

MINUTES
BRECKINRIDGE COUNTY FISCAL COURT
Regular Meeting
Monday, June 22, 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, Sheriff

Staff: Kathina Bell, Fiscal Court Clerk
Sherrie Ashley, County Treasurer
Odessa Hobbs, Finance Officer
Ernie Nix, Road Department Foreman

RE: Minutes – June 8, 2009

Esquire Henning moved, seconded by Esquire Robinson, to approve the June 8th Minutes as submitted by Fiscal Court Clerk, Kathina Bell. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

RE: Welcome of Guest and Comments

After welcoming the guests who were present at the Fiscal Court Meeting, Judge Powers opened the floor to the guests who had signed the guest comment sheet.

Mr. Kenneth Hager addressed the Court with concerns about a waterline license for Ova Wright Road. He stated that approximately eight (8) months ago land owners dug a waterline prior to receiving the permit. Mr. Hager was concerned that the county had granted permission for the waterline license. He further added that they had worked around the damage to the road and the county right of way through the winter and he wanted to know when the damages would be fixed.

Judge Powers stated that the landowners were informed to stop the project until the proper procedures were met. However, the installation of the waterlines resumed and was completed without the County's knowledge. Judge Powers further added that the

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waterline had been engineered, and the land owners were going to turn the waterline over to the City of Hardinsburg in order for residents on Ova Wright Road to have access to city water. Judge Powers explained that there were specifications in the water line license agreement for proper installation. County Attorney, Bradley Butler stated that if the waterline was not installed according to the waterline license agreement the landowners would be held liable. Judge Powers thanked Mr. Hager for his comments and concerns.

Mrs. Kathy Secoy addressed the Court regarding her address of 411 Valley Lane. She stated that part of her road had a Harned address and that the other half had a Webster address. She came to the Fiscal Court Meeting to see if she could have her road name changed. She further added that residents living on Valley Lane in need of emergency help were facing delays in first responders due to the multiple Valley Lane's throughout Breckinridge County. She presented a petition to the Court for review. Judge Powers stated that he would be happy to look at the information and see what could be done. Judge Powers thanked Mrs. Secoy for her comments and concerns.

Mr. Dennis Puckett addressed the Court regarding the same issue as Mrs. Secoy. The residents stated that their main concerns was the delay in emergency services to this road. Mr. Puckett further added that he was informed that he did not have a 911 address. Judge Powers inquired if he was receiving mail at this residence. Mr. Puckett stated "yes". Judge Powers further stated that he would check with the E-911 coordinator about this matter. Judge Powers thanked Mr. Puckett for his comments and concerns.

Mr. Roy Greer addressed the Court with questions as to when his road would be chipped and sealed this year. He further added that his road was completely skipped. Judge Powers apologized to Mr. Greer and stated that it was his fault. Judge Powers added that the road department should be out to chip and seal sometime in the fall. Judge Powers asked if his drain tiles were fixed. Mr. Greer stated that they would need a little more work and added that he appreciated all the work that had been completed by the road department staff during the winter months. Judge Powers thanked Mr. Greer for his comments and concerns.

Mr. Stephen Gilley addressed the court about the conditions of Mercer Bend Road during heavy rainfall. He stated that his driveway washes out due to ditches and road tile containing debris and asked if the County could at least chip and seal his road. Judge Powers stated that the county would do the best they could. Judge Powers thanked Mr. Gilley for his comments and concerns.

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Mr. Mike Wilder addressed the court regarding drainage issues on his road. He stated that the water currently drains outside the tile and that the county created this problem when they relocated the drain tile. He said that the drainage could be fixed if the county would put the drain tile back where it originated. Judge Powers stated that the drain falls naturally and that solid rock is located underneath and was not sure that a ditch could be cut through the rock. Mr. Wilder added that the water jumps the ditch and cuts trenches in the road. Judge Powers stated that the road department would re-evaluate this situation. Judge Powers thanked Mr. Wilder for his comments and concerns.

