

MINUTES
BRECKINRIDGE COUNTY FISCAL COURT
Public Hearing/Regular Meeting
Monday, May 11, 2009
10:00 A.M.

RE: Call to Order, Public Hearing

After leading in the Pledge of Allegiance and a word of prayer, Judge Powers called to order the Public Hearing of the Breckinridge County Fiscal Court at 10:00 a.m. at the Courthouse Annex.

Judge Powers explained that the Public Hearing was in regards to the KACO Leasing Trust Agreement, an agreement between the KACO Leasing Trust and the Breckinridge County Fiscal Court for the purpose of interim financing due to the ice storm expenses. Judge Powers further explained that the Fiscal Court was requesting \$495,000.00 at a variable rate (to be announced) around 4%, to be paid in full once the FEMA money was received.

Judge Powers opened the floor to the public for comment. Since no comments were made, Judge Powers entertained a motion to adjourn the Public Hearing. Esquire Henning moved, seconded by Esquire Robinson. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

RE: Call to Order, Regular Meeting

Judge Powers called to order the Regular Meeting of the Breckinridge County Fiscal Court.

Present: Ray Powers, County Judge/Executive
 James Henning, Magistrate, District 1
 Danny Gedling, Magistrate, District 2
 Charlie Hay, Magistrate, District 3
 Ronnie Robinson, Magistrate, District 4
 Sam Moore, Magistrate, District 5
 Joe O'Donoghue, Magistrate, District 6
 Bradley Butler, County Attorney
 Todd Pate, County Sheriff

Staff: Sherrie Ashley, Fiscal Court Clerk
 Randi Flood, County Treasurer
 Odessa Hobbs, Finance Officer
 Ernie Nix, Road Foreman

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RE: Minutes – April 27, 2009

Esquire Hay moved, seconded by Esquire Moore, to approve the April 27th Minutes as submitted by Fiscal Court Clerk, Sherrie Ashley. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

RE: Welcome of Guest

Judge Powers welcomed the guests who were present at the Fiscal Court Meeting; however, no one had signed the guest comment sheet.

RE: Transfer

Esquire Moore moved, seconded by Esquire Gedling, to approve the May 11th Transfers as submitted by County Treasurer, Randi Flood. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Exhibit “A-051109”

RE: Claims

Esquire Henning moved, seconded by Esquire Moore, to approve the Claims as submitted by Finance Officer, Odessa Hobbs. Esquire O’Donoghue inquired about where the contractors were hauling the chips. Judge Powers explained that the contractors were working at the chip sites and hauling the chips to the central drop-off site then the chips were hauled to Domtar.

Esquire Gedling inquired about the contractor’s scheduling process. Judge Powers explained that the contractors work on a rotating schedule for approximately 3 days then another group of contractors were contacted for work. EMA Director, Marty Moore had a list of contractors who were available for work, and he coordinated the hauling schedule. Esquire Hay inquired about the total miles completed at this time. Judge Powers added that 312 miles of the county’s right of ways were cleared of debris approximately 55% of the county roads were completed.

Esquire Robinson inquired about the claim to Burke’s Veterinary Service for euthanizing animals and if the animal control officer was trained to perform this procedure. Judge Powers explained that the county facility was not designed or equipped for that process. The animal control officer had completed some training, but he was not sure if all the training was completed.

Esquire Gedling added that there was another claim to Paul Combs and Associates, Inc. in the amount of \$897.50 for a total of approximately \$3,000.00 for his services. Judge Powers explained that Paul Combs and Associates were working on the administrated code, polices and procedures, pay scales, and job description.

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Esquire Robinson questioned three other claims listed in the general fund and Judge Powers explained each one. Subsequent to lengthy discussion, Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Exhibit "B-051109"

NEW BUSINESS

RE: Presentation: Breck Industries Renovation, Architect, Jill Smith

Judge Powers requested that the Court consider deviating from the agenda so that Architect, Jill Smith could explain the new Courthouse Annex renovation plans. The Court agreed.

Jill Smith introduced herself to the Court and submitted a copy of the proposed plans to the Court for review. She explained the plans to the court. She further explained the current condition of the building and stated that there was a lot of mold especially in the roof structure. She recommended cleaning the mold in the lower part of the building and completely replacing the roof structure which was included in the proposal.

