

MINUTES
BRECKINRIDGE COUNTY FISCAL COURT
Regular Meeting
Thursday, May 28, 2009
6:00 P.M.

RE: Call to Order

After leading in the Pledge of Allegiance and a word of prayer, Judge Powers called to order the regular meeting of the Breckinridge County Fiscal Court at 6:00 p.m. at the Courthouse Annex.

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
Odessa Hobbs, Finance Officer
Ernie Nix, Road Foreman

RE: Minutes – May 11, 2009

Esquire Hay moved, seconded by Esquire Gedling, to approve the May 11th Regular Meeting 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: Minutes – May 12, 2009

Esquire Hay moved, seconded by Esquire Robinson, to approve the May 12th Special Called Meeting 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: Minutes – May 15, 2009

Esquire Moore moved, seconded by Esquire Henning, to approve the May 15th Special Called Meeting 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 Guests

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

RE: Transfers

Esquire Robinson moved, seconded by Esquire Moore, to dispense with the Transfers.

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RE: Claims

Esquire Moore moved, seconded by Esquire Henning, to approve the Claims as submitted by Finance Officer, Odessa Hobbs. Esquire O'Donoghue inquired if the county was done with the large chipper at the Fairgrounds. Judge Powers stated that the county needed the chipper for another 2 to 3 weeks to complete the debris removal project. Esquire O'Donoghue asked if the road department staff and seasonal workers were working 10 hours a day. Judge Powers stated 10 to 12 hours a day if necessary.

Esquire Gedling inquired about a claim on page 2 of 2 in the General Fund to Wal-Mart in the amount of \$209.92 for an air conditioner. Judge Powers explained that the air conditioner in the dispatch office had to be replaced.

Esquire Robinson inquired about a claim on page 1 of 6 in the Road Fund to B J & T Welding and Repair in the amount of \$3,822.50 for hauling chips to the cleanup sites. He asked if there was a conflict of interest to contract this company since a court member was related to the company owners. Judge Powers stated "no". He further explained that there was a waiver that would be signed which eliminated this issue.

Esquire Gedling inquired about the hourly rate for the large chipper. Judge Powers explained that the hourly rate for the larger chipper was \$350.00 and the trackhoe hourly rate was \$75.00 all of which would be reimbursed by FEMA. Esquire Robinson inquired about the hourly rate for contracted haulers. Judge Powers explained that the contracted haulers charged by the hour; and the hourly rates were based on the number of axles. He further explained that the contracted haulers were hauling chips to the 3 designated cleanup sites and the semi tractor hauled the chips to Domtar. The dump trucks could not haul the chips directly to Domtar.

Esquire Robinson asked when the county would receive reimbursement from FEMA. Judge Powers stated that reimbursement for this project could take 6 to 18 months. Esquire O'Donoghue inquired about who was working on the FEMA paperwork. Judge Powers explained that the County Treasurer, Randi Flood was working on the paperwork. Esquire Hay inquired who was responsible for the paperwork since Randi Flood had resigned.

Esquire Gedling inquired about the pulp wood that was removed from the central cleanup site and if the county received payment for the pulp wood. Judge Powers explained that the rotten wood was removed from the chip pile because Domtar did not want chips containing rotten wood. He further explained that the pulp wood was offered to anyone who needed firewood.

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Esquire Robinson inquired about the FEMA reimbursement. Judge Powers explained that half of the paperwork was completed and would be submitted for reimbursement. He estimated the total cleanup cost to be \$800,000.00 and added that was only an estimated guess. Esquire Robinson expressed his concerns about the excess expenditures, leading to the interim financing, the lengthy time frame for reimbursement and the financial stress on the county's budget. Judge Powers added that the interim financing would relieve the financial burden until the county was reimbursed by FEMA.

Esquire Robinson asked about an alternate solution that would not cause such a financial burden on the residents of the county. Judge Powers explained that the county could have contracted with the state, paid 13% of the expenditures and been done with the project. However, we have hired workers whose wages will be reimbursed, bought equipment which the hourly usage rate will cover the purchase price, sold chips and made money from the project. He added that the state contract cleanup project would have cost the county approximately \$130,000.00; however, the county operated cleanup project would cost the county approximately \$50,000.00.

