

Marshall County Fiscal Court
April 17, 2012

The Marshall County Fiscal Court met in regular session on Tuesday, April 17, 2012 in the Joe Williams 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. Melissa Combs, OEM Director addressed the Court regarding the yearly update of the Marshall County Emergency Operation Plan, including administrative changes to the Annex Coordinators and update of the Tab Q-7 Reports. Ms. Combs presented an Executive Order which Judge Miller read for the Court's consideration. A motion was made by Com. Gold and seconded by Com. Drew to approve the Executive order as submitted. All voted aye. Motion carried.

Ms. Combs also informed that there are items from the Rescue Squad that need to be declared surplus property and sold by sealed bids. The items are a 1975 T-Craft boat and trailer, a 2001 Ford Econoline Van, and a 1980 Ford Econoline 350 Ambulance. A motion was made by Com. Drew and seconded by Com. Anderson to declare the items surplus property and authorize advertisement for bids. All voted aye. Motion carried.

B. Bobby Gifford, Director of Water Vision 2020 presented a drawdown request on WX21157050, in the amount of \$40,950 from KIA Fund B to Caldwell Tanks - Oak Level Tank (payment #6 - \$21,100.00) & Brewers Tank (payment #5 - \$19,850.00). The amounts include the 5% retainage on both tanks and also concludes the \$819,000.00 contract bid price. A motion was made by Com. Anderson and seconded by Com. Gold to approve the drawdown request. All voted aye. Motion carried.

- Mr. Gifford informed that there is \$59,000.00 remaining in this fund. He has contracted with Straffer Pumps for the pump station at Brewers and has a \$39,000.00 contract for the pump station in Brewers & the building itself. He has asked the City of Benton & Jonathan Creek Water to install their own telemetry because he is out of funding. With each entity providing funding for their telemetry and being approximately \$3,000 to fill out the contract, Jonathan Creek & the city of Benton will be out around \$20,000 each to complete work on the two tanks.
- Mr. Gifford asked for the Court's permission to begin the application process for \$530,000 in funding from the Delta Regional Authority on Sanitation District #1 for improvements on the plant. Judge Miller added that in January, after meeting with representatives from the Department of Parks, Department for Local Government, and the Kentucky Infrastructure Authority, we were assured

\$350,000 would be coming to make improvements to the lift station at Sanitation District #1. Since that time, he has not heard anything else and it is not in the budget for the next biennium. Judge Miller spoke with Matt Sawyer with the Department of Parks this morning and Mr. Sawyer said the money was not their budget for the repairs to the lift station. He was put on notice that if necessary, Sanitation District #1 would have to shut down the operation, leaving that district with no sanitation system. Mr. Les Landers and others on the SD #1 board have been doing all the repair work to the system for years and shouldering the financial burden. There are only 35 customers on the system other than Kenlake State Park and those 35 customers cannot pay to have the lift station repaired properly. Judge added that the Environmental Protection Agency has really been lenient with this district and the problems and he also complemented Mr. Landers and the board for all their hard work and dedication.

- Mr. Gifford also asked for the Court's approval to begin the DRA application process through the Kentucky Infrastructure Authority Fund B in the amount of \$1 million for Water Vision 2020 projects. If granted, these funds would be used to complete the Brewers loop back down Wadesboro Road and tie in with the old West Marshall Water District. On the Jonathan Creek Water District, from the new tank at Olive, a larger line is needed on Curd Road and also to complete all hydraulic necessities in the plan. A motion was made by Com. Anderson and seconded by Com. Gold to allow Mr. Gifford to proceed with the application process through KIA Fund B for \$1 million as requested. All voted aye. Motion carried.

II. CORRESPONDENCE:

A. Toby Cook, VP-Senior Analyst/Manager with Moody's Investors Service informed that on March 29, 2012, Moody's assigned a rating of A1 to Marshall County, General Obligation Refunding Bonds Series 2012.

B. Jeff Burton, Director of the Division of Local Facilities, Department of Corrections informed that the department has reviewed the Marshall County Detention Center's Plan of Corrective Action and it was accepted as submitted.

