

**POWELL COUNTY FISCAL COURT  
REGULAR CALLED MEETING**

Date: September 14<sup>th</sup>, 2021

Time: 6:00 p.m.

Location: Powell County Emergency Operations Center

33 Commerce Drive

Stanton, Kentucky 40380

Join Zoom Meeting

<https://us02web.zoom.us/j/88201697483>

Meeting ID: 882 0169 7483

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

### **Items to be discussed:**

- Eddie Barnes
- Howard Stone
- Jackie Everman
- Airport
- Blacktop and Agreements
- Library
- Lease Application/Resolution 2022 Mack Trucks
- Detroit Salt
- Tax Rates
- Road Aid Agreement
- Documents for new Ambulance
- Bids – "Horizontal Auto-Tie Baler"
- Closed Session

VII. Other:

**Zoom**

James D. Anderson Jr. <judge099@yahoo.com>

Fri 9/10/2021 7:27 PM

To: rcrabtree33@hotmail.com <rcrabtree33@hotmail.com>

James Anderson is inviting you to a scheduled Zoom meeting.

Topic: Powell County Fiscal Court Regular Meeting

Time: Sep 14, 2021 06:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/88201697483>

Meeting ID: 882 0169 7483

One tap mobile

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Meeting ID: 882 0169 7483

Find your local number: <https://us02web.zoom.us/j/88201697483>

James D. Anderson Jr.  
Powell County Judge Executive

**POWELL COUNTY FISCAL COURT****SEPTEMBER 14, 2021**

Time: 6:00 p.m.

Location: **Powell County Emergency Operations Center (EOC)****33 Commerce Drive****Stanton, Kentucky 40380****Join Zoom Meeting****<http://us02web.zoom.us/j/88201697483>****Meeting ID: 882 0169 7483**

The Powell County Fiscal Court met at the Powell County Emergency Operations Center for a regular called meeting. Those present were Powell County Judge Executive James Anderson, Fiscal Court Clerk Connie Crabtree, Magistrate Mike Lockard, Magistrate Chad Patton, Magistrate Dennis Combs, Magistrate Timmy Tipton, and CSEPP Director Kevin Babcock, Ambulance Director Nathan Hall, Eddie Barnes, Powell County Clerk Jackie Everman, Attorney Howard Stone, County Attorney Robert King 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 – Present**  
**Magistrate Donna Gabbard - Absent**  
**Magistrate Mike Lockard – Present**  
**Magistrate Chad Patton – Present**  
**Magistrate Timmy Tipton - Present**

**Public Comments:****Brian McKinney – Powell County Search and Rescue (SAR)**

Brian McKinney along with several SAR members were present for the meeting to give member of the court a few updates SAR and to ask for additional funding.

Powell County Search and Rescue consists of 42 members. SAR completed 80 runs in the last fiscal year. These runs included lost and injured hikers, high angle rescues, EMS assist calls, and mutual aid to other counties, water rescue and animal rescues. Their team is required to complete 24 hours of training each year in areas such as high and low angle rope rescue, water rescue, man tracking, lost person behavior, communications, incident command, animal rescue and wilderness first aid.

Their team was recognized by Kentucky Governor Andy Beshear for their service. Their team started 8 years ago with money from a grant for their equipment. They must accept donations or fundraisers to meet all of the needs which includes gas in the truck, batteries for flashlights and other supplies. SAR

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equipment is typically replaced every 10 years based on condition and usage. They are needing to replace that equipment soon.

Brian told members of the court they are asking for an annual \$2,500.00 budget to meet their basis needs each year and also to begin replacing their equipment. They are also asking for \$7,500.00 to equip their team with the equipment needed to be an officially recognized as a KYEM swift water rescue squad. He said they also were requesting \$4,000.00 matching funds to purchase a motorized rescue boat. They will raise the other \$4,000.00 needed. They did receive a \$2,000.00 TC Energy grant that was used to purchase water rescue equipment.

Judge Anderson told Brian himself along with Magistrate Dennis Combs and Magistrate Chad Patton to meet to discuss this request because at this time it is not budgeted. They ask Brian to get together an itemized budget showing what the \$2,500.00 will be used for. They will try to meet before the next regular called meeting. The court thanked the SAR team for what they do.

No Action Taken at this time.

***Clerk's Report – August 10<sup>th</sup>, 2021 meeting***

Judge Anderson ask members of the court if they would like any changes to be made to the meeting minutes dated August 10<sup>th</sup>, 2021 regular called meeting. There were no requests for any changes therefore, meeting minutes date August 10<sup>th</sup>, 2021 is accepted.

***Bills:***

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

An additional bill was submitted from Nathan Hall requesting reimbursement for payment of the Active 911 LOGO in the amount of \$625.00. There were no objections for this reimbursement in the amount of \$625.00 to Nathan Hall.

