

Marshall County Fiscal Court
May 21, 2013

The Marshall County Fiscal Court met in regular session on Tuesday, May 21, 2013 in the Joe Williams Fiscal Courtroom, Marshall County Courthouse, Benton, Kentucky. All duly elected Commissioners: Bob Gold, Terry Anderson, Misti Drew; & County Attorney Jeff Edwards were present. Mike Miller, County Judge/Executive presided.

Judge Miller opened the meeting and asked that everyone keep the victims of the tornadoes in Oklahoma in their prayers.

I. GUESTS:

A. Josh Tubbs informed that the Department of Transportation released information on grant funding opportunities through the TIGER Grant Program for 2013. Over the past three years, applications have been submitted for the county but routed through the state as required. Now, each county can apply directly to the Federal Government. The deadline for applications is June 3rd. This year's application will be for \$7 million for a rail spur from the P & L Railroad to the river by McFarland Road. Match for the grant funds will be supplied by the Riverport Authority and not from the county or the cities. He requested permission to apply for the funds. A motion was made by Com. Drew and seconded by Com. Anderson to authorize Josh Tubbs to apply for a TIGER Grant as requested. All voted aye. Motion carried.

Mr. Tubbs reminded the Court of the meeting with TVA on May 31st at Benton City Hall.

B. County Attorney Jeff Edwards addressed the Court on behalf of the Marshall County A & I Fair, which is this week. He listed the schedule of events: tonight is the Baby Beauty Pageants and the Go Cart Races; Wednesday - Warrior Races & a concert by Third Degree Black; Thursday - Mud Drags; Friday - Motocross; & Saturday - Demolition Derby. Beginning Wednesday - laser tag in the Community Building and a Clown Show with Lovey the Clown on the Midway. Mr. Edwards introduced Lovey who spoke briefly to the Court.

C. Marshall County Animal Shelter Assistant Director Erin Seig addressed the Court regarding some changes that she & Director Autumn Hollis recommend:

- Increase the reclaim fee from \$15 to \$20, which would be consistent with the drop off fee that is already in place.
- Double the reclaim fee if it is the dog's second offense being brought into the shelter. The third offense would triple & would be a mandatory spay/neuter if unaltered.

- Increase the adoption fee from \$15 to \$25. Each animal will be microchipped and the increase would cover the cost of the microchip along with shots, de-wormer, and flea application.
- If any animal warden goes to a home to speak to an animal owner about containing their pet that is being a nuisance, the following actions would be taken:
 - First trip – warning.
 - Second trip - animal is automatically brought in and owners are charged a \$50 reclaim fee plus mandatory spay/neuter if animal is unaltered.

A motion was made by Com. Drew and seconded by Com. Gold to approve the rates and regulations as recommended by the Animal Shelter Staff. All voted aye. Motion carried.

II. CORRESPONDENCE:

A. Matthew Chase, Executive Director of the National Association of Counties, informed of a membership rate adjustment for participation in NACo for 2014. The membership dues for 2014 will be \$629, up from \$622 from 2013. A motion was made by Com. Gold and seconded by Com. Drew to pay the NACo dues, in the amount of \$629 for 2014. All voted aye. Motion carried.

III. OLD BUSINESS:

A. A motion was made by Com. Drew and seconded by Com. Gold to approve the minutes of the May 7th Court meeting and the County Road Aid Hearing. All voted aye. Motion carried.

B. Following the second reading of Ordinance #2013-04 (Opal Lane Speed Limit), a motion was made by Com. Drew and seconded by Com. Anderson to approve the second reading and adopt Ordinance #2013-04. All voted aye. Motion carried.

C. Discussion was held regarding the Big Bear Park – TVA issue. Judge Miller has spoken with Sarah Devasher-Wisdom and also her supervisor, Bob Morris. Judge Miller will address the TVA Board during their August meeting in Knoxville, Tennessee, and added that he will attend the meeting at his own expense. He was told that he would have three (3) minutes to speak to the Board. Judge Miller said he has asked Rachel Terrell, with TVA, what the \$5,000 for the easement would cover since the archeological study has been done on the site in the past and no improvements have been made to the area that have hurt the

