

MINUTES
BRECKINRIDGE COUNTY FISCAL COURT
Regular Meeting
Monday, August 24, 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
Michelle Valora, Finance Officer
Ernie Nix, Road Department Foreman

RE: Minutes – August 10, 2009

Esquire Henning moved, seconded by Esquire Moore, to approve the August 10th Regular Meeting 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 Guests and Comments

Judge Powers welcomed 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. Hank Shillinglaw with the U.S. Census Bureau addressed the Court about the 2010 Census and to raise awareness and encourage participation. Mr. Shillinglaw stated that the census is a count of all citizens and non citizens residing in the United States. This was important because every year more than \$400 billion in federal funds are awarded to states and communities based on census data. Census data guides local decision-makers in important community planning efforts, including where to build new roads, hospitals and schools. Questionnaires will be delivered or mailed to households via U.S. mail in March 2010 and will be due back in April 2010. This year with only 10 questions, the 2010 Census questionnaire will be one of the shortest in history and should only take 10

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minutes to complete. Programs will soon start at primary schools made possible by Scholastic to make kids aware of the importance of the U.S. Census Bureau. Mr. Shillinglaw stated that if anyone needed any additional information to please contact him. Judge Powers thanked Mr. Shillinglaw for his comments.

Mrs. Laura End with Animal Friends addressed the Court regarding the serious problems the county faces with cats. She stated that they had received phone calls about countless unwanted litters of cats, dropped off cats and numerous feral colonies of cats that are nuisances to the county's neighborhoods and that the county government so far has not done anything about the issue. She feels that Animal Friends was the only group trying to take care of the problem and they can't do it alone. She stated that for over two years the county has had an animal shelter up and running and doing a great job with dogs. She came to the Fiscal Court meeting to find out when the issues that are getting in the way of the Animal Control Officer being able to take care of cats would be taken care of.

Judge Powers explained that the cat issue was not being ignored and that he understood the problems that the county faced with cats. Judge Powers added that the county would need to revamp the county's ordinance and change some budget line items and even look into hiring additional employees if possible and would need to implement a volunteer policy for the animal shelter. Judge Powers further added that this would be a budgetary problem. Laura stated that the ordinance does not allow the animal control officer to euthanize cats. Judge Powers stated that this was correct and added that this was one reason the ordinance would need to be redone. Laura asked if Animal Control Officer, Mike Picente could possibly chair a committee to answer and advise the county with these cat issues. Judge Powers explained that he had looked at several ordinances and again this was a budgetary problem and that he and County Attorney Bradley Butler were trying to address the many issues to take care of the county's cat problems and stated that he would do his best to resolve the issue. Laura stated that if Animal Friends could be of any assistance to please let her know. Judge Powers thanked Laura for her comments and concerns.

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

RE: Transfers

Esquire Henning moved, seconded by Esquire Moore, to approve the August 24th Transfers as submitted by County Treasurer, Sherrie Ashley. Esquire Gedling inquired about the transfer of funds for contracted debris removal. Judge Powers stated that this was for some remaining invoices but that we should be done. Esquire O'Donoghue inquired about the transfer of funds for the Road Garage Lease. Judge Powers stated that

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was to cover rent for the impending months. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Exhibit "A-082409"

RE: Claims

Esquire Moore moved, seconded by Esquire Gedling, to approve the August 24th Claims and one additional claim as submitted by Finance Officer, Odessa Hobbs. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Exhibit "B-082409"

OLD BUSINESS

RE: County Road Garage Bids

Judge Powers explained that he had looked at several different options for the county road garage and that the county could get by in the budget but that he feels this was a lot of money. Judge Powers further explained that the prevailing wage rates increased the bids and that he wants the opportunity to scale the county road garage down and realized it was going to take more than two weeks after talking with the Kentucky Labor Cabinet. Judge Powers made the Kentucky Labor Cabinet aware that the county was not scaling down the county road garage to avoid the prevailing wage rates but that the bid amount was simply over our original budgeted amount with the prevailing wage rates included. Judge Powers added that he had spoken with Tim Smith regarding this issue but that he had not discussed this with him in detail.

Esquire Hay stated that if you were going to scale down the county road garage then you would need to reject all bids or you could possibly face fines with the state. Judge Powers stated that he realized this but that he was not proposing any project yet and that we had our bids in place and at this point we could hold these bids instead of rejecting them and develop another proposal and at that time reject the bids and start the bid process all over again.