***Financials:***

Treasurer presented the financials for court's review. Financials to include interfund transfers, cash balance statements and cash and budget transfers.

***Treasurer's Transfers:***

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

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

A motion was made by Magistrate Mike Lockard seconded by Magistrate Chad Patton ***to approve all of the Treasurer's Transfers to include interfund transfers, cash and budget transfers.***

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

***Magistrate Dennis Combs - I***

***Magistrate Mike Lockard - I***

***Magistrate Chad Patton - I***

***Magistrate Timmy Tipton - I***

***Judge Executive James Anderson - I***

***Motion passes unanimously***

***5-0***

**Powell County Public Library 2021 Tax Rates:**

Powell County Public Library Board of Trustees Chairman Michael Frazier and Powell County Public Library Board of Trustees Vice Chairman in Command Amy Stamper was present for the meeting to present the Powell County Public Library 2021/2022 Fiscal Year Tax Rates.

Michael made members of the court aware they had raised their tax rates from .05 to .05.2 per \$100.00. This would be a 4 percent increase. The increase could help with expanding their programs, expanding services and also help out with the future of building a new public library. He let the court know that this decision was not done lightly and also not without engaging the public. They sent out a community wide survey through social media and on line asking what or not works and what they would like to see. In the survey youth services was mentioned so that is something they are going to look into and have they have also decided to bring in a youth services programmer to the public library.

They have filed for state grants and state bonds. They were approved in phase 1 and they are submitting the phase 2 application by October 15<sup>th</sup>.

Judge Anderson said with the Legislative changes in what our county options are as far as a taxing district bringing a tax rate to us now is different than previous years.

Michael explained with the tax changes and the special entity bill that passed in the last general assembly the library as a special entity has to present if they do increase the tax rate to the 4% compensating rate they have to ask the Fiscal Court to either take 3 options. They have to either to approve it, reject it or to take no action. He said them as trustees would like to ask the Fiscal Court to take no action.

Michael also let the court know that the motor vehicle tax rate will stay the same because it is the most aggressive tax that effects most families.

**Assistant Chief Eddie Barnes – Stanton Fire Department:**

Eddie made the court aware they had a total of 20 members at this time. To this date they have done 330 runs since the first of the year. This is including accidents, fires and EMS calls.

He told members of the court the fire department is looking into buying a 1996 F Ford 450 diesel light and air truck. The truck has a 7.3 diesel engine with 74,000 miles on it. Eddie told members of the court they would appreciate the county helping out with this purchase of this truck for the fire department. This truck has a mobile cascade system on it which means that when this truck gets to the scene they can refill their cylinders up via that truck. The cascade system is 5 cylinders with a total of 6000 psi's a piece. The asking price of the truck is \$9,000.00. The truck has had a recent paint job and had \$4,000.00 worth of front end work done to it. This truck is smaller which will be easier to take on EMS assists. The engines they are taking out on runs is killing them on fuel and eating their \$15,000.00 budget up. Eddie ask for the court to please consider a higher contribution for the next budget. He showed members of the court the gear that the fire fighters has to use in order to go into a fire. It ranges from \$2,000.00 to \$5,000.00 for one set. The self-contained breathing apparatus is around \$5,000.00 and has to be replaced every 10 years. The air pacts has to be maintained every year which can cost around \$3,000.00 a year.

Eddie ask again for the court to consider helping with the purchase of the truck. He also mentioned the truck will come with a 30 day return warranty.

Magistrate Timmy Tipton ask if the auditors require to see a budget from the fire departments showing how they spend their county contribution. The Treasurer told him that it was discussed in the minutes several times about requiring the fire departments to submit a budget. Magistrate Timmy Tipton told

Eddie that they needed to submit a budget showing how they intend to spend their contribution. Judge Anderson ask Eddie what their total budget was. He told him \$65,000.00 which includes what the City of Stanton contributes. Judge Anderson said they know it's not enough and they are not auguring that. We have search and rescue and three fire departments that we contribute too. The judge told him that the county contribution for the Stanton Fire Department is \$17,000.00. Magistrate Tipton ask how much was left out of the \$17,000.00. The Treasurer told him they had \$16,010.73 as of today. Magistrate Tipton told Eddie that he suggested they take the truck purchase from that. Eddie ask him what would happen when they run out of their money.

Eddie said the City of Stanton has agreed to pay for ½ of the truck purchase. Judge Anderson ask him if all three fire departments had working cascade systems. Eddie told him the answer was yes but had zero mobile so the truck would work for all three departments.

Eddie told members of the court that they should have more meeting to discuss their needs things. Judge Anderson told him that we have had met several times in the past years. Eddie said he talking about getting all three fire departments along with Kevin and Nathan.