Esquire Hay inquired if the county had enough fund to get through this budget year. Judge Powers explained that with the interim financing the county would have no problem with funds.

Esquire O'Donoghue stated that the county was so focused on the debris removal project that the county roads had been neglected and were getting in bad shape. He asked if the total patcher was running. Esquire Hay added that the total patcher was working in the 3rd district. Esquire O'Donoghue inquired if the FEMA paperwork was caught up at this time. Judge Powers stated that it was not, but a FEMA representative was schedule to be here next week to go over the paperwork with them. Esquire O'Donoghue added that this could be a problem, and asked who will be trained to do the paperwork. Judge Powers stated that he would.

Esquire Gedling stated that the county had paid Cogar approximately \$100,000.00 so far, but the county did not bid this project before contracting with Cogar. Judge Powers explained that this will fall under the emergency. Subsequent to discussion, Judge Powers explained that 66% of the county roads were completed for a total of 375.17 miles of county right of ways were cleared of debris. Judge Powers explained a break down of the debris removal progress by district:

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<u>District</u>	<u>Total Miles</u>	<u>Completed Miles</u>	<u>Percentage Completed</u>
1	55.59	50.64	91%
2	70.45	48.05	68%
3	107.37	88.77	82%
4	48.80	35.55	72%
5	129.88	78.03	60%
6	153.41	74.13	48%

Judge Powers further explained that 309 loads had been hauled to the mill. A total of 5,100.93 tons had been sold at \$10.00 per ton for a total of \$51,009.30. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).
Exhibit "A-052809"

RE: Appointment: County Treasurer, Sherrie Ashley

Judge Powers explained that Esquire Hay had requested the floor. Esquire Hay made a motion to appoint Sherrie Ashley as the County Treasurer at a starting salary of \$35,365.88 and Esquire O'Donoghue seconded. Subsequent to discussion, Esquire Hay made a motion to amend the motion to include June 1st as the hire date and Esquire O'Donoghue seconded. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

OLD BUSINESS

RE: Bids: Courthouse Annex Renovation

Architect, Jill Smith explained to the Court that the bids were opened on Friday. They received two responsive bids. The lowest base bid was \$275,980.00 plus the \$50,000.00 contingency allowance for a total bid of \$325,980.00 from Lanham Brothers General Contractors, Inc. The seconded lowest base bid was \$328,600.00 plus the \$50,000.00 contingency allowance for a total of \$378,600.00. She further explained that the \$50,000.00 contingency allowance was included in the bid for any unexpected problems on the renovation. The black mold removal and the new roof caused the bids to be high.

Brandstetter Carroll did not recommend awarding the bids because it would be less expensive to build a new Courthouse Annex. Subsequent to discussion, Esquire Hay moved, seconded by Judge Powers to reject the bids. Due to the limited time frame, the Court agreed that leasing temporary office space was the only option. Judge Powers added that he would have information pertaining to this matter at the next Court meeting if possible. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

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RE: 1st Reading, FY 2009-2010 County Budget

Esquire Henning moved, seconded by Esquire Moore, to approve 1st Reading of the FY 2009-2010 County Budget. Judge Powers called for a vote on the motion, JUDGE POWERS, ESQUIRES HENNING, ROBINSON AND MOORE VOTING AYE AND ESQUIRES GEDLING, HAY, AND O'DONOGHUE VOTING NAY (4-3). Motion carried.

RE: Bids: Road Salt

Judge Powers stated that the lowest bid received on the KACO Reverse Auction was \$71.31 a ton from Central Salt. Subsequent to discussion, Esquire Hay moved, seconded by Esquire O'Donoghue, to table the bid. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

RE: Bids: Stephensport VFD, Surplus

Judge Powers opened and stated the following amounts of each bid submitted on the Stephensport VFD vehicles. Donald King submitted a bid in the amount of \$1,051.00 for the 1976 Ford, F615E (Tanker Truck) and a bid in the amount of \$510.00 for the 1966 Ford, F800 (Pumper Truck). Subsequent to discussion, Esquire Hay moved, seconded by Esquire Gedling, to reject the bids as submitted. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