C. Martin W. Clift, Jr., Regulatory Manager with West Kentucky & Tennessee Telecommunication Cooperative informed of programming and pricing changes for WK&T's video services that will be effective May 1, 2012. Several channels are being moved from the "Expanded Basic" Package to the "Variety" Tier. On the Expanded Basic Package – current customers will continue to receive two video-streams at the

current rate of \$59.95. Additional streams will cost \$4.95 each. New customers will be charged \$64.95 for one stream. More than one stream will be charged \$4.95 for each.

D. Rodney Smith submitted his letter of resignation from Marshall County Sanitation District #2. Mr. Smith no longer owns property in the district.

E. Judge Miller read a Proclamation that named April 6, 2012 Arbor Day in Marshall County. A motion was made by Com. Anderson and seconded by Com. Gold to approve the Proclamation as presented. All voted aye. Motion carried.

III. OLD BUSINESS:

A. A motion was made by Com. Anderson and seconded by Com. Drew to approve the minutes of the April 3, 2012 meeting. All voted aye. Motion carried.

B. The Sheriff's Settlement was submitted during the April 3rd meeting for review. The amount of overage or deficit is \$35,644.99 for 2011 salaries. Treasurer Emily Martin recommended that the settlement be approved and a decision be made at a later time on how to handle the deficit. A motion was made by Com. Gold and seconded by Com. Anderson to approve the Sheriff's Settlement. All voted aye. Motion carried.

C. Unanswered nuisance complaints were discussed. After the Sheriff sends a letter and there is no response after ten (10) days, according to the Ordinance it is turned over to the Court. County Attorney Jeff Edwards read the portion of the Ordinance and after that procedure is complete, due process is taken care of and Judge Miller can then have the Road Department or the Refuse Department clear the property and a lien can then be filed on the property to recoup the money spent. Sheriff Byars informed that he has 30 or more complaints at the present time, but his office has more pressing things to take care of in his opinion. The Sheriff asked if this Ordinance pertained to people who simply did not mow their lawn. He added that he thought it would be a waste of taxpayer's money for the county to mow people's property. Mr. Edwards read a portion of KRS 381.279 pertaining to rubbish or excessive growth of weeds or grass. Com. Drew has obtained information on a company that disposes of mobile homes for \$1,000 to \$1,500 each. She asked these costs could be recouped and if a protocol could be established so they could report back to the communities. Mr. Edwards said that to recoup the costs, it could take 90 days to 6 months, and if there are taxes owed or other liens, those would have to be taken care of first and there would be no guarantee the county would recoup any money. The Sheriff added that some of the people submit pictures of the property with their complaints, but the Ordinance says that he or his Deputies have to view the property. Com. Drew asked if Com. Drew asked if the Sheriff could bring in new complaints once a month. Sheriff

Byars said he had no problem with submitting the complaints to the Court for their review.

IV. NEW BUSINESS:

A. An invoice in the amount of \$1,650.00 was submitted by James Reed Clean up for clean up, fence replacement, railing & parts for Styers, Holmes, & Smothers Cemeteries. A motion was made by Com. Drew and seconded by Com. Gold to approve payment of the invoice as submitted. All voted aye. Motion carried.

B. Judge Miller read a Resolution, from the Association of Tennessee Valley Governments (ATVG) for the Court's consideration in support of legislation to reform the Inland Waterway Trust Fund. ATVG requested that entities in the 201 county, seven state region support and adopt this Resolution. A motion was made by Com. Gold and seconded by Com. Drew to adopt the Resolution as presented. All voted aye. Motion carried.

C. A motion was made by Com. Anderson and seconded by Com. Gold to accept the Refuse District Budget and table for review. All voted aye. Motion carried.

V. ANNUAL BID OPENINGS:

The Court held annual bid openings. Notice for bids was published in the April 4th and 10th editions of the Tribune Courier. The bids are as follows:

Class 1 Bituminous Asphalt – per ton in place:

One bid was received from Jim Smith Contracting of Grand Rivers, Kentucky (per ton in place): Bituminous Class I Surface - \$73.00; Bituminous Class I Base - \$69.00 per ton. A motion was made by Com. Drew and seconded by Com. Anderson to accept the bid on asphalt as submitted by Jim Smith Contracting. All voted aye. Motion carried.

