

**RUSSELL COUNTY FISCAL COURT  
REGULAR MEETING  
MONDAY APRIL 12, 2021  
5:30 P.M.**

The Russell County Fiscal Court held their regular monthly meeting on Monday April 12, 2021 at 5:30 p.m. 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 those present and led everyone in the pledge followed by a prayer by Jailer Dunbar.

**MINUTES:** Judge Robertson presented the minutes from the March 8, 2021 regular meeting. Magistrate Johnson made a motion to approve the minutes with Magistrate Garner 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 Waddell seconding. The roll call was unanimous.

**DETENTION CENTER REPORT:** Jailer Dunbar read the jail report as follows: Refund Dec ADP Pay \$182.28; Prescription Co-pay \$408.47; Nurse Visits \$134.12; HB 452 (2 checks) \$401.04; DUI Fees \$395.01; State Inmate Housing \$52,463.16; Social Security \$600.00; HB 413 \$1,182.76; Traffic School \$109.20; Clinton County Inmate Housing (2 checks) \$4,530.46; Old Bills \$21.50; Booking Fees \$863.74; Vending Commission \$19.69; Phone Commission \$3,823.18; Conference Refund \$225.00; Per Diem \$2,478.44; Interest \$71.11 for a total income of \$67,909.16. The expenses were \$148,338.50 which makes a difference of income and expenses (\$80,429.34). The average inmates for the month was 112. There was 8½ hours overtime. As of today there are 60 state inmates, 7 from Clinton County and 44 from Russell County for a total of 111 inmates. Magistrate Holt made a motion to accept the detention center report with Magistrate Waddell seconding. The roll call was unanimous.

**SHERIFF'S REPORT:** Sheriff Polston provided his report for the month of March. He stated there were 589 calls for service; 34 arrests; 6 mental health transports; 30 Criminal Summons; 134 court paper served; 1611 court security transport miles; and 36 vehicle inspections. He stated his office collected \$193,012.00 tax bills from March 1 through March 31<sup>st</sup>. Magistrate Garner made a motion to accept the report with Magistrate Richardson seconding. The roll call was unanimous.

Sheriff Polston also presented his 2021 amended budget. He stated the change was in receipts and where they received money through the CARES grant. Magistrate Garner made a motion to accept the amended budget with Magistrate Johnson seconding. The roll call was unanimous.

**TREASURER'S MONTHLY & QUARTERLY SETTLEMENT REPORT & PRE-APPROVED MONTHLY AE TRANSFERS:** Treasurer Fenske read the totals of each fund: General \$1,647,458.07; Road \$537,380.06; Jail \$632,308.76; LGEA \$6,186.84; ASAP 137,587.08; Grants \$0; Emergency Shelter \$1,650.19; Tourism \$5,809.74; Dispatch \$88,054.15; Airport \$78,643.35; Airport Project \$2,425.21; DFC \$12,101.21; Airport Board \$67,009.36; Airport Terminal \$0.00; ABC \$53,044.05 for a total of \$3,269,658.07. Treasurer Fenske stated all accounts were reconciled and in balance and the quarterly reports had been uploaded to DLG. She stated the pre-approved monthly AE transfers were also included in the packet. Magistrate Garner made a motion to approve the monthly and quarterly settlement reports and accept the pre-approved AE transfers with Magistrate Waddell seconding. The roll call was unanimous.

**RC CHAMBER – STEPHEN HILL:** Mr. Hill came before the court to invite them to the Bass Master's Fishing Tournament which will be held April 30<sup>th</sup> through May 2<sup>nd</sup>. He stated the tournament will host both college teams as well as high school teams throughout the country and it would be a great opportunity to showcase our county and put Lake Cumberland on the map.

**TRANSFER \$7,500.00 FROM GENERAL TO AIRPORT GENERAL AS BUDGETED:** Judge Robertson stated we needed to transfer \$7,500.00 from the General fund to the Airport General fund as budgeted. Treasurer Fenske added the budget was for a total of \$15,000.00 to transfer and we split the amount in half to do in at two separate times during the

fiscal year due to having a lower cash flow in the general fund back in July. Magistrate Richardson made a motion to do the transfer with Magistrate Johnson seconding. The roll call was unanimous.

**TRANSFER \$7,500.00 FROM AIRPORT GENERAL TO AIRPORT PROJECT FOR TAXIWAY DESIGN:**

Judge Robertson stated we needed to transfer \$7,500.00 from the Airport General fund to the Airport Project fund. Treasurer Fenske added this was to cover the local match share for the Taxiway grant. Magistrate Garner made a motion to transfer the funds with Magistrate Richardson seconding. The roll call was unanimous.