environment in any way, but he has not received an answer. Judge Miller read a letter from James Adams, which basically outlined what he told the Court during the last meeting including the recommendation from TVA. County Attorney Jeff Edwards said that the letter answered some of the questions he had, but there is still no itemized list of what the costs would afford. Com. Drew asked if the \$6,500 base proposal was for the lease agreement and then easements on all the rest of the properties at the term of their expiration. Mr. Edwards replied that it was not. Judge Miller said that one option would be to consolidate three of the day use parks – Big Bear, Buckhorn, & Lakeland Wesley Village – which would be between \$12,000 and \$15,000. Big Bear alone would be \$5,000 to \$7,500 for an easement. Mr. Edwards said that one thing that bothered him, if the Court recalled, the application fee on Big Bear Park was \$5,000 total, and we were told that the total fee could be as much as \$20,000. Com. Drew added that the revocable license fee was \$1,500. Judge Miller read from the letter that it is \$1,500 to \$2,000 only for Big Bear on a 30 day revocable license. Judge Miller asked since the county is paying all of the expenses, if TVA could be charged for the upkeep. Com. Drew said that the county chose to put the park there to which Judge Miller replied that no, the people of that area wanted the park and came to the Court. Com. Drew said that the county developed it - it is a successful day use park and it was a good choice, but she did not believe it was TVA's responsibility to pay for it. Com. Gold said what has been accomplished so far is we got TVA's attention and we got them to agree they're going to watch costs, but his concern is if we wait until 2018 – what the atmosphere with TVA would be at that time – would they be as cooperative? Judge Miller said we're all bent out of shape here about \$5,000 when TVA gives millions of dollars in bonuses every year. Com. Drew said it's not just \$5,000, but \$5,000 for everybody who has a land lease agreement. She added that her big frustration is that the Court has spent the last three meetings talking about this rather than about the \$2 million overage at the Health Department or the \$126,000 extra that was spent at the Refuse. Com. Drew said that if we took this sort of time and attention for every sort of an overage that we have in county government, we might actually save some money from time to time, but in this situation to her it's clear, either we decide that it's worth the day use park or we don't & then we move forward. She suggested a Town Hall meeting. She added that if the Court decides on the \$1,500 revocable license and TVA does revoke it, it will be on TVA. Com. Gold said that the 30 day license scares him because if TVA is privatized, the decision could be made to close all day use parks. He suggested that the Court review the letter and then make a decision. A motion was made by Com. Anderson and seconded by Com. Gold to table this issue and until the next meeting and review the letter from TVA. All voted aye. Motion carried.

D. Jeff Edwards will present the draft of the Animal Control Ordinance at the next meeting.

E. County Road Superintendent Russell York has located a forklift that better suits the needs at the Road Department. The cost for the new forklift is \$14,500 and with the trade-in of the one currently being used, the cost difference is \$6,000. A motion was made by Com. Drew and seconded by Com. Anderson to authorize Russell York to purchase a forklift with trade-in at a cost of \$6,000. All voted aye. Motion carried.

F. A motion was made by Com. Drew and seconded by Com. Gold to authorize Russell York to advertise for bids for two new tractors & mowers to be paid for out of the FY 2013/14 budget. All voted aye. Motion carried.

G. Russell York reported that he has LED flashing lights ordered for the Gradeall and for two of the newer tractors.

H. Com. Drew informed that she spoke with Troy English, Supervisor at the Refuse District and his estimate for one cleanup day each for Aurora, Hardin, and Gilbertsville is \$17,000 to \$20,000 per year. Judge Miller informed that he attended the Refuse Board meeting and the county cleanup days were discussed. He understands what they are trying to accomplish and still save money. He asked the Commissioners to keep this in mind.

I. Regarding the drainage problems in Old Gilbertsville - Russell York will meet with Mike Oliver with the District One Highway Office this week. Also, the GIS Office will be providing aerial maps.

J. Com. Drew asked if a work session could be scheduled regarding the Nuisance complaints and the possibility of speaking with the Benton City Officials to see how their complaints are handled and also the possibility of restructuring the county's Nuisance Ordinance. Following discussion, it was decided that Sheriff Byars will bring in the current complaints for the Court's review.