Rock

Two bids were received and are as follows:

1. Vulcan Materials Company of Grand Rivers, Kentucky (prices per ton) picked up at quarry:

DGA	\$ 7.44
#3	\$ 8.25

#9m	\$10.00
#11	\$ 9.00
6" rip-rap	\$ 9.75
#125 rip-rap	\$ 9.75

Cost for delivery – \$4.00 per ton

2. CALX Resources of Grand Rivers, Kentucky (prices per ton)

DGA	\$ 8.00
#3	\$ 8.50
#9m (#8 stone)	\$ 8.75
#11	N/A
6" rip-rap	\$ 9.70
#125 rip-rap	\$ 9.70

Cost for delivery – \$4.00 per ton

Road Superintendent Russell York will compare the bids and make a recommendation.

UNLEADED GAS, DIESEL FUEL #1, DIESEL FUEL #2, MOTOR OIL, GEAR OIL, HYDRAULIC OIL, GREASE, & ANTIFREEZE

Gas & Diesel

Midwest Terminal of Paducah was the only bidder with the following prices:

- Gasoline – 87 Octane – .12 mark-up per gallon
- Diesel Fuel - .12 mark-up per gallon
- Winter/Summer Additive - .02 per gallon

Anti-Freeze

Midwest Terminal of Paducah was the only bidder with the following price:
\$6.00 per gallon - bulk 55 gallon drum - \$330.00.

Oil

Two bids were received and are as follows:

1. Midwest Terminal of Paducah, Kentucky
 - 15W40/Synthetic Blend - \$11.02 per gallon

- 15W40/Synthetic/5W40 - \$17.44 per gallon
 - Hydraulic – \$8.60 per gallon
 - Lithium Base Grease, #2 Grade – 120/1 - \$2.60 per lb. & \$312.00 per keg; 14 oz. tubes – \$2.43 per tube.
 - GL 4 Gear Oil SAE GL 5 – 35/1 - \$1.83 per lb. & \$64.05 per pail/\$64.05 per pail; and 120/1 - \$1.86 per lb. & \$223.20 per keg.
 - 5W30 Synthetic Blend – \$8.86 per gal./\$487.30 per drum
 - 5W30 Synthetic - \$13.50 per gal./\$742.50 per drum
 - Transmission Oil 50 Synthetic - \$4.54 per lb./\$158.90 per pail/\$31.78 per gal.
 - DEF Additive - \$3.07 per gal./\$168.85 per 55 gal. drum
2. Parman Energy Corporation of Camden, Tennessee
- 15W40/Synthetic Blend - \$8.1535
 - 15W40/Synthetic/5W40 - \$14.80
 - Hydraulic – \$6.86 per gal.
 - Lithium Base Grease, #2 Grade – 120/1 - \$2.9484; 14 oz. tubes – \$2.27 ea.
 - GL 4 Gear Oil SAE GL 5 – 35/1 - \$54.24 and 120/1 - \$195.05
 - 5W30 Synthetic Blend – \$408.87 per 55 gal. drum
 - 5W30 Synthetic - \$618.16 per 55 gal. drum
 - Transmission Oil 50 Synthetic – 35/1 - \$136.05/ \$27.21 per gal.
 - DEF Additive - \$128.21 per 55 gal. drum

Pipe

Two bids were submitted for metal road pipe and are as follows:

1. Hagen & Stone, West Paducah, Kentucky

Without polymer coating

12"	16 ga.	\$ 8.50
15"	16 ga.	\$ 10.20
18"	16 ga.	\$ 12.75
24"	14 ga.	\$ 20.40
36"	12 ga.	\$ 41.65
48"	12 ga.	\$ 55.25
60"	10 ga.	\$ 87.55

With polymer coating

12"	16 ga.	\$ 11.90
15"	16 ga.	\$ 14.28

18"	16 ga.	\$ 17.85
24"	14 ga.	\$ 28.56
36"	12 ga.	\$ 58.31
48"	12 ga.	\$ 77.35
60"	10 ga.	\$122.57

