



Marshall County Judge / Executive's Office

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Kentucky Public Service Commission
Gwendolyn Pinson, Executive Director
211 Sower Blvd.
Frankfort, KY 40601

RECEIVED

FEB 1 2 2018

**PUBLIC SERVICE
COMMISSION**

February 6, 2018

RE: Case #2018-00111: North Marshall Water District Board

Ms. Pinson,

On June 20, 2017, I, Kevin Neal, Marshall County Judge/Executive, recommended to Marshall County Fiscal Court that Dean McCoy and Tim Watkins be appointed to the North Marshall Water District Board to replace Kenneth Shadowen and Bill Driskill whose terms would expire June 30, 2017. I called for a vote on the recommendations of the appointments, and after a short discussion, I again called several times for a vote and each Commissioner sat silent, neither voting aye nor nay. Therefore, it is reflected in the minutes of the Marshall County Fiscal Court that no action was taken.

I communicated with Marshall County Attorney Jeff Edwards this same day to look into the vacancy per KRS 74.020 (9) (a) (b). Mr. Edwards reached out to Bobby Gifford, North Marshall Water District Superintendent and the Kentucky Public Service Commission (PSC) regarding the vacancy. He communicated with general counsel, David Spinard, at PSC. Mr. Edwards advised that PSC would be contacting my office after ninety (90) days and that I needed to wait until communication from PSC was received.



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Kenneth Shadown and Billy Driskill came to my office on September 6, 2017 and spoke with me as acting Board Members of North Marshall Water District. In that discussion I advised them their terms expired June 30th and they were not hold over positions. I communicated with County Attorney Jeff Edwards regarding Mr. Shadown and Mr. Driskill still serving as acting members of the North Marshall Water District Board. I asked Mr. Edwards to communicate with North Marshall Water District Superintendent Bobby Gifford regarding the matter. Tuesday, September 12, 2017, Mr. Edwards advised that Mr. Gifford was told by a private attorney, Damon Talley, who consults for KY Rural Water, that the board positions were hold over positions. Mr. Edwards also stated that Mr. Gifford had sent a letter dated September 7, 2017, to John Lyons the acting Executive Director at PSC regarding the vacant positions. At this time I was advised by counsel that PSC would notify my office regarding the vacancy per KRS 74.020 (4). On January 8, 2018, I reached out to Gwendolyn Pinson, Executive Director, at PSC and advised her of the vacancies at North Marshall Water District and that my office was waiting to hear from PSC. I forwarded to her the correspondence information regarding the matter. Ms. Pinson took action immediately, she copied our correspondence to general counsel and Jeb Pinney. Mr. Pinney contacted my office the same day regarding the vacancy. I appreciate the steadfast response from Executive Director Gwendolyn Pinson and Jeb Pinney and I look forward to resolving this vacancy as quickly as possible.

Sincerely,

Kevin Neal, Marshall County Judge/Executive

KN/dh



Kevin Neal [REDACTED]

NMWD

1 message

jeff.edwards [REDACTED]
To: Kevin Neal [REDACTED] >

Tue, Sep 12, 2017 at 2:25 PM

The person that told Bobby that the positions were holdover positions is Damon Talley, He is a private attorney who consults for Kentucky Rural Water.

Jeff

Sent from [Mail](#) for Windows 10

To all Water Districts

Kentucky law requires a Water District to inform the Public Service Commission when a vacancy occurs on the Water District's Board of Commissioners. Water Districts are also required to notify the Public Service Commission when an appointment has been made to fill a vacancy on the Water District's Board of Commissioners.

KRS 74.020 (9) (a) and (b) governs the notifications that a Water District must send to the Public Service Commission and provide that:

(a) Within thirty (30) days of the occurrence of a vacancy on its board of commissioners resulting from the expiration of a term or the death, resignation, or removal of the incumbent, a water district shall notify in writing the Public Service Commission of the existence of the vacancy. The notice shall include the name of the commissioner who last held the position and the date on which the unexpired term will end.

(b) Within thirty (30) days of the appointment of a commissioner and the appropriate fiscal court's approval of that appointment, a water district shall notify the Public Service Commission of the appointment. The notice shall include the appointed person's name and the date of the expiration of his or her term.

