

**POWELL COUNTY FISCAL COURT
REGULAR CALLED MEETING**

Date: August 10th, 2021

Time: 6:00 p.m.

Location: Powell County Courthouse
Powell County Judge Executive's Office
Room 102

Stanton, Kentucky 40380

Join Zoom Meeting

<https://us02web.zoom.us/j/81857402391>

Meeting ID: 818 5740 2391

A G E N D A

- I. Call Meeting To Order
- II. Roll Call
- III. Public Comments
- IV. Clerk's Report of Last Meeting
- V. Bills Submitted for Payment
- VI. Approval Treasurer's Financial Statement
- VII. Approval Treasurer's Transfers/Amendments
Budget Amendment # 1 Recycling Grant (2nd reading)

- VIII. Old Business:
- IX. New Business:
- X. Department Head Updates:
- XI. District Updates:

Items to be discussed:

- Proposal American Recovery Funds
- Powell County Public Library Board Appointment
- Powell's Valley Water District Appointment
- Bluegrass Area Development Resolution
- CSEPP
- Year End 6/30/21 Reports for Court's Review
- 4th Quarter Report for Court's Review

VII. Other:

**Powell County Fiscal Court
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Join ZOOM Meeting**

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

Those present for the meeting were: County Judge Executive James Anderson, Fiscal Court Clerk, Connie, CSEPP Director Kevin Babcock, Solid Waste Coordinator Tim Snowden, County Attorney Robert King, Magistrate Donna Gabbard (grandson), Magistrate Chad Patton, Magistrate Timmy Tipton, Magistrate Dennis Combs (ZOOM), Bluegrass Area Development District Executive Director David Duttlinger, Ambulance Director Nathan Hall and Clay City Times Reporter Madison Fugate.

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

Judge Anderson ask the Fiscal Court Clerk to call roll:

Magistrate Dennis Combs – (Join ZOOM)

Magistrate Donna Gabbard – Present

Magistrate Mike Lockard – Absent

Magistrate Chad Patton – Present

Magistrate Timmy Tipton – Present

Public Comments:

There were no public comments at this time

Clerk's report for the July 2021 meeting's

July 13th, 2021 (Regular) and July 26, 2021 (Special)

Judge Anderson ask any members of the court if they would like any changes to be made to the meeting minutes dated July 13th, 2021 regular called meeting. There were no requests for any changes therefore the meeting minutes dated July 13th, 2021 is accepted as presented.

Judge Anderson ask members of the court if they would like any changes to be made to the meeting minutes dated July 26, 2021 special called meeting. There were no request for any changes to be made therefore the meeting minutes dated July 26, 2021 is accepted as presented.

Bills:

All bills were presented to members of the court for payment. There were no objections to any of the bills presented, therefore all bills will be paid at this time.

2021 BOBCAT S66 T4 Skid Steer Loader:

An invoice submitted from BOBCAT Enterprises for a 2021 BOBCAT S66 T4 Skid Steer Loader in the amount of \$38,401.14 was presented to members of the court for payment. There were no objections in paying this invoice, therefore this invoice will be paid. The payment will be taken out of the 2021/2022 recycling grant line (01-5217-366).

Financials:

Treasurer presented the financials to members of the court for their review. Financials to include the financial statement ending 7/31/21. Cash statements, interfund transfers, budget and cash transfers. Treasurer presented a list of budget transfers that was needed to balance the 4th quarter report. Treasurer presented members of the court with a copy of the 4th quarter report that was submitted to the Department of Local Government.

Treasurer presented members of the court with a copy of the 4th quarter report Period 4/1/21 – 6/30/21.

Treasurer presented members of the court with a copy of the 7/1/20 – 6/30/21 Treasurer's Settlement (Year End Reports to include)

- **Statements of Revenues**
- **Statements of Appropriations**
- **Statement of Assets**
- **Statement of Claims**

Treasurers Transfers:

Treasurer presented members of the court with a list of Treasurer's Transfers.

Judge Anderson entertained a motion to approve the Treasurer's Transfers.

A motion was made by Magistrate Donna Gabbard seconded by Magistrate Chad Patton **to approve all of the Treasurer's Transfers to include interfund transfers, cash and budget transfers and also approve the Treasurer's Settlement Year End Reports 7/1/20 – 6/30/21.**

Judge Anderson ask members of the court agreeing to this motion by signifying I.

Magistrate Dennis Combs – I

Magistrate Donna Gabbard – I

Magistrate Chad Patton –I

Magistrate Timmy Tipton – I

Judge Executive James Anderson – I

Motion passes unanimously

5-0

2nd Reading Budget Amendment #1 (2021 Recycling Grant)

Increasing General Fund for the 2021-2022 Recycling Grant in the amount of \$191,321.00

Judge Anderson entertained a motion to approve the 2nd reading of budget amendment #1.

A motion was made by Magistrate Chad Patton seconded by Magistrate Donna Gabbard **to approve the 2nd reading of budget amendment #1 increasing the General Fund by \$191,321.00 for the 2021-2022 Recycling Grant.**

Judge Anderson ask members of the court agreeing to this motion by signifying I

Magistrate Dennis Combs – I

Magistrate Donna Gabbard – I

Magistrate Chad Patton – I

Magistrate Timmy Tipton – I

Judge Executive James Anderson – I

Motion passes unanimously

5-0

David Duttlinger – Bluegrass Area Development District

(Agreement for American Rescue Plan Act)

- **Agreement will follow minutes)**

Mr. Duttlinger was present for the meeting to go over the agreement for the American Rescue Plan Act. He explained what they are offering and what the percentage is for their fee. The Powell County Fiscal received 2.4 million dollars for the American Rescue Plan Act. This money can be used by the court's discretion. They can vote and decide on how these funds can be used. There is some guidance that has been put out by the US Treasury which tells you how the funds can be used but there are a lot of gray areas and a few things that are completely excluded. The areas that are absolutely open are anything related to infrastructure such as water, sewer and broadband. One exclusion of infrastructure are roads. You cannot do anything with asphalt, gravel or any kinds of road improvements unless they are part of the water and sewer line projects. Other category's you can do are revenue replacement related to Covid. You can also spend the funds on anything is related to negative economic impact such as household eviction. One of the other gray areas is premium pay to

Whereas, The Powell County Fiscal Court wishes to receive professional assistance in the administration, planning, execution, and expenditure of federal assistance received from American Rescue Plan Act (ACT.)

Whereas, The BGADD has the professional staff to meet the needs of the Powell County Fiscal Court's requirements regarding the ARPA funds they receive, and

Whereas it is the Parties' intention such funds be received, obligated and spent according to the priorities set-forth by the Powell County Fiscal following the guidance provided by the US Treasury.

Now Therefore, for good and valuable consideration, including but not limited to the promises and mutual covenants and agreements contained herein, the Parties hereby agree as follows:

BGADD's Fee - Flat Fee. Powell County Fiscal Court shall pay to BGADD a flat fee of one percent (1%) of ARPA funds received or \$24,006 pursuant to this Agreement. This amount shall be paid regardless of the number of hours BGADD's staff expends or the amount of expenses BGADD incurs in completing its duties as herein set forth.

Mr. Duttlinger told members of the court that the Bluegrass Area Development is a regional council of government. They have 17 counties in central Kentucky and 33 cities within the same area. There are 15 area developments across the Commonwealth.

There are three main areas they are involved in which are Agent Services, Workforce Development and Community Planning.

Magistrate Tipton ask Mr. Duttlinger if the jail averaged prior year 200 prisoners a day and last year 100 can we go after lost revenue because of this being critical to our jail and the same with the ambulance service. Mr. Duttlinger told him that if we can tie it back to Covid impact then the answer would be yes. He said the ambulance would be easier to tie back because a lot of counties struggle with the revenue to operate jails.

Judge Anderson said he thought these things were allowable. There is still not full guidance on the spending of these funds so having someone past the Treasurer and Judge Executive to keep up with the changes will be very helpful. Mr. Duttlinger said that that deciding what we are going to do is one thing but the services that they will provide will be the same regardless of how we chose to use the funding. Magistrate Tipton ask him if the 1 percent charge would come out of these funds. Mt. Duttlinger told him that was correct which an allowable expense. They come up with the 1 percent fee based on the amount of funds that are involved. They will be helping with tracking the draw requests, quarterly reports, tracking revenue loss and tracking calculations if needed.

Magistrate Tipton ask him what if we didn't agree with this and interpretation was that we thought the jail was an allowable expense which is a critical number to us and Bluegrass ADD said it's not.

Mr. Duttlinger told him that at the end of the day it will be based on what the court decides on how to use the funds. They would advise the Fiscal Court on weather is absolutely allowable and would go to Washington and seek to get a letter of permission that would state this is what we are planning to do and how we intend to spend the money.

Magistrate Tipton said he is trying to wrap his mind around this recovery money and broadband. He ask if this recovery money be used to match other funds. Mr. Duttlinger told him absolutely that is could. Judge Anderson told Magistrate Tipton that the state money that is going to be released we could use these funds to match and this has been his thought all along. One of our most pressing needs economical wise is internet. It may be that we will not have to utilize this 2.4 for this. We have until 2022 to commit on how to spend the funds and 2024 to actually spend the funds. We have a window we can sit on the money and then make a determination on the broadband.

Magistrate Tipton ask Mr. Duttlinger what makes them better than the other (Compass Municipal). He said when you go with a private entity they do things to break even and make a profit and this is the difference with Bluegrass ADD they will be working for us as a an extension of our staff as opposed to Compass Municipal. Judge Anderson said that we will get more benefit directly and indirectly by using Bluegrass ADD verses an outside group. With this profit we feel the Bluegrass ADD is more versed in what we are asking them to do. The Treasurer also agreed to go with Bluegrass ADD to help oversee these funds. CSEPP Director Kevin Babcock also said that he feel Bluegrass ADD is the way to go. He has had dealing with them through Cop grants, etc. and never had any issues.

Mr. Duttlinger told members of the court that he appreciated them and they would love to do this work for us.

After discussion Judge Executive James Anderson made the motion ***to go with Bluegrass Area Development for the administration of the ARPA funds. This motion was then seconded by Magistrate Dennis Combs. This motion also authorizes Judge Executive James Anderson to sign the agreement with the Bluegrass Area Development.***

Judge Anderson ask the Fiscal Court Clerk to call roll for Magistrates agreeing to this motion.

Magistrate Donna Gabbard – I

Magistrate Timmy Tipton – I

Magistrate Chad Patton – I

Magistrate Dennis Combs -I

Judge Executive James Anderson – I

Motion passes unanimously

5-0

Old Business:

During the July 13, 2021 and the July 26th, 2021 meetings Paramedic Mathew Young ask the Fiscal Court is they would be willing to help him with his tuition for go to paramedic school. The total amount would be \$6,500.00. The first ½ of the tuition cost in the amount of \$3,250.00 would be due by August 24th, 2021. The County Attorney could draft a contract that would be agreeable to the EMS, County and Mr. Young. We will have to figure out how we will recoup our funds in the event he didn't pass the class and the commitment he will give Powell County and the EMS Service and beyond to compensate us for what we will be paying for the class.

Judge Anderson entertained a motion to approve payment for Mr. Mathew Young's paramedic school in the amount of \$6,500.00. This motion also authorizes the first ½ of payment due to be issued by the August 24th, 2021.

A motion was made by Magistrate Chad Patton seconded by Magistrate Donna Gabbard ***to approve to pay for Mathew Young's paramedic school in the amount of \$6,500.00 with the first ½ of the payment in the amount of \$3,250.00 issued by the August 24th, 2021 due date. Mr. Young will also be required to sign a contract that himself along with the Fiscal Court agrees to. This contract will be drafted by our County Attorney.***

Judge Anderson ask members of the court agreeing to the motion by signifying I.

Magistrate Dennis Combs - I

Magistrate Donna Gabbard – I

Magistrate Chad Patton – I

Magistrate Timmy Tipton – I

Judge Executive James Anderson - I

Motion passes unanimously

5-0

Updates: (Stokley Loop and Black Creek property)

Magistrate Dennis Combs ask the Judge is he had any updates on the ditching issue on Michael Kelso's property. Judge Anderson told members of the court that we have had a concern by a property owner but now a second one has also brought up a concern in relation to a ditch between Stokley Loop and

Black Creek. This drainage structure was there well proceedings either one of the residents that resides there on either side of it. A few years the county cleaned the ditch out and it seemed to be flowing fine. Judge Anderson along with Road Forman Patrick McCoy, Magistrate Chad Patton and Magistrate Mike Lockard has look at it. Magistrate Dennis Combs also took a video of it. It appears to be open and non-obstructive and doing its job. The bottom of it is showing some signs of erosion. There could be two major factors to this. One is the heavy rains that we have had but the biggest problem is there has been a spraying of vegetation. When you kill vegetation there is nothing there to root or hold anything. As long as we keep getting rain it's going to keep eroding and this is not something the county done as far as the erosion. There was some talk of channel line which is only useful in rare circumstances to slow down water if needed but in this event in this event it want work. Judge Anderson said he didn't care to go back out and look at it tomorrow but he does not see it practical to do anything else other than what we have already done but he is open to any suggestions. Out of the three Magistrates, Road Forman and Judge Anderson that has viewed it they all are having trouble seeing what the issue is supposed to be other minus the erosion which is caused by one or both of the landowners that is spraying to kill the vegetation. Judge Anderson said he will go look at it again just to make sure they are not looking at something different than what we are.

In relation to Faulkner Bridge the crew is supposed to send a lift in. The court will talk more about this under district updates.

New Business:

Department Heads Updates:

Ambulance Director Nathan Hall

Ambulance Director Nathan Hall made members of the court aware that they had to take the Mercedes to Westchester Mercedes in Ohio to get it worked on. It had to have a new radiator because it wasn't getting cool enough then the AC compressor went out while it was sitting there so they had to order a new compressor. Nathan told them that this company has sold the business so we cannot get credit established so he needs court's approval to pay the invoice once he receives it for the repairs.

Judge Executive James Anderson made the motion ***to approve payment to Westchester Mercedes for the repairs of the 2013 Mercedes ambulance truck once the invoice is received. This motion was then seconded by Magistrate Timmy Tipton.***

Judge Anderson ask members of the court agreeing to this invoice by signifying I.

Magistrate Dennis Combs – I

Magistrate Donna Gabbard – I

Magistrate Chad Patton – I

Magistrate Timmy Tipton – I

Judge Executive James Anderson – I

Motion passes unanimously

5-0

Magistrate Dennis Combs ask about the update on the new ambulance. Nathan told members of the court that Southeast Apparatus who is supplying the ambulance has gotten an invoice from the company that built the chassis which means it is in route to where the body is at so we should have it within 30 days.

Solid Waste Coordinator Tim Snowden:

Solid Waste Coordinator made members of the court aware that the state tire amnesty day would be October 14th, 15th and 16th at the fairgrounds. Judge Anderson said they would like to see if business owners would be open to and have the space to allow people to dispose of their tires. This would give people more time to collect and dispose of tires other than the three days. We have such an issue with waste tire in the Red River. We only get to do this every third year so it would be nice to collect as many tires as we can. Tim said that he had ask the state about doing it again and they told him no because this is staging in their eyes. Tim said he was going to ask Liberty about what they would charge to haul tires out if we could do some other days.

Purchase of a 2021 BOBCAT S66 T4 Skid Steer Loader:

Solid Waste Coordinator Tim Snowden presented members of the court with an invoice submitted from BOBCAT Enterprises for a 2021 BOBCAT S66 T4 Skid Steer Loader in the amount of state contract price of \$38,401.14. He is asking for approval to purchase this piece of equipment with the 2021/2022 Recycling Grant funds.

Judge Anderson ask members of the court if they had any objections in purchasing this piece of equipment for state contract price of \$38,401.14. There were no objections in this purchase.

Tim also made members of the court aware that they had added a few more recycling spots in the county. Judge Anderson said that he would like to commend Tim because he has had no complaints about the recycling containers which proves something is working better than it was before.

Tim also said the RUMPKE is the ones that gave him a price on the new machine but they are not state contract price so this will have to be opened for bids.

CSEPP Director Kevin Babcock ask Tim for a recycling container at the EOC. Tim told him he would try and get one up there.

CSEPP Director Kevin Babcock:

Kevin made members of the court aware that FEMA is in town now doing site visits for the March 2021 flood. They have never said anything about the flash flood we had two Friday's ago. We lost around \$40,000.00 to \$100,000.00 in infrastructure here in the county. We are waiting the possibility on in on that disaster relief if they declare it.

This is the time of year that CSEPP has to close out their books by October 1st. Mr. Babcock ask for court approval to pay for any purchases that is needed up front so long as it is within his budget. This way the checks can be cleared through Frankfort and FEMA.

Judge Anderson entertained a motion to authorize payment up front for any and all needed CSEPP purchases so as long as it is within CSEPP budget lines.

A motion was made by Magistrate Donna Gabbard seconded by Magistrate Chad Patton ***to authorize payment up front for any and all needed CSEPP purchases so as long as it is within CSEPP budget lines.*** Judge Anderson ask members of the court agreeing to this motion by signifying I.

Magistrate Dennis Combs – I

Magistrate Donna Gabbard – I

Magistrate Chad Patton – I

Magistrate Timmy Tipton – I

Judge Executive James Anderson – I

Motion passes unanimously

5-0

Kevin also made members of the court aware that as of right now they are still going forward with a full scale CSEPP drill in the second week of September. The school can close them down as far as the sheltering portion but we will still do the EOC portion on Wednesday of that week. The outdoor Decon will be the Tuesday before. Kevin invited all members of the court to participate.

Magistrate Tipton ask Kevin is they gave him any indication of the process percentage. Kevin told him that the process is on a small project if we can give them a solid estimation of damages and what we want to do about getting it back they said within 30 to 40 days they could clear it through CRC. Once this is clear they can cut the check for the smaller ones. The more expensive ones they have to have a more dynamic plan. They keep changing the formulas to reach these goals.

Kevin said that Road Foreman Patrick McCoy had been phenomenal throughout this. The public does not see everything that is entailed in this process.

FEMA is one of the most broken programs that our government facilitates. There needs to be major changes to it. The public has expectation that they will get a certain amount of money for their damages and this is not the case which makes us the bad guy. Kevin said each level that he has been through has been awful. The Judge and Kevin are more knowledgeable of the process than the program manager that they assigned to this project. He rejects everything that Kevin sends up for approval then will come back and say you were right which is very frustrating.

During the corn festival last Friday our first responders were honored for their appreciation. We planned to make this an annual event.

Discussion of Opiate Settlement:

County Attorney Robert King said that he had been in touch with the law firm and they have probably tired calling him this week but he has been gone from the office. He said he will try and get in touch with them to get an update on what's going on.

District Updates:

Magistrate Donna Gabbard has talked to Patrick about a few things.

Our routine maintenance at the road department is very much nonexistent because all of the emergency events we have had.

The rain that we had two Fridays ago was devastation to Infrastructure County wide. There were a couple of places that was completely cut off. In the event of a fire or emergency this could have been really bad. The State partnered well with the county to help out and we also all pulled together with the water districts.

Magistrate Chad Patton said they had delivered the box culver to Smalley Road.

Magistrate Timmy Tipton mentioned Cow Creek and Smallwood Hollow.

The Judge told him that last Friday they got Cow Creek passable and they were sitting the structure on Smallwood Hollow today until the storm came. They do have it passable at this time.

The five bridge structures that we got approved were Derickson Lane, Smalley, Cow Creek, Faulkner and Smallwood Hollow. Four of them were approved for contractors to do. We were going to do one ourselves as a learning curve but sense then we have had a lot happen so if the contractor would be willing to sit that structure under the same terms or for less we would like to go ahead and let the contractor do it.

Judge Anderson entertained a motion to see if the contractor would honor the same price more or less on what they did on the other structures.

A motion was made by Magistrate Timmy Tipton seconded by Magistrate Dennis Combs ***to go ahead with Faulkner Lane if the contractor will honor the same price more or less on what they did on the other structures.***

Judge Anderson ask members of the court agreeing to this motion by signifying I.

Magistrate Dennis Combs – I

Magistrate Donna Gabbard – I

Magistrate Chad Patton – I

Magistrate Timmy Tipton – I

Motion passes unanimously

5-0

Powell County Library Board of Trustees Appointment:

Judge Executive James Anderson told members of the court due to the resignation of Barbara Taulbee of the Powell County Library Board of Trustees he would like to appoint Laura Rogers to fill this vacancy (term to expire April 26, 2024) to the Powell County Library Board of Trustees.

A motion was made by Magistrate Donna Gabbard seconded by Magistrate Chad Patton ***to approve Judge Executive James Anderson's appointed of Laura Rogers to fill the vacancy (term to expire April 26, 2024 to the Powell County Library Board of Trustees.***

Judge Anderson ask members of the court agreeing to this motion by signifying I.

Magistrate Dennis Combs – I

Magistrate Donna Gabbard – I

Magistrate Chad Patton – I

Magistrate Timmy Tipton – I

Judge Executive James Anderson – I

Motion passes unanimously

5-0

Powell's Valley Water District Appointment:

The district's chairman which is held by Mr. Stephen Everman is up for renewal July 2021. He is requesting a four-year term renewal.

Judge Executive James Anderson ask for court approval to re-appoint Mr. Stephen Everman to the Powell's Valley Water District for a four-year term renewal.

A motion was made by Magistrate Chad Patton seconded by Magistrate Timmy Tipton **to approve Judge Executive James Anderson's appointment of Mr. Stephen Everman to the Powell's Valley Water District for a four-year term.**

Judge Anderson ask members of the court agreeing to this motion by signifying I.

Magistrate Dennis Combs – I

Magistrate Donna Gabbard – I

Magistrate Chad Patton – I

Magistrate Timmy Tipton – I

Judge Executive James Anderson – I

Motion passes unanimously

5-0

Kentucky Community Development Block Grant - COVID 19

Utility Assistance Program Project

Judge Anderson made members of the court aware that funding had become available through the Department for Local Government to assist people who have been directly affected by the pandemic in paying their utility bills.

Powell County Fiscal Court agrees and resolves to apply for HUD Community Development Covid 19 Utility Assistance Program in the amount of \$200,000.00 for use in assisting eligible citizens in paying their utility bills and, further, authorizes Judge-Executive James Anderson to sign all papers necessary to seek the federal financial support that would enable this project to move forward.

Judge Anderson entertained a motion to approve this Resolution # 21-0810 and Application for the Kentucky community Development Block Grant-Powell County COVID 19 Utility Assistance Project.

A motion was made by Magistrate Chad Patton seconded by Magistrate Dennis Combs **to approve Resolution # 21-0810 and Application for the Kentucky Community development Block Grant with the Bluegrass Area Development District – Powell County COVID 19 Utility Assistance Program and also authorize Judge Executive James Anderson to sign any and all necessary paperwork concerning this Resolution and Application to seek federal financial support that would enable this project to move forward**

Judge Anderson ask members of the court agreeing to this motion by signifying I.

Magistrate Dennis Combs – I

Magistrate Donna Gabbard – I

Magistrate Chad Patton – I

Magistrate Timmy Tipton – I

Judge Executive James Anderson – I

Motion passes unanimously

5-0

Closed Session: KRS 61.810 subsection (F)

A motion was made by Magistrate Chad Patton seconded by Magistrate Donna Gabbard ***to go into closed session KRS 61.810 Subsection F.***

Judge Anderson ask members of the court agreeing to this motion by signifying I.

Magistrate Dennis Combs – I

Magistrate Donna Gabbard – I

Magistrate Chad Patton – I

Magistrate Timmy Tipton – I

Judge Executive James Anderson – I

Motion passes unanimously

5-0

Court resumes:

No Action Taken In Closed Session

Adjourn:

A motion was made by Magistrate Chad Patton seconded by Magistrate Timmy Tipton ***to adjourn. The meeting adjourned at 7:27 p.m.***

Judge Anderson ask members of the court agreeing to the motion by signifying I.

Magistrate Dennis Combs – I

Magistrate Donna Gabbard – I

Magistrate Chad Patton – I

Magistrate Timmy Tipton – I

Judge Executive James Anderson – I

Motion passes unanimously

5-0


James Anderson


Dennis Combs


Donna Gabbard


Chad Patton


Timmy Tipton