**TRANSFER \$167,559.00 FROM GENERAL TO JAIL AS BUDGETED:** Judge Robertson stated we needed to transfer \$167,559.00 from the General fund to the Jail fund as budgeted. Magistrate Holt made a motion to do the transfer with Magistrate Waddell seconding. The roll call was unanimous.

**2<sup>nd</sup> READING ORDINANCE 21-02 BUDGET AMENDMENT:** Treasurer Fenske read the ordinance which was for unbudgeted receipts. Magistrate Waddell made a motion to accept the budget amendment with Magistrate Holt seconding. The roll call was unanimous.

**RESOLUTION 21-02 SOLAR FARM PROJECT:** Judge Robertson stated Mr. Solomon (Solly) Van Meter had come to the court meeting regarding the Solar Farm Project. Mr. Van Meter represented the Carolina Solar Project. County Attorney Shearer stated he and the judge had several meetings regarding the solar project over the course of the past year with Mr. Van Meter and his associates and he feels the parties have all come to an agreement on terms of the project. He went over some of the information in the resolution and stated that by signing the resolution the county would not be liable for any costs associated with the project nor would the industrial revenue bonds impact the credit of the county in any way. Judge Robertson read an email to the court from Mr. Van Meter regarding the project and how it truly was a win win situation for all involved. Judge Robertson recommended to the court to approve the resolution. Magistrate Garner made a motion to sign the resolution with Magistrate Richardson seconding. The roll call was unanimous.

**RESOLUTION 21-03 COUNTY ROAD AID MUTUAL AGREEMENT WITH KY TRANSPORTATION:** Judge Robertson stated we had received the CRA Mutual Agreement from the state Transportation Cabinet for us to sign in order to get the CRA funding. He state we need to pass Resolution 21-03 which allowed him to sign the agreement. Treasurer Fenske read the resolution. Magistrate Garner made a motion to adopt the resolution with Magistrate Holt seconding. The roll call was unanimous.

**RURAL SECONDARY ROAD RECOMMENDATIONS – KYTC DISTRICT 8 FOR FY 21-22:** Judge Robertson stated we had received the recommendations from State Hwy District 8. He stated normally they come in person but did not this year. He stated this year's recommendations were KY 619-Bernard Ridge Road from MP 12.271 County View Road to MP 13.785 Existing joint north of McQueary Road for a total of 1.514 miles of asphalt resurfacing; KY 1545-Bottoms Road from MP 0.000 KY 80 to MP1.308 Edmonds Road for a total of 1.308 miles of asphalt resurfacing; KY 3277 from MP 0.0000 beginning of state maintenanc to MP 1.587 existing joint west of Shawnee Trail for a total of 1.587 miles of asphalt resurfacing. Total miles to be resurfaced is 4.409. He also stated the total flex funds available to the county for FY 21-22 were \$206,049. Magistrate Waddell made a motion to approve the road recommendations with Magistrate Richardson seconding. The roll call was unanimous.

**RESOLUTION 21-01 KY OFFICE OF HOMELAND SECURITY GRANTS:** Judge Robertson stated we had another resolution from the KY office of homeland security. Treasurer Fenske explained this was required as part of the grant application process and Susan Melton of the Sheriff's office was applying for a K9-Vehicle grant and an Armored Tactical Vehicle grant on the Sheriff's behalf. Judge Robertson asked by signing the resolution we were just giving the approval to apply for the grants, to which Treasurer Fenske answered yes. Magistrate Garner made a motion to sign the resolution with Magistrate Richardson seconding. The roll call was unanimous.

**ACCEPT REVERSE SALT AUCTION BID:** Judge Robertson stated we had participated in the KACo reverse salt auction and we had the bids. Treasurer Fenske stated we had bids from 5 vendors and the lowest bid was from Morton Salt, Inc. at \$111.00 per ton delivered. The question was asked if this was the same vendor we had before which it was not. It was also asked if the purchase clause was included this year regarding the 65/35 of projected tonnage requested to which Treasurer Fenske responded it was not. The amount projected to be needed was 500 tons. Magistrate Garner made a motion to accept the bid from Morton Salt, Inc. with Magistrate Richardson seconding. The roll call was unanimous.

**ETHICS BOARD APPOINTMENT:** Judge Robertson stated he had appointed Mr. Michael Foley on the Ethics Board last month to begin another term beginning 4/13/21 but Mr. Foley had contacted the Board Chair Eric West and resigned his position. Judge Robertson stated he had received the recommendation from the County Attorney's office to appoint Mr. Aaron Poynter to fill the appointment beginning 4/13/21 through 4/12/25. He thanked Mr. Foley for his past service as well. Magistrate Garner made a motion to accept the recommendation of the appointment with Magistrate Richardson seconding. The roll call was unanimous.