Please be advised of these statutory requirements and your obligation to provide written notices to the Public Service Commission. All notices should be addressed to Talina Mathews, Executive Director. Please also be advised that, pursuant to KRS 74.020(4) if a vacancy is not filled within 90 days of the vacancy occurring, the responsibility of filling the vacancy falls to the Public Service Commission.

If you have any questions or need additional information, please contact J.E.B. Pinney, Staff Attorney.

Return...

NORTH MARSHALL WATER DISTRICT

527-3208

FIRST NAME LAST NAME ADDRESS CITY, STATE, ZIP TERM HOME CELL

<u>FIRST NAME</u>	<u>LAST NAME</u>	<u>ADDRESS</u>	<u>CITY, STATE, ZIP</u>	<u>TERM</u>	<u>HOME</u>	<u>CELL</u>
James	Leonard	3544 US Hwy. 95	Benton, KY 42025	6/30/2018	527-2566	205-1009
Larry Joe	Draffen	212 Salyer Creek Road	Benton, KY 42025	6/30/2018	527-5010	252-4469
Kendra	Capps	P.O. Box 4, 388 Knottingham Drive	Gilbertsville, KY 42044	6/30/2019	362-7292	210-8888

updated 1/31/18

Marshall County Fiscal Court
June 20, 2017

The Marshall County Fiscal Court met in regular session on Friday, June 20, 2017 in the Fiscal Courtroom, Marshall County Courthouse, Benton, Kentucky. Elected Commissioners: Dr. Rick Cocke, Johnny Bowlin and Bob Gold; County Attorney Jeff Edwards were present. Kevin Neal, County Judge/Executive presided.

I. GUESTS:

A. Attorney Scott Bergthold, who specializes in drafting and defense of municipal adult business regulations, presented documents on regulating negative secondary effects of sexually oriented businesses. Mr. Bergthold gave the Fiscal Court Clerk documentation on regulating legislative secondary effects for the official record.

B. Attorney Zach Brien was present representing his client Ron Beshears. In April 2013 Mr. Beshears submitted a petition to have Lookout Lane changed to Beshears Lane, at that time the issue was tabled and no action was ever taken. Judge Neal stated because the petition was filed in April of an odd year, which Ordinance #05-03 requires, and no action was taken the issue was still open for court consideration. Mr. Brien presented signatures from all property owner on Lookout Lane and other roads that connect to Lookout Lane in favor of the name change. Mr. Brien stated the name change is to honor Mr. Beshears father who will turn 100 this year. A motion was made by Com. Bowlin and seconded by Com. Cocke to change the name of Lookout Lane to Beshears Lane. All voted aye. Motion carried.

II. CORRESPONDENCE:

A. Judge Neal read an email from The Lake News asking the court to purchase an ad for their Ameribration edition. A motion was made by Com. Cocke and seconded by Com. Gold to purchase a full page ad (\$859.32). All voted aye. Motion carried.

III. OLD BUSINESS:

A. A motion was made by Com. Gold and seconded by Com. Bowlin to approve the minutes of June 2nd, June 2nd budget workshop and June 19th budget workshop. All voted aye. Motion carried.

B. Treasurer Emily Martin read Ordinance #2017-02 Budget FY 17-18, 2nd Reading. A motion was made by Com. Gold and seconded by Com. Bowlin to approve Ordinance #2017-02 Budget FY 17-18. All voted aye. Motion carried.

C. County Attorney Jeff Edwards read Ordinance #2017-05 Administrative Code, 2nd Reading. Mr. Edwards read the proposed changes to the Administrative Code.

A motion was made by Com. Gold and seconded by Com. Bowlin to accept the amendment to Section 5.1, Exempt Employee. All voted aye. Motion carried.

A motion was made by Com. Cocke and seconded by Com. Gold to accept the amendment to Section 5.2 (6). All voted aye. Motion carried.

A motion was made by Com. Cocke and seconded by Com. Bowlin to accept the amendment to Section 5.24, Sick Leave (C) & (G). All voted aye. Motion carried.

After a lengthy discussion, Section 5.32 (A), Overtime/Compensation Time was amended to include sick and vacation time to count toward overtime. A motion was made by Com. Cocke and seconded by Com. Gold to approve the amendment. All voted aye. Motion carried.

A motion was made by Com. Gold and seconded by Com. Bowlin to accept the amendment to Section 5.33, County Vehicles (B). All voted aye. Motion carried.

