

Marshall County Fiscal Court  
January 3, 2013

The Marshall County Fiscal Court met in regular session on Thursday, January 3, 2013 in the Fiscal Courtroom, Marshall County Courthouse, Benton, Kentucky. All duly elected Commissioners: Bob Gold, Terry Anderson, and Misti Drew; Assistant County Attorney Jason Darnall and County Attorney Jeff Edwards were present. Mike Miller, County Judge/Executive presided.

I. GUESTS:

A. Bobby Gifford, Director of Water Vision 2020 submitted the following:

- (1) A standard form of agreement between the Marshall County Fiscal Court and Paul Cloud Engineering for upgrades to the Marshall County Sanitation District #1 wastewater treatment plant and collection system. The work includes obtaining the necessary field data, preparing plans and specifications, preparing and submitting Division of Water permit applications, onsite construction inspection services, and all other required tasks to complete the project. Mr. Gifford explained that some engineers charge up to 12 ½ % per project and while working with Mr. Cloud per hour, the average has been 5% project. A motion was made by Com. Drew and seconded by Com. Anderson to enter into the agreement with Paul Cloud & Associates. All voted aye. Motion carried.
- (2) A draw request on #SX 21157030, in the amount of \$3,247.00, to be submitted for DRA Funding, for engineering services performed on Sanitation District #1 by Paul Cloud & Associates. A motion was made by Com. Gold and seconded by Com. Anderson to approve the draw request. All voted aye. Motion carried.
- (3) A draw request on #WX 2115705 to KIA Fund B: #10-03, in the amount of \$10,800.00, for partial payment of work performed by Robert Collins Electric (the total bill was \$11,800.00). A motion was made by Com. Gold and seconded by Com. Anderson to approve the draw request. All voted aye.
- (4) A draw request on #WX 21157046, in the amount of \$1,000.00 to complete payment for work performed by Robert Collins Electric. A motion was made by Com. Gold and seconded by Com. Anderson to approve the draw request. All voted aye. Motion carried.

Com. Drew asked the status of the booster station at this point. Mr. Gifford said that as soon as he receives the money for the telemetry, the work will begin.

II. CORRESPONDENCE:

A. General John Heltzel, Director of Kentucky Emergency Management, informed that the county's Emergency Management Performance Grant Allocation for Federal Year 2013 is in the amount of \$20,711.53. Emergency Management Assistance, EMA allocations are for the support, development, and maintenance of effective emergency management local agencies. Three categories of expenditures will

be 50% reimbursable during FFY2013: personnel salaries; office administrative support; & vehicle and training/meeting support.

B. Anthony Hatton, Director of the Kentucky Division of Waste Management informed that Marshall County's 2013-2017 Area Solid Waste Management Plan Update has received approval. The plan was prepared in accordance with KRS 224.43-340 and submitted to the division on August 30, 2012.

C. Judge Miller briefed a column from the Nashville Bureau Chief Tom Humphrey regarding Senate confirmation of the four appointments by President Obama to the Tennessee Valley Authority Board. The new members are: V. Lynn Evans of Memphis, TN; Peter Mahurin of Bowling Green, KY; Mike McWherter of Dresden, TN; and Joe H. Ritch of Huntsville, AL.

D. Clayton Clem, Vice President of TVA, informed of plans for power system improvement projects in Marshall County. The uprate would consist of structural and conductor modifications including the addition of some structures. The work will require equipment access to and/or along the right-of-way. Construction is scheduled to begin in April 2014 and completion estimated by June 2014.

### III. OLD BUSINESS:

A. A motion was made by Com. Gold and seconded by Com. Anderson to approve the minutes of the December 18, 2012 meeting. All voted aye. Motion carried.

B. County Attorney Jeff Edwards has reviewed KRS and also the Kentucky Attorney General's Opinions regarding filling a vacancy in the office of Constable. Under the Kentucky Constitution Section 152 provides that elective offices shall be filled by election or appointment. However no time limit is given in doing so. Also, KRS 63.220 provides that this appointment shall be made by the County Judge/Executive. Because the vacancy is in District #2, Judge Miller suggested that he and Com. Anderson meet regarding an appointment.

C. A work session was scheduled for 2:30 p.m. on Tuesday, January 15<sup>th</sup> following a meeting at 1:30 regarding Expanded Jurisdiction for the Building and Electrical Inspection Department.

D. Following the second reading of Ordinance #2012-09 (budget amendment), a motion was made by Com. Anderson and seconded by Com. Gold to approve the second reading and adopt Ordinance #2012-09. All voted aye. Motion carried.