**AIRPORT BOARD APPOINTMENT:** Judge Robertson stated he had received the resignation of airport board member Mr. Gary McClure and he needed to appoint someone to fill his term. He recommended Mr. Chad Gossler to the airport board to fill the remainder of Mr. McClure's term which will end on 12/31/22. Judge Robertson thanked Mr. McClure for his service to the board. Magistrate Johnson made a motion to accept the judge's recommendation with Magistrate Richardson seconding. The roll call was unanimous.

**PAY RCIDA AS BUDGETED:** Judge Robertson explained we pay the Russell County Industrial Development Authority every year a specified amount which is \$5,000.00. This is a budgeted item on the current fiscal year and we need to get approval from the court to cut the check. Magistrate Garner made a motion to pay the RCIDA the budgeted amount with Magistrate Waddell seconding. The roll call was unanimous.

**SET UP NEW BANK ACCOUNT FOR THE AMERICAN RESCUE PLAN ACT FUNDING:** Judge Robertson stated we needed to open a new checking account at First National Bank for the American Rescue Act money to be deposited. He stated the recommendation had been made at last week's KCJEA/KMA conference. He stated the county was allocated approximately 3.5 million dollars with 50% of the funds to come within the next few weeks and the other 50% next year. He stated we are still waiting on guidance on how the funds can be spent. There was a lot of discussion on what falls under the definition of infrastructure and how these funds can be used, such as road resurfacing, equipment, etc. but at this time Judge Robertson stated we were still waiting on guidance. Magistrate Garner made a motion to open the account with Magistrate Waddell seconding. The roll call was unanimous.

**1<sup>st</sup> READING ORDINANCE 21-03 BUDGET FOR FY 2021-2022 & RECURRING EXPENSES:** Judge Robertson stated before we got into the first reading of the budget we needed to talk about the purchase of the vehicles discussed at last month's meeting. Judge Robertson said he had contacted Ag Co Company regarding a Massey Ferguson tractor but the guy had never called him back so he didn't have a quote for that. He said he started out with a 50/90 horse with a Tiger 18' boom arm, state contract price of about \$108,000.00 through Wright Implement but he was told it would be 5 or 6 months before we could get it. So then he went straight to the Tiger dealer that sells the side arm and they have a few tractors in stock that are state contract price and they quoted \$116,495.20 for both mower and tractor. The tractor is a 100 horse John Deere 5100 series and he was told he could get this pretty quickly if we moved on it now. He stated those were the only quotes he got. Magistrate Garner made a motion to go with the state contract and buy the tractor and mower. Treasurer Fenske stated there was \$100,000.00 in the current budget to purchase equipment. Magistrate Johnson seconded the motion. The roll call was unanimous. Judge Robertson went on and stated he had checked on the bigger dump truck that was brought up at last month's meeting. He stated he had put a call in to Scott Pekar of Worldwide Equipment who had given him a "ballpark" cost of the truck at \$98,000, salter and plow about \$16,000 so total about \$114,000.00 but he hadn't gotten all the details worked out with KACo and he hadn't gotten back to him on it yet. He went on to state he had found two different places for the 1 ton trucks. The first was Bachman Chevrolet, 6.6 litre gas motor was \$34,300 and you can get a dump bed to go on them for about \$12,000 and then the plow and salter he stated he had found a place locally to get those from installed for about \$13,000. He stated total for all is about \$58,600 per truck for the Chevrolets and they weren't sure when they would be in stock. He stated he has another price from Don Franklin in Somerset for Dodge 3500 ton trucks, 4 wheel drive, gas motor, dump bed dims were 9' with 16" side boards and the beds hold 8.7 tons. The cost for these was \$42,669 for the truck with the dump bed and then if you add the \$13,000 for the plow and salt spreader you are at about \$55,669 per truck and these trucks would be more readily available. The question was raised if these were dual wheeled but the judge was not certain if they were or not. After looking over the spec sheet it was found the trucks were dual wheeled. Magistrate Waddell made a motion to buy the Dodge trucks with plows and salt spreaders and Magistrate Garner seconded. Judge Robertson asked how many they were talking about purchasing and the answer was two. He asked Treasurer Fenske if she felt the budget could handle the purchase of two which she replied she thought was doable but had concerns if they wanted to purchase more because the budget was extremely tight. She went on to state the road fund only gets funds from about 3 to 4 sources and that has to cover every expense in the fund. She also stated that in the past few years, the court had went over the \$300,000 that was budgeted for asphalt by sometimes more than a million dollars and it's caused some shortfalls. She stated we had to transfer funds

from the general fund for the last two years just to cover the budget and with costs across the board rising, the surplus in the general fund would eventually run out.