IV. NEW BUSINESS:

A. A bid opening was held for the sale of surplus property. Advertisement for bids was published in the May 14th edition of the Tribune Courier. The items are: 16 speed drill press; mechanics tool box; AC Delco generator 13 hp; 8 - 10:00/20 truck wheels & tires; 55 gal. 76 hydraulic/tractor fluid; retractable air hose reel; 2005 Gravely 2T 1844XL 44" cut mower, 22 hp Kohler; 1997 Ford

F250 4x4 pickup vin #3652 - maroon in color; 1997 Ford F250 4x4 pickup vin #3945 - red in color; #1 - 36" x 20' metal culvert; #2 - 36" x 11' 6" metal culvert; #3 - 36" x 13' 9" metal culvert; #4 - 36" x 19' metal culvert; #5 - 36" x 19' metal culvert; #6 - 36" x 17' metal culvert; #7 - 36" x 14' metal culvert; #9 - 36" x 14' black plastic culvert; #10 - 24" x 10' black plastic culvert; #11 - 2 - 36" black plastic bands; #13 - 15" x 15' metal culvert; #14 - 18" x 10' 10" metal culvert; #15 - 24" x 13' metal culvert; #16 - 3'6" x 14' oval metal culvert; #17 - 3' 6" x 24' oval metal culvert; #18 - 6' x 30' tank car metal culvert; #19 - 19" x 16' metal culvert; & #20 - 7' x 40' aluminum culvert; & Scrap Metal to be sold by pound and picked up on site. The bids are as follows:

1. Shane Watkins - 16 speed drill press - \$24.71 & #6 - 36" x 17' metal culvert - \$84.19.
2. Ray Price - 2005 Gravely mower - \$625.00.
3. Rick Castleberry - 2005 Gravely mower - \$901.00.
4. Gary Travis - 2005 Gravely mower - \$777.77.
5. Phillip Neal - 55 gal. 76 hydraulic/tractor fluid - \$105.00 & 1997 Ford F250 (red) pickup - \$1,000.00.
6. Cowboy Street - #18 - 6' x 30' tank car metal culvert - \$501.00.
7. Tim York - #17 - 3' 6" x 24' oval metal culvert - \$87.00 & #18 - 6' x 30' tank car metal culvert - \$403.00.
8. Ty Hardin - 1997 maroon pickup - \$650.00 & 1997 red pickup - \$620.00
9. Jacob Denfip – 16 speed drill press - \$50.00; 55 gal. 76 hydraulic/tractor fluid - \$100.00; Retractable air hose reel - \$10.00; 2005 Gravely mower - \$1,000.00; 1997 Ford F250 (maroon) - \$600.00; & 1997 Ford 250 (red) - \$800.00.
10. Jack Dunigan - 16 speed drill press - \$50.00; mechanics tool box – \$2.00; AC Delco generator 13 hp - \$25.00; 8 - 10:00/20 truck wheels & tires - \$2.00; 55 gal. 76 hydraulic/tractor fluid - \$175.00; retractable air hose reel – \$25.00; 2005 Gravely 2T 1844XL 44" cut mower, 22 hp Kohler – \$100.00; 1997 Ford F250 4x4 pickup vin #3652 - maroon in color – \$1,500.00; 1997 Ford F250 4x4 pickup vin #3945 - red in color –