After a very lengthy discussion, Section 5.51, Expense Reimbursements (3) was amended to read: Travel: The county offers a corporate rental program through Enterprise and county owned vehicles for travel. These methods are preferred. Department Heads and/or the Appointing Authority may offer to pay mileage at the Federal Government Rate to use a personal vehicle if it is deemed more cost effective. Alternatively, the employee may drive his/her own vehicle and receive mileage at the Federal rate for miles traveled. A motion was made by Com. Cocke and seconded by Com. Bowlin to accept the amendment. Com. Cocke voted aye, Com. Bowlin voted aye, Com. Gold voted aye, Judge Neal voted no. Motion carried.

D. Treasurer Emily Martin read Ordinance #2017-06 Budget Amendment, 2nd reading. A motion was made by Com. Gold and seconded by Com. Bowlin to approve Ordinance #2017-06 Budget Amendment. All voted aye. Motion carried.

E. Deputy Judge Brad Warning read the Coldwater Lane bridge decking Bid Advertisement published in the June 13th edition of the Tribune Courier. One bid was received from E&H Bridge in Bedford, IN, in the amount of \$19,990.00. Road Supervisor Roy Wadkins looked over the bid to make sure it met specifications. Mr. Wadkins stated the bid did meet specifications. A motion was made by Com. Gold and seconded by Com. Bowlin to accept the bid from E&H Bridge in the amount of \$19,990.00. All voted aye. Motion carried.

F. Deputy Judge Brad Warning read the Annual Bid Advertisement published in the May 23rd edition of the Tribune Courier. Bids were as follows:

Rock Bid

Vulcan Materials Grand Rivers, KY	Dense Grade \$7.64/ton 8s Washed Rock \$16.00/ton 6" Rip-Rap \$9.58/ton #125 Rip-Rap \$9.58/ton 8" Minus \$8.42/ton	#3 White Rock \$9.98/ton 57s Rock \$9.93/ton 8" Rip-Rap \$9.58/ton #300 Rip-Rap \$9.58/ton 2.5" Road Base Black \$8.42/ton
Winn Materials Grand Rivers, KY	Dense Grade \$8.50/ton 9m's \$12.25/ton 6" Rip-Rap \$10.50/ton #125 Rip-Rap \$10.50/ton 8" Minus \$8.50/ton	#3 White Rock \$11.50/ton 57s Rock \$11.75/ton 8" Rip-Rap \$10.50/ton #300 Rip-Rap \$10.50/ton 2.5" Road Base Black \$9.50/ton

A motion was made by Com. Gold and seconded by Com. Cocke to accept the bid from Vulcan Materials. All voted aye. Motion carried.

Fire Protection Maintenance Services

Murray Fire Systems Murray, KY	Fire Extinguisher (Annual inspection and tagging) Recharge (Dry Chemical) 2 ½ lb 5lb 10lb	\$3.00/ea. \$10.00/ea. \$13.00/ea. \$18.00/ea.
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20lb		\$22.00/ea.
Hydrostatic Testing (Dry Chemical)		\$10.00/ea.
6-Year Maintenance		\$5.00/ea. Plus recharge cost
Sprinkler system will be determined by system and quantity of sprinkler heads		

A motion was made by Com. Bowlin and seconded by Com. Gold to accept the bid from Murray Fire Protection Maintenance Services. All voted aye. Motion carried.

Fuel

Midwest Terminal Paducah, KY	87 Octane	\$1.957	Mark-up	\$0.115
	LS Diesel (On road)	\$1.9185	Mark-up	\$1.9185
	HS Diesel (Off road)	\$1.9235	Mark-up	\$0.115
	Winter/Summer Additive	\$0.02	Mark-up	\$no bid
Max Arnold & Son's Hopkinsville, KY	87 Octane	\$1.7905	Mark-up	\$0.08
	LS Diesel (On road)	\$1.814	Mark-up	\$0.08
	HS Diesel (Off road)	\$1.5895	Mark-up	\$0.08
	Winter/Summer Additive	\$no bid	Mark-up	\$0.015

A motion was made by Com. Cocke and seconded by Com. Gold to accept the bid from Max Arnold and Son's. All voted aye. Motion carried.

