

Marshall County Fiscal Court
July 19, 2011

The Marshall County Fiscal Court met in regular session on Tuesday, July 19, 2011 in the Old Circuit Courtroom, Marshall County Courthouse, Benton, Kentucky. All duly elected Commissioners and the Assistant County Attorney were present. Mike Miller, County Judge/Executive presided.

I GUESTS:

A. Dennis Bugg addressed the Court concerning a property boundary issue with the National Wildlife Refuge. A boundary stake had been placed on Mr. Bugg's property by the Refuge and the confusion was apparently caused because documents exist allowing the creek to be moved. Mr. Bugg presented copies of a survey of his property and pictures of that portion of Nanney Creek, which he said shows that the creek was never moved. Assistant County Attorney Jason Darnall advised Mr. Bugg that if he wanted to contest this issue, he would need to hire a private attorney and file a civil suit.

B. Jason Leubker, 911 Director updated the Court on the 911 book balances. The total receipts collected between December 1, 2010 and June 30, 2011 were \$279,930.87 (including the Court's subsidy of \$62,500.00) and the total expenditures paid during the same time were \$276,879.72. He added that without the Fiscal Court subsidy, receipts versus expenditures during that period would have resulted in a deficit of \$59,448.85.

C. Jeremy Short, Pastor of Twin Lakes Worship Center which is located on Hwy. 641 across from Catfish Kitchen addressed the Court about waist deep flooding that occurred in the church on Easter Sunday in approximately 15 minutes. A hydraulic engineer has been hired to survey their property and the surrounding properties and see what can be done to correct this problem and help keep it from happening again. He said the problem in that area stems from the fact that all of the waterways leading to their deposit area is still extremely clogged from the ice storm debris. There were several houses and several businesses affected and Easter Sunday almost 300 people were in the church just prior to the flooding. Pastor Short said he wasn't sure where to start and asked for help. Judge Miller said he contacted the Corps of Engineers which has jurisdiction over streams and he has asked that someone come down to talk to him during the flooding. They were overwhelmed at that time with all of the flooding and said someone would be sent to talk to him. Judge Miller told about partnering with Corps and ASCS Office to snag and clear the Clarks River from the Calloway to McCracken County line. However when all of the logs and limbs were dredged – they were set on the bank, weren't allowed to be burned or buried and they eventually ended up back in the river after the next big rain. Judge Miller said there is a special project through the Purchase Area Development District called Project Water, which will provide funding to pay for people who are unemployed to clear the ice storm debris

from waterways, and hopefully prevent such severe flooding in the future.

D. Ron Reed, who lives in Tatumsville presented a letter from area residents requesting that warning strips be placed on Briensburg/Tatumsville Road, on both the southside and northside approaches to the intersection of Hwy. 1422. The letter cited numerous incidents of accidents and property damage and expressed fear that more fatalities will occur if something isn't done. Rumble strips, flashing caution/stop lights and guard rails have been discussed with District One Highway Engineer Jim LeFevre in the past. However, the raised rumble strips were a problem with the county's insurance, and Mr. Reed was told that guard rails are to protect drivers and not property. Judge Miller will contact Mr. LeFevre and inform the Court. Sheriff Byars asked if cutting warning strips into the pavement would satisfy the insurance requirements. Mr. Reed also asked that the Court consider placing solar lighting at the Rocky Point Boat Ramp.

