

**RUSSELL COUNTY FISCAL COURT
REGULAR MEETING
MONDAY MAY 13, 2019
6:00 P.M.**

The Russell County Fiscal Court held their regular monthly meeting on Monday May 13, 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, Attorney Don Byrom, 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 April 8, 2019 regular meeting. Magistrate Waddell 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 Richardson made a motion to pay the bills with Magistrate Garner seconding. The roll call was unanimous.

DETENTION CENTER REPORT: Jailer Dunbar read the jail report as follows: Prescription Co-pay \$189.67; Nurse Visits \$44.49; HB 452 \$454.84; State Inmate Housing \$68,133.16; HB 413 \$1,798.45; Canteen Donation \$6,250.00; Traffic School \$24.57; Booking Fees \$1,565.38; Old Bills \$200.56; Phone Commission \$3,321.69; Per Diem \$2,271.66; Bond Interest \$.57; Interest \$81.81 for a total income of \$84,336.85. The expenses were \$172,779.26 which makes a difference of income and expenses (\$88,442.41). The average inmates for the month was 144. There was 3½ hours overtime. As of today there are 73 state inmates, 5 from Clinton County, and 62 from Russell County for a total of 140 inmates. Magistrate Johnson made a motion to accept the detention center report with Magistrate Holt seconding. The roll call was unanimous.

TREASURER'S MONTHLY SETTLEMENT REPORT: Treasurer Fenske read the totals of each fund: General \$1,435,227.82; Road \$506,293.10; Jail \$711,749.88; LGEA \$8,476.41; ASAP \$98,591.43; Grants \$29,630.54 Tourism \$5,304.49; Dispatch \$127,078.82; Airport \$45,947.40; Airport Project \$25,037.98; DFC \$12,101.21; Airport Board \$48,557.55; ABC \$43,477.50 for a total of \$3,097,474.13. Treasurer Fenske stated all accounts were reconciled and in balance. Magistrate Garner made a motion to accept the settlement report with Magistrate Waddell seconding. The roll call was unanimous.

RECYCLE ROLL OFF TRUCK LEASE – KACO & WORLDWIDE EQUIPMENT: Judge Robertson stated that Scott Pekar of Worldwide Equipment was here to speak to the court regarding the roll off vehicle. Mr. Pekar came before the court and stated the current 18 month lease will be up and he had a 2020 roll off recycle truck to replace it should the court want to pursue. He stated the court would need to have the current truck to the JM Wood auction location by June 4, 2019. Judge Robertson stated we would need the court's approval to proceed with taking the truck to auction as well as setting up the lease for the new truck. Magistrate Holt made a motion to proceed with both and Magistrate Waddell seconded. The roll call was unanimous.

2ND READING BUDGET AMENDMENT 19-03: Treasurer Fenske stated we had the 2nd reading of this budget ordinance at last month's meeting but the advertisement for the 2nd reading had been overlooked. She stated it now has been advertised so we would do it again to be compliant. She read the ordinance which was for unbudgeted receipts. Magistrate Johnson made a motion to accept the amendment with Magistrate Richardson seconding. The roll call was unanimous.

2ND READING ORDINANCE 19-04 FISCAL COURT BUDGET FY 2019-2020 & RECURRING EXPENSES: Treasurer Fenske read the budget ordinance. The totals were General \$3,722,594.00; Road \$1,575,716.00; Detention Center \$2,404,158.00; LGEA \$12,643.00; ASAP \$113,595.00; Grants \$49,500.00; Tourism \$145,200.00; 911 Dispatch \$455,287.00; Airport General \$103,970.00; Airport Project \$283,500.00; DFC \$12,102.00; Airport Board \$94,168.00; ABC \$149,554.00 for a total of all budget funds of \$9,121,987.00. The budget was approved by the State Local Finance

Officer from Department of Local Government on April 23, 2019. Magistrate Johnson made a motion to accept the budget ordinance and recurring expenses with Magistrate Waddell seconding. The roll call was unanimous.