Matthew Popham with MCM Construction stated that he had a bid bond submitted for this project and that his bonding agent would not allow him to bid other projects until his bid bond was released. Judge Powers ask if the bid bond was good for thirty (30) days. Matthew stated yes.

Subsequent to discussion, Esquire Moore made a motion to hold the county road garage bids. Judge Powers asked if he wanted to reject all bids and start over. Esquire Hay stated that if we don't then the county could face \$100,000.00 in penalties and fines. Esquire Moore withdrew his motion. Subsequent to discussion, Esquire Gedling moved, seconded by Esquire O'Donoghue, to reject all county road garage bids. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

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RE: Sheriff's 2009 Revised Advancement

Judge Powers entertained a motion to approve the Sheriff's 2009 Revised Advancement as submitted and explained by Sheriff, Todd Pate. Esquire Hay moved, seconded by Esquire Robinson. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Exhibit "C-082409"

RE: Sheriff's Department 2008 Audit

Esquire Robinson moved, seconded by Esquire Gedling, to approve the Sheriff Department's December 31, 2008 Year End Audit as submitted by Sheriff, Todd Pate. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Exhibit "D-082409"

RE: Sheriff's 2009 Revised Annual Settlement

Judge Powers entertained a motion to approve the Sheriff's 2009 Revised Annual Settlement as submitted and explained by Sheriff, Todd Pate. Esquire Robinson moved, seconded by Esquire Gedling. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Exhibit "E-082409"

RE: Resolution No. 2009-0824, Shot Pouch Creek Bridge

Judge Powers explained to the Court that the county had received a \$275,000.00 grant from FEMA and the Hazard Mitigation Grant Program to rebuild Shot Pouch Creek Bridge. Subsequent to discussion, Esquire Hay moved, seconded by Esquire Gedling, to approve Resolution No. 2009-0824, a resolution by the Fiscal Court of Breckinridge County that Ray Powers, County Judge Executive, is hereby authorized to execute for and in behalf of Breckinridge County, a public entity established under the laws of the State of Kentucky, this application and to file it in the appropriate State Office for the purpose of obtaining certain Federal financial assistance under the Disaster Relief Act or otherwise available from the President Disaster Relief Fund and that the Breckinridge County Fiscal Court, a public entity established under the laws of the State of Kentucky, hereby authorizes its agent to provide to the State and to the Federal Emergency Management Agency (FEMA) for all matters pertaining to such Federal disaster assistance the assurance and agreements. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Exhibit "F-082409"

RE: Maintenance Agreement, Shot Pouch Creek Bridge

Subsequent to discussion, Esquire Hay moved, seconded by Esquire O'Donoghue, to approve the Maintenance Agreement-Shot Pouch Creek Bridge, a Maintenance Agreement with Breckinridge County Fiscal Court, State of Kentucky, hereby agrees that if it receives any Federal Aid as a result of the attached project application, it will accept

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responsibility, at its own expense if necessary, for the routine maintenance of any real property, structures, or facilities acquired or constructed as a result of such Federal aid. Routine Maintenance shall include, but not be limited to, such responsibilities as keeping vacant land clear of debris, garbage, and vermin; keeping stream channels, culverts, and storm drains clear of obstructions and debris; and keeping detention ponds free of debris, trees, and woody growth. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Exhibit "G-082409"

RE: Resolution No. 2009-0824A, Marks Ridge Bridge

Judge Powers explained to the Court that the county had received a \$75,000.00 grant from FEMA and the Hazard Mitigation Grant Program to replace tile and to do some additional work to the bridge due to flooding. Subsequent to discussion, Esquire Moore moved, seconded by Esquire Robinson, to approve Resolution No. 2009-0824A, a resolution by the Fiscal Court of Breckinridge County that Ray Powers, County Judge Executive, is hereby authorized to execute for and in behalf of Breckinridge County, a public entity established under the laws of the State of Kentucky, this application and to file it in the appropriate State Office for the purpose of obtaining certain Federal financial assistance under the Disaster Relief Act or otherwise available from the President Disaster Relief Fund and that the Breckinridge County Fiscal Court, a public entity established under the laws of the State of Kentucky, hereby authorizes its agent to provide to the State and to the Federal Emergency Management Agency (FEMA) for all matters pertaining to such Federal disaster assistance the assurance and agreements. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Exhibit "H-082409"

