

**RUSSELL COUNTY FISCAL COURT  
REGULAR MEETING  
MONDAY AUGUST 12, 2019  
6:00 P.M.**

The Russell County Fiscal Court held their regular monthly meeting on Monday August 12, 2019 at 6:00 p.m. at the Russell County Courthouse. Those in attendance were County Judge Executive Gary D. Robertson, Magistrates Terry Waddell, Mickey Garner, Ronald Johnson, Steve Richardson, Larry Holt, County Attorney Kevin Shearer, and County Treasurer Kim Fenske.

**WELCOME, PLEDGE & OPENING PRAYER:** Judge Robertson welcomed all those present and led everyone in the pledge followed by a prayer by Jailer Dunbar.

**MINUTES:** Judge Robertson presented the minutes from the July 8, 2019 regular meeting and the July 10, 2019 called meeting. Magistrate Johnson made a motion to approve the minutes with Magistrate Richardson seconding. The roll call was unanimous.

**PAY BILLS:** Judge Robertson submitted a list of regular bills to be approved along with a list of bills that came in late. Magistrate Garner made a motion to pay the bills with Magistrate Waddell seconding. The roll call was unanimous.

**DETENTION CENTER REPORT:** Jailer Dunbar read the jail report as follows: Allotment FY20 \$42,261.93; Local Corrections Assist \$8,798.71; Prescription Co-pay \$150.44; Nurse Visits \$57.16; HB 452 \$341.08; DUI Fees \$937.62 State Inmate Housing (2 checks) \$133,571.08; HB 413 2,025.89; Traffic School \$30.03; Other County Inmate Housing (5 checks) \$20,866.73; Booking Fees \$2,021.04; Old Bills \$72.83; Phone Commission \$3,802.95; MRT Training Reimbursement \$945.66; Per Diem \$2,610.65; Bond Interest \$1.06; Interest \$99.40; Prior Year Carryover \$517,261.15; Transfer from General \$538,015.00 for a total income of \$1,273,870.41. The expenses were \$253,491.25 which makes a difference of income and expenses \$1,020,379.16. Difference from receipts to expenses without the prior year carryover and transfer from general was (\$34,896.99). The average inmates for the month was 142. There was 3 hours overtime. As of today there are 73 state inmates, 3 from Clinton County 2 from Cumberland County, and 70 from Russell County for a total of 148 inmates. Magistrate Holt made a motion to accept the detention center report with Magistrate Richardson seconding. The roll call was unanimous.

**SHERIFF'S REPORT:** Sheriff Polston provided the sheriff's report for the month. He stated there were 553 calls dispatched; 8 search warrants executed; 9 mental health transports; 26 burglary calls; 38 lock outs; 39 arrests; 77 Officer requests; 114 court papers served; 132 vehicle inspections and 176 inmate transports. Sheriff Polston also stated David Cain is retiring and he thanked him for his service and wished him well. Sheriff Polston also submitted the 2018 Final Tax Settlement. Magistrate Waddell made a motion to accept the tax settlement with Magistrate Johnson seconding. The roll call was unanimous. Sheriff Polston then presented his 2019 amended budget. He stated the bottom line was the same and the only change was to the dollar amount within the categories. Magistrate Garner made a motion to accept the 2019 amended budget with Magistrate Waddell seconding. The roll call was unanimous.

**TREASURER'S MONTHLY SETTLEMENT REPORT:** Treasurer Fenske read the totals of each fund: General \$1,013,909.98; Road \$482,410.81; Jail \$1,020,379.16; LGEA \$12,156.46; ASAP \$105,977.12; Grants \$19,694.20 Tourism \$44,528.62; Dispatch \$128,005.44; Airport \$60,618.85; Airport Project \$1,767,386.98; DFC \$12,101.21; Airport Board \$44,907.92; ABC \$11,677.64 for a total of \$4,723,754.39. Treasurer Fenske stated all accounts were reconciled and in balance. Magistrate Holt made a motion to approve the monthly settlement report with Magistrate Richardson seconding. The roll call was unanimous.

**TRANSFER \$40,504.58 FROM GRANTS TO GENERAL – SAFE ROOMS:** Judge Robertson stated we needed to transfer \$40,504.58 from the Grants fund to the General fund. He stated this was from a reimbursement for the safe room grant. Magistrate Garner made a motion to do the transfer with Magistrate Waddell seconding. The roll call was unanimous.

**1<sup>ST</sup> READING BUDGET AMENDMENT 19-06:** Treasurer Fenske read the ordinance which was for unbudgeted receipts. No vote is required until the 2<sup>nd</sup> reading which will be at the next fiscal court meeting in September.

**RUSSELL COUNTY CONSERVATION DISTRICT:** Darrell Selby with the Conservation District came before the court and thanked the court for the opportunity to speak. He passed out information which highlighted the many things the district does for the county and asked once again for the fiscal court's matching funds for the dead animal removal grant. Magistrate Johnson made a motion to allocate the funds for the matching grant with Magistrate Richardson seconding. The roll call was unanimous.

**SET 2019 COUNTY TAX RATES:** Judge Robertson stated that the tax rates have been the same since 1994. The rates are: Real Estate 6.7 cents per \$100.00 of assessed value; Tangible, Aircraft and Documented Watercraft 9.2 cents per \$100.00 of assessed value. Judge Robertson recommended we leave the tax rates the same. Magistrate Holt made a motion to keep all the tax rates the same with Magistrate Richardson seconding. The roll call was unanimous.

**INTER-LOCAL AGREEMENT RC SHERIFF & CLINTON COUNTY SHERIFF:** Sheriff Polston stated with the new marina on the lake this inter-local agreement would give the Clinton County Sheriff's office the ability to respond to any issues until his department could get there. He asked the court to agree to this agreement. Magistrate Garner made the motion to accept the agreement with Magistrate Waddell seconding. The roll call was unanimous.

**NEW SHERIFF'S VEHICLES – ADOPTED DOCUMENTS FOR USDA GRANT:** Judge Robertson stated the Sheriff's office was getting a grant to purchase some vehicles through the USDA. He stated the documents presented in the Magistrates packets were all part of the grant and needed to be adopted by the fiscal court. Magistrate Garner made a motion to adopt all the grant documents with Magistrate Waddell seconding. The roll call was unanimous.

**E911 INTER-LOCAL AGREEMENT:** Judge Robertson stated we had the E911 Inter-Local agreement between the Fiscal Court, the two cities and the Ambulance Board. He stated the Ambulance Board had voted and agreed to back pay the court on their amount due from the prior year and this agreement was for the coming year. He stated the court would vote on this and then the two cities as well as the ambulance board and each of those entities would be paying \$25,000 and the fiscal court pays the balance to fund the 911 Dispatch. Magistrate Johnson made a motion to adopt the agreement and Magistrate Richardson seconded. The roll call was unanimous.

**ROCKET DOCKET – MEMORANDUM OF AGREEMENT RENEWAL:** Mr. Leveridge gave an overview on how the program works and provided an update that shows there were 45 participants, 9180 days saved which amounts to \$238,680.00. He also presented a Memorandum of Understanding that agrees for his office to provide the service from September 1, 2019 through August 31, 2020 for the amount of \$33,082.00. Magistrate Johnson made a motion to accept the MOU with Magistrate Richardson seconding. The roll call was unanimous.

**MEMORANDUM OF AGREEMENT – LC RECREATION:** Judge Robertson stated we had a memorandum of agreement and he had received an email from the Corps of Engineers. He stated 2 months ago the court had passed a resolution to grant an easement for utilities at the Lake Cumberland Recreation area and he thought that would be the end of it, but now the email he received from the Corps indicated they wanted this memorandum of agreement and a letter from the court requesting approval to install the courtesy dock and fishing pier on our lease DACW62-1-10-0462. He stated there were many individuals that had signed in to speak in regards to the issue and he said he would allow each to do so. Several individuals addressed the court and some provided petitions of their opposition of the project. All individuals who spoke were opposed to the project. Judge Robertson then read the email he received from the Corps of Engineers directing the county on next steps. The Memorandum of Agreement was then read by County Attorney Kevin Shearer. After the agreement was read Judge Robertson reaffirmed the county was still keeping the park area, the parking area and the boat ramp. He also stated the Corps of Engineers still had the last say on whether or not this project would be approved and that all the court was doing, providing they move forward with MOA, was providing its agreement to allow the easement for utilities and access to build and maintain the fishing pier and courtesy dock. Magistrate Garner made a motion to proceed with the MOA, letter and allow the expansion project to move forward. Magistrate Waddell stated he felt the court should move forward with turning the lease over to the Eli Fish and Wildlife Club. Judge Robertson stated we needed to deal with the first motion of Magistrate Garner's to which Magistrate Richardson seconded the motion which was to move forward with the MOA and letter to the Corps of Engineers. Roll call was Magistrate Garner - Yes; Magistrate Richardson - Yes; Magistrate Waddell - No; Magistrate Johnson - Yes; Magistrate Holt - No. Judge Robertson stated the motion passes 3 to 2. Magistrate Waddell then made the motion to give the lease over to the Eli Fish and Wildlife Club. For the lack of a second, the motion dies. Judge Robertson stated again to the folks in the court meeting that the Corps of Engineers had the final say on this project.

**LIEN ON PROPERTY CLEAN – UP:** Judge Robertson stated we had a situation on a piece of property that had been deemed unsafe by the Public Health Department and the county had incurred substantial expense on cleaning it up. The property was located on East Hwy 80 in Russell Springs. County Attorney Shearer stated the county had complied with the ordinance in providing notice to the homeowner and we now needed a motion, second and vote to enforce the ordinance regarding the clean-up of the nuisance of the garbage and unsanitary conditions of the property and to be able to at that time once it's abated to place a lien on the property. He went on to state then at a later date we can then enforce that by filing a lawsuit. Judge Robertson stated he was aware the property in question was on the delinquent tax list so he felt we needed to get this on file as quickly as possible. Magistrate Richardson made a motion to place the lien on the property with Magistrate Johnson seconding. The roll call was unanimous.

**OTHER BUSINESS:** Judge Robertson stated at last month's meeting some folks with the Eli Fire Department had come before the court to speak to having fire dues placed on the tax bills. He asked the court if they had any input from residents and did they want to pursue putting this into ordinance form. All magistrates had received some input from the public with the majority being opposed to the idea. Judge Robertson asked the court if any wanted to make a motion to pursue this issue. With no one responding the issue dies.

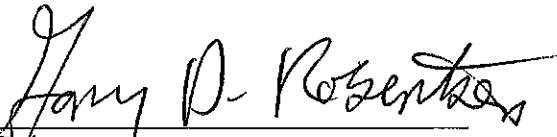
Judge Robertson stated he had a letter from a property owner (Edith McQueary and Family) asking the fiscal court that no cutting of any kind be done on their property which is located on B. Stephens Road, McQueary Road and Johnson Road and/or any property belonging to the Leonis & Edith McQueary estate without permission by Edith McQueary or Danny & Gloria Thomas or heirs. There was some discussion and some issues regarding this and Judge Robertson stated back in 1998 the court had adopted a 30 foot right of way on all county roads. Danny Thomas was in attendance and asked the County Attorney what KAR 178.040 meant? He went on to state it stated any road taken in before July 13, 2004 did not really have a 30 foot right of way. He stated it was talking about a one lane road. County Attorney Shearer stated that was correct. There was discussion regarding the right of ways on a one lane road and a double lane road and how the 30 foot right of way would affect this. County Attorney Shearer stated the law is "any road after 2004 (if I'm not mistaken) gets a 30 foot right of way. Anything prior to that date would be less than that (I think its ditch line to ditch line) that's what the statute says. Now if the court in an ordinance has passed from this point on any road in the county has a 30 foot right of way then that would be something that would have to be looked at but I've not seen that document. That was before my time but if that's the case then that would be that. Unless that particular road when it was brought in and if it was brought in in a particular right of way." County Attorney Shearer stated his answer would be any right of way on a road prior to 2004 would be ditch line to ditch line unless there is another document that says that but he has not seen that document. There was more discussion on the right of ways on the aforementioned roads and what the actual right of way is. County Attorney Shearer stated he would need to review that document on the blanket 30 foot right of way.

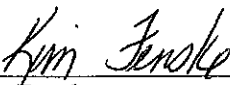
Judge Robertson stated the alcohol sales were up from last month. He stated we collected about \$5,300 more in regulatory fees in May.

Sheriff Polston stated the sheriff's office would be doing the "Drive Sober Campaign" beginning 8/16/19 through 9/2/19 which is Labor Day. He went on to state there would be DUI check points at many locations throughout the county during this time. He named off about 24 locations.

Judge Robertson stated he needed to appoint some census committee members. He stated he would be looking at folks from each of the cities, the Chamber of Commerce, Extension Service, Library, Russell County School system, hospital, both radio stations, Judge's office and the Russell County Jaycees. He stated if anyone knows of anyone else that would like to serve please let him know.

**ADJOURN:** Magistrate Richardson made a motion to adjourn with Magistrate Garner seconding. All was in favor. The meeting adjourned at 7:15 p.m.

  
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Gary Robertson  
County Judge Executive

  
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Kim Fenske  
County Treasurer