E. Bobby Gifford, Director of Water Vision 2020 addressed the Court concerning the following:

- Informed that Delta Regional Authority has provided \$478,000 to the state and he and Josh Tubbs have looked for projects that might be eligible for funding through a DRA grant. McFarland Lane, which is county on one side and Calvert City on the other, is eligible and the estimated cost of the project is between \$200,000 and \$250,000. This would be a county/city project, the county's equipment could be used for the match requirement portion of the grant and an Interlocal Agreement with Calvert City is required. A motion was made by Com. Gold and seconded by Com. Anderson to authorize Judge Miller to sign the Interlocal Agreement on behalf of the Court and to make improvements on McFarland Lane. All voted aye. Motion carried.
- Reported that both the Olive & Brewers tanks are painted but the electric work is not finished. The County Road Department will do the dirt work. The deed for the property for the pump station in Hardin has been signed and recorded.
- Formalizing an application for approximately \$500,000 for Sanitation District #1 for needed improvements for the system.
- 2010 Disaster & Emergency Relief – he discovered that only one place in the county had not been repaired after being damaged during the ice storm – Frizzell Loop. He will be making an application for funding to replace two large sewers

that had separated with either new sewers or a bridge, whichever is less expensive.

II. CORRESPONDENCE:

A. Marshall County Ambulance Service Director Mark Harrison informed that an old van type ambulance has been taken out of service and John Smith, Chief of the Fairdealing Olive Fire Department had expressed an interest in the unit for use by the department. Mr. Harrison asked for the Court's consideration of transferring the vehicle (a 1998 Ford E-350 with 275,000 miles) to the fire department. A motion was made by Com. Anderson and seconded by Com. Gold to transfer the vehicle as requested. All voted aye. Motion carried.

B. Gary Clark submitted his resignation as Commissioner of the North Marshall Water District.

C. Bob Johnston, Chairman of the Marshall County Cemetery Committee submitted copies of bills for clean up for the following: Thompson Cemetery, Old Pace Cemetery & Green Cemetery - \$2,550.00.

D. Judge Miller said that on a sad note, long-time Road Department employee Junior Gore passed away and his service is tomorrow at 2:00. The employees at the Road Department would like to attend the funeral to pay their respects. The Court members concurred to close the Road Department at noon.

III. OLD BUSINESS:

A. A motion was made by Com. Drew and seconded by Com. Anderson to approve the minutes of the June 24th & 28th meetings. All voted aye. Motion carried.

B. Com. Anderson reported that on Bub Myers Lane, it does not appear that the County has maintained the road past the end of the blacktop. He has not determined if the county actually owns the section of road in question (approximately 200'). Com. Anderson will contact Martin Johnson to see if the homeowners want to petition the Court to accept the portion of the road and report back to the Court.

C. During the June 24th meeting, two members of the Marshall County Ethics Commission informed of conflicts and could not serve regarding the recent complaint. Judge Miller asked the Commissioners to be prepared to name two temporary replacements.

D. County Road Supervisor Russell York informed that the new fuels tanks have been installed at the Road Department and an inspection has been scheduled with the State Fire Marshal.

E. Judge Miller reported that the Court was the winning bidder for the truck, trailer & snow plow from the City of Hardin.

F. Following the second reading of Ordinance #2011-04 (35 mph speed limit on Southern Komfort Road), a motion was made by Com. Drew & seconded by Com. Gold to approve the second reading & adopt Ordinance #2011-04. All voted aye. Motion carried.

G. A motion was made by Com. Drew and seconded by Com. Gold to accept the North Marshall Water District Budget for 2011/12. All voted aye. Motion carried.

H. The Reapportionment Committee met and their report and recommendation was approved in June that no changes need to be made to the Magisterial Districts. Since that time, however, the Court was informed that action in the form of an Ordinance had to be taken stating that no changes were being made. Following the first reading of Ordinance #2011-05, stating that no changes are to be made, a motion was made by Com. Gold and seconded by Com. Anderson to approve the first reading. All voted aye. Motion carried.

IV. NEW BUSINESS:

A. County Treasurer Emily Martin requested that former County Treasurer Tim York's name be removed from the signature card on the bank accounts and that Finance Officer Karen Freeman be added to sign, in Judge Miller's absence. A motion was made by Com. Anderson and seconded by Com. Gold to approve the request. All voted aye. Motion carried.

B. Gilbertsville Fire Protection District submitted the budget for FY 2011/12 for the Court's consideration. A motion was made by Com. Drew and seconded by Com. Anderson to accept the budget as submitted. All voted aye. Motion carried.