RE: Bids: Cloverport VFD, Surplus

Judge Powers opened and stated the following amount of the bid submitted on the Cloverport VFD vehicle. Raymond Wethington submitted a bid in the amount of \$915.00 for the 1977 Chevy, CK31003. Subsequent to discussion, Esquire Gedling moved, seconded by Esquire Hay, to reject the bid as submitted. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

RE: Bids: Sheriff's, Surplus

Judge Powers explained that Sheriff, Todd Pate had received and submitted two bids to Court for approval. Judge Powers stated that Tommy Smith had submitted a bid in the amount of \$102.00 for a 1991 Ford, Crown Victoria and a bid in the amount of \$486.00 for a 1995 Ford, Crown Victoria. Subsequent to discussion, Esquire Hay moved, seconded by Esquire Robinson, to accept both bids as submitted. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

Judge Powers made a motion to pay the Sheriff's Department for the surplus vehicles once the money was received from Tommy Smith, and Esquire Hay seconded. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

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RE: Surplus: Breck Central

Esquire Henning moved, seconded by Esquire Moore, to declare Breck Central's 1995 Ford, E350 Vin # 1FDKE30FXSHB34210 and a 1999 Freightliner, FL50 Vin # 1FV3EFBCOXHA48951 as surplus. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

RE: Personnel: Judge/Executive's Assistant, Kathina Bell

Judge Powers made a motion to appoint Kathina Bell as the Judge/Executive's Assistant at a starting salary of \$24,000.00 affective June 1, 2009 and Esquire Robinson seconded. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

RE: 2nd Reading, Ordinance No. 051109, Budget Amendment No. 051109

Esquire Henning moved, seconded by Esquire Moore, to approve 2nd Reading of 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 "B-052809"

NEW BUSINESS

RE: Treasurer's Report

Esquire Hay moved, seconded by Esquire Gedling, to dispense with the Treasurer's Report. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

RE: Road Foreman's Report

Road Foreman, Ernie Nix explained that the road department staff was working on debris removal, grading, rocking and running the total patcher. He further stated that were 4 independent truck drivers and 1 county truck driver hauling chips. Two employees were in the shop working on equipment maintenance. Esquire Robinson inquired if the road department needed additional equipment. Foreman Nix explained in detail the age of the vehicles and equipment and the condition.

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Foreman Nix added that 2 employees were off from work due to injuries. The staff was still working 10 hours a day Monday through Thursday and 8 hours on Friday. Esquire O'Donoghue inquired about the process of recording the employees' time when the staff was called out during emergencies. Foreman Nix explained that since he used a county vehicle equipped with tools, he would contact the dispatch office and the staff recorded the time. Once the job was completed, he would call the dispatch office again to record the time. He recorded the employee's time on the time cards from the information provided to the dispatch office.

Esquire Hay thanked the road department staff for the work completed in the 3rd District. Subsequent to discussion, Esquire Robinson moved, seconded by Esquire Hay, to approve the Road Foreman's Report as explained the Road Foreman, Ernie Nix. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

RE: Claim Adjustment

Judge Powers explained that he had over looked the claim adjustment to the Jail Fund decreasing the total balance to \$7,093.50. Subsequent to explanation, Judge Powers made a motion to resend the previous motion to approve the claims, and Esquire Henning seconded. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

Esquire Hay moved, seconded by Esquire Moore, to approve the claims as amended to include the adjustment to decrease the Jail Fund balance to \$7,093.50. Judge Powers called for a vote on motion, ALL PRESENT VOTING AYE (7-0).

RE: County Garage Relocation

Judge Powers explained that the county road maintenance garage needed to be temporally relocated until the new maintenance garage was completed. He further stated that he contacted the owner of the old Smith Welding facility about leasing the property for a short period of time. The monthly lease amount for the facility was \$2,750.00. Subsequent to discussion, Esquire Hay moved, seconded by Esquire Moore, to approve the lease agreement and to authorize Judge Powers to enter into and sign all documentation on behalf of the Fiscal Court. 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 Robinson moved, seconded by Esquire Hay. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

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RE: Executive Session, Adjournment

Esquire Gedling moved, seconded by Esquire Henning, 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).

RE: Adjournment

Esquire Hay moved, seconded by Esquire Gedling, to adjourn this meeting at 7:45 p.m. with no further business to come before it. 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 28, 2009.

Sherrie L. Ashley, Fiscal Court Clerk

Date: June 4, 2009