

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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FEB 20 2018

PUBLIC SERVICE
COMMISSION

In the Matter of:

JONATHAN CREEK WATER DISTRICT)
AND ITS INDIVIDUAL COMMISSIONERS,)
JIMMY TUBBS, BARRY HILL, JOSH)
MEDLEY, MARK HOLT, AND KARA)
WILSON)
_____)
)
ALLEGED FAILURE TO COMPLY WITH)
KRS 278.300)

CASE NO.
2017-00469

WITNESS AND EXHIBIT LIST

Pursuant to the Order entered herein on January 11, 2018, Jonathan Creek Water District, Jimmie Tubbs, Barry Hill, Josh Medley, Mark Holt and Kara Wilson state that they may call the following witnesses and may introduce the following exhibits at the hearing scheduled herein for February 27, 2018:

1. Witnesses

- a. David Lovett
Superintendent, Jonathan Creek Water District
- b. Jimmie Tubbs
Commissioner, Jonathan Creek Water District
- c. Barry Hill
Former Commissioner, Jonathan Creek Water District
- d. Josh Medley
Commissioner, Jonathan Creek Water District
- e. Mark Holt
Former Commissioner, Jonathan Creek Water District
- f. Kara Wilson
Commissioner, Jonathan Creek Water District

- g. Christopher Burnett
Accountant for Jonathan Creek Water District

2. Exhibits

- a. Jonathan Creek Water District Board of Commissioners Minutes (April 26, 2016);
- b. Marshall County Fiscal Court Minutes (June 21, 2016); and
- c. Marshall County Fiscal Court Minutes (February 7, 2017).

Said Respondents reserve the right to introduce additional exhibits if good cause requires such introduction.

DATED this 19th day of February, 2018.

Respectfully submitted,



MARTIN W. JOHNSON
KIP C. MATHIS
JOHNSON & MATHIS
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P. O. Box 450
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*Counsel for Respondents
Jonathan Creek Water District, Jimmie Tubbs,
Barry Hill, Josh Medley, Mark Holt and
Kara Wilson*

CERTIFICATE OF MAILING

I hereby certify that the original copy of the foregoing, ten (10) copies of same, and six (6) copies of the exhibits to be presented at the February 27, 2018 hearing were sent to the following by overnight delivery on this 19th day of February, 2018:

Gwen R. Pinson, Executive Director
Kentucky Public Service Commission
211 Sower Blvd.
Frankfort, KY 40602-0615



MARTIN W. JOHNSON
KIP C. MATHIS

**JONATHAN CREEK WATER DISTRICT
BOARD OF COMMISSIONERS MEETING
REGULAR SESSION
April 26, 2016**

RECEIVED

FEB 20 2018

PUBLIC SERVICE
COMMISSION

The Jonathan Creek Water District Board of Commissioners met in regular session on Tuesday, April 26, 2016 at the Jonathan Creek Water District Office, 7564 U.S. HWY 68 East, Benton, Kentucky.

BOARD MEMBERS PRESENT: Barry Hill, Mark Holt, Leon Lovett, and Jimmie Tubbs. Chairman Larry Conner presided.

ATTENDANCE: Superintendent David Lovett, Jinner Lovett, Jada Harrison, Larry Gipson, Jim Dossett and Beth Hull.

I. CALL TO ORDER

A. Chairman Larry Conner called the meeting to order at 5:30pm.

II. GUESTS

A. Beth Hull

Regarding the situation for which she was hired and not wanting to be the office manager.

III. APPROVAL OF THE MINUTES & FINANCIAL REPORT

A. A motion was made by Barry Hill and seconded by Mark Holt to approve the minutes of the March 22, 2016 meeting and the special meeting of March 30 and April 7th. All voted aye. Motion carried.

B. A motion was made by Jimmie Tubbs and seconded by Larry Connor to approve the financial report. All voted aye. Motion carried.