2. Metal Culverts, Inc. of Jefferson City, Missouri

Without polymer coating

12"	16 ga.	\$ 7.92
15"	16 ga.	\$ 9.97
18"	16 ga.	\$ 11.84
24"	14 ga.	\$ 19.94
36"	12 ga.	\$ 40.49
48"	12 ga.	\$ 54.65
60"	10 ga.	\$ 87.67

With polymer coating

12"	16 ga.	\$ 9.79
15"	16 ga.	\$ 12.32
18"	16 ga.	\$ 14.63
24"	14 ga.	\$ 24.64
36"	12 ga.	\$ 50.60
48"	12 ga.	\$ 67.54
60"	10 ga.	\$108.35

TIMBER CULVERT & BRIDGE MATERIALS

One bid was received for Treated Timber Bridge & Culvert Materials from Timber Bridge of Kentucky with the following prices:

Treated SYP Bridge Planking	\$3,200.00/MBM
Timber Box Culvert & Transverse Deck	\$3,795.00/MBM
Treated Bridge & Salt Storage Timbers	\$3,850.00/MBM
Panelized Bridge Decks, Longitudinal to 14"	\$3,695.00/MBM
Panelized Bridge Decks, Longitudinal to 16"	\$4,250.00/MBM
Panelized Bridge Decks, Longitudinal to 20"	\$5,200.00/MBM
Hardware	\$ 7.95/LBS

A motion was made by Com. Gold and seconded by Com. Anderson to accept the bid from Timber Bridge of Kentucky. All voted aye. Motion carried.

CONCRETE

Three bids were received on concrete and are as follows:

1. Federal Materials of Paducah, Kentucky
5 bag mix: 3,000 lbs. strength with 5 ½% air per yard in place - \$87.65
6 bag mix: 4,000 lbs. strength, with 5% air per yard in place - \$89.43
Commercial fiber - \$7.00 per yard
2. Kotter Ready Mix, Metropolis, Illinois
5 bag mix: 3,000 lbs. strength with 5 ½% air per yard in place - \$82.00
6 bag mix: 4,000 lbs. strength, with 5% air per yard in place - \$88.00
Commercial fiber - \$8.00 per yard
3. Eastside Septic Tank & Concrete
5 bag mix: 3,000 lbs. strength with 5 ½% air per yard in place - \$81.45
6 bag mix: 4,000 lbs. strength, with 5% air per yard in place - \$88.45
Commercial fiber - \$6.00 per yard

ROAD STRIPING

One bid was received for \$0.12 per linear foot for road striping from Brehm Striping Company of Eddyville, Kentucky. A motion was made by Com. Anderson and seconded by Com. Gold to accept the bid of Brehm Striping as submitted. All voted aye. Motion carried.

CDL RANDOM DRUM TESTING

No bids were received.

VI. OTHER BUSINESS:

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

B. Judge Miller called court back into regular session.

C. Midwest Terminal submitted the only bid for gas & diesel. A motion was made by Com. Anderson and seconded by Com. Gold to accept the bid. All voted aye. Motion carried.

D. Russell York recommended that the bid for oils & grease be awarded to the low bidder which was Parman Energy Corporation. A motion was made by Com. Anderson and seconded by Com. Drew to accept the bid from Parman Energy. All voted aye. Motion carried.

E. Mr. York recommended that the bid for concrete be awarded to the low bidder which was Kotter Ready Mix. A motion was made by Com. Anderson and seconded by Com. Gold to accept the bid from Kotter Ready Mix. All voted aye. Motion carried.

F. Mr. York said on the rock bids, the prices were split, but on the material used most, Vulcan was the low bidder. A motion was made by Com. Drew and seconded by Com. Gold to accept the bid from Vulcan. All voted aye. Motion carried.

G. Mr. York said that the bids for culverts from Hagen & Stone were a little higher, but the other company had a \$3,500.00 minimum order. If only one culvert is needed, Hagen & Stone can have one delivered within a week. He recommended that the bid from Hagen & Stone be accepted. A motion was made by Com. Anderson and seconded by Com. Gold to accept the bid on culverts from Hagen & Stone. All voted aye. Motion carried.