Magistrate Timmy Tipton said he feels like the county has to go through a different kind of audit than what the city does. Eddie said that if they have a receipt for the purchase and a check for it what it would matter. Judge Anderson said that we have gave them that discretion and do have the accountability. Judge Anderson told Eddie if that is the truck is they want they needed to bring an invoice for the \$4,500.00. Eddie ask if this was the final say. Magistrate Lockard told him that if we could find it in the budget he would be for it. Judge Anderson said that they have the \$16,010.00 left in their contribution line.

The Judge ask him if the money was all spent that the city gives them. Eddie said they have a set amount of fire equipment, utilities, and departmental expenses and for fuel which is all budgeted out. Eddie said he would make sure that they get a copy of their budget. Judge Anderson told him they would like to see adequate financials and a copy of their budget.

Eddie explained the uses of their equipment to members of the court. Magistrate Mike Lockard ask him what the minute range was on the cylinders. He told him it was not based upon minutes its pressure. They are 2200 cylinders and it depends on what you are doing to how fast they will become dry. Judge Anderson ask him what he thought they were going through during a structure fire as far as bottles. He told him they go through all of them.

Eddie told members of the court that he appreciated them listening to him and their help. He also told them if they have any questions concerning the fire department to call them.

Magistrate Timmy Tipton said that this is a great service in what fire departments do. We are a small and poor county and the whole idea of the fire departments working together for a common vision and equipment needs. We need to help everyone but we certainly are not wealthy.

When the court looks over the budget for search and rescue they will also look for the fire department.

#### ***Howard Stone – Attorney***

Mr. Stone was present for the meeting requesting a refund for a tax bill.

He told members of the court that Lloyd Little purchased a piece of property at a master commissioner's sale in the amount of \$7,500.00. He has a master commissioner's deed. The sale was based on a foreclosure on past tax bills purchased by a third party tax company. His sale was confirmed and Mr. Little was given the deed signed by the Master Commissioner. Luckily Mr. Little never recorded the

deed. He went out to look at the property and people were there. They ask him how he had brought this property because they have been paying the taxes on this piece of property for years. They went back and researched and it seems at some point in the 1980's a duplicate tax bill was created which means the county had two bills. The family had been paying this tax bills and was not behind on them. The duplicate bill ended up getting purchased by this third party company. This company paid all the penalties that the county had assessed.

Mr. Stone told members of the court he was there to represent Mr. Little which is seeking to get his money back. He said the county has gotten paid twice over the years because of the duplicate tax bills. Magistrate Tipton told him that the county only gets like 10% of a tax bill so we could only give him the percentage back.

Mr. Stone said Mr. Little is not seeking any attorney fees or court costs. The only problem he can foresee is he does not want to go that route. They are holding some money right now that could be turned over to him which could reduce how much he's paid bringing it down to around \$6,000.00.

Magistrate Tipton said that the county did not get that \$6,000.00 we only got a portion of it.

Judge Anderson said in theory ever taxing district would have to go back and pay their portion.

The Judge ask County Attorney Robert King what the disclaimers is on the Master Commissioners and what his thoughts on this. Mr. King said that the Master Commissioner is not guaranteed anything. They are saying the court is ordering them to sell the property. If you are buying it would be your obligation to do a title search. Magistrate Combs asked if both tax bills were paid for an X amount of years. Mr. Stone said he does not know how many was paid twice. Powell County Clerk Jackie Everman said that she had an instance like this recently. Companies will purchase a tax bill and it may be a duplicate and they figure it out. She said that she refunds the company and she also has the authority to release their lean and then her software is set up to take all the fees out but in this case it went all the way through without being caught.

Judge Anderson ask if initiated from the PVA'S, sheriffs or clerk's level at that time. Mr. Stone said it probably initiated from the PVA's level at that time. When the property got transferred among the family is when the new bill got created. Judge Anderson suggested to check on the bonding company back then to see if there is anything they could do.

After a long discussion members of the court said they are willing to work with him concerning this but ask him to get with the County Attorney and so some more research on this request.

No Action was taken

***County Road Aid Cooperative Program Agreement:***

This agreement, entered into as of the date of the signature below of the Secretary of the Transportation Cabinet is made by and between the Commonwealth of Kentucky Transportation Cabinet Department of Rural and Municipal Aid and the Fiscal Court of Powell County, Kentucky.

The County's apportionment of County Road Aid Funds shall be based on revenue estimates supplied by the Office of State budget Director. For the Fiscal Year beginning July 1, 2021, this amount is **\$716,982.55.**

Judge Anderson entertained a motion to approve the County Road Aid Cooperative Program Agreement and said Resolution.