IV. SUPERINTENDENT'S REPORT

A. Superintendent update

a. Waiting for Reed tank final inspection before we put water in it.

b. Jack Tres line is laid put water in it. Waiting for samples to come back.

c. .

V. OLD BUSINESS

A. Leon Lovett asked about the progress of the well cleaning. David Lovett said the pump was bad And five pieces of the pipe had holes. They are taking it back to St. Louis and sand blasting to checkout how much is bad and how much is good. They will let us know and how much. Barry wants David to check on price of new pump.

B. Barry Hill asked David Lovett about trencher prices. Appox 8000.00

VI. NEW BUSINESS

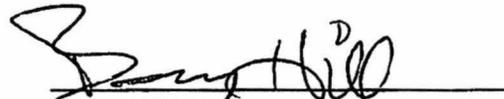
- A. Bank draw down loan. Talked about raising to \$600,00.00, Also the loan would be signed by Larry Conner, Barry Hill and David Lovett. Motion made by Mark Holt seconded by Jimmie Tubbs. All voted aye. Motion carried.
- B. Talked about maybe changing the pay period and time cards and rules.
- C. Discussed the Reed tank invoice part 1 57,000.00 and part 2 153,000.00
To pay 57,000.00 the remainder to be paid after inspection approval.
Motion made by Jimmie Tubbs seconded by Mark Holt. All voted aye. Motion carried.

6:25 to 7:30 went into executive session.

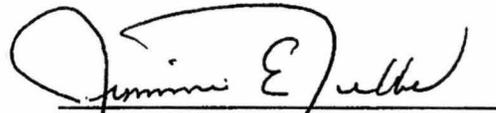
After session the motion was made to authorize Larry Conner to sign and execute the Agreement with Christina Mathis. Motion made by Barry Hill and seconded by Jimmie Tubbs. All voted aye. Motion carried.

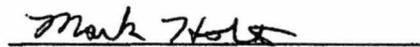
Recorded and transcribed by:
Beth Hull

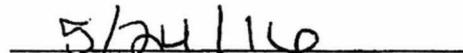

Larry Conner, Chairman


Barry Hill, Treasurer


Leon Lovett, Vice Chairman


Jimmie Tubbs, Secretary


Mark Holt, Member


Date Signed

Marshall County Fiscal Court
June 21, 2016

The Marshall County Fiscal Court met in regular session on Tuesday, June 21, 2016 in the Fiscal Courtroom, Marshall County Courthouse, Benton, Kentucky. Elected Commissioners: Bob Gold, Dr. Rick Cocke, and Johnny Bowlin; County Attorney Jeff Edwards and Assistant County Attorney Jason Darnall were present. Kevin Neal, County Judge/Executive presided.

I. GUESTS:

A. ABC Administrator Scott Brown presented his quarterly report.

II. CORRESPONDENCE:

A. Judge Neal presented an ad for The Lake News Ameribration celebration, the cost of the ad is \$819.00. A motion was made by Com. Cocke and seconded by Com. Gold to place the Ameribration ad in The Lake News. All voted aye. Motion carried.

III. OLD BUSINESS:

A. A motion was made by Com. Cocke and seconded by Com. Gold to approve the minutes of the June 7th meeting. All voted aye. Motion carried.

B. The County Road Aid Cooperative Program Agreement and Resolution was presented. A motion was made by Com. Bowlin and seconded by Com. Gold for Judge Neal to sign the agreement. All voted aye. Motion carried. A motion was made by Com. Cocke and seconded by Com. Gold for Judge Neal to sign the Resolution. All voted aye. Motion carried.

C. After discussion regarding fire protection and maintenance bids a motion was made by Com. Gold and seconded by Com. Cocke to accept the bid from FirstLine Fire Extinguisher Co., Paducah, KY. All voted aye. Motion carried.

After discussion regarding random and post accident drug screens a motion was made by Com. Cocke and seconded by Com. Gold to accept the bid from Ensite, LLC, Paducah, KY. All voted aye. Motion carried.