Mr. Dave Bachman also addressed the court about the conditions with drainage problems on Mercer Bend Road. He stated that year after year this was a problem. He further added that building a bridge would help save the county from spending money on rock. Judge Powers thanked Mr. Wilder for his comments and concerns.

Judge Powers once again thanked the guests for their concerns and comments.

RE: Transfers

Esquire Henning moved, seconded by Esquire Moore, to approve the June 22, 2009 transfers as submitted by County Treasurer, Sherrie Ashley. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Exhibit "A-062209"

RE: Claims

Esquire Moore moved, seconded by Esquire Henning, to approve the June 22, 2009 Claims as submitted by Finance Officer, Odessa Hobbs. Esquire Hay asked Judge Powers if he was aware that the county had spent \$72,109.38 on debris removal since the last Fiscal Court Meeting. Judge Powers stated that yes he was aware. He further added that the debris cleanup was complete at the fairgrounds and Irvington and that the county should be finished with Cloverport at the end of the week. Judge Powers explained that about 80% of the county roads were clear at this point, and we should be completely finished in 2-3 weeks.

Esquire Gedling inquired about how long debris cleanup with the big chipper would last in Cloverport. Judge Powers stated that they should be done in 1-1 ½ weeks. Judge Powers further added that everything was already chipped when brought in and the county should be finished with Cogar by Friday weather permitting. Subsequent to discussion, Judge Powers called for a vote on the motion, JUDGE POWERS, ESQUIRES HENNING, GEDLING, ROBINSON, MOORE AND O'DONOGHUE VOTING AYE AND ESQUIRE HAY VOTING NAY (6-1). Motion carried. Exhibit "B-062209"

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OLD BUSINESS

RE: FY 2009-2010 County Budget

Subsequent to explanation, Judge Powers moved, seconded by Esquire Robinson, to approve second reading of the FY 2009-2010 County Budget. The FY 2009-2010 Budget Totals: General Fund, \$3,647,275.17; Road Fund, \$3,505,017.50; Jail Fund, \$2,099,216.50 and LGEA Fund, \$84,000.00 with a grand total of \$9,335,509.17. 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. Exhibit "C-062209"

RE: Bids, Breck Central

Judge Powers informed the Court and had made the bidder aware that there was a misprint in the newspaper ad regarding the advertisement for the two ambulances. Judge Powers opened and stated the amount of the bid for each of the Breck Central ambulances. Life Star Rescue Inc. submitted a bid for \$11,000.00 for a 1999 Freightliner Type I Modular Ambulance, and a bid of \$2,500.00 for a 1995 Ford Type I Modular Ambulance. Esquire O'Donoghue moved, seconded by Esquire Gedling, to accept the bids as submitted by Life Star Rescue Inc. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

RE: Bids, County Road Garage

Judge Powers informed the Court that the bid bond information on all three bidders for the County Road Garage were complete. He further added that all three bids were qualified. Subsequent to lengthy discussion, Judge Powers entertained a motion, to accept Greg Stull Construction's bid in the amount of \$350,356.00 for the new County Road Garage. Esquire Robinson inquired about the time of completion. Mr. Greg Stull stated that ninety (90) days weather permitting once the contract was signed. Esquire Gedling moved, seconded by Esquire Robinson. Judge Powers called for a vote on the motion, JUDGE POWERS, ESQUIRES HENNING, GEDLING, HAY, ROBINSON AND MOORE VOTING AYE AND ESQUIRE O'DONOGHUE VOTING NAY (6-1). Motion carried.

RE: County Road Garage Agreement

Judge Powers entertained a motion, to authorize Judge/Executive, Ray Powers to sign and execute any and all documents on behalf of the court for the County Road Garage. ALL PRESENT VERBALLY VOTING AYE (7-0).