A motion was made by Magistrate Dennis Combs seconded by Magistrate Chad Patton ***to approve the agreement for the County Road Aid Cooperative Program and approve the said Resolution. This***

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*motion also authorizes Judge Executive James Anderson to sign any and all necessary papers concerning this agreement and resolution.*

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

*Magistrate Dennis Combs – I*

*Magistrate Mike Lockard – I*

*Magistrate Chad Patton – I*

*Magistrate Timmy Tipton – I*

*Judge Executive James Anderson – I*

*Motion passes unanimously*

*5-0*

***Agreement/Resolution – FD39 Funds – Resurface Various County Roads:***

This agreement entered into by and between the Commonwealth of Kentucky Transportation Cabinet and Powell County.

Whereas, the parties hereto desire to resurface various roads in Powell County.

Whereas, the Department agrees this is worthwhile Project and is willing to reimburse the LPA up to \$268,600 in state contingency funding (FD39) for the completion of this Project and Whereas, any cost in excess of the reimbursement funding (\$268,600) for this Project will be the responsibility of the LPA.

- ***Katie Drive (CR 1258) from Mile point 0.00 extending northerly to the end of county maintenance for approximately 0.246 mile.***
- ***Barker Branch Road (CR 1110) from Mile point 1.820 extending southerly to KY 1036 for approximately 0.893 mile.***
- ***Lower Hatchers Creek Road (CR 1019) from Mile point 0.00 extending northerly to Mile point 1.100 for approximately 1.100 miles.***
- ***Happy Top Road (CR 1224) from Mile point extending northerly to Mile point 0.600 for approximately 0.600 mile.***
- ***Little Hardwicks Creek Road (CR 1215) from Mile point 0.550 extending northerly to Estes Road for approximately 0.500 mile.***

Judge Anderson entertained a motion to approve the Agreement and Resolution FD39 Fund

A motion was made by Magistrate Mike Lockard seconded by Magistrate Dennis Combs ***to approve the Agreement and Resolution with the Transportation Cabinet for FC39 Funds for resurfacing various county roads.***

***This motion also authorizes Judge Executive James Anderson to sign any and all necessary paper work concerning this Agreement and Resolution in regards to resurfacing various county roads.***

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

***Magistrate Dennis Combs – I***

***Magistrate Mike Lockard – I***

***Magistrate Chad Patton – I***

***Magistrate Timmy Tipton – Abstained***

***Judge Executive James Anderson – I***

***5-0***

***CB06 Flex Funds – Resurfacing Various County Roads:***



This agreement between the Commonwealth of KY, Transportation Cabinet Department of Rural and Municipal Aid "Department" and Powell County Fiscal Court "County".  
The Department shall be responsible for providing Rural Secondary funding in an amount not to exceed \$178,779 for the reimbursement of the abovementioned project.

- Dogwood Circle (CR 1202)0.044 – 0.264 from Wild Cherry Lane extending North to Oak Ridge Road
- Faulkner Branch Road (CR 1312) 0.000- 0.205 From Lofty Heights Road extending North to the end of county maintenance.
- Hickory Grove Road – (CR 1266) 0.000- 0.369 From Hatton Creek Road extending to the end of county maintenance.
- Lower Cane Creek Road – CR 1017) 1.000- 1.806 From 1.000 miles South of KY 1050 extending South to the end of county maintenance.
- Melody Lane (CR 1046) 0.000- 0.125 From Woody Ware Road extending North to the end of county maintenance.
- Mill Knob Road (CR 1002) 1.000 -00.555 From KY 3354 extending Westerly to Pecks Creek Road
- Newell Lane (CR 1357) 0.000- 0.122 From KY 11 extending Southeast to the end of county maintenance
- Patricia Lane 9CR 1359) 0.000 – 0.123 From Beech Fork Road extending East to the end of county maintenance.
- Shady Acre Lane (CR 1202) 0.000- 0.374 From Oak Ridge Drive extending Northwest to the end of county maintenance.

Judge Anderson entertained a motion to approve the Agreement and Resolution in regards to resurfacing various county roads. CB06 Flex Funds.

A motion was made by Magistrate Mike Lockard seconded by Magistrate Dennis Combs *to approve the Agreement and Resolution with the Transportation Cabinet in regards to resurfacing various county roads. CB06 Flex Funds. This motion also authorizes Judge Executive James Anderson to sign any and all necessary papers concerning this Agreement and said Resolution.*

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

*Magistrate Dennis Combs – I*

*Magistrate Mike Lockard – I*

*Magistrate Chad Patton – I*

*Magistrate Timmy Tipton – I*

*Judge Executive James Anderson – I*

*Motion passes unanimously*

*5-0*

*Magistrate Timmy Tipton leaves the meeting while voting takes place.*

***Paving Per Ton Bases:***

Judge Anderson reminded members of court about the bids that were sent out a few months ago for any paving they could do on a paving per ton bases.

Walker Construction and Hinkle Contracting are the ones that submitted bids and both were accepted. Judge Anderson said both of the companies are good contractors. Hinkle Contracting was \$20.00 a ton cheaper on their bidding.