TRANSFER \$3,264.00 FROM GENERAL TO GRANTS FOR VOCA GRANT: Judge Robertson stated we needed to transfer this money for the VOCA grant due to the grant being amended to cover travel expenses. Magistrate Garner made a motion to make the transfer with Magistrate Waddell seconding. The roll call was unanimous.

TRANSFER \$141,999.40 FROM GRANTS TO GENERAL: Judge Robertson stated we needed to transfer \$141,999.40 from the grants fund to the general fund. Treasurer Fenske explained we had received a reimbursement from the safe room grants and we needed to put the money back into the general account. Magistrate Richardson made a motion to transfer the funds with Magistrate Johnson seconding. The roll call was unanimous.

AMBULANCE BOARD APPOINTMENTS: Judge Robertson stated there were 2 ambulance board appointments that were expiring on 6/9/19 which were Chris Ferguson and Dr. Richard Perkins. He made the recommendation to appoint Mike Selby to replace Dr. Perkins on the ambulance board. Magistrate Garner made a motion to accept the recommendation with Magistrate Waddell seconding. The roll call was unanimous. Judge Robertson then recommended Billy Grider to the board. Magistrate Waddell made a motion to accept the Judge's recommendation with Magistrate Richardson seconding. The roll call was unanimous. Both of these appointments are for their first term which will begin on 6/10/19 through 6/9/22. Judge Robertson thanked Dr. Perkins and Mr. Ferguson for their service to the board.

ACCEPT SALT BID FROM KACO REVERSE SALT AUCTION: Judge Robertson stated we had the reverse salt auction through KACO that is done annually. IBG Magic of Kentuckiana was the low bidder for the county at \$98.50 per ton. He stated this was a bit higher than in the past. Magistrate Garner made a motion to accept the bid with Magistrate Richardson seconding. The roll call was unanimous.

PREAPPROVAL TO PAY LIBRARY WHEN FLOOD CONTROL MONEY COMES IN: Judge Robertson stated that we are expecting the flood control money from the federal government any day. When it comes we are required to give 18% of it to the library. Since it is generally received this time of year and it's close to the end of our fiscal year he asked for pre-approval to pay the library as soon as it comes in. Magistrate Garner made a motion to pre-approve to pay the library when the flood control money comes in. Magistrate Waddell seconded. The roll call was unanimous.

DISCUSSION OF PURCHASE OF OLD RUSSELL COUNTY LIBRARY BUILDING: Judge Robertson stated at last month's meeting we that we talked in executive session and didn't take any action on the library property for the old building. He asked again for a motion to go into executive session as per KRS 61.810(1) (B). Magistrate Garner made the motion to go into executive session with Magistrate Waddell seconding. The roll call was unanimous. Magistrate Richardson made a motion to come out of executive session with Magistrate Holt seconding. The roll call was unanimous. Judge Robertson stated there was no action taken. Judge Robertson stated now he wanted to see if there were any votes to pursue the purchasing of the old library building. No one made a motion so the issue dies.

OPEN BIDS FOR JANITORIAL SUPPLIES: There were bids from Kenway, Norvex, Hillyard and Danville Office Supply on janitorial supplies. Judge Robertson stated we generally will accept all bids to give the court the opportunity to shop to get the best price amongst all bidders. Magistrate Garner made a motion to accept all bids so the county could shop for the best price per product and Magistrate Waddell seconded the motion. The roll call was unanimous

OPEN BIDS FOR FUEL, OIL, CHIP & SEAL, HOT MIX, BLACKTOP, POTHOLE PATCH, ROCK & TILE: Judge Robertson opened the bids as follows:

- **Road Tile, Atwood's Concrete Products** – Judge Robertson stated this was the only bid for road tile but in the past we have always gone to the local building supplies because there are times when a specific vendor doesn't have the correct size in stock. He stated we could accept this bid as well as continue to shop at the local building supply companies and that would be his recommendation. Magistrate Richardson made a motion to shop at this vendor as well as the local building supply companies to get the cheapest price. Magistrate Garner seconded the motion. The roll call was unanimous.

