

**POWELL COUNTY FISCAL COURT
REGULAR CALLED MEETING**

Date: **NOVEMBER 12TH, 2019**

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

Location: **Powell County Courthouse
Judges Executive's Office
Room 102**

The Powell County Fiscal Court met at the Office of the County Judge Executive for a regular called meeting on November 12th, 2019 at 6:00 p.m.

Clerk noted those present for the meeting.

Clerk noted that the Powell County Sheriff or any law enforcement was not present for the meeting.

County Judge Executive James Anderson, Fiscal Court Clerk Connie Crabtree, Asst. County Attorney Richard Fain, Road Foreman Aaron Marsee, DES Coordinator Steve Asbury, Ambulance Director Nathan Hall, Asst. Ambulance Director Arlene Rogers, Recycling Coordinator Chris Chaney, Powell County Schools Superintendent Dr. Anthony Orr and Volunteer HAMM Operator Ken Howard.

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

Judge Anderson asked 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*

Approving the minutes for the prior meeting dated October 8th, 2019.

A motion was made by Magistrate Patton seconded by Magistrate Lockard **to approve the Clerk's report for the regular called meeting dated October 8th, 2019 held at 6:00 p.m.**

Motion passes unanimously

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

Bills submitted for payment

All bills were submitted for payment with no objections. Therefore all bills will be paid.

Financials for court's review

Treasurer presented all of the financials to the court members for their review.

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Treasurer's Transfers

A motion was made by Magistrate Gabbard seconded by Magistrate *Lockard* to **approve all of the Treasurer's Transfers to include any budget transfers or interfund transfers.**

Motion passes unanimously

Magistrate Combs – Aye

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Patton – Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

Budget Amendment #2

A motion was made by Magistrate Combs seconded by Magistrate Patton to **approve the 2nd reading of Budget Amendment #2 increasing the road fund by \$130,870.00 for the 2019 Mack Truck. The Department for Local Government approved this amendment on October 10th, 2019.**

Motion passes unanimously

Magistrate Combs – Aye

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Patton – Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

Public Comments:

Two gentlemen was present for meeting to address the court.

Justin Gibbs with Eastern Kentucky Electrical Inspections approached the court to ask court members if they had considered him becoming an electrical inspector for Powell County. Mr. Gibbs approached the court a few months ago asking about this. He told court members that Powell County is currently operating with one inspector that only inspects one day a week. Mr. Gibbs said he gets several calls about inspections and he feels there is a great need to have more availability for services. Court members agreed to let the building and grounds committee review his request and make a recommendation to the court before the next fiscal court meeting.

No Action taken at this time

Ken Howard who volunteers to operate our HAMM radio systems. Mr. Howard ask the court members if they had an after action report for the recent CSEPP Exercise Drill. Judge Anderson told him that Mr. Babcock would not be present for the meeting to present the report due to two deaths in his immediate family. Mr. Howard told court members that the recent drill went well and FEMA gave them a good report. Judge Anderson said he would like to thank Mr. Howard for volunteering his time in making these exercises a success. He also has been instrumental in helping us get the system and equipment we need to have capabilities.

Mr. Howard said that he appreciates Mr. Babcock and Mr. Asbury and wants to continue to work with them as long as he can.

Old Business:

The court revisited a couple of items that had been discussed during the last couple of meetings. One of those were some paving that needed to get completed before the end of the year. Judge Anderson presented court members with four (4) quotes that was submitted by Hinkle Contracting.

Magistrate Tipton excused himself from the meeting while these quotes were discussed and voted on in order to avoid any perceived conflicts even though we're confident that isn't an issue.

The quotes were as follows:

POE ROAD – CR1353

Asphalt Bind - \$7,830.00

Asphalt Surface - \$5,984.00

JEWEL LANE – CR1368

Asphalt Bind - \$7,656.00

Asphalt Surface - \$5,808.00

GALLEN COURT

Asphalt Bind - \$2,175.00

Asphalt Surface - \$1,584.00

OLD WINCHESTER ROAD – CR1307

Asphalt Surface - \$17,424.00

HILLTOP ROAD – CR1216E

Asphalt surface - \$704.00

STONE ROAD -CR1221

Asphalt Surface - \$880.00

TOTAL QUOTE: \$50,045.00

PECKS CREEK ROAD – CR1001

Asphalt Surface - \$12,672.00

ALLENS ACRES – CR12024B

Asphalt Surface - \$33,000.00

DOGWOOD CIRCLE – CR1202F

Asphalt Surface - \$4,400.00

TOTAL QUOTE - \$50,072.00

MILLSTONE ROAD – CR1345

Asphalt Bind - \$2,262.00

Asphalt Surface - \$41,536.00

BRUSH CREEK ROAD – CR1304

Asphalt Surface - \$2,200.00

MILLSTONE CONNECTOR ROAD - CR1345

Asphalt Surface - \$4,004.00

TOTAL QUOTE - \$50,002.00

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BOWEN ROAD – CR1024

Asphalt Surface - \$17,600.00

HALLS BRANCH ROAD – CR1005

Asphalt Surface - \$39,600.00

TOTAL QUOTE - \$57,200.00

After discussion of the quotes a motion was made by Magistrate Patton and seconded by Magistrate Combs **to approve all four (4) quotes as presented from Hinkle Contracting LLC. At state contract pricing.**

Motion passes

Magistrate Combs – Aye

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Patton – Aye

Judge Anderson – Aye

Magistrate Tipton re-enters meeting

Energy Savings Project:

The next discussion under old business was the energy saving project which will be handled through The Perfection Group. The court has been working on this to get the project underway. This project will address heating, air, roofing issues and water usage at county facilities. It will allow us to upgrade and replace these items using the energy savings as the funding model.

There was a hearing scheduled on November 12th but due to a communication error with the Department of Local Government it was postponed because the hearing date was not advertised in the local newspaper. Judge Anderson is waiting to hear back with a new hearing date so we can proceed with the advertising.

Updates since last meeting:

Judge Anderson gave the court a few updates since the last meeting.

Hatton Creek School Road Bridge deck replacement has been completed and is now open.

Judge Anderson and Magistrate Gabbard attended a census committee meeting training a few weeks ago.

New Business:

Powell County Extension Office Appointments:

Judge Anderson received a letter from CEA for Family and Consumer Sciences Kendyl Redding concerning appointments to the Powell County Extension District Boards.

The Powell County Extension Council met on and nominated the following people to be considered for appointment to the Powell County Extension District Board:

Glenn Chapman's expiring term:

Doug Keller – Agriculture and Natural Resources

Steve Roberts – Agriculture and Natural Resources

Roberta Frazier's expiring term:

Robert Frazier – 4-H Youth Development (Can be reappointed)

Michaela Moreland – 4-H Youth Development

Two people will need to be selected to serve three-year terms. One person should be chosen from 4-H Youth Development and one person from Agriculture and Natural Resources.

Judge Anderson told court members that he would be appointing Doug Keller to the Agriculture and Natural Resources Extension District Board and re-appointing Roberta Frazier to the 4-H Youth Development Extension District Board and ask for court approval for these appointments.

A motion was made by Magistrate Lockard and seconded by Magistrate *Combs to approve Judge Anderson's two appointments. Doug Keller to the Agriculture and Natural Resources Extension District Board and re-appoint Roberta Frazier to the 4-H Youth Development Extension District Board. These appointments will serve three year terms.*

Motion passes unanimously

Magistrate Combs – Aye

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Patton – Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

Powell County Search and Rescue Regarding Storage Building at Natural Bridge:

Lease Agreement between The Commonwealth of Kentucky Department of Parks By and Through the Finance and Administration Cabinet and Powell County, Kentucky Regarding Storage Building # 30351025 at Natural Bridge State Resort Park.

The state has agreed to allow the Powell County Search and Rescue to utilize a structure they have at the Middlefork Campground as a headquarters and first aid station. In order for this to become a reality they will need this contract in place to ensure each part knows their responsibilities and obligations. Court members all agreed to this contract contingent that the County Attorney reviews and approves the said agreement.

A motion was made by Magistrate Tipton seconded by Magistrate Gabbard ***to approve the said agreement between the Commonwealth of Kentucky Department of Parks by and through the Finance and Administration Cabinet and Powell County, Kentucky, Regarding Storage Building # 30351025 at Natural Bridge State Resort Park contingent that County Attorney Robert King reviews and approves this said agreement.***

Motion passes unanimously

Magistrate Combs – Aye

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Patton – Aye

Magistrate Tipton – Aye

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Judge Anderson – Aye

Judge Anderson recognized Powell County Superintendent Dr. Orr. The court thanked him for attending the meeting and welcomed him back anytime.

Red River Wastewater Authority appointment:

Red River Wastewater Secretary-Treasurer Dallas Pelfrey submitted a letter to Judge Anderson requesting the following.

The counties appointment on the board of the Red River Wastewater Authority Board expires on December 31st, 2019. As you know John Brewer is presently the Counties appointment on our board. Please advise of the board appointment for the next four (4) years by you and the fiscal court. Judge Anderson told members that he would be re-appointing John Brewer to the Red River Wastewater Board and ask for court approval for this re-appointment.

A motion was made by Magistrate Lockard seconded by Magistrate *Gabbard to approve Judge Anderson to re-appoint John Brewer to the Red River Wastewater Authority Board for a four (4) year term.*

Motion passes unanimously

Magistrate Combs – Aye

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Patton – Aye

Magistrate Tipton – Aye

Judge Anderson - Aye

Powell County Health Department right of way for the 213 project:

Court members discussed the Powell County Health Department right of way for the 213 project. Project Description: Improve Safety and Geometrics, and Reduce Congestion KY-213 from KY-11 to bottom of Mountain. (12CCR) (16CCR).

The county received a check in the amount of \$9,125.00. The check was made payable to the Powell County Fiscal Court General Fund. The amount of the check was broken down the following way (all documents will follow minutes).

Permanent Easement - \$5,565.52

Temporary Easement - \$2,898.10

Total Easement - \$8,463.62

Three bollards at \$50.00 each = \$150.00; sign = \$100.00

Total - \$250.00

Total - \$9,100.52

Use - \$9,125.00

After discussion court members all agreed to turn the funds over to the Powell County Health Department. The Treasurer will prepare a budget amendment in the amount of \$9,125.00 and deposit it into the General Fund. The treasurer will then prepare a check in the amount of \$9,125.00 to give to the Powell County Health Department.

01-4619 – Road Maintenance/Improvements – KY 213 Road Project

01-5231-323 – Powell County Health Department – KY 213 Road Project.

A motion was made by Magistrate Patton seconded by Magistrate Lockard **to allow Treasurer to prepare a check in the amount of \$9,125.00 and give the Powell County Health Department.**

Motion passes unanimously

Magistrate Combs- Aye

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Patton – Aye

Magistrate Tipton – Aye

Judge Anderson - Aye

This will be the 1st Reading of Budget Amendment # 3 to increase the General fund in the amount of \$9,125.00 for the KY Hwy 213 Road Project.

Asphalt Paving Carmen's landing: (the new watercraft takeout off of 7th St. in Clay City)

Magistrate Tipton once again excused himself from the meeting while quotes and voting were being discussed in order to avoid any perceived conflicts even though we're confident that isn't an issue.

Hinkle Contracting had donated base to make a circle loop but now it needs to be paved.

Judge Anderson has spoken with Clay City Mayor Bobby Carmichael about the need for it to be paved.

Mr. Carmichael also discussed this with their tourism commission. They are requesting that the county pay for this project to complete the whole loop. The City of Clay City would then reimburse the county for the whole amount.

The Judge received a quote from Hinkle Contracting to do the paving in the amount of \$12,582.00.

Place and compact bituminous binder (2.5" compacted depth)

Approximately 90 tons CL2 Asphalt Bind @ \$87.00 per ton - \$7,830.00

Approximately 54 tons CL2 asphalt surface @\$88.00 per ton - \$4,752.00

Total - \$12,582.00

A motion was made by Magistrate Combs seconded by Magistrate Patton to get a Memorandum of Agreement prepared to do this project per County Attorney Robert King's advice and to authorize Judge Anderson to sign this Memorandum of Agreement any other documents concerning this project.

Motion passes

Magistrate Combs - Aye

Magistrate Gabbard - Aye

Magistrate Lockard – Aye

Magistrate Patton – Aye

Judge Anderson - Aye

A motion was made by Magistrate Gabbard seconded by Magistrate Patton for the county to pay the invoice from Hinkle Contracting, LLC. In the amount of \$12,582.00 for the paving of Carmen's landing. The City of Clay City will then reimburse the county for the full amount for the paving of Carmen's landing.

Motion passes unanimously

Magistrate Combs – Aye

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Patton – Aye

Judge Anderson – Aye

Magistrate Tipton re-enters the meeting

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Road Salt:

Judge Anderson made court members aware that the advertising for a salt quote was published in the local newspaper for the upcoming year.

At this time we have not received any quotes. He told them he had reached out to Detroit Salt because they have been the lowest quotes thus far and had the best delivery times. As of this time he hasn't heard back from them.

A motion was made by Magistrate Tipton seconded by Magistrate Patton **to authorize Judge Anderson to buy up to 300 tons of salt spending no more than \$27,000.00.**

Motion passes unanimously

Magistrate Combs – Aye

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Patton – Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

Department Head Updates:

Magistrate Tipton ask Recycling Coordinator Chris Chaney if they were using the scales at the transfer station at this time. Mr. Chaney told him that Solid Waste Coordinator Tim Snowden knew more about the scales than he did. Judge Anderson told court members that they were close to using them but Mr. Snowden had been out with a non-work related injury for the last 6 months.

Mr. Chaney made court members aware that two (2) new trailers were purchased out of the recycling grant that we received this year along with seven (7) new stationary containers. He said they look a lot better than the previous ones and can collect cardboard. They contain a slot for cardboard so it actually has to be broken down before putting it into the container therefore more gets in there with less garbage.

He said this coming year he would like to get enough of new containers to finish replacing the wooden ones at the schools and maybe a few others places. He told them that the trailers are working out well also.

Magistrate Patton ask him if we were hauling our own cardboard and Mr. Chaney told Magistrate Patton that Central Kentucky Fiber out of Lexington comes and picks it up. Mr. Chaney said that he takes things off such as metal, batteries, copper, brass, etc. in the roll off trailer.

Judge Anderson said the recycling generates some revenue but nowhere near off sets the costs. He said we are doing our businesses more of a favor than anything.

DES Coordinator Steve Asbury said the he would like to thank the Powell County Board of Education for partnering with the county in giving us a site for our Mesnet station. The HNP grant application was turned in last week and the grants manager at UK has looked it over and said that is looks good. We are just waiting on the allocation of funds.

Mr. Asbury said he would like to thank Road Foreman Aaron Marcee publically for helping the county get money back from the disaster that happened back in March of this year. FEMA ask for documents concerning this disaster so the county could receive the funds. Mr. Asbury told court members that he appreciated Mr. Marcee and Finance Office Kacey Davidson for helping him find all of the documents that were needed for this disaster.

Mr. Asbury spoke about the flash flood on High Rock Road. He said himself along with Judge Anderson has been looking into it. The Department of Water has lots of permits but they finally got some clarification.