Jill Smith added that the proposal was ready for bid if approved by the Court and explained the process as listed in the project manual. Subsequent to discussion, Esquire Hay moved, seconded by Esquire Gedling, to approve the plans and move forward with the bid process this week. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Judge Powers and the Court thanked Jill Smith for her presentation.

OLD BUISNESS

RE: Ordinance No. 2009-0511B: 1ST Reading, FY 2009-2010 County Budget

Subsequent to explanation, Judge Powers made a motion to approve the FY 2009-2010 County Budget as submitted, and Esquire Moore seconded. Judge Powers opened the floor to the Court for discussion.

Esquire O'Donoghue inquired about line item, 0150755070 - Industrial Development Contribution in the amount of \$40,000.00. Judge Powers explained that the investment into the industrial development of the county had decreased every year since he had been in office. This year the decrease was \$20,000.00. Esquire O'Donoghue inquired about the employee's pay increase. Judge Powers stated that it was a 2% cost of living. Esquire O'Donoghue asked if every employee received the 2% cost of living increase. Judge Powers stated "yes".

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Esquire Hay inquired if any changes had been made to the proposed County Budget since it was presented to the Court. Judge Powers stated that there was a correction to the Jail Fund as follows: Revenues, Prior Year Surplus \$121,736.61 and Expenditures, Doctor Contract \$18,000.00 (increase \$3,000.00). Judge Powers stated that he would have to make a motion to approve the amended budget. Esquire Hay inquired if any of the Magistrates had contributed to the budget's preparation and if not he would vote against the first reading. Judge Powers explained that according to law the Judge prepares and presents a balanced budget to the Court.

Under the direction of County Attorney, Bradley Butler, Judge Powers withdrew his motion to approve the FY 2009-2010 County Budget as submitted and Esquire Moore withdrew his. Judge Powers made a motion to approve the amended FY 2009-2010 County Budget, and Esquire Moore seconded. Judge Powers opened the floor to the Court for any further discussion.

Esquire Robinson inquired about line item, 0151351070 - EMA Director's Salary which had increased from \$30,000.00 to \$38,100.00. Judge Powers explained that the increase included the 2% cost of living and an additional \$7,400.00. He further stated that he was under paid to start with in comparison to other EMA Director's salary in surrounding counties. Esquire Robinson inquired if the surrounding counties budgets were compared to our budget. Judge Powers stated "No". Judge Powers added that emergency services in our area had been neglected, and Marty had put in numerous hours of overtime.

Esquire Gedling inquired if we furnished a county vehicle for the EMA Director. Judge Powers stated yes, for emergency services. County vehicles are driven only for county business and never for personal business as required. Judge Powers stated several reasons for his decision for the increase in salary. Esquire Gedling added that all the salary workers work countless hours when necessary. Judge Powers added that they do, but the responsibilities for life and limb was a lot different.

Esquire Hay inquired about the increase in revenues. Judge Powers explained that the increase in revenues was due to grants and the selling of county properties, but the regular revenues were about the same. Judge Powers added that a lot of those grants were brought in by the EMA Director. Esquire Gedling stated that was his job. Judge Powers added that he was just explaining why his salary had been increased so much.

Esquire Robinson inquired if the state was reimbursing a portion of the EMA Director's salary. Judge Powers stated "yes". Esquire Robinson asked what portion of his salary was reimbursed. Judge Powers added that the percentage had been cut at the state level, and he was not sure what the percentage was at this time. Subsequent to lengthy

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discussion, Esquire Henning added that he was aware that Marty did a good job, but with today's economy and people out of work, he did not mind giving a good raise but could not justify a 24% or 25% salary increase. Judge Powers added that he was under paid when he was hired to the position.

Esquire Hay added that other employees had worked hard numerous years to achieve their current salaries. Judge Powers added that he could be placed on an hourly rate. Judge Powers asked if the Court wanted to make a change to the budget. Esquire Hay added that there were several items in the budget that he wanted to change. Every year the county's money has been spent like water, and it is time to cut the expenditures. Judge Powers inquired if Esquire Hay was insinuating any wrong doing. Esquire Hay stated that he was not insinuating any wrong doing. He further added that the rest of the insurance premium tax should be removed if the spending continued.