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Judge Anderson entertained a motion to go with the Hinkle contracting being the lowest bidder contingent they can complete the work in the requested time frame and if not give Judge Executive James Anderson the authority to contact the other bidder Walker Construction to negotiate with them to see if they would agree to lower their bid amount to complete the work.

A motion was made by Magistrate Dennis Combs seconded by Magistrate Mike Lockard *to go with Hinkle Contracting being the lowest bidder contingent they can complete the work in the requested time frame and if not this motion also gives Judge Executive James Anderson the authority to contact the other bidder Walker Construction to negotiate with them to see if they would agree to lower their bid amount to complete the work.*

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

*Magistrate Dennis Combs – I*

*Magistrate Mike Lockard – I*

*Magistrate Chad Patton – I*

*Judge Executive James Anderson – I*

*Motion passes unanimously*

*4-0*

### ***Road Patching***

Judge Anderson entertained a motion to award up to \$30,000.00 to patch the following roads.

***Cow Creek***

***Faulkner Road***

***Derickson Lane***

***Smalley Road***

***Smallwood Hollow***

A motion was made by Magistrate Dennis Combs seconded by Magistrate Chad Patton *to award up to \$30,000.00 to patch the following roads. The lowest contractor price will be used in whatever the tonnage is to patch these roads.*

***Cow Creek Road***

***Faulkner Road***

***Derickson Lane***

***Smalley Road***

***Smallwood Road***

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

*Magistrate Dennis Combs – I*

*Magistrate Mike Lockard – I*

*Magistrate Chad Patton –*

*Judge Executive James Anderson – I*

*Motion passes unanimously*

*4-0*

***Magistrate Timmy Tipton re-enters the meeting.***

***Asst. Chief Eddie Barnes – Stanton Fire Department – (requesting insurance for new truck)***

Eddie approach the court again to request approval to put the 1996 Ford truck that they are purchasing on county insurance. Judge Anderson told him that the county already pays an additional \$4,000.00 for insurance.

He also told him that whoever is on our insurance has to adhere to the county drug policy. Eddie told members of the court that he is for the drug testing policy. We need a list of names submitted to Kacey in our office of everyone one that will be driving any of the vehicles so she can include them in our drug testing policy. The Judge said we have talked about this in several of our meeting. Eddie told him it's the first he had heard about it. Eddie said he would submit the names. The Judge told him we would add the insurance for this first year so he can get the truck but we need to re-visit the insurance later. Judge Anderson entertained a motion to allow the 1996 Ford truck be added to the county insurance contingent that a list of people that will be driving the vehicles at the Stanton Fire Department is turned into Kacey in our office so they can be added to the county drug testing policy.

A motion by Magistrate Timmy Tipton seconded by Magistrate Dennis Combs ***to allow the 1996 Ford Truck to be added to county insurance policy contingent that a list of people that will be driving any vehicles at the Stanton Fire Department be turned into Kacey in our office so that they can be added to our drug testing policy.***

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

***Magistrate Dennis Combs- I***

***Magistrate Mike Lockard – I***

***Magistrate Chad Patton – I***

***Magistrate Timmy Tipton – I***

***Judge Executive James Anderson - I***

***Motion passes unanimously***

***5-0***

***Powell County Clerk Jackie Everman & Election Board Member Tina Epperson (6 election scanners)***

Powell County Clerk Jackie Everman made members of the court aware of the local election this coming in May. She said last year their hands were tied on how they had to conduct the election. They only got enough equipment to hold the precincts that we had which was a struggle. She ask members of the court to approve her to purchase extra equipment so that all 11 precincts could be opened. At this time there is not enough equipment to open all precincts. Judge Anderson said he is not requesting to purchase new machines she's only requesting to purchase 6 Precinct scanners which would allow her to open all 11 precincts.

Jackie said she didn't want anyone to get discouraged about voting.

She also made them aware that there would only be 3 days of early voting this year.

Jackie also told members of the court that she could apply for federal funding and possibility could get reimbursed for all or maybe half of it.

Judge Anderson told members of the court he thought they had the option to pay in full, finance or pay half now and the other half at a later date. Jackie said she would check and see which way would be best in purchasing these scanners.

Judge Anderson entertained a motion to approve the purchase of 6 scanners.