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RE: Bids, Road Salt

Subsequent to discussion, Esquire Henning moved, seconded by Esquire Moore, to accept the road salt bid from Central Salt in the amount of \$71.31 per ton with an 800 ton allocation guaranteed. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Exhibit "D-062209"

RE: Special Districts, Airport Board

Judge Powers informed the court that we still had not received the FY 2009-2010 Airport Board Special Districts Budget. He further stated that he had requested this for a second time. Esquire Gedling moved, seconded by Esquire O'Donoghue, to leave it on the table until the next Fiscal Court Meeting. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

NEW BUSINESS

RE: County Road Aid Contract

Subsequent to explanation by Judge Powers, Esquire Moore moved, seconded by Esquire Gedling, to approve the County Road Aid (CRA) Contract, a contract between the Commonwealth of Kentucky, Transportation Cabinet, Department of Rural and Municipal Aid and the Fiscal Court of Breckinridge County in the amount of \$752,778.00, for the fiscal year beginning July 1, 2009. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Exhibit "E-062209"

RE: Resolution # 2009-0622, County Road Aid

Subsequent to explanation by Judge Powers, Esquire Robinson moved, seconded by Esquire Henning, to approve Resolution No. 2009-0622, a resolution of the Breckinridge County Fiscal Court to adopt and approve the execution of a County Road Aid Coop Program Contract with the Commonwealth of Kentucky, Transportation Cabinet, Department of Governmental Relations, for the fiscal year beginning July 1, 2009. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Exhibit "F-062209"

RE: Road Material Bids for FY 2009-2010

Petroleum Products:

Esquire O'Donoghue moved, seconded by Esquire Moore, to approve the bid for petroleum products as submitted by Key Oil Company. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Exhibit "G-062209"

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Bituminous Products:

Esquire Hay moved, seconded by Esquire Robinson, to approve the bids for Bituminous Products as submitted by Mago Construction Company and Scotty's Contracting & Stone, LLC. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Exhibit "H-062209"

Emulsified Asphalt:

Esquire Henning moved, seconded by Esquire Gedling, to approve the bid for emulsified asphalt as submitted by Asphalt Materials, Inc. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Exhibit "I-062209"

Crushed Stone:

Esquire Hay moved, seconded by Esquire O'Donoghue, to approve the bids for Crushed Stone as submitted by Scotty's Contracting & Stone LLC., Liter's Inc., and White Stone Company. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Exhibit "J-062209"

Road Tile:

Esquire Henning moved, seconded by Esquire O'Donoghue, to approve the bids for Road Tile as submitted by Hancock County Farm Supply, Hardinsburg Tire, Joe Bennett Backhoe, and Willoughby Lumber Co. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Exhibit "K-062209"

RE: Equipment Purchase, Bucket Truck

Judge Powers opened the floor to Esquire Robinson. Esquire Robinson explained that he had researched prices of bucket trucks and that they ranged anywhere from \$8,000.00 to \$300,000.00. Esquire Robinson stated that he feels the county needs a bucket truck and that the truck can be used to help clean up debris from the ice storm. Esquire Robinson voiced concerns that farmers in his district had difficulty moving farm equipment between fields due to tree limbs in the road.

Esquire Hay inquired if the county had enough funds to purchase a bucket truck. Judge Powers stated that there will be money in the FY 2009-2010 budget. He further added that the county could get reimbursed by FEMA at an hourly rate plus seasonal employee reimbursement. Esquire O'Donoghue stated that this would tie up another county truck and chipper.

Esquire Henning stated that he felt this was a good idea however, the county needed to inquire about the cost of insurance and labor. Esquire Henning asked if the bucket truck would require different insurance than what the county carries now. Judge Powers stated that the bucket truck will be covered by the county's KACO insurance which currently covers the county's entire fleet. Emergency Management Director Marty Moore stated

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that FEMA will only pay for eighteen (18) months of debris cleanup. Subsequent to discussion, Esquire Hay moved, seconded by Esquire Robinson, to research and present before the court in 30 (thirty) days information pertaining to the purchase of a bucket truck. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

RE: County Attorney's Lease Agreement

Esquire Robinson moved, seconded by Esquire Moore, to approve the County Attorney's FY 2009-2010 Lease Agreement for the Child Support Division of his office. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). County Attorney Bradley Butler thanked the court. Exhibit "L-062209"

