

**RUSSELL COUNTY FISCAL COURT  
REGULAR MEETING  
MONDAY JUNE 10, 2019  
6:00 P.M.**

The Russell County Fiscal Court held their regular monthly meeting on Monday June 10, 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 Brother Phillip Miller.

**MINUTES:** Judge Robertson presented the minutes from the May 13, 2019 regular meeting and the May 13 meeting for CRA & LGEA Funds. 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 Richardson made a motion to pay the bills with Magistrate Holt seconding. The roll call was unanimous.

**DETENTION CENTER REPORT:** Jailer Dunbar read the jail report as follows: Cost Pool Refund \$1,315.77; Prescription Co-pay \$302.84; Nurse Visits \$38.44; HB 452 \$324.37; State Inmate Housing \$70,452.32; Booking Fees \$1,624.72; Old Bills \$135.85; Fee Claim \$173.94; Phone Commission \$4,091.63; Per Diem \$1,456.51; Duo County Dividend \$343.02; Bond Interest \$.82; Interest \$72.84 for a total income of \$80,333.07. The expenses were \$155,664.30 which makes a difference of income and expenses (\$75,331.23). The average inmates for the month was 145. There was 13½ hours overtime. As of today there are 67 state inmates, 7 from Clinton County, and 58 from Russell County for a total of 132 inmates. Magistrate Holt made a motion to accept the detention center report with Magistrate Richardson seconding. The roll call was unanimous. Jailer Dunbar also wanted to provide some recognition to one of his Deputy Jailer's Melissa McGowan who had been awarded the Medal of Honor and had been named as the Deputy of the Year at the Jailer's conference.

**SHERIFF'S REPORT:** Sheriff Polston began with providing a copy of a grant proposal he was asking the court's approval for him to proceed with through the KY Department of Homeland Security for a watercraft. Magistrate Johnson made a motion to allow him to proceed with Magistrate Richardson seconding. The roll call was unanimous. He also asked the court to pass Resolution 19-07 which was part of the grant process. Magistrate Garner made a motion to pass the resolution with Magistrate Johnson seconding. The roll call was unanimous. Sheriff Polston stated he had another grant he had applied for 3 vehicles but he wanted the court's approval to move forward with a loan if the grant proceeds did not come through. He stated an ad for bids had been placed in the paper and they had received a low bid from Freedom Dodge for \$25,674 per vehicle and equipment costs coming in at \$6,601 with a total cost at \$96,825. He stated he had contacted KACo in regards to getting a loan which would be for a 6 year period at an interest rate of 4.25% but he needed the court's approval. Magistrate Waddell made a motion to proceed with the loan needed and Magistrate Garner seconded. The roll call was unanimous. He then provided his report on calls received since the last meeting and reminded everyone of the "drug tip line" which was 270-343-8116. He stated his next quarterly meeting with the public will be held on June 27<sup>th</sup> at 6:00pm at the Russell County Auditorium conference room. He also stated his office had "unofficially" received a highway safety overtime grant his office had applied for in the amount of \$10,000.00. He then asked the County Attorney a question in regards to the ABC money. He stated, quote "the ABC money that is already allocated to the sheriff's office, is there any possible way of maybe getting some kind of discretion where my department I guess can handle what we get from you all as far as going over the budget or you know or have in our budget discretion on where we need to spend it, what we would be you know responsible for the auditors and or any KRS statutes that goes with it". County Attorney Shearer stated quote "as long as any expenditure from the ABC account is according to what the statute provides, there would be no reason why that they couldn't do that". If the court gave you the discretion then you could do that. I mean, it's not a question of legality so much as who makes the decision. You know as long as the ABC money is spent in accordance to what is specified that it can go for, yes that's the only legality part of it. The question would be a policy question who makes the decision where the ABC money goes. And if that's the County Judge Executive or the fiscal court a gives x amount of discretion to the Sheriff's department to do that then sure as long as it

again is used for those particular purposes.” Judge Robertson stated we got some of the questions that were asked last time answered by the auditor’s office. Treasurer Fenske stated she had spoken to State Auditor Mike Harmon and his Assistant Auditor Farrah Petters and had received an email response from them in regards to the transport fees. She passed out the response which was an OAG opinion as well as the email from the auditor’s office which stated that transport costs should be paid to the sheriff of “actual” costs and not be paid “per prisoner” transported. There was more discussion regarding turning over the money in a lump sum payment to the sheriff’s office and was that allowable. Treasurer Fenske stated to her knowledge no one does this. She recommended we start coding all calls whether it be through the CAD system or on reports, but to code them showing them to be alcohol related and then a percentage of those calls can be tracked and those funds could be given based on that percentage. Sheriff Polston stated he was just asking for the money to be provided where he could dictate what it would be used for and they would keep track of what it was used for in regards to auditing purposes. Magistrate Johnson stated he understood the Sheriff just wanted the money turned over and didn’t want to have to turn in bills for transport fees or uniform fees or whatever and him to keep up with it. Treasurer Fenske stated it had to be paid through the ABC fund which was under the Fiscal Court. She stated the sheriff had his own accounts and was a fee office and he paid his bills from his accounts and she had nothing to do with that. She stated he had a separate audit than the fiscal court and the ABC money was part of the fiscal court and had to be placed in a segregated account and bills had to be paid via a purchase order and invoice and approved by the court. Discussion continued amongst the court on how the money was dispersed with the sheriff still asking the court to vote to turn over the money to him and let him disperse it for the things he deemed necessary. After much discussion and deliberation, no action was taken.