IV. NEW BUSINESS:

A. A motion was made by Com. Gold and seconded by Com. Bowlin to approve the building inspector agreement with the change of mileage to reflect the GSA POV mileage rate. All voted aye. Motion carried.

B. Judge Neal read a summary of Ordinance #2016-06 Administration Code, 2nd reading. A motion was made by Com. Cocke and seconded by Com. Bowlin to accept and approve the ordinance as presented. All voted aye. Motion carried.

C. After discussion, a motion was made by Com. Bowlin and seconded by Com. Cocke to reappoint Donald Kilby to the Palma Briensburg Fire Department Board. All voted aye. Motion carried.

D. A motion was made by Com. Cocke and seconded by Com. Gold to appoint Judy Price and Mikel Green to fill the positions of Aundrea Fralicx and Amanda Holley who are both resigning effective June 30, 2016 to the West Marshall Fire District Board. All voted aye. Motion carried.

A motion was made by Com. Cocke and seconded by Com. Bowlin to reappoint Rhonda Henson to the West Marshall Fire District Board whose term expires June 30, 2016. All voted aye. Motion carried.

E. A motion was made by Com. Bowlin and seconded by Com. Gold to appoint Brett Edwards to the East Marshall Fire Department Board effective July 1, 2016. All voted aye. Motion carried.

F. A motion was made by Com. Cocke and seconded by Com. Bowlin to change the Fiscal Court bank account signees to Treasurer Emily Martin, Judge/Executive Kevin Neal and Deputy Judge Brad Warning. All voted aye. Motion carried.

G. A motion was made by Judge Neal and seconded by Com. Cocke to appoint Josh Medley to the Jonathan Creek Water District Board to replace Larry Conners. Com. Cocke and Com. Bowlin voted aye. Com. Gold voted no. Motion carried.

H. Judge Neal stated the committee that conducted interviews for the Road Department open positions recommended Wendy Greer to take the place of Russell York and Roy Wadkins to take the place of Frankie Sledd, both effective July 1, 2016. A motion was made by Com. Cocke and seconded by Com. Gold to approve those recommendations. All voted aye. Motion carried.

I. A motion was made by Com. Gold and seconded by Com. Bowlin to approve payment of the bills. All voted aye. Motion carried.

J. A motion was made by Com. Gold and seconded by Com. Bowlin to go in to Executive Session to discuss personnel at Fairdealing-Olive Fire Department. All voted aye. Motion carried.

K. Judge Neal called court back to order.

L. The July 12th Fiscal Court meeting was rescheduled to July 11th at 9:30 a.m.

M. A motion was made by Com. Gold and seconded by Com. Cocke to adjourn. All voted aye. Motion carried.

Respectfully submitted by,

Desiree' Hermosillo
Fiscal Court Clerk

Marshall County Fiscal Court
February 7, 2017

The Marshall County Fiscal Court met in regular session on Tuesday, February 7, 2017 in the Fiscal Courtroom, Marshall County Courthouse, Benton, Kentucky. Elected Commissioners: Dr. Rick Cocks, Bob Gold and Johnny Bowlin; County Attorney Jeff Edwards and Assistant County Attorney Dennis Foust were present. Kevin Neal, County Judge/Executive presided.

I. GUESTS:

A. Tim York, Marshall County Clerk, presented the Clerk's 2016 Financial Settlement, excess fees paid to Marshall County Fiscal Court totaled \$274,787.62. A motion as made by Com. Cocks and seconded by Com. Gold to accept the Clerk's 2016 Financial Settlement subject to audit. All voted aye. Motion carried.

B. Scott Brown, ABC Administrator, presented his Quarterly Report. Mr. Brown stated this was a short quarter and the total monies received was \$72,852.63.