- \$2,100.00; #1 - 36" x 20' metal culvert – \$100.00; #2 - 36" x 11' 6" metal culvert – \$100.00; #3 - 36" x 13' 9" metal culvert – \$100.00; #4 - 36" x 19' metal culvert – \$100.00; #5 - 36" x 19' metal culvert – \$100.00; #6 - 36" x 17' metal culvert – \$100.00; #7 - 36" x 14' metal culvert – \$100.00; #9 - 36" x 14' black plastic culvert – \$25.00; #10 - 24" x 10' black plastic culvert – \$5.00; #11 - 2 - 36" black plastic bands – \$1.00; #13 - 15" x 15' metal culvert – \$100.00; #14 - 18" x 10' 10" metal culvert – \$100.00; #15 - 24" x 13' metal culvert – \$100.00; #16 - 3'6" x 14' oval metal culvert – \$100.00; #17 - 3' 6" x 24' oval metal culvert - \$100.00; #18 - 6' x 30' tank car metal culvert – \$200.00; #19 - 19" x 16' metal culvert – \$100.00; #20 - 7' x 40' aluminum culvert – \$500.00; & Scrap metal to be sold by pound picked up on site - \$0.01.
11. Keith Greer - 16 speed drill press - \$25.00; mechanics tool box – \$5.00; AC Delco generator 13 hp - \$5.00; 8 - 10:00/20 truck wheels & tires - \$40.00; 55 gal. 76 hydraulic/tractor fluid - \$100.00; retractable air hose reel – \$5.00; #1 36" x 20' metal culvert – \$100.00; #2 - 36" x 11' 6" metal culvert – \$50.00; #3 - 36" x 13' 9" metal culvert – \$50.00; #4 - 36" x 19' metal culvert – \$80.00; #5 - 36" x 19' metal culvert – \$80.00; #6 - 36" x 17' metal culvert – \$60.00; #7 - 36" x 14' metal culvert – \$50.00; #9 - 36" x 14' black plastic culvert – \$20.00; #10 - 24" x 10' black plastic culvert – \$40.00; #11 - 2 - 36" black plastic bands – \$5.00; #13 - 15" x 15' metal culvert – \$50.00; #14 - 18" x 10' 10" metal culvert – \$40.00; #15 - 24" x 13' metal culvert – \$40.00; #16 - 3'6" x 14' oval metal culvert – \$30.00; #17 - 3'6" x 24' oval metal culvert - \$100.00; #18 - 6' x 30' tank car metal culvert – \$300.00; #19 - 19" x 16' metal culvert – \$50.00; & #20 - 7' x 40' aluminum culvert – \$300.00.
12. Gamble's Recycling, LLC – Scrap metal - \$0.08.
13. Rex Jones - 16 speed drill press - \$8.00; mechanics tool box – \$7.00; 55 gal. 76 hydraulic/tractor fluid - \$11.00; retractable air hose reel – \$7.00; 2005 Gravely 2T 1844XL 44" cut mower, 22 hp Kohler – \$76.00; 1997 Ford F250 4x4 pickup vin #3652 - maroon in color – \$310.00; 1997 Ford F250 4x4 pickup vin #3945 - red in color – \$1,159.00; #1 - 36" x 20' metal culvert – \$27.00; #4 - 36" x 19' metal culvert – \$27.00; #5 - 36" x 19' metal culvert – \$27.00; & #20 - 7' x 40' aluminum culvert – \$35.00.
14. Jim Rayburn - 55 gal. 76 hydraulic/tractor fluid - \$226.34.
15. Tim Watkins - #9 - 36" x 14' black plastic culvert – \$93.00.

16. Mike Oakley - 1997 Ford F250 4x4 pickup vin #3945 - red in color – \$811.00; & #18 - 6' x 30' tank car metal culvert – \$1,557.50.

17. Benny Adair - 55 gal. 76 hydraulic/tractor fluid - \$20.00; 2005 Gravely 2T 1844XL 44" cut mower, 22 hp Kohler – \$757.00; #1 - 36" x 20' metal culvert – \$127.00; #2 - 36" x 11' 6" metal culvert – \$67.00; #3 - 36" x 13' 9" metal culvert – \$77.00; #4 - 36" x 19' metal culvert – \$127.00; #5 - 36" x 19' metal culvert – \$127.00; #6 - 36" x 17' metal culvert – \$121.00; #7 - 36" x 14' metal culvert – \$77.00; #13 - 15" x 15' metal culvert – \$57.00; #14 - 18" x 10' 10" metal culvert – \$43.00; #15 - 24" x 13' metal culvert – \$41.00; #16 - 3'6" x 14' oval metal culvert – \$77.00; #17 - 3'6" x 24' oval metal culvert - \$127.00; #18 - 6' x 30' tank car metal culvert – \$627.00; #20 - 7' x 40' aluminum culvert – \$801.00; & \$0.08 per pound for scrap metal for one (1) coated 41/2 x 30 culvert.

B. Judge Miller declared court in recess.

C. Judge Miller declared Court back in regular session.

D. Two people submitted a \$50.00 high bid on the drill press. Both bidders will be contacted and asked to submit another bid prior to the next meeting.