Discussion continued on about how the budget works and costs associated with the budget. Magistrate Garner asked the specific question "Did the county get any covid money", to which Treasurer Fenske replied yes. Magistrate Johnson stated he knew the jail and sheriff got money but he wanted to know how much money went into the general fund and where did that money go? Treasurer Fenske stated there was \$580,000 the general fund didn't have to supplement to the jail fund because of the covid money but the general fund carryover budget was \$600,000 short going into this current fiscal year and the \$580,000 helped to cover that shortfall. She stated she hoped this year we would be in a better position going into the beginning of a new fiscal year. She reminded the court that in the beginning of this fiscal year we weren't able to transfer the normal amounts to the other funds because we had a cash shortfall, so therefore we transferred lower amounts. Magistrate Richardson asked if the money that was transferred came through the court or did we just distribute it? Treasurer Fenske stated all the funds came into the grants account and then the court voted to make the appropriate transfers. She stated the money received from the CARES act was all salaries from the sheriff, his deputies and the jail staff and deputies for six months. She went on to state DLG required the funds to be distributed back to the entities from which the costs were submitted. She went on to state the Sheriff's office received funds as well as the Jail. She also explained that because the jail fund received the extra money from the CARES act, the general fund didn't have to supplement the fund the amount that was budgeted which helped the general fund because we started at a \$600,000 deficit. Magistrate Johnson asked what would have happened if we hadn't gotten the CARES money to which the judge and treasurer replied we would have been in a heap of trouble. Judge Robertson stated we would have had to talk about raising the occupational tax and or property tax and we would have had to cut services and lay off staff like we did 10 years ago. Magistrate Richardson wanted to know what the clerk's office got because this was new information to him. Magistrate Garner wanted to know if everything was based on salaries to which Treasurer Fenske replied yes. She also stated funds were given to the ambulance board to cover their first responder's salaries. She went on to state that all county entities had submitted invoices to her for their covid expenses but because DLG had requested we submit all salary as covid expenses the money received had to go to those entities. Therefore, the money in the general fund had to cover all the expenses submitted by the other county entities. She stated the clerk received \$28,105.00 for their expenses, the county attorney received \$703.41 for their expenses, the ambulance board received \$87,965.67 for their expenses and the sheriff's office received \$193,767.75 for their expenses. Magistrate Garner wanted to know if the fiscal court should have voted or decided how the money was distributed and Judge Robertson and Treasurer Fenske answered that no because DLG was the entity that dictated how the funds would be dispersed. Treasurer Fenske said the other county entities submitted invoices that were paid from the general fund and that in paying the other entities she felt the court was being good community partners. Judge Robertson added that if we would have given the money to the Sheriff's office in December instead of January, they would have had to turn that back into the county for excess fees but we were trying to be good partners and didn't do that. Magistrate Richardson asked about the new money coming in and who would be handling that. Judge Robertson answered DLG is not overseeing these funds and Treasurer Fenske added the funds were being distributed by the US Treasury and no guidance had been presented yet on how the funds would be allocated or could be spent. Magistrate Garner again stated he didn't know how much CARES money we got or who got what and it was just a question we had about why we didn't know where it went or who got it.

Judge Robertson stated so we are at 2 trucks and Treasurer Fenske stated yes, and she wasn't sure where she would come up with the money for them but she would take a closer look at the budget and see what she could come up with. Judge Robertson stated we had a motion on the floor to purchase the two trucks with equipment. The roll call was unanimous. Magistrate Garner asked again about purchasing the big dump trucks and Judge Robertson stated Scott Pekar hadn't gotten back to him on that yet. Magistrate Garner asked if we should put them out to bid or would a state contract be better pricing to which Judge Robertson replied that the state contract would be the cheapest. Magistrate Garner asked the judge if he thought he would have an answer by the next meeting to which the judge answered he hoped so because he was supposed to have gotten back to him before tonight's meeting.