RE: MOA – Holt Cemetery Preservation Grant

Subsequent to explanation by Judge Powers, Esquire Hay moved, seconded by Esquire Henning, to approve the Memorandum of Agreement between, the Department for Local Government (DLG) and the Breckinridge County Fiscal Court (Grantee) and to authorize Judge/Executive, Ray Powers to sign and execute any and all documents on behalf of the court. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Exhibit "M-062209"

RE: Announcement

Judge Powers explained that Brett Guthrie's office called and that the county was awarded a \$150,000.00 grant toward the restoration of the Holt House. He further added that we had received a \$7,000.00 grant from the Heritage Council to start the stabilization of the building and the county was planning an open house for the public on August 15th.

RE: Personnel, County Finance Officer

Subsequent to discussion, Judge Powers moved, seconded by Esquire Moore, to appoint Michelle Valora as the County Finance Officer at a starting salary of \$29,000.00 with the understanding that after six (6) months and all qualifications met she would move to a full salary of \$31,124.19. Judge Powers called for a vote on the motion, JUDGE POWERS, ESQUIRES HENNING, ROBINSON, MOORE AND O'DONOGHUE VOTING AYE AND ESQUIRES GEDLING AND HAY VOTING NAY (5-2). Motion carried.

RE: Minimum Wage Increase

Judge Powers informed the court that minimum wage was increasing to \$7.25 per hour affective July 1st.

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RE: Treasurer's Report

Esquire Hay moved, seconded by Esquire Gedling, to approve the June 22nd Treasurer's Report as submitted and explained by County Treasurer, Sherrie Ashley. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Exhibit "N-062209"

Esquire Hay inquired if the county would have enough funds in the Road Department to get through the fiscal year. Sherrie Ashley stated "yes."

RE: Road Foreman's Report

Road Foreman, Ernie Nix stated that the road department staff has been working on grading, rocking and bush hogging weather permitting.

Esquire O'Donoghue inquired about a resident who had complained to him about a 4x4 sign blocking the view of a county road. County Attorney, Bradley Butler explained that he had spoken with the resident himself. Judge Powers added that if the sign was on the county right away then it must be moved.

Esquire Robinson inquired about a resident on St. Claire Lane. Esquire Robinson stated that the property owner wanted to move the county road over fifty (50) due to the entrance not being visible. County Attorney, Bradley Butler stated that there were benefits and burdens and would involve a petition. He further added that the resident would need to speak with him about the legal procedure to follow. Esquire Robinson stated that the resident was willing to do whatever it would take.

Esquire Robinson stated that he had three (3) bridges that needed to be fixed. He added that Dents Bridge located on Rosetta Road was in need of attention quick. Esquire Robinson voiced concerns regarding subcontracting out several bridge projects. Judge Powers stated that the state engineer would have to look at the bridge project. Esquire Robinson presented two (2) proposals for the court to review. Judge Powers added that he would be happy to look into this.

Esquire O'Donoghue asked Road Foreman Ernie Nix if he had a chance to take a look at Hinton Hills. Foreman Nix stated that he had not had a chance to get out there.

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

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RE: Road Viewing Committee

Esquire Robinson entertained a motion to request the Road Viewing Committee to view the Jim Richardson Road, seconded by Esquire Hay. Subsequent to discussion, Esquire Robinson withdrew the motion and Esquire Hay withdrew the second. Judge Powers stated that he would have the Road Viewing Committee re-evaluate the road.

RE: Adjournment

Esquire O'Donoghue moved, seconded by Esquire Gedling, to adjourn this meeting at 8:05 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).

RE: Holiday

Judge Powers announced that the office would be closed on Friday July 3rd in observance of the Independence Holiday.

Clerk Certification

I, Kathina B. Bell, 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 June 22, 2009.

Kathina B. Bell, Fiscal Court Clerk

Date: July 9, 2009