- **Asphalt, Selby Asphalt Maintenance** - will provide the following services to the Russell County in connection with road maintenance and repair, such as asphalt repair, repair of cracks, rock & tile work, emergency storm debris removal & emergency road services, sealing, pavement markings, backhoe & skid steer services and snow removal. For asphalt repair – any and all areas will be prepped (dug out, cleaned out, and/or filled with gravel.) This will be done so by Selby Asphalt Maintenance. In recent negotiations with Gaddie Shammrock asphalt prices will be quoted on a weekly basis to ensure you getting the lowest asphalt prices possible. With this pricing we respectfully ask to quote each job on a job to job basis. This is due to the fact that some asphalt will be coming out of the Columbia plant and some will be coming out of the Albany plant. Any job quoted in advance in the effect that asphalt goes up before the job is completed you will only pay the quoted price. (Rock will be extra* *Along with a modest Fuel Surcharge.* All repairs must be approved by someone designated by the Road Foreman, County Judge, or Magistrate of said District. Terms are net 30 days from completion of work performed. After lengthy consultations with Gaddie Shammrock we feel you will receive better pricing and quality with this method. Also enclosed with the bid was a Certificate of Eligibility from the KY Transportation Department stating Selby Asphalt Maintenance, Inc. was certified in the following list of work; ditching & shouldering, sawing & sealing of cracks & joints, pipeline construction, sealcoating, crack sealing, joint adhesive and asphalt repairs. Selby Asphalt Maintenance is also listed on the KY State List of Pre-Qualified Contractors. Magistrate Holt made a motion to accept the bid from Selby Asphalt with Magistrate Waddell seconding. The roll call was unanimous.
- **Road Oil, Hudson Materials** – RS2 \$2.49 per gallon, SS-1H \$2.49 per gallon, Enviro \$3.60 per gallon, Pug Mill \$.30 per gallon. If in a case you order a partial load you will add \$.16 cents per gallon. Prices are subject to change with increase or decrease of raw material costs or state index. Judge Robertson made the recommendation we accept the bid. Magistrate Garner made a motion to accept this bid with Magistrate Waddell seconding. The roll call was unanimous.
- **Hot Mix, Gaddie Shamrock** – Bid price of \$85.00 is based on the price index of \$525.00 per liquid ton. With every \$10.00 increase in the cost of liquid asphalt per ton over this amount, the base index bid will increase \$1.00 per ton. This index will also work in reverse as prices decline. Prices will be determined by the Kentucky Average Price index at the time of actual worked performed. The F.O.B. price is \$68.05 per ton based on the current Ky. Highway Index price. At Gaddie’s discretion, any tonnage amount under 100 tons at any specific location will be \$25.00 premium can be added to index price. An additional \$3.00 per ton will be added to haul when paving in Jabez area. Also noted, all quoted prices will fluctuate with the KY Highway Index price. Judge Robertson made the recommendation to accept this bid. Magistrate Richardson made a motion to accept the Hot Mix bid with Magistrate Holt seconding. The roll call was unanimous.
- **Stone, Gaddie Shamrock** – F.O.B. Adair: #3 stone \$6.15 per ton; # 57 & 68 stone \$7.15 per ton; #8 stone \$7.15 per ton; #610 stone \$6.15 per ton; crusher run \$5.50 per ton – F.O.B. Russell: #3 stone \$9.50 per ton; #57 & 68 stone \$9.75 per ton; #8 stone \$9.75 per ton; #610 \$9.50 per ton. Stockpiling from Columbia Quarry to Jabez \$.20 per ton mile from quarry location; stockpiling from Russell County site \$.20 per ton mile from quarry location. A minimum haul of \$2.65 per ton will be applied to haul within 12 miles of the nearest quarry. A rate of \$0.20 per ton will be paid for each mile beyond the 12 mile distance. Judge Robertson made the recommendation to accept the bid. Magistrate Garner made the motion to accept the bid from Gaddie Shamrock with Magistrate Richardson seconding. The roll call was unanimous.
- **Chip Seal, Gaddie Shamrock** – A rate of \$0.30 per ton will be paid for each mile beyond the 10 mile radius with minimum hauling being \$3.00 per ton; the following prices include labor and equipment per mile furnished by Gaddie, single seal 12 feet & under road width \$3,500.00, 13 thru 18 feet road width \$4,800.00; double seal 12 feet & under road width \$4,800.00, 13 thru 18 feet road width \$6,500.00. The county is responsible for furnishing the oil and stone for chipping and preparing and shaping the roads. If prep work is done by Gaddie Shamrock, all equipment used will have a charge of \$100.00 per hour per unit. A price of \$1,400.00 per road will be charged for moving for roads .40 miles and under. A minimum daily charge of \$3,500.00 (final decision to be discussed with foreman David Branham). Judge Robertson made the recommendation to accept the bid. Magistrate

