00 p.m.

Location: Powell County Courthouse – Office of Judge Executive
Room 102

A G E N D A

- I. Call Meeting To Order
- II. Roll Call
- III. Clerk’s Report of the last Meeting
- IV. Bills Submitted for Payment
- V. Approval Treasurer’s Financial Statement
- VI. Approval Treasurer’s Transfers
- VII. Public Comments

- Census Bureau
- Powell’s Valley Water Board Appointment
- Senior Citizens Parking Lot
- Health Department Property
- ATV Ordinance
- Broad Band Board
- Ordinance 19-06-11

19.06.11

- VI. Other

**Powell County Fiscal Court
Regular Called Meeting**

Date: June 11th, 2019

Time: 6:00 p.m.

Location: Office of the Powell County Judge Executive
Room 102

The Powell County Fiscal Court met at the Office of the Powell County Judge Executive on June 11th, 2019 at 6:00 p.m.

Those present for the meeting were Judge Executive James Anderson, Fiscal Court Clerk Connie Crabtree, County Attorney Robert King, CSEPP Director Kevin Babcock, EMA Director Steve Asbury, Assistant Ambulance Director Arlene Rogers, Solid Waste Coordinator Tim Snowden, City of Stanton Mayor Dale Allen, Road Supervisor Arron Marcee, Elkins Insurance Representatives Josie Hollon, Ovie Hollon and Robbin Faulkner, Sherry Skidmore and Clay City Times Reporter Lisa Johnson.

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 this 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 approving the Clerk’s report for the May 2019 meeting. There were two meeting held in May. The regular called meeting was dated May 14th, 2019 and the special meeting as dated May 31st, 2019.

A motion was made by Magistrate Combs seconded by Magistrate Lockard to approve the Clerk’s report for the regular called meeting dated May 14th, 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 Patton seconded by Magistrate Combs to approve the Clerk’s report for the special called meeting dated May 31st, 2019.

Motion passes

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

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The Treasurer presented all of the financials for the court's review.

Treasurer presented the all of the transfers for approval.

A motion was made by Magistrate Lockard seconded by Magistrate Gabbard to approve all of the Treasurers transfers.

Motion passes

Magistrate Combs – Aye

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Patton – Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

Court members were presented all these bills for payment approval.

There were no objections in paying the bills. Therefore all bills will be paid at this time.

Court members addressed the first item on the agenda.

Sheila Bolin with the United State Census Bureau was present for the meeting to stress to everyone how important it will be to participate in the census coming in April 2020. Your response to the 2020 Census are safe, secure, and protected by federal law. Packets will be mailed to home addresses beginning in March 2020. You can respond securely online, by mail or by phone. Households that don't respond in one of these ways will be visited by a census taker to collect the information in person. Responding to the census helps communities get the funding they need and helps businesses make data-driven decisions that grow the economy. Census data impact our daily life's , informing important decisions about funding for services and infrastructure in your community, including health care, senior centers, jobs, political representation, roads, schools and businesses. More than \$675 billion in federal funding flows back to state and local communities each year based on census data. The census will be good for 10 years.

The court thanked Ms. Bolin for coming to the meeting to make everyone aware of the importance in participating in the census.

Sherry Skidmore with the Powell County Sheriff's Office approached the court to present the Powell County Sheriff's 2018 Tax Settlement.

She also presented them a handout that showed the total amount of franchise taxes that was collected and disbursed for 2018. The total amount collected for 2018 was \$2,083,478.23.

A motion was made by Magistrate Tipton seconded by Magistrate Combs to approve the Powell County Sheriff's 2018 tax settlement as presented.

Motion passes

Magistrate Combs – Aye

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Patton – Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

Ms. Skidmore also presented a bill for the preparation of the 2018 franchise settlement in the amount of \$500.00.

A motion was made by Magistrate Patton seconded by Magistrate Combs to approve the bill submitted for the preparation of the Powell County Sheriffs tax settlement in the amount of \$500.00.