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A motion was made by Magistrate Mike Lockard seconded by Magistrate Dennis Combs *to approve the purchase of 6 Model DS200 Precinct Scanners in the amount of \$38,870.00 with warranty in the amount of \$1,140.00.*

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

*Magistrate Dennis Combs – I*

*Magistrate Mike Lockard – I*

*Magistrate Chad Patton – I*

*Magistrate Timmy Tipton – I*

*Judge Executive James Anderson – I*

*Motion passes unanimously*

*5-0*

***2022 Mack Granite Dump Truck & Mack Roll off Truck:***

Members of the court was given a copy of the Lease Application and Resolution No. 21-0914 to purchase a 2022 Mack Dump Truck VIN# 1M2GR4GC4NM028925 and a 2022 Mack Truck w/ Roll off VIN# 1M2GR3GC7NM028945 both totaling \$304,403.00. KACO lease application – County Applicant information (Dump trucks with Worldwide Equipment. The dump truck will be used at the road department and the roll off will be used the at transfer station. Judge Anderson entertained a motion *to allow himself along with the Treasurer Connie Crabtree to sign any and all paperwork to include the KACO Lease application and paperwork with Worldwide Equipment to purchase these two 2022 Mack trucks. Court members of approved the attached Resolution # 21-0914 approving a lease for the financing of a project.*

*A motion by Magistrate Chad Patton seconded by Magistrate Dennis Combs to authorize Judge Executive James Anderson and Treasurer Connie Crabtree to sign any and all paperwork to include the KACO the lease application and paperwork with Worldwide Equipment to purchase of these two 2022 Mack Trucks totaling \$304,403.00. Members of the court also approved Resolution #21-0914 approving a lease for the financing of a project.*

*Magistrate Dennis Combs – I*

*Magistrate Mike Lockard – I*

*Magistrate Chad Patton – I*

*Magistrate Timmy Tipton – I*

*Judge Executive James Anderson – I*

*Motion passes unanimously*

*5-0*

***Detroit Salt:***

Judge Anderson presented the Detroit Salt bid to members of the court for approval.

The bid was price quoted was \$96.53 per short ton.

Judge Anderson made the motion *to accept their quoted bid price of \$96.53 per ton up to 300 ton. This motion was then seconded by Magistrate Dennis Combs. This motion also authorizes Judge Executive to sign any and all paperwork concerning this bid submitted from Detroit Salt.*

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

*Magistrate Dennis Combs – I*  
*Magistrate Mike Lockard – I*  
*Magistrate Chad Patton – I*  
*Magistrate Timmy Tipton – I*  
*Judge Executive James Anderson – I*

*Motion passes unanimously 5-0*

***2021 County Tax Rates: (Real Property)***

Last year 2020 County tax rates for Real Property was 10.10.

This year the County tax rates submitted from the Department of Local Government was 10.20 – compensating rate and with the 4% increase was 10.60.

Judge Anderson told members of the court that his recommendation at this time would be to not exceed the compensating rate.

A motion was made by Magistrate Timmy Tipton seconded by Magistrate Dennis Combs ***to approve the compensating rate at 10.20 for Real Property for the county.***

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

*Magistrate Dennis Combs – I*  
*Magistrate Mike Lockard – I*  
*Magistrate Chad Patton – I*  
*Magistrate Timmy Tipton – I*  
*Judge Executive James Anderson – I*

*Motion passes unanimously*

*5-0*

***2021 County Tax Rates: (Personal Property, Watercraft and Motor Vehicle)***

A motion was made by Judge Executive James Anderson seconded by Magistrate Mike Lockard ***to leave the following county tax rates for Personal Property, Watercraft and Motor Vehicle the same as last years.***

- *Personal Property – 11.33*
- *Water Craft – 13.30*
- *Motor Vehicle – 13.30*

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

*Magistrate Dennis Combs – I*  
*Magistrate Mike Lockard – I*  
*Magistrate Chad Patton – I*  
*Magistrate Timmy Tipton – I*  
*Judge Executive James Anderson – I*

*Motion passes unanimously*

*5-0*

***New Ambulance Purchase:***

During the meeting dated March 9<sup>th</sup>, 2021 the Fiscal Court approved the purchase of a new 2021 Chevrolet Ambulance from Southeast Apparatus in the amount of \$109,904.00.

Judge Anderson asked Ambulance Director Nathan Hall about the grant papers. He said he brought them to the office but hasn't seen it since. He said they are saying if we ordered a new ambulance tomorrow it could take up to 2 years to receive it. Judge Anderson said that we always have two ALS trucks on and a BLS truck on for 12 hours a day every day.