The flash flood left a lot of debris behind in the creek river. Judge Anderson was wanting to explore the option of getting that sediment out. Mr. Asbury said it can be done without being permitted per the Division of Water. Under the Clean Water Act 401 we can do it and the work must be conducted from the bank and any of the sediment that is removed up to one (1) foot cannot remain in the flood zone. Mr. Asbury told the Magistrates to refer to the map that he had given them to see where the flood zone was located. The back yards cannot be dug out and left it would have to be moved. So as long as the work is done from the bank the debris can be removed.

Judge Anderson said the flood was probably caused by a culvert up above that formed a dam wall and there was like five (5) inches of rain in a short time. The creek no longer exists and all the debris came out and was flowing through yards. He said the creek is private property which nobody per say owns so we are checking to see if anything could be done. He told court members that he wanted to get advice from the County Attorney. We probably will have to have an operator and there would have to be waivers. Magistrate Tipton said that he thinks there should be some kind of contract or transaction between some entity and the Army Corp of Engineering before you go onto the property and dig it up. Judge Anderson said he would ask the County Attorney if he could draft the proper documentations concerning this before proceeding.

Ambulance Director Nathan Hall made the court aware that a deer had struck the Mercedes Ambulance and someone had back into another one. They are working out a payment plan with the person that backed into the ambulance because they did not have insurance. He will sending them to Patrick's Collision for repairs.

Mr. Tipton ask Mr. Hall if they had been doing their own oil changes and maintenance for the ambulances. Mr. Hall told Magistrate Tipton that they had been doing their own simple maintenance things such as oil changes, brakes and tire rotations.

Assistant County Attorney Richard Fain ask Road Foreman Aaron Marsee if there would be anyway they could bring some big rocks to fill in a ditch on Caudill Road. He said he was afraid that there would be an accident. He told Mr. Fain he would check on it for him.

Mr. Asbury made the court members aware that there is a FEMA meeting this Thursday. He told court members that anything that we have done thus far has been approved. Judge Anderson said we need to make sure that Cow Creek and Mill Knob is approved so we can put these projects out to bid. Mr. Asbury said that he is waiting for FEMA to do the scope of work paper so that it can be put in the paper to be used for the bid.

Road Foreman Aaron Marsee gave each Magistrate a copy of the Scope of Work Report for October 2019. Court members are always happy and pleased to receive these reports. This way court members know what has been done for that month. This report lists dates, location of work, districts and the scope of work.

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Magistrate Patton bragged on the ambulance service for an incident that happened in his family. He said that they all was very professional in handling the situation.

Mr. Chaney said he would like to make court members aware that he would be reporting the meetings for the Clay City Times. He wanted to make sure with court members that there would be no conflict of interest since he works for the Fiscal Court. Court members said they had no problem with him doing this.

Closed Session: KRS 61.810 (F)

A motion was made by Magistrate Patton seconded by Magistrate Combs **to go into closed session.**

Motion passes unanimously

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 Lockard **to come back into session.**

Motion passes unanimously

Magistrate Combs – Aye

Magistrate Gabbard – Aye

Magistrate Lockard – Aye

Magistrate Patton – Aye

Magistrate Tipton – Aye

Judge Anderson – Aye

No Action was taken in closed session

Per the discussion in closed session court members ask the clerk to note in the minutes that when the County Attorney gets back from vacation the court would like to get some clarification on the drug policy. The court is requesting that the County Attorney draft a document that states all departments that the county pays their vehicle insurance submit a list of people to the Fiscal Court that would be driving any and all county vehicles. This person would be required to sign the prepared document that they would participate in the county drug policy and if they have not signed this document within one (1) month of receiving it this person would be responsible to find and carry their own vehicle insurance. There also needs to be some clarification on the CBD oils or anything that would show up in a drug screening as an illegal drug. Court members said that they may not be opposed to it but as long as it shows up as an illegal substance it could affect this person's employment.

With no other discussion court adjourned at 7:24 p.m.

A motion was made by Magistrate Lockard seconded by Magistrate Combs **to adjourn. The meeting adjourned at 7:24 p.m.**

Motion passes unanimously

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