Oil

Midwest Terminal Paducah, KY	15W40 Fleet Supreme	\$1,771.88/tote
	Hydraulic Tractor Oil	\$1,315.00/tote
	Lithium Base Grease, HT #2 Grade	\$304.69 for 120/1
	GL 4 Gear Oil SAE GL 5 85W140 MP	\$52.78 for 35/1
	5W30 Synthetic Blend	\$311.30/55 gal drum
	Transmission Oil 50 Synthetic	\$184.38 for 35/1
	DEF Additive	\$474.38 for 330 gal tote
	Anti-Freeze Bulk	\$322.30 (50/50)/55 gal drum
	Max Arnold & Son's Hopkinsville, KY	15W40 Fleet Supreme
Hydraulic Tractor Oil		\$1,097.50/tote
Lithium Base Grease, HT #2 Grade		\$350.39 for 120/1
GL 4 Gear Oil SAE GL 5 85W140 MP		\$39.00 for 35/1
5W30 Synthetic Blend		\$247.50/55 gal drum
Transmission Oil 50 Synthetic		\$172.00 for 35/1
DEF Additive		\$420.00 for 330 gal tote
Anti-Freeze Bulk		\$186.00 (50/50)/55 gal drum
		Concentrate \$350.00

A motion was made by Com. Bowlin and seconded by Com. Gold to accept the bid from Max Arnold & Son's. All voted aye. Motion carried.

Asphalt

Jim Smith Contracting Grand Rivers, KY	Bituminous Class I Surface Asphalt	\$69.50/ton
	Bituminous Class I Bas Asphalt	\$68.00/ton

A motion was made by Com. Cocke and seconded by Com. Bowlin to accept the bid from Jim Smith Contracting. All voted aye. Motion carried.

Road Striping
Brehm Striping Co., Inc \$0.12/linear foot
Eddyville, KY

A motion was made by Com. Gold and seconded by Com. Bowlin to accept the bid from Brehm Striping Co., Inc. All voted aye. Motion carried.

Road Salt

County Attorney Jeff Edwards stated FedEx delivered the envelope with the bid to the County Clerk's office instead of the County Judge's office and the Clerk's office inadvertently opened the outer envelope, however, there was a sealed envelope inside that had not been opened and it is his opinion that the bid be considered.

Compass Minerals America Inc. \$60.28/ton
Overland Park, KS \$63.90/ton delivered to MC Road Dept.
 \$63.90/ton delivered to Calvert City, KY

The road salt bid was tabled until clarification is received on purchasing a minimum amount and if the salt is coated.

Culverts

Hagan & Stone Wholesale	12" 16Ga Culvert w/ Polymer Coating	\$9.66/ft
Topkinsville, KY	15" 16Ga Culvert w/ Polymer Coating	\$11.60/ft
	18" 16Ga Culvert w/ Polymer Coating	\$14.50/ft
	24" 14Ga Culvert w/ Polymer Coating	\$23.20/ft
	36" 12Ga Culvert w/ Polymer Coating	\$47.50/ft
	48" 12Ga Culvert w/ Polymer Coating	\$62.75/ft
	60" 10Ga Culvert w/ Polymer Coating	\$99.50/ft
	72" 10Ga Culvert w/ Polymer Coating	\$118.75/ft

A motion was made by Com. Bowlin and seconded by Com. Gold to accept the bid from Hagan & Stone Wholesale. All voted aye. Motion carried.

Pest Control Services

Scott Pest Control	\$5,640.00/yr	General pest control services
Hardin, KY	\$2,965.00/yr	Annual termite control services

A motion was made by Com. Cocke and seconded by Com. Bowlin to accept the bid from Scott Pest Control. All voted aye. Motion carried.

G. The bids for Engineer Services at Mike Miller Park were opened by Dennis Foust, Park Superintendent. Three bids were received, there are as follows: Bacon, Farmer, Workman, Bell Engineering, and HDR. Mr. Foust will look over the bids and contact each bidder to see work examples. Mr. Foust will give the court his recommendation at the Fiscal Court meeting on July 18th. Mr. Foust also scheduled a Park Board Meeting immediately following Fiscal Court on July 18th.

H. Deputy Judge Brad Warning read the bid advertisement for a pre-engineered metal building at the Road Dept. which was advertised in the May 23rd edition of the Tribune Courier. Three bids were received.

Glen Harris Construction, Benton, KY	\$163,220.00
Darnell Steel & Construction, LLC, Benton, KY	\$163,081.00 or \$168,332.00 (meets KY building code)
Travis Construction, Inc. Calvert City, KY	\$201,542.00

The bids were given to Road Supervisor Roy Wadkins to make sure they met specifications.