Members of the court were presented a copy of the lease application from De Lage Landen Public Finance LLC, Lease Processing Center, 1111 Old Eagle School Road, Wayne, PA 19087. Also included was a copy of the amortization schedule for making payments. There will be a total of 60 monthly payments in the amount of \$1,986.57. Judge Anderson entertained a motion to authorize himself along with Treasurer Connie Crabtree to sign any and all paperwork concerning the lease application for the purchase of this new 2021 Ambulance. A motion was made by Magistrate Dennis Combs seconded by Magistrate Chad Patton ***to authorize Judge Executive James Anderson and Treasurer Connie Crabtree to sign any and all paperwork concerning the lease application with De Lage Landen Public Finance LLC. for the purchase of the 2021 Chevrolet Ambulance. Judge Anderson ask members of the court agreeing to the motion by signifying I.***

***Magistrate Dennis Combs – I***

***Magistrate Mike Lockard – I***

***Magistrate Chad Patton – I***

***Magistrate Timmy Tipton – I***

***Judge Executive James Anderson – I***

***Motion passes unanimously***

***5-0***

Nathan ask the court to vote on the sick and vacation time. This was discussed during the meeting held on July 26, 2021 with the EMS employees but was not voted on. There was a couple of changes that needed to be made on the proposal that Nathan prepare, otherwise they agreed to it. On the proposal Nathan had presented said that after 3 months they would start receiving their sick and vacation time but it needed to say they would receive them after 6 months because it would be across the board for everyone. Nathan's proposal also said on the last line of that if it was passed they would not be receiving holiday pay. The employees said they wanted to keep getting their holiday pay.

Fiscal Court Clerk made members of the court aware that she never received a copy of the proposal for the Fiscal Court order book.

Court members will discuss before next meeting.

***Approval to purchase a used ambulance if one becomes available:***

Judge Executive James Anderson made a motion to give Ambulance Director Nathan Hall the discretion ***to spend up to \$10,000.00 for a good used ambulance if one becomes available to purchase. This motion was then seconded by Magistrate Dennis Combs.***

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

*Magistrate Dennis Combs – I*  
*Magistrate Mike Lockard – I*  
*Magistrate Chad Patton – I*  
*Magistrate Timmy Tipton – I*  
*Judge Executive James Anderson – I*  
5-0

**Bids – “Horizontal Auto Tie Baler”**

There were two bids received for a Horizontal Auto Tie Baler.

Judge Anderson opened the first sealed bid submitted from **Rumpke**.

The bid was for a Presto CC-40C-New Baler (Horizontal) in the amount of \$118,116.96

The Horizontal Auto-Tie-Baler includes: Delivery and installation, auto tie, auto eject, 6x4 custom loading hopper, touch screen controls, and 1 year parts and warranty.

Judge Anderson opened the second bid submitted from **Municipal Equipment, Inc.** for a Marathon WS 150-60 (30 HP) auto-Tie Baler with standard features in the amount of \$265,511.00.

Some of the features included were (30 days of factory training when unit is operational 7 materials is available , 3 phase power unit set at 460 volts and delivered & installed at customer location.

The purchase will be taken out of the recycling grant.

Bills have been opened and acknowledged at this time.

Judge Anderson told members of the court that Solid Waste Coordinator Tim Snowden has requested to let him look over the bids before making a final decision. (Bids will follow minutes to show full detail)

**No Action taken at this time.**

**Resolution – Recreational Trails Program**

Judge Anderson made the court aware that they has applied through the county for a Recreational Trails Program grant. By the time we got the Hollerwood property purchased we was up against the dead line.

We done a project that could easily assibilate quotes and agenda items. We basically done it to improve the encroachments anywhere where it touches the road on the main crossing and putting fabric down in an effort to get mud debris off the road. Tony Tipton and Craig Dawson has been working on this grant.

Judge Anderson said that the grant was submitted in time and feels confident that we will get it.

Judge Anderson presented members of the court with a Resolution.

Whereas, The Powell County Fiscal Court proposes to develop recreational resources to provide for the health and wellbeing of the general public.

Whereas, the Recreational Trails Program is limited to funding a maximum of twenty percent (20%) of proposed project costs estimated at \$100,800.

Now Therefore Be it resolved that the Powell county Fiscal Court commit to the match via force account labor/equipment for the proposed project costs for the purpose of matching the Recreational Trails Program.

In the event a grant is award the Powell County Fiscal Court understands that it will sign assurances to comply with all applicable Federal and State laws, rules and regulations, especially Title VI if the Civil Right Act and Section 504 of the 1973 Rehabilitation Act.

Judge Anderson entertained a motion to approve this said Resolution for the Recreational Trails Program Grant.

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A motion was made by Magistrate Mike Lockard seconded by Magistrate Dennis Combs *to approve the said Resolution for the Recreational Trails Program Grant.*

*Magistrate Dennis Combs – I*

*Magistrate Mike Lockard – I*

*Magistrate Chad Patton – I*

*Magistrate Timmy Tipton – I*

*Judge Executive James Anderson – I*

*Motion passes unanimously*

*5-0*

***Approval to allow Treasurer to Transfer Needed Funds from General Fund to Road Fund:***

Judge Anderson made a motion to allow County Treasurer Connie Crabtree to Transfer the needed funds at the time from the General Fund to the Road Fund to cover a shortage due for road projects, utilities and current bills. Treasurer will transfer the funds back to the General Fund once funds are received. This motion was seconded by Magistrate Chad Patton.