Motion passes

Magistrate Combs – Aye

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Patton – Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

Judge Anderson questioned if this work was done outside or during office hours and if we were paying her double. He said it would be nice to see the hours of documentation for the preparation of this report.

City of Stanton Mayor Dale Allen approached the court and told them he was unable to be here at last month's meeting when there was the discussion on Homestead Drive #1096, Allie Lane #1094 and Abbie Court # 1095. He gave each Magistrate a copy of a resolution and other document prepared by Mr. Scott Graham that was sent Kentucky Department of Highways. Mayor Allen said that each person that lives on these roads received copies. He told court members to look over everything and he would be present at the next Fiscal Court meeting to answer any questions they may have. He said they can produce no evidence of any kind where those streets are in the city limits and do not meet qualifications and never have. Mr. Allen said he just wanted to clarify with the court to what was going on.

Judge Anderson ask him when the people received these papers. He told him that they had received them before the last fiscal court meeting was held. The Judge said the court was confused on why they were coming to the Fiscal Court meeting concerning their roads. Judge Anderson said they told us that they were directed to come the fiscal court meeting. The Mayor told the Judge that they were not directed to come here. The Mayor went on to say that the City Attorney told them they could go after the developer or could approach to the Fiscal Court.

Judge Anderson ask Mayor Allen why they accepted city funds if they were not city streets. The Mayor referred them to the resolution that he had gave the court members. Section 1. That the City of Stanton, (in exchange for the supply and payment of the necessary materials by the developer), agree to provide labor for the purposes of re-enforcing the creek bank along Allie Lane and Homestead Drive by placing rock and retaining materials against the bank of said creek, for the purposes on insuring safe transit along the said roadway,

Section 2 That this action shall be a one-time improvement and the City of Stanton, by enacting this resolution and taking this action, is not actively maintaining said roadway or taking any actions designed to improve the roadway, to accept said roadway as a city street, or establish periodic maintenance of said roadway by the City of Stanton.

Judge Anderson said the money accepted actually came from the MRA agreement. He said the county cannot work on private property.

Mayor Allen told members again to read over what he had presented to them and he would come back at the next meeting to answer any questions they may have.

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Josie Hollon with Elkins Insurance approached the court to discuss the insurance rates for the health, dental and life for the new fiscal year.

She said she had reached out to Anthem, United Health Care and Humana.

Anthem had a 28% increase, United Health Care had a 30% increase so she said she went with Humana which we have currently for our dental and vision.

Magistrate Tipton ask Ms. Elkins what the industry standard was with other counties. He said he was confused to why the amount has increased so much. She told him that most group insurance that she has increased to 25%. Magistrate Tipton went on to say he didn't know how you budget for such an increase.

She referred court members to the 2nd page of the handout she gave them.

Anthem 1

Current EE Rate - \$473.83 (paid by county for each employee)

Deductible - \$2,000.00

Co-Ins. 50/50

OOP- \$6,600.00

OV Co Pays - \$30/\$50

RX \$15/\$40/\$80/25%

Humana PPO 16 Copay Opt 60 - \$536.14 – 13% increase

Deductible - \$2,000.00

Co-Ins – 50/50

OOP - \$6500.00

OV Co Pays - \$25/\$40

RX Co Pays - \$25/\$40

Humana PPO 16 Copay Opt 62 - \$543.75 – 17% increase

Deductible - \$2,000.00

Co-Ins – 50/50

OOP - \$30/\$55

OV Copays - \$5,000.00

RX Copays - \$10/\$40/\$70/25%

Anthem 2 (buy up plan offered to employees)