**TREASURER’S MONTHLY SETTLEMENT REPORT:** Treasurer Fenske read the totals of each fund: General \$1,620,125.64; Road \$450,746.07; Jail \$636,418.65; LGEA \$8,158.63; ASAP \$97,853.52; Grants \$29,241.00 Tourism \$8,567.44; Dispatch \$144,295.50; Airport \$39,662.80; Airport Project \$70,575.98; DFC \$12,101.21; Airport Board \$48,441.04; ABC \$43,263.17 for a total of \$3,209,450.65. Treasurer Fenske stated all accounts were reconciled and in balance. Magistrate Richardson made a motion to accept the settlement report with Magistrate Garner seconding. The roll call was unanimous.

**AE TRANSFERS & PRE-APPROVAL OF END OF QUARTER AE TRANSFERS:** Judge Robertson stated we needed to do the AE transfers and we needed to pre-approve any end of quarter AE transfers. Treasurer Fenske stated a copy of the needed transfers were in the packets prepared for the fiscal court. Magistrate Garner made a motion to approve the transfers as well as any quarter end transfers needed with Magistrate Waddell seconding. The roll call was unanimous.

**1<sup>ST</sup> READING BUDGET AMENDMENT 19-05:** 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 a special called meeting at the end of the month.

**ADOPT ADMINISTRATIVE CODE FOR 2019-2020:** Judge Robertson stated we needed to adopt the 2019-2020 Administrative Code. Treasurer Fenske stated one change had been made due to the legislature changing the threshold of the amount of purchases in the Commonwealth Model Procurement Code (KRS45A.343) which went from \$20,000 to \$30,000. She stated no other changes had been made. Magistrate Holt made a motion to accept the change and adopt the administrative code with Magistrate Garner seconding. The roll call was unanimous.

**APPOINT COUNTY TREASURER:** Judge Robertson stated at the beginning of the year we had listed all county employees but the treasurer’s appointment is different and goes for a 4 year term beginning on July 1 following a new administration year. He recommended to the court the re-appointment of Kim Fenske as treasurer beginning 7/1/19 through 6/30/23. Magistrate Garner made a motion to accept the recommendation with Magistrate Waddell seconding. The roll call was unanimous.

Judge Robertson stated he also needed to appoint the Emergency Management Director to a new 4 year term. He recommended the re-appointment of HM Bottom as Emergency Management Director beginning 7/1/19 through 6/30/23. Magistrate Waddell made a motion to accept the recommendation with Magistrate Richardson seconding. The roll call was unanimous.

**2020 CENSUS – RON SHUMARD:** Judge Robertson stated Mr. Ron Shumard with the 2020 census was here to speak to the county. Mr. Shumard came before the court and thanked them for the opportunity to speak. He went on to outline the importance of communities being involved in the census process and asked the county to adopt a resolution to create a

committee of community leaders to help in the process of making sure everyone was counted in the upcoming census. Treasurer Fenske read the Resolution 19-06 which was the county's pledge to create the committee. Magistrate made a motion to adopt the resolution with Magistrate Richardson seconding. The roll call was unanimous.

**LAKE CUMBERLAND HELATH DISTRICT – SHIRLEY ROBERSON:** Ms. Roberson Daulton came before the court and thanked them for the opportunity to share the Health District's assessment that had been collected from within the county. She presented the data and invited all the court members to join them for their monthly meetings.

**PAY PULASKI COUNTY \$11,000.00 FOR THE REGIONAL SHELTER:** Judge Robertson stated we contract with Pulaski County for our regional dog shelter. We pay them \$11,000.00 every six months and it's time to pay them again. He stated this is a budgeted item but needs fiscal court approval to pay the bill. Magistrate Waddell made a motion to pay the bill with Magistrate Johnson seconding. The roll call was unanimous.