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

*Magistrate Dennis Combs – I*

*Magistrate Mike Lockard – I*

*Magistrate Chad Patton – I*

*Magistrate Timmy Tipton – I*

*Judge Executive James Anderson – I*

*Motion passes unanimously*

*5-0*

***Approval to borrow money to cover road projects:***

Judge Anderson entertained a motion to borrow one million dollars to cover road projects. The money needs to be borrowed because of a shortage of funds due to road projects. These funds will be deposited into the Road Fund Account.

A motion was made by Magistrate Timmy Tipton seconded by Magistrate Mike Lockard *to approve borrowing one million dollars from a local bank.*

*This motion to include to allow Judge Executive James Anderson to contact the three (3) local banks to get the best lowest or best interest rates to borrow this money and authorizes him to sign any and all paperwork concerning this loan. Loan will be paid back when road funds are available*

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

*Magistrate Dennis Combs – I*

*Magistrate Mike Lockard – I*

*Magistrate Chad Patton – I*

*Magistrate Timmy Tipton – I*

*Judge Executive James Anderson – I*

*Motion passes unanimously*

*5-0*



***Approval for Judge Anderson to contact the three (3) local banks for a short term loan.***

Judge Executive James Anderson entertained a motion to approve him to contact the three (3) local banks to see which one has the lowest interest rate and best option to borrow this money and then him choose at his discretion for this short term loan.

A motion was made by Magistrate Timmy Tipton seconded by Magistrate Mike Lockard ***to approve him to contact the three (3) local banks to see which one has the best interest rate and best option to borrow this money and then choose at his discretion for this short term loan. This motion also authorizes Judge Executive James Anderson and Treasurer Connie Crabtree to sign any and all necessary paperwork concern this short term loan.***

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

***Magistrate Dennis Combs – I***

***Magistrate Mike Lockard – I***

***Magistrate Chad Patton – I***

***Magistrate Timmy Tipton – I***

***Judge Executive James Anderson – I***

***Motion passes unanimously***

***5-0***

***Closed Session KRS 81.610 Subsection B & F:***

Judge Anderson entertained a motion to go into closed session KRS 61.810 subsection B & F.

A motion was made by Magistrate Chad Patton seconded by Magistrate Dennis Combs ***to go into closed session 61.810 subsection B & F.***

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

***Magistrate Dennis Combs – I***

***Magistrate Mike Lockard – I***

***Magistrate Chad Patton – I***

***Magistrate Timmy Tipton – I***

***Judge Executive James Anderson – I***

***Motion passes unanimously***

***5-0***

***Court comes out of closed session and resumes at 9:48 p.m.***

Judge Executive James Anderson made it aware that there was no action taken in closed session.

As a result of closed session the discussion was in relation to the Airport Project.

There were two options. One was already voted on prior to escrow the money and to move forward with the condemnation act. Now the question to the court was whether or not they want to contest the amount.

Judge Anderson made a motion ***to move forward with paying the money and then contest it. The motion was then seconded by Magistrate Chad Patton.***

***Magistrate Chad Patton said he didn't think we should pay that much for swamp land and Magistrate Mike Lockard said he thinks we should pay it and move on.***

***Magistrate Timmy Tipton said he understands the motion but he hates to see if be further litigated.***

***Judge Anderson ask the Fiscal Court Clerk to call roll in no particular order.***

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**Magistrate Mike Lockard – No**  
**Magistrate Chad Patton – Yes**  
**Magistrate Timmy Tipton – No**  
**Magistrate Dennis Combs – Yes**  
**Judge Executive James Anderson – Yes**  
**Motion passes**

3-2

***Christmas Decorations for the Courthouse:***

Judge Anderson entertained a motion to approve the purchase of Christmas Decorations for the Powell County Courthouse.

A motion was made by Magistrate Mike Lockard seconded by Magistrate Dennis Combs to approve the purchase of Christmas Decorations for the Powell County Courthouse.

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

**Magistrate Dennis Combs – I**  
**Magistrate Mike Lockard – I**  
**Magistrate Chad Patton – I**  
**Magistrate Timmy Tipton – I**  
**Judge Executive James Anderson – I**  
**Motion passes unanimously**

5-0

***Adjourn: The meeting adjourned at 10:00 p.m.***

A motion was made by Magistrate Timmy Tipton seconded by magistrate Dennis Combs to adjourn.

**Magistrate Dennis Combs – I**  
**Magistrate Mike Lockard – I**  
**Magistrate Chad Patton – I**  
**Magistrate Timmy Tipton – I**  
**Judge Executive James Anderson – I**  
**Motion passes unanimously**

5-0

James Anderson



Dennis Combs



Mike Lockard



Chad Patton



Timmy Tipton