Humana PPO 16 Copay Opt 35 - \$554.93 – 21% increase

Current EE Rate - \$554.93

Deductible - \$750.00

Co-ins – 80/20

OOP - \$4,700.00

OV Copays - \$20/\$50

RX - \$10/\$35/\$75/25%

Humana PPO 16 Copay Opt 34 - \$653.30 – 18 % increase

Current E Rate - \$653.30

Deductible - \$500.00

Co-ins – 80/50

OOP - \$4,000.00

OV Copays- \$25/\$40

RX Copays - \$10/\$30/\$50/25%

Humana PPO 16 Opt 36 - \$630.49 – 15% increase

Deductible - \$1,000.00

Co-Ins – 80/50

OOP - \$4,000.00

OV Copays - \$25/\$50

Rx Copays - \$\$10/\$30/\$50/25%

Ms. Elkins said that if the court decides on a plan with Humana they will come in and do the sign ups. The court discussed the employees participating in the wellness program. They can get awarded for participating.

She made the court aware that the dental and life had increased slightly and the vision will remain the same. She said they are working on getting Humana to adjust the premium down on the dental and life if we take the health insurance with them.

The court told Ms. Elkins that they would schedule a special meeting next week to make a decision. No Action was taken on the insurance at this time.

Old Business:

Last meeting the court had discussion in relation to the purchase of a tractor from Holbrook Implement. Judge Anderson presented court members with a handout that was sent to him from Mr. Holbrook from Holbrook Implement. Showing the lease terms and pays figured on \$52,000.00. (A copy of the options will follow minutes). There were options listed for true monthly and annual payments with 300 or 600 hours per year limit and then there were full payout monthly and annual payments.

After discussing the options on the handout the court a motion by Judge Anderson seconded by Magistrate Gabbard to give Road Supervisor Aaron Marcee the ability to explore **options #4 and #5 (both annual)** on the handout and choose which option he feels would be better financially for the road department and the motion to include to authorize Judge Anderson to sign all and any necessary papers concerning this purchase.

Motion passes

Magistrate Combs – Aye

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Patton – Aye

Magistrate Tipton – Aye

Judge Anderson - Aye

The option #4 and #5 follows:

True Lease FMV Annual Payments w/600 hour per year limit

<u>Term</u>	<u>Payment</u>	<u>First Installment Due Upon Delivery</u>
24	\$11,365.00	yes
36	\$8,375.00	yes
48	\$7,635.00	yes
60	\$7,320.00	yes

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Full Payout Lease Annual Payments

<u>Term</u>	<u>Payment</u>	<u>First Installment Due Upon Delivery</u>
24	\$36,875.00	yes w/ \$100.00 buyout
36	\$18,140.00	yes w/ \$100.00 buyout
48	\$13,908.00	yes w/\$100.00 buyout
60	\$11,480.00	yes w/\$100.00 buyout

A motion was made by Judge Anderson to amend the last motion seconded by Lockard to explore the options of trading in 2 tractors for the purchase of one and then lease one.

Motion passes

Magistrate Combs – Aye

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Patton – Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

Updates:

Judge Anderson made the court aware that he attended an Opioid Regional Clint Meeting on May 29, 2019.

Two years ago we had some attorneys attend a fiscal court meeting to discuss the opioid litigation. There were 72 counties in the state of Kentucky ended up signing up for this law suit. In this law suit they were going after the middle man in paramedical companies. During the meeting that Judge Anderson attended he was told that some potential settlements had been discussed and they want to move forward with taking it to trial. They are trying to safe guard that the money will go to the counties and not go through the state. Judge Anderson said hopefully we can get some money to use for treatment centers, law enforcement, etc.

The Judge made court members aware that he attended a meeting in Hazard in relation to the Broad band and KY Wired. He said out of all the things he has worked on since being in office this has been the most critical thing. They are progressing with this and projecting the middle mile being completed in October of 2020. The Judge feels that Powell County will be a little bit prior to this.

Judge Anderson told members that he was a little taken back at the last meeting when a department came and ask for money without them exploring to see what grants would be available out there to help them with purchases or upgrades they may need. The wanted additional monies to purchase 46 CBA's. Judge Anderson was referring to the Stanton Fire Department.

The next day after that meeting Judge Anderson said he spoke with EMA Director Steve Asbury about checking on an available grant for them. He said that Mr. Asbury got right on it and found one in the amount of \$40,800.00 for the purchase of 48 CBA's. Judge Anderson said he has high hopes that this grant will be awarded. The estimated date for the grant to be awarded will be around September 2019.

Judge Anderson made court members aware that we were able to do some exciting things with our recycling grant. The amount of the grant was \$52,448.00. Some of things purchased were pallet jacks, curb side stationary containers and trailers.

Judge Anderson made members aware that he had received a letter from Paula Snowden at Powell's Valley Water District about the district's Commissioner term which is held by Mr. Babe Howard coming up for renewal in July 2019. He is requesting a four-year term renewal.

A motion was made by Magistrate Patton seconded by Magistrate Lockard to approve Judge Anderson's appointment to re-appoint Mr. Babe Howard to the Powell's Valley Water District for a four year term.

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 approached by a gentleman about sealing the parking lot at the Powell County Senior Citizens Center. The Judge said he has received two bids to do this which includes stripping. Before making a decision the court decided to give local people a chance to submit a bid. No Action was taken at this time.

Health Department property. Court will also discuss this in closed session before adjourning this meeting. (Hwy 213 Road Project)

Judge Anderson said he had reached out to the associates that's doing the acquisition for the right of way for the State.

The county is the owners of the Powell County Health Department and they are requesting simple deed for 53 square foot of the property, permanent easement for 953 square feet and a temporary easement of 1985 square feet. The total composition payment comes to \$9,125.00.

Judge Anderson said he attended the last health board meeting and what they was going to offer was fair. He said it questioned where the temporary portion would take the front sidewalk of the health department which is the access point of the front door. The Judge said he needs to insure this or where the mulch is in between the sidewalk and the building have them pour a sidewalk for the duration of the project. Judge Anderson said they got back with him and said that the temporary portion will not be disturbed. He said the board was comfortable with this so as long as we didn't inhibit access to the front door. After discussion a motion was made by Magistrate Lockard seconded by Magistrate Gabbard to take action to authorize Judge Anderson to sign all and any necessary paperwork concerning the Powell County Health Department for the Hwy 213 project.

Motion passes

Magistrate Combs – Aye

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Patton – Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

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Judge Anderson told members that this would be revenue that we did not budget for the upcoming year. Court will address this at a later date.

Discussion of Ordinance No. 19-0613

We as Powell County is one of the four that saw the need to pursue in developing OHV use which turned out in the form of Hollerwood Park. There is an inter local agreement between Estill, Lee, Powell and Wolfe counties. We have a lease on the property and is finally opened and doing very well.

Unfortunately Britana Oil company has property that adjoins ours property. Somewhere around Good Friday Judge Anderson received a call that they had placed gates on what we have contended and still contend as county roads. The idea would be if they could work with us so we could have something bigger and better than either one of us have.

Judge Anderson told members that they went up and met with the leadership of that park and thought we have a good understanding as to partnership. Judge Anderson said the Monday after Good Friday he was served papers. First was in circuit court then went to federal court in relation to the county roads. The Judge has allowed them to shut the gates until there is a final determination. County Attorney Robert King said the case is still going on and the Judge ruled in their favor for the gates can stay up at this time. Judge Anderson said unfortunately what this has done is forced ATV's to have to go on county roads to access certain parts of that property.

We have totally refrained from telling people to go out onto the road because currently other than what state statute allows the 2 tenths or 90 degrees crossing that's illegal. In order to try and keep our park going until this can be resolved we as a government entity or city entity have the ability to allow ATV use on our roads or anyone that we want to deem as a county road. Magistrate Patton asked about being insured. The county attorney said he would not say yes or no to this and would have to do more research on this.

Judge Anderson said since this is the 1st reading of the Ordinance it's not binding us to anything and we can get some of our questions answered prior to the 2nd reading.

The Judge is proposing the following:

Whereas, it is the intent of the Powell County Fiscal Court, to provide for the safe and appropriate operation of ATV's (unlicensed All-Terrain Vehicles) within the county limits, and:

Whereas, Kentucky Revised Statutes 189.515 (7) © authorizes County governments to designate those public highways, segments of public highways, adjoining right-of-way public highways under their jurisdiction, that ATV's may be operated.

Now, Therefore, Be it ordained by the Powell County Fiscal Court as follows:

Section One; the streets, roads, lanes, drives, alleyways, etc. listed below are County roads/streets designated for the operation of ATV's within the County limits of Powell County.

Barker Branch Rd (CR-1110)

Section Two: The Powell County Fiscal Court may modify the above list by amendment only.

Section Three: This ordinance becomes effective immediately upon adoption and publication as required by law.

We may try and develop a lane adjacent to the road. Judge Anderson said he wants to get their thoughts on this before the 2nd reading.

Judge Anderson said the problem would be Barker Branch Road. We have 2.7 odd miles. Our section if you are going out of Powell County towards Leeco basically the black top captures our county line. If you go roughly 8.3 tenths of the gravel in Estill County then we have roughly the remaining 5 tenths up

to the rest of our black top. So we only like about 5 tenths of having of our portions of Barker Branch. Naturally we can cover the Powell County end and ideally Estill County will need to do the same thing and then there a couple of other roads that would need to be explored. If we can get our section of Barkers Branch would be advantageous. The Judge told court members that we may want to add to the ordinance about restricting the ATV use to try and be good neighbors to the ones that would be impacted. CSEPP Director spoke up and said he did not think we could put a notice ordinance for one neighborhood. Judge Anderson told him that as a county government we have the right to pick and choose which roads we want to allow the ATV use on and he thinks it would be in our discretion to if we want to allow on X road the supplemental traffic that we could also restrict what hours we want for example only be legal from dusk to dawn.

Judge Anderson told members again to think about this and let him know of any thoughts or concerns they may have before the 2nd reading.

Judge Anderson said in an effort to get the broadband here one of things we are going to have to do is facilitate the final mile which is from the termination point to the resident. The problem is its extremely expensive and it's not all that good as far as the investment which is 30 to 35 year type investment. The Judge said he had talked to people to see what options would be available. Powell County is kind of in a bad place in some regards. The next county over has Mountain Rural which is co-op. Wolfe and Jackson County has fiber and parts of Lee. They are starting to see pretty significant employment from the tele markers. The one thing that's effects this region is the tele medicine.

It would really open up a lot of health care options that are not available to the public. Judge Anderson said from what he has investigated it may be some kind of p3 type of agreement. The thing that's make the most sense is if you take our county 99 plus percent is served by Clark Energy and they have the infrastructure to the homes which would give the access to the residence. They have the equipment to stream the fiber and they are grants to get people skills upon splicing fiber. If they would partner with potentially the county and some other entity there are ways to do it. He fears that the middle mile through here and then be 10 years and wonder why there are still no internet.

The 1st reading of this ordinance is to form a body of 5 to 6 people. These people need to be text savvy and understand the upload and download speed. Judge Anderson said he thinks that he along with one other Magistrate should be on the board just to insure that we get it going.

This will serve as the 1st reading of the said Ordinance.

Discussion of Ordinance # 19-06-11

Last week Blaze Enterprises filed some litigation against the county in regards to our Site Ordinance. The county passed this ordinance to try and protect our community and the value of it. There is no benefit from a landfill economically, socially or otherwise.

They are questioning our ordinance and the legalistically of it. Judge Anderson told court members that himself along with County Attorney Robert King see nothing wrong with it and will be upheld. Even though the Judge feels comfortable with it he ask the Mr. King is there anything prohibiting him from passing a second ordinance just in case it gets overturned.

Judge Anderson said he would like to make this the 1st reading of this said Ordinance # 19-0611 which is a mirror image of the first Site Ordinance. He does not want this to be misunderstood that we feel there are any weaknesses in it we just want to be safe than sorry.