RE: Maintenance Agreement, Marks Ridge Bridge

Subsequent to discussion, Esquire Moore moved, seconded by Esquire O'Donoghue, to approve the Maintenance Agreement-Marks Ridge Bridge, a Maintenance Agreement with Breckinridge County Fiscal Court, State of Kentucky, hereby agrees that if it receives any Federal Aid as a result of the attached project application, it will accept responsibility, at its own expense if necessary, for the routine maintenance of any real property, structures, or facilities acquired or constructed as a result of such Federal aid. Routine Maintenance shall include, but not be limited to, such responsibilities as keeping vacant land clear of debris, garbage, and vermin; keeping stream channels, culverts, and storm drains clear of obstructions and debris; and keeping detention ponds free of debris, trees, and woody growth. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Exhibit "I-082409"

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NEW BUSINESS

RE: Fiscal Court Clerk Appointment

Judge Powers made a motion to appoint Kathina Bell as Fiscal Court Clerk and Esquire Robinson seconded. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

RE: Acceptance of Holt House Stabilization Grant

Judge Powers informed the Court that approximately 1500 people had visited the Joseph Holt House for Community Day which was held on August 15, 2009 and that the county had received a \$7,000.00 grant from the Kentucky Abraham Lincoln Bicentennial Commission and the Kentucky Historical Society for Stabilization of the Joseph Holt House. Judge Powers explained that the \$7,000.00 grant was to be used for repairs to prevent weather-related damage to the Joseph Holt House and that the scope of repairs includes but is not limited to roofing, windows, doors, and structure. Esquire Hay moved, seconded by Esquire Henning, to accept the \$7,000.00 stabilization grant for the Joseph Holt House. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0). Exhibit "J-082409"

RE: Treasurer's Report

Esquire Robinson moved, seconded by Esquire Moore, to approve the August 24th 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 "K-082409"

RE: Road Foreman's Report

Road Foreman, Ernie Nix informed the Court that the road department staff had started blacktopping and that the graders were shut down in order to continue with blacktopping. Foreman Nix stated that the road department staff was running bush hogs daily and added that one tractor was down and that his road department staff had been working extremely hard.

Esquire O'Donoghue inquired if the road department had been using prisoners with the total patcher. Foreman Nix stated yes and added that they had been using inmates with the blacktopping also. Esquire Robinson inquired about hiring seasonal workers to help until blacktopping is complete. Judge Powers stated that he was still looking at the budget.

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Esquire Robinson inquired if we had submitted paperwork for request for expenditures from FEMA. Marty Moore stated that we had submitted for \$502,000.00. Judge Powers added that this was for only 87%. Esquire Hay inquired about bush hogging at Union Star. Foreman Nix stated that he would get a crew out there as soon as possible. Subsequent to discussion, Esquire Henning moved, seconded by Esquire Gedling, to approve the 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: Announcements

Judge Powers informed the Court that in recognition of the tremendous needs on Kentucky's county road systems throughout the state that a portion of the 2010 Rural Secondary Road Fund allotment had been set aside for Breckinridge County. If approved for funding, the governor had awarded \$257,000.00 to resurface roads. Judge Powers added that each Magistrate had chosen 1 (one) mile of asphalt in their district to be resurfaced and that this money was to be used for asphalt resurface and could not cover chip and seal or gravel and that if the county was awarded this money the asphalt resurfacing must be contracted out.

RE: Valley Lane

Esquire Hay inquired about the status of the road name change for Valley Lane. Judge Powers stated that he was verifying signatures at this time.

RE: Meador Lane

Esquire Robinson moved, seconded by Esquire Moore, to adopt seven tenths (7/10) of a mile of Meador Lane into the County Maintenance System, once deed is approved and signed by County Attorney Bradley Butler. Judge Powers called for a vote on the motion, ALL PRESENT VOTING AYE (7-0).

RE: Jail Population

Esquire Henning inquired about the inmate capacity at this time. Jailer, Allen Shrewsberry stated that the jail would be receiving ten inmates tomorrow and an additional eight the following day. Jailer, Allen Shrewsberry added that this could be due to the recent prison riot which broke out in Danville.

RE: Adjournment

Esquire Hay moved, seconded by Esquire Robinson, to adjourn this meeting at 7:05 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).

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Clerk Certification

I, Kathina 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 August 24, 2009.

Kathina Bell, Fiscal Court Clerk

Date: September 10, 2009