I. Court was recessed for a 10 minute break.

Judge Neal called court back to order.

IV. NEW BUSINESS:

A. A motion was made by Com. Gold and seconded by Com. Cocke for Judge Neal to sign the Needline Deed, giving Needline the deed to their building. All voted aye. Motion carried.

B. County Attorney Jeff Edwards read Ordinance #2017-07, ABC Amendment, 1st reading. There was discussion regarding the Ordinance, Com. Gold would like to keep a 50 patron limit for restaurants.

C. Judge Neal scheduled a special called meeting for June 27th at 9:30 a.m. in the Fiscal Courtroom. The July 4th regular scheduled meeting was canceled.

D. The Local Board of Assessment Appeals board appointment was tabled until the June 27th meeting.

E. A motion was made by Com. Gold and seconded by Com. Bowlin to approve Judge Neal to sign the Building Inspector Agreement between Marshall Co. Fiscal Court and Randy Duke. All voted aye. Motion carried.

F. A motion was made by Com. Bowlin and seconded by Com. Cocke to advertise for Performance Contracting RFP as long as the language in the bid advertisement is changed to "Accreditation by the National Association of Energy Service Companies" is preferred but not required. All voted aye. Motion carried.

G. An employee contract agreement between Marshall Co. Fiscal Court and an employee at the Marshall Co. Exceptional Center was discussed. The Exceptional Center's Board has chosen to separate from the County effective July 1, 2017. The Exceptional Center has one employee who is within four months of retirement, County Attorney Jeff Edwards will draft an agreement for this employee to stay with the County from July 1, 2017 through November 1, 2017 when he can retire. This item was tabled until the June 27th meeting when Mr. Edwards will have the agreement ready for the Court's review. Judge Neal also asked Mr. Edwards to have the agreements between entities using county owned buildings and the Fiscal Court ready for the June 27th meeting.

H. A motion was made by Com. Gold and seconded by Com. Bowlin for Judge Neal to sign the Grant Application for the Friends of Chestnut Creek Watershed Project. All voted aye. Motion carried.

I. Roy Wadkins, Road Supervisor, presented recommendations for three new employees, they are Daniel Jameson, Jonathan Poe, and Danny Brame. These new hires will replace three current employees who are retiring, two are retiring at the end on June and the other is retiring at the end of July. A motion was made by Com. Bowlin and seconded by Com. Cocke to accept the recommendations and hire Daniel Jameson, Jonathan Poe, and Danny Brame. All voted aye. Motion carried.

J. Judge Neal recommended Dean McCoy and Tim Watkins be appointed to the North Marshall Water District Board. Com. Cocke and Com. Bowlin both stated they would like for Kenneth Shadowen to be reappointed to the Board. No action was taken.

K. A motion was made by Com. Cocke and seconded by Com. Gold to reappoint Weldon Solomon to the Palma Briensburg Fire Department Board. All voted aye. Motion carried.

L. A motion was made by Com. Cocke and seconded by Com. Bowlin to reappoint Robert Johnson to the Possom Trot/Sharpe Fire Department Board. All voted aye. Motion carried.

M. A motion was made by Com. Gold and seconded by Com. Cocke to reappoint Robert Phelps to the Fairdealing Olive Fire Department Board. All voted aye. Motion carried.

N. Judge Neal recommended Jeff O'Bryan be appointed to the Jonathan Creek Water District Board. A motion was made by Com. Bowlin and seconded by Judge Neal to appoint Jeff O'Bryan to the Jonathan Creek Water District Board. Com. Bowlin voted aye. Judge Neal voted aye. Com. Cocke voted no. Com. Gold voted no. Motion dies. County Attorney Jeff Edwards stated in 15 days Judge Neal can break the tie. If no decision is made in 15 days, the Public Service Commission will have 90 days to make an appointment.

Jonathan Creek Water District Board member Joshua Medley spoke and urged the Commissioners to appoint a person ready to help the water district move forward with much needed improvements.

O. A motion was made by Com. Cocke and seconded by Com. Bowlin to reappoint Marlie Conner and Ethel Hendrickson to the Marshall County Cemetery Board. All voted aye. Motion carried.

P. Judge Neal recommended Andy Lyles be appointed to the Marshall County/Calvert City Riverport Authority Board. A motion was made by Com. Gold and seconded by Com. Bowlin to appoint Mr. