

Marshall County Fiscal Court
May 5, 2015

The Marshall County Fiscal Court met in regular session on Tuesday, May 5, 2015 in the Joe Williams Fiscal Courtroom, Marshall County Courthouse, Benton, Kentucky. All duly elected Commissioners: Bob Gold, Johnny Bowlin, & Dr. Rick Cocke; County Attorney Jeff Edwards & Assistant County Attorney Jason Darnall were present. Chyrrill Miller, County Judge/Executive presided.

I. GUESTS:

A. Dustin Davis addressed the Court on behalf of his parents, Robert & Glenda Davis and read a letter, which had been sent to the members of the Court earlier. In the letter, the Davis family stated their objection to water lines being constructed on their property along Denzel Martin Road. They maintain that the road was never properly taken into the county road maintenance system and should not be a county road. Mr. Davis said that the Silvernails have another means of ingress and egress to their property and Dustin Davis said he has secured an easement with adjoining property owners so they can run their water line. Mr. Davis added that he has agreed to purchase a water meter for the Silvernails. County Attorney Jeff Edwards has reviewed some of the records and said from his understanding, the road surface was chip & seal in 1990 and was paved in 1992. Apparently there is no right-of-way on the road, but the county only maintains the width of the pavement. County Road Superintendent Russell York said that in his 36 years employment with the county, as long as he can remember the county has mowed and maintained Denzel Martin Road. Mr. Davis said that no one ever asked them if they would like for the county to take the road into the county road maintenance system and they are interested in having the road removed from it. Mr. Edwards outlined the steps necessary for the road to be removed from the system. Mr. Edwards continued by saying that at this point, any issue on the right-of-way would be between the Davis family and the Silvernail family because the county has no claim to it. Jamie Silvernail addressed the Court and said they would have to purchase property from two people. She then read information which was given to her by the former owners of their property. It was a hand-written note dated August 3, 1971 and was titled "County Road Approval – Road in front of our house, Kentucky". Mr. Edwards advised each party to obtain legal counsel to research their deeds. Judge Miller said that this discussion could go on for some time, and suggested that the Davis & Silvernail families go to the first floor conference room to try to come to some type of agreement. Com. Cocke left the meeting and escorted them downstairs.

B. Bobby Gifford, Director of Watervision 2020, presented a drawdown request from DRA funds in the amount of \$20,328.09 (Paul Cloud Engineering - \$6,120; reimbursement to Sanitation District #1 - \$14,208.09) for engineering and pump costs. A motion was made by Com. Gold and seconded by Com. Bowlin to approve the drawdown request. All voted aye. Motion carried. Mr. Gifford added that he has secured additional grant funds for the North Marshall Water District project, increasing the total from \$750,000 to \$1,150,000.

C. Carl Overton, Sr. Marketing Auditor with the Telecommunication Cost Recovery firm of The Telecom Audit Group, based out of Birmingham, Alabama addressed the Court. Mr. Overton explained that Telecom conducts audits of phone bills for government entities at no charge for the audit. The only money owed to Telecom is if they discover overcharges by the phone company for the past six years and that money is refunded to the entity then they would receive half of the refund. Following discussion, a motion was made by Com. Cocke and seconded by Com. Gold to enter into a contract with Telecom for a phone audit. All voted aye. Motion carried.

II. ANNUAL BIDS:

A. The Court held annual bid openings. Notice for bids was published in the April 21st & 28th 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, Grand Rivers, Kentucky: Bituminous Class I Surface - \$70.50 per ton and Bituminous Class I Base - \$68.00 per ton.

ROCK

One bid was received from Vulcan Materials Company of Grand Rivers, Kentucky (prices per ton):

Picked up at quarry	
9m white rock	\$13.00
Dense grade	\$ 9.50
#3 white rock	\$11.30
#11 white rock	\$11.00
6" rip rap	\$11.75
#125 rip rap	\$11.75
8" minus	\$ 9.80
Cost for delivery –	\$4.00 per ton/\$4.75 for rip rap

AE-90 OIL

Two bid was received:

Asphalt Materials, Inc. of Elizabethtown, Kentucky in the amount of \$2.25 per gallon, delivered.

Marathon Petroleum of Kuttawa, Kentucky in the amount of \$2.35 for RS-2 per gallon, delivered; \$2.35 for SS-1H per gallon, delivered; & \$2.385 for AE-200 per gallon, delivered.

***Russell York recommended that all of the bids for motor oil & grease be rejected and rebid because the old bid spec sheets were inadvertently distributed to the companies.

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

Three companies submitted bids which are as follows:

1. Midwest Terminal of Paducah submitted the following prices:

Gas & Diesel

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

Anti-Freeze

Bulk 55 gallon drum - \$310.36

2. Max Arnold & Son's of Hopkinsville, Kentucky submitted the following prices:

Gas & Diesel

- Gasoline – 87 Octane – .06 mark-up per gallon
- Diesel Fuel - .06 mark-up per gallon
- Winter/Summer Additive - .015 per gallon

Anti-Freeze

Bulk 55 gallon drum - \$407.65

3. Heritage Petroleum, Evansville, Indiana submitted the following prices:

Gas & Diesel

- Gasoline – 87 Octane – .085 mark-up per gallon

- Diesel Fuel - .085 mark-up per gallon
- Winter/Summer Additive - .0175 per gallon

Anti-Freeze

Bulk 55 gallon drum - \$339.24

PIPE

One bid was submitted for metal road pipe from Hagen & Stone of West Paducah, Kentucky:

Without polymer coating

12"	16 ga.	\$ 7.10
15"	16 ga.	\$ 8.50
18"	16 ga.	\$ 10.60
24"	14 ga.	\$ 17.15
36"	12 ga.	\$ 35.40
48"	12 ga.	\$ 46.90
60"	10 ga.	\$ 75.10

With polymer coating

12"	16 ga.	\$ 9.26
15"	16 ga.	\$ 11.15
18"	16 ga.	\$ 13.95
24"	14 ga.	\$ 22.96
36"	12 ga.	\$ 47.35
48"	12 ga.	\$ 62.82
60"	10 ga.	\$100.50

TIMBER CULVERT & BRIDGE MATERIALS

No bids were received.

CONCRETE

One bid was received from Federal Materials of Paducah, Kentucky – 5 bag mix - \$92.14 per yard; 6 bag mix - \$96.65 per yard; commercial fiber - \$5.00 per yard; minimum of 4 yards of load any place requested in Marshall County - \$79.50 delivery fee under 4 yards.

ROAD STRIPING

One bid was received for \$0.12 per linear foot for road striping from Brehm Striping Company of Eddyville, Kentucky.

SALT

One bid was received from Compass Minerals America, Inc (aka North American Salt Company) Overland Park, Kansas in the amount of \$65.60 per ton (county to pick up at terminal in Metropolis, Illinois).

FIRE EXTINGUISHERS & EMERGENCY LIGHTING

No bids were received.

CDL Random Drug Testing

Two companies submitted bids which are as follows:

Egner Chiropractic & Rehabilitation Center of Benton, Kentucky – DOT Physicals - \$55.00; DOT Urine Specimen Collection with MRO Review - \$32.00; Saliva/Alcohol Screening - \$35.00; & Breathalyzer - \$35.00.

Premier Integrity Solutions (Labcorp), Benton, Kentucky – DOT Panel - \$45.00 & Alcohol test - \$40.00. No bid was submitted for DOT Physicals

Pest Control Service for County Owned Properties

One bid was submitted by Scott Pest Control, Hardin, Kentucky for termite treatment.

<u>Location</u>	<u>Renewal Treatment</u>	<u>Annual Contract</u>
Animal Shelter	\$ 575.00	\$140.00
Refuse Office	\$ 490.00	\$ 85.00
Recycling	\$ 300.00	\$ 85.00
Ambulance (Benton)	\$ 595.00	\$135.00
Rescue Squad (Benton)	\$ 575.00	\$125.00
Road Dept. (Office)	\$ 650.00	\$165.00
Park (Office)	\$ 525.00	\$ 95.00
Park (Concession/Press Box)	\$ 425.00	\$ 95.00
Park (Press Box #2)	\$ 300.00	\$ 85.00
Park (Soccer concession)	\$ 300.00	\$ 85.00

Marshall Co. Park	\$ 350.00	\$ 95.00
Draffenville Comm. Center	\$ 450.00	\$125.00
Health Dept. (Calvert)	\$ 705.00	\$140.00
North Marshall Sr. Cit.	\$ 525.00	\$140.00
Hardin Comm. Cent. (Sr. Cit.)	\$ 450.00	\$125.00
E-911 Service	\$ 600.00	\$ 90.00
Sheriff's Dept.	\$ 600.00	\$150.00
Detention Center	\$1,985.00	\$400.00
Judicial Building	\$1,690.00	\$400.00
Benton Sr. Citizens	\$ 450.00	\$150.00
Courthouse	\$1,200.00	\$250.00
Refuse (shop)	\$ 300.00	\$ 85.00

Total for the initial termite treatment to all of the above is \$13,600.00. The total for all the same buildings noted above for the annual termite contract is \$3,210.00.

Scott Pest Control also submitted a bid for regular pest control maintenance on the following:

<u>Location</u>	<u>Monthly Cost</u>	<u>Yearly Cost</u>
E-911 Office	\$ 15.00	\$ 180.00
Sheriff's Dept.	\$ 30.00	\$ 360.00
Ambulance (Benton)	\$ 35.00	\$ 420.00
Road Dept.	\$ 35.00	\$ 420.00
Detention Center	\$125.00	\$1,500.00
Parks Dept.	\$ 50.00	\$ 500.00
Refuse Office	\$ 35.00	\$ 420.00
Recycling Office	\$ 15.00	\$ 180.00
Econ. Dev. Office	\$ 30.00 (bi-monthly)	\$ 180.00
County Clerk	\$ 45.00 (quarterly)	\$ 180.00
Benton Sr. Citizens	\$ 45.00 (quarterly)	\$ 180.00
North Mar. Sr. Citizens	\$ 45.00 (quarterly)	\$ 180.00
Hardin Sr. Citizens	\$ 35.00 (quarterly)	\$ 140.00
Judicial Bldg. (all offices)	\$245.00 (quarterly)	\$ 980.00

Yearly Total - \$5,820.00 – all buildings not listed would be handled on an as needed service and billed for that particular service.

Portable Toilets

No bids were received.

B. A bid opening was held for the sale of surplus property. Notice for bids was published in the in the April 21st & 28th editions of the Tribune Courier.

- 10' Good Roads Plow serial #112-10x30 – no bids
- 8' Western Plow serial #B1071955
 1. Rick Castleberry - \$51.00
 2. Scott Jaco - \$45.61
- 8' Western Plow serial #B1111440
 1. Rick Castleberry - \$51.00
 2. Scott Jaco - \$59.05
- Scrap Metal (price per pound)
 1. Gamble's Recycling - \$0.06
- Scrap Aluminum (price per pound)
 1. Gamble's Recycling - \$0.50
 2. David Nanney - \$0.51
 3. Cowboy Street - \$0.10
- Grapple (thumb) attachment for a XL4100 Gradall
 1. Cowboy Street - \$25.00

III. CORRESPONDENCE:

A. Judge Miller read an invitation to the Marshall County Exceptional Center's Annual Academy of Stars on Thursday, May 7th at 6:00 at the Center, located at 198 Old Symsonia Road, Benton.

B. Judge Miller read an invitation to the West Kentucky Law Enforcement Memorial Ceremony on Tuesday, May 12th at 6:30 at Mike Miller Park.

IV. OLD BUSINESS:

A. Com. Cocke informed that a name was misspelled in the April 21st minutes. On page two, item D., the name is Larry Mahaffey and not McHaffey. With that correction, a motion was made by Com. Gold and seconded by Com. Cocke to approve the minutes of the April 21st meeting. All voted aye. Motion carried.

B. **Bids Awarded**

Annual Bids:

There was one bid on rock from Vulcan Materials; one bid on Bituminous Asphalt from Jim Smith Contracting; on the AE 90 Oil – the low bidder was Asphalt

Materials; low bid on the Anti-freeze was from Mid West Terminal; one bid on salt from Compass (North America Salt); one bid on sewers from Hagan & Stone; one bid on striping from Brehm; one bid on DOT Physicals including testing from Egner Chiropractic; one bid on concrete from Federal Materials; one bid on Pest Control & Termite Treatment from Scott Pest Control; the lowest bid on Gas & Diesel from Max Arnold & Sons – the tank now belongs to Mid West, if the tank is removed, Max Arnold & Sons will put one in. A motion was made by Com. Bowlin & seconded by Com. Gold to accept the annual bids as listed. All voted aye. Motion carried.