Subsequent to lengthy discussion, Judge Powers called for a vote on the motion, JUDGE POWERS AND ESQUIRE MOORE VOTING AYE; ESQUIRES HENNING, GEDLING, HAY, ROBINSON AND O'DONOGHUE VOTING NAY (2-5). 1st Reading did not pass. Judge Powers added that 1st Reading had to be completed by June 1, 2009.

Subsequent to discussion, Esquire Robinson inquired if a special called meeting could be scheduled to discuss the FY 2009-2010 budget. County Attorney, Bradley Butler recommended that a special called meeting be scheduled.

RE: Bids, Road Salt

Judge Powers explained that the bids were not available at this time. Esquire Robinson moved, seconded by Esquire Henning, to move the bid discussion to the next regular meeting. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

RE: Presentation, County Roadway Maintenance Garage Plans

Judge Powers asked if anyone had any questions about the plans. He further stated that the building was very similar to the Brandenburg Maintenance Garage. However, there was one addendum to the plans pertaining to the size of the overhead garage doors; all of the overhead garage doors should be 14ft by 14ft. Esquire O'Donoghue stated that he had just received the plans 5 minutes before the meeting and did not have enough time to look over them. Subsequent to discussion, Esquire Hay moved, seconded by Esquire Robinson, to approve the plans including the addendum and move forward with the process. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

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RE: Ordinance No. 2009-0511A: 1st Reading, KACO Leasing Trust

Esquire Robinson moved, seconded by Esquire Moore, to approve 1st Reading of Ordinance No. 2009-0511A, KACO Leasing Trust, an ordinance authorizing the issuance of a general obligation note; approving a form of note; authorizing designated officers to execute and deliver the note; authorizing and directing the filing notice with the state local debt officer; providing for the payment and security of the note; creating a note payment fund; maintaining a sinking fund; providing for funding through the Kentucky Association of Counties Leasing Trust; acknowledging bonds, a credit facility and certain assignments; repealing inconsistent ordinances; and declaring the existence an emergency. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

RE: Resolution No. 2009-0511A, KACO Leasing Trust

Esquire Henning moved, seconded by Esquire Gedling, to approve Resolution No. 2009-0511A, a resolution declaration of official intent with respect to reimbursement of temporary advances made for capital expenditures to be made from subsequent borrowings. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Exhibit "C-051109"

RE: Annual Standing Orders, FY 2009-2010

Esquire Gedling moved, seconded by Esquire Henning, to approve the FY 2009-2010 Annual Standing Orders, an order to pre-approve the payment of monthly payroll and utility expenses. No other expenses shall be pre-approved pursuant to this subsection without the written consent of the state local finance officer..." The fiscal court of Breckinridge County in accordance with state law hereby orders recurring expenses for postage, utilities, lease payments and contracted labor payments be paid when due. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Exhibit "D-051109"

RE: Resolution No. 2009-0511, CDBG Program

Esquire Robinson moved, seconded by Esquire Moore, to approve Resolution No. 2009-0511, a resolution of the Breckinridge County Fiscal Court authorizing Judge/Executive, Ray Powers to execute and submit an application and any and all supporting documentation for the Community Emergency Relief Fund under the Kentucky Community Development Block Grant (CDBG) Program. The Breckinridge County Fiscal Court agrees to assume any cost overruns associated with the cleanup and repair effort and comply with all applicable Federal and State laws, rules, and regulations as required under the CDBG Program guidelines. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Exhibit "E-051109"

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RE: Presentation, Irvington Ballpark

On behalf of the Fiscal Court, Esquire Robinson presented to Joey Crist a check in the amount of \$2,500.00 for the Irvington Ballpark. Joey Crist addressed the Court and gave a brief update of the ballpark's growth. He stated that the league's participation had grown from 150 to 190 members. Also, they were participating in a league with 5 other cities: Vine Grove, Flaherty, Brandenburg, Radcliff and Rineyville. The entire league consisted of 1,350 members, 115 teams which brought 5 different cities to the Irvington Ballpark nightly for games. They were very proud of this accomplishment. The Court thanked Joey Crist for this update.