Waddell made a motion to accept the Chip Seal bid with Magistrate Johnson seconding, the roll call was unanimous.

- **Fuel, Southern Petroleum** - rack price plus \$.020 per gallon excluding applicable freight and tax. **Russell County Oil** – rack price plus \$.18 per gallon plus any applicable taxes and/or freight. Magistrate Johnson made a motion to accept the fuel bid from Southern Petroleum with Magistrate Waddell seconding. The roll call was unanimous.

D MANN ROAD SLIDE PROJECT: Judge Robertson stated he needed permission from the court to proceed with doing the advertisement for bidding out the slide on D Mann Road which we expect to be covered by FEMA from the flooding that occurred back in February. Magistrate Garner made a motion for the Judge to move forward with Magistrate Richardson seconding. The roll call was unanimous.

LOGAN ANTLE ROAD BRIDGE PROJECT: Judge Robertson stated he also needed permission from the court to pursue contacting KY Transportation Rural Roads to see about getting the Logan Antle Bridge project approved by the state for the 80/20 bridge funds. Magistrate Garner made a motion for the Judge to move forward with Magistrate Waddell seconding. The roll call was unanimous.

LAKE CUMBERLAND RECREATION AREA EASEMENT: Judge Robertson stated there were several people signed up to speak and he would allow all to speak for a minute or two. He also stated the county had the lease with the Army Corps of Engineers for the Lake Cumberland Recreation area and as far as he was concerned it would stay that way. He stated what was being proposed didn't have anything to do with the parking area or the ramp and a utility easement was all that was being asked for. He also reinforced the fact that the Army Corps of Engineers were the ones ultimately responsible for making the decision to grant an easement. He stated the county alone didn't have the authority to approve it. Even if the county wanted to release the lease, a one year notice would have to be provided before we could give it back to the Corps. He stated once everyone had a chance to speak the court would decide on passing the resolution. Several individuals came before the court and expressed their concerns and opposition of the court to pass the resolution which would provide the court's agreement to the Army Corps of Engineers to grant the easement. After lengthy discussion from all individuals signed in to speak as well as Mr. JD Hamilton owner of Lake Cumberland Marina and the one asking for the easement, Judge Robertson asked County Attorney Shearer to read Resolution 19-05 concerning the easement and stated after the resolution was read the court would decide on how they wanted to proceed. Upon the reading of the resolution Magistrate Holt asked County Attorney Shearer to provide the bottom line in the legality of this resolution, to which County Attorney Shearer replied "according to our lease with the Army Corps of Engineers we can't grant anything unless they approve it". He went on to state this resolution would state what the court could do if the Army Corps of Engineers approved it. After more discussion, an individual spoke to the court and asked "what harm would there be in tabling the issue until such time the Army Corps of Engineers made a decision". Judge Robertson then stated "what's the feeling of the court". Magistrate Holt commented on what would be wrong with waiting. Magistrate Garner then made the motion to pass Resolution 19-05 with Magistrate Richardson seconding. Magistrate Waddell stated he didn't think we needed to do so. Judge Robertson stated a motion was on the floor and asked for roll call. Magistrate Johnson – Yes; Magistrate Garner – Yes; Magistrate Richardson – Yes; Magistrate Holt – No; Magistrate Waddell – No. The motion passes 3 to 2 vote and the Resolution was passed.