C. Casey Madole with Friends of Clarks River gave a presentation on a wildlife festival stating they would like to partner with the Wildlife Refuge and Marshall County in order to put on the festival. Ms. Madole stated Marshall County's part would be an in kind contribution consisting of hosting the festival at Mike Miller Park and providing employees to assist festival workers. A motion was made by Com. Bowlin and seconded by Com. Gold to allow Marshall County to be involved with the festival. All voted aye. Motion carried.

II. CORRESPONDENCE:

A. Judge Neal read a letter regarding the 2016-17 Waste Tire Grant completion.

B. Judge Neal read a letter from 911 Board Chairman Bryan Cutsinger regarding possible funding options for 911.

III. OLD BUSINESS:

A. A motion was made by Com. Bowlin and seconded by Com. Gold to approve the minutes of the January 17th meeting. All voted aye. Motion carried.

B. Emergency Management Director Curt Curtner gave an update on FEMA reimbursements from the July flooding.

C. Shawn Miller with DLZ Engineering presented a cost estimate to replace the bridge on Shar Cal Road. The final cost of the bridge is estimated at \$652,500.00. A motion was made by Com. Cocks and seconded by Com. Bowlin to move forward with DLZ Engineering to get the new bridge in place. All voted aye. Motion carried.

D. Deputy Judge Executive Brad Warning read the county uniform bid advertisement published in the January 24th and January 31st editions of the Tribune Courier. Three bids were received. There was question on one of the bids that came in late but was sent overnight by UPS. After discussion with County Attorney Jeff Edwards it was decided the late bid needed to be looked into, if the bidder can prove it was supposed to arrive before the deadline the bid will qualify. This item was tabled for further review until the next meeting.

E. The ambulance contract with Marshall County Hospital was discussed. Jeremy Jeffery Executive Director of Mercy Regional Ambulance in Paducah spoke about managing their ambulance service and answered questions regarding transitioning taking over an ambulance service.

IV. NEW BUSINESS:

A. A motion was made by Com. Gold and seconded by Com. Bowlin to appoint Kara Wilson to the Jonathan Creek Water District Board. All voted aye. Motion carried.

B. A motion was made by Com. Gold and seconded by Com. Bowlin to approve the non-constitution elected officials new salaries. All voted aye. Motion carried.

C. There was discussion on delaying Fiscal Court Employee's payday by one week to prevent estimations of employees times worked. All three commissioners requested employee feedback on the issue before taking any action.

D. Mandatory direct deposit was discussed. All three commissioners requested employee feedback on the issue before taking any action.

E. A motion was made by Com. Gold and seconded by Com. Bowlin to accept the Marshall County District Cooperative Extension Board Audited Financial Statements June 30, 2016. All voted aye. Motion carried.

F. A motion was made by Com Bowlin and seconded by Com. Cocke to accept the 2016 Marshall County Sheriff Fee Settlement. All voted aye. Motion carried.

G. The Sheriff's Department fuel line item was discussed. Treasurer Emily Martin stated there were some funds that could be moved to that line item. A motion was made by Com. Gold and seconded by Com. Bowlin to approve distributing those funds as Treasurer Emily Martin and Sheriff Byars see fit. All voted aye. Motion carried.

H. Treasurer Emily Martin requested an Intrafund Transfer moving \$260,939.49 from the General Fund to the Road Fund (Bank ONLY – FEMA DR4278). A motion was made by Com. Gold and seconded by Com. Bowlin to approve the transfer. All voted aye. Motion carried.

I. A motion was made by Com. Gold and seconded by Com. Cocke to approve the Appropriation Transfer. All voted aye. Motion carried.

J. A motion was made by Com. Bowlin and seconded by Com. Gold to approve payment of the bills. All voted aye. Motion carried.

K. A motion was made by Com. Gold and seconded by Com. Bowlin to go in to Executive Session to discuss personnel. All voted aye. Motion carried.

L. Jude Neal called court back to order.

M. A motion was made by Com. Cocke and seconded by Com. Bowlin to adjourn. All voted aye. Motion carried.

Respectfully submitted by,

Desiree' Hermosillo
Fiscal Court Clerk