C. Jason Leubker, Chief of the Palma-Briensburg Fire Department informed that Jeff Robinson was elected to serve as the firefighter trustee for the Board. A motion was made by Com. Drew and seconded by Com. Anderson to approve the firefighter election of Mr. Robinson. All voted aye. Motion carried.

D. The Audit of Former County Clerk Elizabeth Dianne McKendree for the year ended December 31, 2010 was submitted by the State Auditor's Office. Judge Miller added it was a clean audit. A motion was made by Com. Gold and seconded by Com. Anderson to accept the audit as submitted. All voted aye. Motion carried.

E. Judge Miller read the Marshall County Animal Shelter Report for June 2011 which is as follows: animals in the pen as of 5/31/11 – 17; brought in by Animal Wardens - 37; brought in by citizens – 79; total animals brought in – 115 (dogs – 40, cats – 18, puppies – 10, & kittens – 48); adopted – 16; reclaimed – 3; euthanized – 66; & animals in the pen as of 6/30/11 – 47.

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

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

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

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

J. Mrs. Martin submitted the Payroll fund Accounts Receivable Report. As of today, the Sheriff's Department is \$629,207.44; the County Attorney's Office is \$21,067.74; and the County Clerk's Office is \$0.00 for a total of \$650,275.34.

K. Mrs. Martin presented the Intrafund Transfers for the Court's consideration, which is as follows:

| From | To | Amount |
|--------------------------------|-----------------------|-------------------|
| General Fund | Veterans' Van Fund | \$ 2,500.00 |
| Occupational Tax Administrator | Payroll Fund | 200,000.00 |
| Occupational Tax Administrator | General Fund | 850,000.00 |
| Occupational Tax Administrator | Occupational Tax Fund | 100,000.00 |
| Occupational Tax Administrator | Payroll Fund | <u>200,000.00</u> |
| | Total | \$1,352,500.00 |

A motion was made by Com. Drew and seconded by Com. Gold to approve the Intrafund Transfers as submitted. All voted aye. Motion carried.

L. County Road Supervisor Russell York asked for the Court's permission for him & John Henderson to attend training at the Kentucky Transportation Center. A motion was made by Com. Gold and seconded by Com. Anderson to approve Mr. York's request. All voted aye. Motion carried.

M. Mr. York informed that there are several items at the Road Department that need to be declared surplus property and sold. A motion was made by Com. Gold and seconded by Com. Anderson to declare the items surplus property and authorize Mr. York to advertise for bids. All voted aye. Motion carried.

N. Mr. York informed that the loader is beginning to have mechanical problems and it is probably time to look for a replacement. He has obtained two quotes. Following discussion about the possibility of placing the sheep foot roller in with the loader for the trade in or selling it as surplus, the Court asked him to obtain another quote on the loader with trade in and report back to the Court.

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

P. Judge Miller called Court back into regular session. PVA Tony Henson asked that the Court allow him to replace a person in his office. A motion was made by Com. Anderson and seconded by Com. Drew to replace an employee as requested. All voted aye. Motion carried.

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

R. A motion was made by Com. Anderson and seconded by Com. Gold to recess for a scheduled public hearing. All voted aye. Motion carried.

S. Judge Miller declared Court back in regular session.

T. Mrs. Martin said she had a couple of issues for the Court's consideration:

- During April, six salaried employees (Russell York, Frankie Sled, Jeff Jaco, Wendy Greer, Melonie Chambers & Melissa Combs) worked overtime to assist with flooding issues and FEMA is expected to reimburse 75% of the amount paid

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to those employees and Kentucky is expected to reimburse 13%. A motion was made by Com. Gold and seconded by Com. Anderson to approve payment of the overtime. All voted aye. Motion carried.

- A list of the contribution requests for FY 2011/12 was distributed for consideration for the next meeting.

U. 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