SHERIFF'S REPORT: Sheriff Polston provided his report on calls received since the last meeting. He also stated his office had a "drug tip line" which was 270-343-8116. He went on to state he had a couple of issues that he wanted to bring up to the court. He stated he'd been in office now for about 6 months and this was all still new to him. He stated one of the biggest issues he was having was with transport fees. He stated he'd been getting paid for 6 miles for transports of prisoners from the detention center to the judicial center. He stated it needed to be changed to 12 miles because they have to be picked up after court and go back to the detention center. He said he is only being paid \$.41 per mile for the 6 miles per prisoner which comes out to \$2.46 per prisoner and it should be \$4.92 for the 12 miles per prisoner. He also stated we load the van with 13 prisoners and we are only getting paid for 1 prisoner transport and this needed to be changed so he would be paid for all 13 prisoners transported regardless if transport is in a car, van or whatever the case may be. He stated he wished the fiscal court would change things so he can get paid for the 12 miles instead of the 6. Treasurer Fenske spoke up and stated the bills received for this month had 12 miles listed on the transport order and that was what was being paid. Treasurer Fenske also stated that in the past the transport order bills had been submitted for 6 miles which was what had been paid out but if the bills were submitted for the 12 miles then that would be what was paid. Sheriff Polston then asked where the transport fees were paid from, general fund, jail fund or abc fund. Treasurer Fenske stated