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Judge Anderson said he had a Mr. Gibbs from Wolfe County approach him about wanting to be the electrical inspector. Currently we have Mr. Perry out of Clark County and have had no issues with him. The Judge said he had talked to PVA Dustin Billings and Mr. Billings said that Mr. Perry has worked with him well. Anytime that he does an inspection he makes sure that Mr. Billings has that address of that home so we can try and get that property value appraised for the tax rolls. With this being said Judge Anderson said he has been happy with Mr. Perry but he does have the gentleman's folder and if the Magistrates want to look at it and look at the statues how electrical inspectors are set up before the next meeting but he is content where we are at.

Next discussion was medical bills from an individual that had an accident here at the courthouse. Judge Anderson said we wanted to see if we could obtain a copy of the video. If we need to cover these medical bills we would need County Attorney Robert King to draw up a waiver to settle for that amount with nothing else coming from it.

Will further discuss in closed session.

Department Heads:

Solid Waste Coordinator made the court aware of the following updates:

- They done 75 tons on free dump day at the transfer station.
- They cleaned up 3 illegal dumps.
- A part-time person is needed to fill in.

Asst. Ambulance Director Arlene Rogers made the court aware of the following updates

- She said that Ambulance Director Nathan Hall is requesting the court to approve Chad Charles as full -time medic and Shawna Staton as a full-time EMT.

Before making the motion to hire the first requested name Chad Charles Magistrate Patton if everyone was comfortable with hiring him. Judge Anderson said he was a previous employee at one time for the Powell County Ambulance Service and heard quite a bit of stuff. Ms. Rogers said he had posted some negative comments on Facebook along with a picture. Mr. Charles at that time said there were no names mentioned. After discussion a motion was made by Magistrate Gabbard seconded by Magistrate Combs to approve the hire of Chad Charles as a full-time medic at the Powell County Ambulance Service.

Motion passes

- Magistrate Combs- Aye**
- Magistrate Gabbard – Aye**
- Magistrate Lockard – Aye**
- Magistrate Patton –Aye**
- Magistrate Tipton- Aye**
- Judge Anderson – Opposed**

A motion was made by Magistrate Patton seconded by Judge Anderson to approve the hire of Shawna Staton as a full-time EMT at the Powell County Ambulance Service.

Motion passes

- Magistrate Combs – Aye**
- Magistrate Gabbard – Aye**
- Magistrate Lockard – Aye**
- Magistrate Tipton – Aye**

Judge Anderson – Aye

Judge Anderson said he would like to make a comment in relation to these hires.

We will be re-visiting our policy and procedures manual this month to get completed. Both of these hires along with any employees need to fully understand how to post something and what's appropriate. Our policy already addresses professional conduct. They need to make sure they sign the policy and procedures manual.

Magistrate Tipton ask what point is someone considered a new hire and how long is it before you get insurance.

Judge Anderson told him that a new hire would be 90 days before they are eligible for insurance. If they work over a certain amount of hours we are already paying retirement on them. They will start accumulating sick time hours as well as holidays after 90 days also.

Judge Anderson said that if our EMS employees are working the next county over and it puts them over their 100 hours we are forced to pay retirement on them which is not fair if we are holding them at 24 hours. Judge Anderson said this needs to be changed and he encourages everyone to talk to their legislative about this.

Ms. Rogers said the Powell County Ambulance Service employees wanted to thank the Fiscal Court for EMS Week.

Court members was also made aware that the new ambulance should be here in a few days.

Magistrate Lockard ask about getting the video tape of the side swiping hit and run accident that happened a few months back in Lexington involving a couple of ambulance employees. He also ask if these employees were drug tested at the time. Ms. Rogers told him that they was not drug tested that she knew of. She also said she would try and obtain a copy of the video tape of the accident.