RE: Personnel: Pool Employees

2009 Lifeguards

Esquire Henning moved, seconded by Esquire O'Donoghue, to approve the lifeguards: Cameron Payne, Zach Smith, Jacob Cornatzer, Dylan Moore, Brook Masterson, Griffin Glasscock and Kirby Alexander at an hourly rate of \$6.75. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

2009 Gatekeepers

Esquire Moore moved, seconded by Esquire Henning, to approve the gatekeepers: Tiffany Whitfill, Regina Fentress, Kaitlyn Dzurney, Kristen Whitworth, and Jennay Dugan at an hourly rate of \$6.55. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

2009 Pool Managers

Esquire Robinson moved, seconded by Esquire O'Donoghue, to approve Kate Morgan Hinton at a monthly rate of \$350.00 (pool maintenance manager), and Cindy Tabor at an hourly rate of \$9.18 (employees and scheduling manager). Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

RE: Ordinance No. 051109, Budget Amendment No. 051109

Esquire Henning moved, seconded by Esquire Robinson, to approve Ordinance No. 051109, an ordinance of the Breckinridge County Fiscal Court relating to the annual budget and the amendment thereof: to increase receipts of the Road Fund by \$208,797.76 and the Jail Fund by \$60,000.00 to include unbudgeted receipts and to increase expenditures of the Road Fund by \$208,797.76 and the Jail Fund by \$60,000.00 to include unbudgeted expenditures within the adopted 2008-2009 FY Budget. The amounts adjusting the receipt and expenditure accounts are for governmental purposes. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).
Exhibit "F-051109"

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RE: Surplus, Cloverport VFD

Esquire Gedling moved, seconded by Esquire O'Donoghue, to declare the Cloverport VFD's 1977 Chevy, CK31003 Vin# CKL337B154018 as surplus. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

RE: Treasurer's Report

Esquire Gedling moved, seconded by Esquire Robinson, to approve the May 11th Treasurer's Report as submitted by County Treasurer, Randi Flood. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Exhibit "G-051109"

RE: Road Foreman's Report

Road Foreman, Ernie Nix explained that the road department staff was working on debris removal, grading and rocking when possible. However, the rain had washed debris into the ditches and clogged the tiles and several tiles had been replaced. The mowers were ready as soon as weather permitted. The road department staff as well as the seasonal employees were working 10 hours shifts Monday through Thursday and 8 hours on Friday.

Judge Powers added that the county had received additional funding in the amount of \$61,000.00 for creek debris cleanup. Esquire Gedling thanked Ernie and the road department staff for returning to work after hours to repair a road that had washed out due to the heavy rains. He also thanked the rock quarry personnel.

Subsequent to discussion, Esquire Hay moved, seconded by Esquire Gedling, to approve Road Foreman's Report as explained by Road Foreman, Ernie Nix. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

RE: Reschedule May 25, 2009 Regular Court Meeting

Subsequent to explanation, Esquire Henning moved, seconded by Esquire Robinson, to reschedule the next regular court meeting for Thursday, May 28, 2009. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

RE: Executive Session, Personnel

Judge Powers entertained a motion to convene to Executive Session to discuss personnel. Esquire Henning moved, seconded by Esquire Moore. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

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RE: Executive Session, Adjournment

Esquire Hay moved, seconded by Esquire Moore to adjourn the Executive Session with no further discussion to come before it. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Judge Powers stated that no action was taken during the Executive Session.

RE: Adjournment

Esquire Robinson moved, seconded by Esquire O'Donoghue, to adjourn this meeting at 12:10 p.m. with no further business to come before it. Judge Powers added that a Special Called Meeting was scheduled for Tuesday, May 12th at 3:00 p.m. to discuss personnel. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

Clerk Certification

I, Sherrie Ashley, having been appointed to the office of Fiscal Court Clerk, do hereby certify that this is a true and accurate record of the actions taken by the Breckinridge County Fiscal Court at the meeting of May 11, 2009.

Sherrie L. Ashley, Fiscal Court Clerk

Date: May 21, 2009