**HOSPITAL BOARD APPOINTMENT:** Judge Robertson stated the term of Ms. Linda McFarland on the hospital board was expiring on 6/15/19 and he thanked her for her service to the board. He made the recommendation to appoint Ms. Winfrey Bates to her 1<sup>st</sup> four year term beginning 6/16/19 through 6/15/23. Magistrate Waddell made the motion to accept the Judge's recommendation with Magistrate Holt seconding. The roll call was unanimous.

**LIBRARY BOARD APPOINTMENTS:** Judge Robertson stated he had a couple of library board appointments that were expiring at the end of the month. He stated Ms. Patti Lamb's term expired on 6/30/19. He made the recommendation to appoint Stephanie McGowan to her 1<sup>st</sup> term which would begin 7/1/19 through 6/30/23. Magistrate Garner made a motion to accept the Judge's recommendation with Magistrate Waddell seconding. The roll call was unanimous. Judge Robertson stated Mr. Ken Kimsal's term also expired on 6/30/19 and made the recommendation to appoint Ms. Janet Clark to her 1<sup>st</sup> term on the library board. Magistrate Garner made a motion to accept the Judge's recommendation with Magistrate Richardson seconding. The roll call was unanimous. Judge Robertson thanked both Ms. Lamb and Mr. Kimsal for their service to the board.

**OPEN BIDS FOR D. MANN ROAD SLIDE PROJECT:** Judge Robertson stated we had not receive any bids for this project. He stated he had called the KY Department of Transportation to get some more names of possible bidders and we would have to re-advertise and see if we could get some of the other bidders to bid.

**INTERLOCAL ROAD AGREEMENT WITH RUSSELL SPRINGS:** Judge Robertson explained this agreement was something we did every year with the City of Russell Springs. This agreement is for the purpose of establishing a system of cooperation between the City of Russell Springs and the County of Russell, specifically for the purpose of maintaining, repairing, paving, and/or the creation of roads within the City of Russell Springs and Magisterial District 5. Magistrate Holt made a motion to accept the agreement with Magistrate Richardson seconding. The roll call was unanimous.

**ROAD CHANGES:** Judge Robertson stated we had some road changes. Treasurer Fenske stated the changes we had were both in District 4 and were only spelling corrections. The county road listed Reece Road CR-1394L and Reece Spur Road CR-1560. The correct spelling should be Reese Road and Reese Spur Road. Treasurer Fenske stated all 911 mapping addresses and the street signs had the correct spelling and this change was only to fix our county road list. Magistrate Richardson made a motion to accept the changes with Magistrate Waddell seconding. The roll call was unanimous.

**OTHER BUSINESS:** Judge Robertson stated we had the Logan Antle Road bridge project that had been approved to proceed with at the last meeting. He stated he had some difficulty finding an engineer that could take on the project and submit for the water permits and bidding process. He went on to state he had gotten a proposal from Gary Grubs of EUDS Inc. which was on an hourly basis. Judge Robertson stated he needed the courts approval to move forward with the engineer to get the process started with obtaining the water permits and bid packet. Magistrate Garner made a motion for the Judge to proceed with the engineer and Magistrate Waddell seconded. The roll call was unanimous

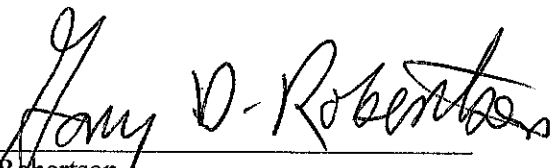
Judge Robertson stated we were planning on passing a resolution tonight for the roll-off truck for the recycle department but the Times Journal had failed to get the advertisement in the newspaper so we would have to hold off on that until the advertisement was published.

Judge Robertson stated we needed to transfer \$5,500.00 from the general fund to the grants fund for the open dump grant. Magistrate Garner made a motion to do the transfer with Magistrate Richardson seconding. The roll call was unanimous.

Judge Robertson stated the ABC report totals were up a little up for the month. He stated \$8,532.67 was collected for sales during the month of April and \$1,620.89 was paid to the City of Jamestown for their share of sales.

Judge Robertson asked if anyone had anything else. Magistrate Garner stated there had been some discussion during the road committee meeting and he wanted to make the recommendation to move the two part-time road workers, Tyler York who had obtained his CDL permit and Jimmy Faller who was studying to take the CDL permit to full time positions once they obtained their CDL license. This move is contingent on them passing the road test and them getting their CDL license. Magistrate Garner recommended this in the form of a motion and Magistrate Richardson seconded. The roll call was unanimous.

**ADJOURN:** Magistrate Richardson made a motion to adjourn with Magistrate Johnson seconding. All was in favor. The meeting adjourned at 7:16 p.m.

  
\_\_\_\_\_  
Gary Robertson  
County Judge Executive

  
\_\_\_\_\_  
Kim Fenske  
County Treasurer