E. Judge Miller read the list of the high bidders:

- ✓ Jacob Denfip on the 2005 Gravely 2T 1844XL 44" cut mower - \$1,000.00.
- ✓ Jack Dunnigan on the AC Delco Generator - \$25.00; Retractable air hose reel – \$25.00; 1997 Ford F250 pickup (maroon) - \$1,500; 1997 Ford F250 pickup (red) – \$2,100.00; #2 – 36" x 11'6" metal culvert – \$100.00; #3 – 36" x 13'9" metal culvert – \$100.00; #7 – 36" x 14' metal culvert – \$100.00; #13 – 15' x 15' metal culvert – \$100.00; #14 - 18" x 10' 10" metal culvert – \$100.00; #15 - 24" x 13' metal culvert – \$100.00; #16 - 3'6" x 14' oval metal culvert – \$100.00; & #19 - 19" x 16' metal culvert – \$100.00.
- ✓ Keith Greer on the 8 – 10:00/20 truck wheels & tires - \$40.00; #10 - 24" x 10' black plastic culvert - \$40.00; & #11 - 2 - 36" black plastic bands - \$5.00.
- ✓ Gamble's Recycling, LLC – Scrap metal - \$0.08.
- ✓ Rex Jones on the mechanics tool box - \$7.00.
- ✓ Jim Rayburn on the 55 gal. 76 hydraulic/tractor fluid - \$226.34.
- ✓ Tim Watkins on #9 – 36" x 14' black plastic culvert - \$93.00.
- ✓ Mike Oakley on #18 – 6' x 30' tank car metal - \$1,557.50.
- ✓ Benny Adair on #1 - 36" x 20' metal culvert – \$127.00; #4 - 36" x 19' metal culvert – \$127.00; #5 - 36" x 19' metal culvert – \$127.00; #6 - 36" x 17'

metal culvert – \$121.00; #17 - 3'6" x 24' oval metal culvert - \$127.00; #20 - 7' x 40' aluminum culvert – \$801.00;

A motion was made by Com. Anderson and seconded by Com. Gold to accept the high bids on the surplus items. All voted aye. Motion carried.

F. Following the first reading of Ordinance #2013-05 (budget amendment), a motion was made by Com. Gold and seconded by Com. Anderson to approve the first reading. All voted aye. Motion carried.

G. The audit report for year ended December 31, 2012 was submitted for the Jonathan Creek Water District. A motion was made by Com. Gold and seconded by Com. Anderson to accept the Audit Report. All voted aye. Motion carried.

H. Jerome Ragsdel sent a letter on behalf of the Aurora Ross Fire Department, requesting that Marcia Sirls be appointed to fill the vacancy created by the resignation of Jimmy McNeely as one of the firefighter positions. A motion was made by Com. Gold and seconded by Com. Anderson to appoint Marcia Sirls as requested. (Term to expire 6/30/2015) All voted aye. Motion carried.

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

J. The Payroll Fund - Accounts Receivable Report as of April 30, 2013 is as follows: from the Sheriff's Department - \$318,911.64. A motion was made by Com. Anderson and seconded by Com. Gold to approve the Accounts Receivable Report. All voted aye. Motion carried.

K. An Intrafund Transfer Request was presented to move \$50,000 from the Occupational Tax Administrator Fund to the Jail Fund (only if needed prior to the next Court meeting). A motion was made by Com. Anderson and seconded by Com. Gold to approve the Intrafund Transfer Request. All voted aye. Motion carried.

L. A Budget Appropriation Transfer Request, in the amount of \$27,750.00 (to be transferred from Reserves) was distributed. A motion was made by Com. Gold and seconded by Com. Anderson to approve the Budget Appropriation Transfer. All voted aye. Motion carried.

M. A drawdown request on the Arts Commission Loan, in the amount of \$1,622.75, was submitted. A motion was made by Com. Gold and seconded by Com. Anderson to approve the drawdown request. All voted aye. Motion carried.

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

O. Com. Drew requested an executive session for two personnel issues. A motion was made by Com. Drew and seconded by Com. Anderson to go into executive session. All voted aye. Motion carried.

P. Judge Miller called Court back into regular session and informed that discussion was held regarding termination, layoff status and drawing unemployment. He added that a legal opinion is needed from counsel at KACo and he will report back to the Court.

Q. The Court dates for June were changed to June 11th & 25th.

R. A budget workshop was scheduled for 8:30 a.m. on Friday, June 21st.

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

Respectfully submitted by:

Melonie Chambers
Fiscal Court Clerk