E. A bid opening was held for the sale of a 1989 Chevrolet C20 Pickup Truck (old Rescue Squad Truck). One bid was received from Universal Auto of Benton, in the amount of \$350.00. A motion was made by Com. Anderson and seconded by Com. Gold to accept the bid. All voted aye. Motion carried.

F. A public hearing was held December 18<sup>th</sup> regarding the proposed county maintenance of Opal Lane. Residents of the road have paid \$120,000 to the Treasurer's Office, which is the estimate for getting the road up to county maintenance standards for acceptance. A motion was made by Com. Anderson and seconded by Com. Gold to accept Opal Lane into the county road maintenance system. All voted aye. Motion carried.

G. A public hearing was held December 18<sup>th</sup> regarding the proposed county maintenance of Samuel Drive. The road does meet specifications to be accepted into the county road maintenance system. A motion was made by Com. Gold and seconded by Com. Anderson to accept Samuel Drive into the county road maintenance system. Com. Gold and Com. Anderson voted aye. Com. Drew refrained from voting because she is a resident on the road. She also asked that the record reflect it was not her idea to petition the Court for county maintenance. Motion carried.

H. As requested during the December 18<sup>th</sup> meeting, County Attorney Jeff Edwards started writing a letter to Mr. Reister with the Department of Fish & Wildlife regarding the department's request for a memorandum of agreement for the county's maintenance of two boat ramps and the surrounding areas. Mr. Edwards called for clarification; however, Mr. Reister was already out for the holidays and he hasn't returned the call. Mr. Edwards said he would like to talk to Mr. Reister, document the conversation, and report back to the court.

I. A staff member from the Administrative Office of the Courts recently verified the actual operating costs for the Marshall County Judicial Facility, which contains offices that are utilized by the Court of Justice. The comparison of the estimated operating costs of the facility (\$349,600.00) versus the actual operating costs (\$304,684.00) showed that the actual cost was \$44,916 under the estimated costs. The net difference multiplied by the Court's Space Ratio of .089 is an adjusted amount of \$36,337.04. County Treasurer Emily Martin explained that the change is mainly due to laying off a member of the janitorial staff and the restructuring of the maintenance salary.

J. A motion was made by Com. Anderson and seconded by Com. Gold to go into executive session to discuss personnel. All voted aye. Motion carried.

K. Judge Miller called Court back into regular session and informed that the applications for Assistant Animal Warden have been narrowed to five. The County Attorney's Office will do background checks and interviews will begin at 4:00 p.m. on Monday, January 14<sup>th</sup> and take place in 15 to 20 minute increments per applicant.

IV. NEW BUSINESS:

A. Emily Martin requested authorization for an electronic payment to the Kentucky Retirement System. She explained that electronic payments would alleviate any fines for payments being received by the retirement system. If the payment is sent through the US Postal Service, and it is delayed for whatever reason, the fines could be \$1,000 per day for each day late. A motion was made by Com. Anderson and seconded by Com. Gold to approve the request for electronic payments. Com. Gold asked if the computers were down, if payment could still be mailed. Ms. Martin replied that it could be and this authorization does not limit the court to electronic payments only. All voted aye. Motion carried.

B. Copies of the Sheriff's Budget for 2013 were distributed for the Court's review.

C. A motion was made by Com. Anderson and seconded by Com. Gold to approve payment of the bills. All voted aye. Motion carried.

D. Road Superintendent Russell York informed that the sign truck came in yesterday. He also wanted to thank the Refuse Department for sending in eight men to help with clearing the roads during the recent snow. Several of the Road Department employees were sick with the flu and Mr. York complimented the Refuse crew for a job well done.

E. Judge Miller said that he and Mr. York have been checking into the cost of a storage container for brine.

F. Judge Miller asked the Commissioners to begin the process of prioritizing the roads in their districts so the Road Plan can begin to be formalized for this year.

G. Judge Miller gave a brief overview of the issues facing the Kentucky Legislature in the upcoming session.

H. Sheriff Byars asked if the Court decided to use the animal wardens or to have law enforcement handle the animal calls. Com. Drew asked Sheriff Byars to submit a proposal to the Court.

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I. Com. Anderson asked if action could be taken on the Sheriff's Budget during the meeting on the 14<sup>th</sup>, while the Court was in special session for the Assistant Animal Warden interviews. Judge Miller replied that it can.

J. A motion was made by Com. Anderson and seconded by Com. Drew to adjourn. All voted aye. Motion carried.

Respectfully submitted by:

Melonie Chambers  
Fiscal Court Clerk