Judge Anderson said in the future that anytime they are property damage they need to be drug tested. Also he said that the court members never get a copy of the call in list from the Powell County Ambulance Service of people that never call in. He said they are supposed to be eliminated.

Emergency Director Steve Asbury made the court aware of the following updates:

- Siren pole was set at the former Kathy's Country Kitchen. They will be moving the electric on Monday. The businesses that would be effective have been contacted.
- Working the Clark Energy to help out moving the pole for free
- FEMA - 4428 Recovery Scoping meeting is set for June 19th, 2019. This is in relation of the storm damage we had. Damage inventory has been completed for this. He is waiting for Road Craig Lindon to give him a list of the culverts that's been repaired. Judge Anderson said if we have anything culverts that were replaced in March maybe subject to be reimbursed also.
- Grant completed for the Stanton Fire Department

Magistrate Tipton ask the status on the purchase of the SCBA's. Ms. Asbury told them the way he understood was if Stanton Fire Department was awarded the grant to purchase them they would be more than happy to give some of them to Middle Fork Fire and Clay City Fire Departments. Magistrate Tipton went on to say he thinks there needs to be a survey done for all three departments to finds out what their needs are. Judge Anderson said that they should not come in at the last minute and request funds is bad. They need to have a schedule of their needs for the next 5 years to let them know what they will need because funds will be more restricted and we need to be able to plan out. He asked if

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Stanton Fire Departments needs all 46 of the SCBA's or is this enough of them to serve all three departments.

Mr. Asbury said he wanted the court members to know that he would have been more willing to work with the City of Stanton in writing this grant. There was no animosity. Judge Anderson said he wanted to expand on this. He said they wanted to help all departments and with the amount of volunteers it takes all three of our fire departments especially in a major event. With this being said there is a big misinformation and usually not in the direction it was insinuated. It seems it's always the Powell County Fiscal Court's responsibility when any of the fire departments need something. Middle fork Fire Department is an entity of the counties and are obligated to try and help. We contribute pretty healthy to the other two fire departments. Judge Anderson said how is a city department solely the responsibility of the counties is beyond me.

He told members that he had someone come and show him what someone had put on social media. The name calling is somewhat childish but the misunderstanding of the budgetary items really bothers me. Comparing what we contribute to each department is apples to oranges. You have to understand the funding sources and what money we can use for what. The last meeting in access of 40 % not counting just on the monetary side and that's from a pot of money that's dwindling we have actually cut a lot of things out of the General Fund to try and make room for necessities. For example he said he does not drive a county vehicle home every night which can save 7 to 8 thousand dollars and this money could be use somewhere else. He went on to say he gets tired as a body of us getting accused of us not doing what we can to help. If you look at our audits they have all been financially sound and have been steward to tax payers dollars and very aware of what we spend tax payers dollars on. We are very proud of the past administration along with this one that we have not had to raise taxes. The Judge said it's very hurtful when things gets mis- betrayed but you cannot argue with ignorance.

Continuing on to the updates:

- Hazard Litigation Grant – One is completed and the other one is 75% completed
- Mr. Asbury is writing grants for the following:
Community Safe shelter for head start. They range from \$7500.00 to \$15,000.00
- Kentucky Mesnet grant is in the books
- The grant is 95,500.00. It's the entire grant and will be 5% matching contribution which we already have. We can use the money we had budgeted to the fire department for this contribution.

Judge Anderson said that they would like to see up to 20 % and already putting in \$1,000 more. Hopefully the City of Stanton will help offset the 20%.

The last Ms. Asbury said he would like to verbally thank and congratulate the EMS, Red Star, and Powell County Search and Rescue for taking part in the 1st helicopter hoist rescue.

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

- The 2019 funds has dropped
- The state decided to do a bonding for all of the CSEPP counties. The state pays for the bond through FEMA.
- 2020 budget is being looked up and if the court can think of any project that would help CSEPP let him know.
- Buying a Lucas device's for all of the ambulances.
- New truck purchase moving forward

- Purchased 15 SCBA's
- Middle Fork Fire Department and Search and Rescue involved in training
- New CSEPP page

Road Supervisor Aaron Marsee made the court aware of updates:

Mr. Marcee prepared a report for the scope of work done during the month of May.