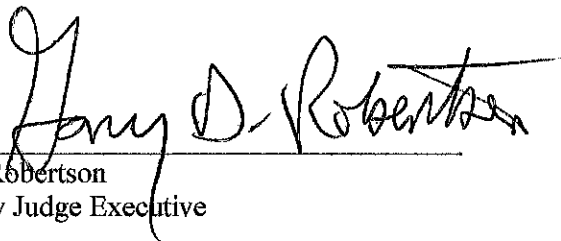
they can be paid from all 3 of those funds but some are paid from abc and then some are paid from general. She also stated the abc fund does not have enough money to be able to pay the transport fees from for 100% and due to the restrictions on how abc funds are spent, we would not be allowed to pay the transport fees from abc completely. Judge Robertson added the transports being done were not all alcohol related, therefore didn't qualify. Sheriff Polston stated he knew that KRS 441.505 requires the transport funds come out of the jail budget. Treasurer Fenske stated the fees used to be paid from the jail budget but she had been informed by Jailer Dunbar who had learned in a conference training that it did not have to be so it was changed. Jailer Dunbar spoke up and stated that was correct and he had learned from former Jail Commissioner Rodney Ballard the fees didn't have to be paid from the jail budget. Jailer Dunbar stated this issue had been discussed with the former sheriff for quite some time. Sheriff Polston read the KRS which does in fact state the transport fees are to be paid from the jail budget. Sheriff Polston then passed out copies of the KRS 243.075. He read the portion of 243.075 (2)(b) which states "The regulatory license fee may be levied annually at a rate that is reasonably estimated to fully reimburse the city or county for the estimated costs for any additional policing, regulatory, or administrative related expenses". Sheriff Polston asked County Attorney Shearer if he was aware of any local governance policy that directs the abc disbursements, to which County Attorney Shearer replied "not to my knowledge". Sheriff Polston continued to question how the money was spent and mentioned the Inter-Local agreement with the City of Jamestown and how they were benefiting from the sale of alcohol along with the City of Russell Springs but yet he doesn't feel his office is getting the proceeds like he thinks he should. He went on to state he had spoken with Treasurer Fenske who was allocating funds for radios and other equipment but he said Adair County gets stuff like equipment or vehicles but they would have to keep track of all the alcohol related calls and he feels more than half of their calls are alcohol or drug related. Judge Robertson interjected he wasn't sure what the figures are for the City of Russell Springs and he doesn't know how much money they take in but in comparison we don't take in that much money for abc. He went on to state we hadn't gone out and bought any new equipment like a vehicle for the abc administrator which would be allowable for abc funds. He went on to state the court had been very conservative and are using an old police cruiser as the administrator's vehicle which is worth about \$1,500.00 and we stuck a vinyl magnet on the side of it stating it was the abc vehicle. He stated we could go out and purchase a brand new vehicle but because there isn't enough money to go around now is why it hasn't been done. Sheriff Polston stated he just wished he understood better about how things could be handled. He stated he wondered why there isn't a way like with the Inter-Local agreement with the City of Jamestown where there was a percentage of the funds that could just be given to his office and he dictates how the money is spent or what it is used for. Judge Robertson stated he had to satisfy the auditors which is his main concern. Sheriff Polston stated he would satisfy the auditors and his office could keep track of all the alcohol related calls and/or arrests that way Treasurer Fenske wouldn't have to manage that. Treasurer Fenske interjected if he wanted to go to the type of situation where his office was keeping track of all alcohol related calls and he provided documentation along with an invoice that shows the manpower hours or whatever and a paper trail could be provided then that would satisfy the auditors and she would be happy to pay the invoice. She went on to state she could not just arbitrarily hand over a check each month without proper documentation. She stated she wished she could but she would be doing a disservice to the court and to the taxpayers of this county because she knew that was not the proper way to do her job. Sheriff Polston then stated why couldn't the court vote to give a certain percentage to his department of the abc funds and he keep track of it. Treasurer Fenske stated she didn't believe that was legal and deferred to County Attorney Shearer. Mr. Shearer stated he wasn't sure the court could do that. He indicated there would probably need to be a paper trail but it was something that could be looked into. More discussion ensued regarding how the fees could be spent and Sheriff Polston again questioned the transport fees being paid from the abc fund. Attorney Byron interjected and stated that if the sheriff's office was transporting prisoners to and from court and it was alcohol related then it was definitely within the statute to be paid from that fund. Magistrate Garner then spoke up and asked about the number of prisoners being hauled by the van full or by car and was this something the court needed to address. Treasurer Fenske stated the mileage rate is for per vehicle per mile and she didn't feel it was legal to pay for the hauling of 13 prisoners when only one trip was being made in the vehicle. She didn't feel she could legally pay per prisoner but she could find out from the auditors. Sheriff Polston stated then he could just haul the prisoners individually because he was losing money. Jailer Dunbar interjected that he had done transports for 4 years as a courtesy to former judge and the current judge at no cost. He went on to state that when the former sheriff was in office he sold the van to him and then still paid the gas out of his budget. Judge Robertson suggested that Treasurer Fenske find out if it was allowable to pay for each prisoner transported and Magistrate Richardson agreed. He stated that whatever the court was going to do it would be the right thing regardless if everyone liked it or not. Sheriff Polston then brought up a situation that had been uncovered from a KLEPF audit that had been conducted on the past 4 years which was the prior sheriff's term. It appears there were not enough KLEPF funds paid out to deputies and his office had been presented with a bill for those shortages and he didn't have the funds in his budget to pay them. He asked the court to consider paying those from the former sheriff's excess fees that had been turned over to

the court. Magistrate Garner made a motion to pay the fees with Magistrate Richardson seconding. The roll call was unanimous.

OTHER BUSINESS: Judge Robertson stated we had a road to take into the county road system. Magistrate Garner stated it was Logan Antle Spur Road in his district. He stated it was 0.124 mile in length and he'd like to make a motion to take it in to the county road system. Magistrate Johnson seconded the motion. The roll call was unanimous.

Judge Robertson stated the ABC report totals were up a little for the month. He stated \$8,243.53 were collected for sales during the month of March and \$1,984.84 was paid to the city of Jamestown for their share of sales.

ADJOURN: Magistrate Richardson made a motion to adjourn with Magistrate Johnson seconding. All was in favor. The meeting adjourned at 8:04 p.m.



Gary Robertson
County Judge Executive



Kim Fenske
County Treasurer