Surplus Property:

On the 8' Western Plow serial #B1071955 – Rick Castleberry \$51.00; 8' Western Plow serial #B1111440 – Scott Jaco - \$59.05; Scrap Metal – Gamble's Recycling \$0.06 per lb.; Scrap Aluminum – David Nanney \$0.51 per lb.; Grapple (thumb) attachment for a XL4100 Gradall - Cowboy Street \$25.00. There were no bids on the 10' Good Roads Plow serial #112-10x30. A motion was made by Com. Gold and seconded by Com. Cocke to accept the bids as listed. All voted aye. Motion carried.

C. Judge Miller read a Memorandum of Agreement and a Resolution adopting and approving the execution of a County Road Aid Coop Program Contract between the Court and the Transportation Cabinet. (Marshall County's apportionment of \$1,259,487.57 in CRA Funds beginning July 1, 2015 is based on revenue estimates supplied by the Office of State Budget Director.) A motion was made by Com. Cocke and seconded by Com. Gold to approve the Memorandum of Agreement and the Resolution as presented. All voted aye. Motion carried.

D. Following the second reading of Ordinance #2015-01 (Budget Amendment), a motion was made by Com. Cocke and seconded by Com. Gold to approve the second reading and adopt Ordinance #2015-01. All voted aye. Motion carried.

E. A petition was submitted for Way Avenue to be accepted into the county road maintenance system. County Attorney Jeff Edwards will review the information and report back to the court.

F. Com. Cocke informed that the drainage issue in Old Gilbertsville around Lone Valley Road and Park Street has been resolved. Assistant County Attorney Jason Darnall prepared a memorandum of agreement which has been signed by the affected property owners. Confirmation has also been received from Lisa Morris, Project Manager, Operations Division of the Corps of Engineers that the construction of a drainage ditch would not involve work in waters of the U.S. (streams and/or wetlands),

and a departmental permit is not required. Judge Miller signed the MOA on behalf of the Court.

V. NEW BUSINESS:

A. Judge Miller read a Proclamation naming Thursday, May 7th National Day of Prayer in Marshall County. A motion was made by Com. Gold and seconded by Com. Bowlin to approve the Proclamation. All voted aye. Motion carried.

B. Following the first reading of Ordinance #2015-02 (Budget), a motion was made by Com. Gold and seconded by Com. Bowlin to approve the first reading. All voted aye. Motion carried.

C. The Annual Standing Order for recurring expenses (payroll & utilities), a motion was made by Com. Gold and seconded by Com. Cocke to approve the Annual Order. All voted aye. Motion carried.

D. The Marshall County Fiscal Court Audit for FY ended June 30, 2014 has been received. A motion was made by Com. Gold and seconded by Com. Cocke to accept the audit. All voted aye. Motion carried.

E. The Jonathan Water District Audit for year ended December 31, 2014 was submitted. A motion was made by Com. Gold and seconded by Com. Cocke to accept the Audit. All voted aye. Motion carried.

F. Judge Miller read the Animal Shelter report for April which is as follows: Animals in the pen as of 3/31/2015 – 31; brought in by Animal Wardens – 32; brought in by citizens – 59; total animals taken in – 91 (dogs – 47; cats – 18; puppies – 8; & kittens – 18); adopted – 47; animals in foster care – 0; reclaimed – 13; euthanized – 18; & animals in the pen (& in foster care) as of 4/30/2015 – 44; adoption fees - \$1,285.

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

H. Jeff Edwards informed that no plat was submitted on Way Avenue and the length of the road needs to be submitted so an estimate can be determined on the cost for paving.

I. A motion was made by Com. Bowlin and seconded by Com. Gold to recess the meeting for a scheduled County Road Aid Hearing. All voted aye. Motion carried.

Marshall County Fiscal Court
May 5, 2015
Page ten

J. Judge Miller called Court back into regular session.

K. A motion was made by Com. Cocke and seconded by Com. Bowlin to adjourn. All voted aye. Motion carried.

Respectfully submitted by:

Melonie Chambers
Fiscal Court Clerk