Each Magistrates was provided a copy of this report. (Report will follow minutes)

The report listed cold patching, ditching and repairs and maintenance.

Judge Anderson said he would like to thank for department heads for attending the meeting. They receive no extra pay for attending. We are seeing improvements and that's something we can all be proud of.

Clay City Times Reporter and Member of Search and Rescue Lisa Johnson made the court aware that the Powell County Search and Rescue received a donation and are changing their sign and stickers. They also are making new shirts and hats. She said this will be coming out in the news and media.

Judge went back to the discussion of the resolution presented by Mayor Allen at the beginning of the meeting.

In large this resolution is a lot like Charmin. It's not legally binding so this it's nothing but opinion. 90 percent of our county roads nobody can show a deed to. At some point they came into our system well before our time. We cannot safe guard something that came in four years ago weather it should or not. Historically it's been there and we have maintained it and received funds for them. The Judge said he's very concerned that 21 residents in his opinion that are being treated unfairly. The reality is the attorney or the Mayor was not sitting at the seats when those roads came in. This is a nice neighborhood of working class people that all pay their taxes and do good things throughout the community. We have people sitting on Alley Lane that if we had a torrential rain and potentially washed out two culverts we could not legally go assist them because we cannot go onto private property. At least before whether they chose to expend money on them or not at least if it was a city street through the interlocal agreement we had the ability to assist those people. The Judge went on to say the thing that really concerns him is that he wants to do right by those people. He thinks these people has a very good legal case but the reality is whether we as a court want to help these people and insure that they could get in and out of their home. He does not know with the current policy and does not think it is fair because we get a road that's in disrepair we should take all of them. The Judge does not know with the current road policy if it's meets our criteria. The City of Stanton cannot answer the question of who owns the road so how do we get a deed. If you defraud the transportation cabinet it is serious trouble. The Judge said he cannot legally take money if you are saying the road is private.

When the city done the project it was verified that it was in the MRA Program so they received money annually as well as they become eligible for emergency projects which we know at least they applied for. So for this to get thrown in our laps is unfair not only to the county but to the 21 tax paying citizens.

Judge Anderson said he would encourage all the court members to read over the Ordinance and look over all the documents presented by Mayor Allen.

The Judge said as he reads the statue we basically have an unelected official that took it upon their self to take authority over the city government and the council and wrote a letter that was removed. Judge

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Anderson said he would admit that he called and questioned how that happened. As far as the Judge knows there has not been a vote from the council. His interpretation of the statue is that it requires notification and a vote to remove city roads.

Judge Anderson once again told court members to read over all the documents that was presented and he would be happy to share any of the statues pertaining to city streets.

Magistrate Tipton told court members that Mrs. Josie Lane that lives on High Rock Road was very appreciative for everyone that came out to her house during a flooding issue she had. The Judge said he would also like to thank everyone that responded that evening.

A motion was made by Magistrate Dennis seconded by Magistrate Patton to go into closed session 61.810 Section 1 Subsection C. Discussion will be potential litigation against the county.

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

There were NO action taken in closed session.

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

Motion passes

Magistrate Combs – Aye

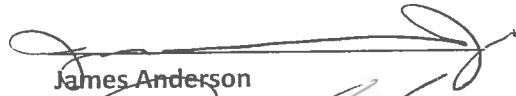
Magistrate Gabbard – Aye

Magistrate Lockard – Aye

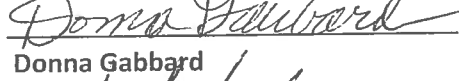
Magistrate Patton - Aye

Magistrate Tipton – Aye

Judge Anderson – Aye


James Anderson


Dennis Combs


Donna Gabbard


Mike Lockard


Chad Patton


Timmy Tipton