H. Judge Miller read an Executive Order for the Court's consideration regarding the petition which was filed on March 29th in the Marshall County Clerk's Office, pursuant to KRS 242.020, requesting that a local option election be held. The Marshall County Clerk has verified that the petition contains twenty-five percent (25%) of the votes cast in the preceding general election. The referendum on the election ballot will ask, "Are you in favor of the sale of alcoholic beverages in Marshall County, Kentucky?" The date of the local option election will be Tuesday, July 17, 2012. A motion was made by Com. Anderson and seconded by Com. Drew to approve the Executive Order as presented. All voted aye. Motion carried.

I. Philip Pennington submitted his resignation as a Landowner Representative on the Elva/New Harmony/Oak Level Fire Protection District Board. The ENO Fire Department recommends that Aundrea Henson be named to fill his unexpired term (term to expire 6/30/2013). A motion was made by Com. Anderson and seconded by Com. Gold to accept the recommendation and appoint Aundrea Henson. All voted aye. Motion carried.

J. Judge Miller read the Animal Shelter report for March which is as follows: Animals in the pen as of 2/29/12 – 45; brought in by Animal Wardens – 24; brought in by citizens – 56; total animals taken in – 80 (dogs – 27; cats – 20; puppies – 28; & kittens – 5); adopted – 66; animals in foster care – 2; reclaimed – 7; euthanized – 2;

& animals in the pen as of 3/31/2012 – 53; donations - \$686; adoption fees - \$900; total money received - \$1,586.

K. The Payroll Fund Accounts Receivable Report as of April 16, 2012 is as follows:

<u>From</u>	<u>2011</u>	<u>Amount</u>
Marshall County Sheriff's Department		\$ 35,644.99
Marshall County Attorney's Office		\$
Marshall County Clerk's Office		\$ _____
	Total Approved	\$ 35,644.99

<u>From</u>	<u>2012</u>	<u>Amount</u>
Marshall County Sheriff's Department		\$354,131.28
Marshall County Attorney's Office		\$ 7,351.71
Marshall County Clerk's Office		\$ _____
	Total Approved	\$ 361,482.99

A motion was made by Com. Anderson and seconded by Com. Gold to approve the Payroll Accounts Receivable Report. All voted aye. Motion carried.

L. The Budget Appropriation Transfers were submitted for March (attached). A motion was made by Com. Anderson and seconded by Com. Gold to approve the Budget Appropriation Transfers as submitted. All voted aye. Motion carried.

M. Judge Miller scheduled the 2012 County Road Aid Hearing for 1:30 p.m. on Tuesday, May 1st.

N. A motion was made by Com. Drew and seconded by Com. Anderson to approve the Encumbrance Report for the quarter ending March 31, 2012 in the total amount of \$34,227.46. All voted aye. Motion carried.

O. A motion was made by Com. Gold and seconded by Com. Anderson to approve the Treasurer's Report. All voted aye. Motion carried.

P. A motion was made by Com. Anderson and seconded by Com. Gold to approve the Treasurer's Quarterly Report. All voted aye. Motion carried.

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

R. Judge Miller began to call Court into recess until 1:30 for a scheduled Budget Workshop. Com. Drew asked if the Budget Workshop should be videoed and broadcast like the court meetings are. Dale Hargrove, from Small Town Video Productions informed that their contract was for two court meetings per month and if they record the budget workshop, there will be an additional fee. A motion was made by Com. Drew and seconded by Com. Anderson to pay Small Town Video for recording the budget workshop. All voted aye. Motion carried.

S. Jeff Edwards reported on the question of who is responsible for the special election and his opinion based on KRS 242.60 sets out that the cost of the election should be born by the county and further in some cases since then, the Supreme Court has gone further to say that because it is a necessary governmental expense it is the duty of the county to provide all necessary funds to meet. Because it doesn't specify differently any cost born as a result of this petition and under this statute would be the same. The cost for the two ads in the newspaper is the financial responsibility of the county.

T. Judge Miller declared Court in recess until 1:30.

Respectfully submitted by:

Melonie Chambers
Fiscal Court Clerk