There was more discussion on the purchase of the new tractor and possibly purchasing another bush hog for the tractor we already have along with the existing boom mower but most felt what we had was adequate at this time. Magistrate Garner also wanted to know about how the recycle center was running. He stated at last month's meeting Treasurer Fenske had told him the cardboard guy was behind on paying for cardboard that had been picked up. He asked how much was cardboard bringing per ton to which Treasurer Fenske stated she didn't know because all she received was a receipt for pick up and then a check in the mail to match to the receipt. HM interjected that the recycling company furnished a trailer and it was placed at the recycle center and then it would be loaded and when it was filled the recycle company would

come and pick it up and leave an empty trailer. He stated there were two companies that were currently picking up which were Walker Recycling and Rumpke. He also stated that rates for cardboard fluctuated constantly and for the most parts rates had been low for quite some time. Magistrate Garner stated he and Magistrate Johnson had gone to Pulaski County and toured their recycling facility and had spoken with the director Danny Mastin. He went on to state they had been told they have not had problems selling their cardboard and they were getting upwards of \$100 per ton for their cardboard. Magistrate Johnson added Mr. Mastin had stated earlier they had been getting \$140 per ton for it but the price had come back down. Judge Robertson asked who they were selling it to. Magistrate Johnson stated Rockcastle County had entered into an agreement with Pulaski County to take their recycling and pay Pulaski County 30% leaving Rockcastle County the remaining 70% and Pulaski County would be happy to work with Russell County in a similar set up. Magistrate Garner continued to state his frustration with the county's current situation at the recycle center. Judge Robertson commended the Magistrates on doing such a good job in looking into this situation and appointed both Magistrate Garner and Magistrate Johnson to head up the Recycle Committee and pursuing the inter-county relationship forward.

Judge Robertson stated we still needed to do the first reading on Ordinance 21-03 which was for the FY 21-22 Budget and Recurring expenses. Treasurer Fenske stated the committee had reviewed the budget and the proposed budget totals were General \$3,501,386.00; Road \$1,610,353.00; Detention Center \$2,491,281.00; LGEA \$11,774.00; ASAP \$147,720.00; Grants \$117,500.00; Emergency Shelter 6,506.00; Tourism \$147,700.00; 911 Dispatch \$521,972.00; Airport General \$194,077.00; Airport Project \$867,698.00; DFC \$12,102.00; Airport Board \$87,112.00; Airport Terminal \$449,892.00; ABC \$152,430.00 for a total of all budget funds of \$10,319,503.00. Judge Robertson stated the 21-22 budget had decreased from the current year budget. He also stated this was the first reading and no vote was necessary tonight but if the budget was acceptable with everyone we would have the 2<sup>nd</sup> reading at the regular meeting in May.

County Attorney Shearer recommended the court to go into Executive Session to discuss personnel matters per KRS 61.810 1(f). Magistrate Garner made a motion to go into executive session and Magistrate Waddell seconded the motion. The roll call was unanimous.

Judge Robertson stated we needed a motion to come out of executive session. Magistrate Richardson made a motion to come out of executive session with Magistrate Garner seconding. The roll call was unanimous. Judge Robertson stated there was no action taken.

#### **OTHER BUSINESS:**

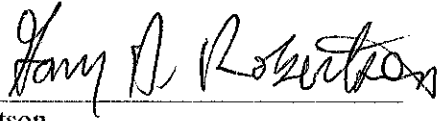
Judge Robertson stated Clerk Sue Brockman had provided the court her amended budget for 2021. Treasurer Fenske explained there was no change to the overall numbers from the budget but the clerk had found one line item had been inadvertently omitted on the previous submitted copy to the court so this was to correct that. Magistrate Garner made a motion to approve the clerk's amended budget with Magistrate Richardson seconding. The roll call was unanimous.

Judge Robertson stated the alcohol sales were still down a bit from last month. He stated we collected about \$5,853.88 for the month of February sales which were collected in March. He stated out of that amount the county paid \$820.19 to the City of Jamestown for their share of the sales.

Judge Robertson stated we were having a Free Dump Day on Tuesday, April 20, 2021 from 8:00 to 5:00 and no tires and it was open to Russell County residents only.

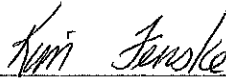
Magistrate Garner stated we had given Jimmy Faller a try at the road department back last year and the deal was when we hired him it was under the conditions he get his CDL which he failed to do. Magistrate Garner continued and said he would like the court to bring him back to work under the condition he get his CDL within 3 months and his hiring be considered temporary and contingent upon his obtaining his CDL within that 3 month period which would end on July 12, 2021. If at that time he has not obtained his CDL then he would be let go. Magistrate Garner made the motion to reinstate Jimmy Faller under the conditions he obtain his CDL by July 12, 2021. Magistrate Waddell seconded the motion. The roll call was unanimous.

**ADJOURN:** With nothing further to discuss, Magistrate Richardson made a motion to adjourn with Magistrate Holt seconding. All was in favor. The meeting adjourned at 7:20 p.m.



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Gary Robertson  
County Judge Executive



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Kim Fenske  
County Treasurer & Fiscal Court Clerk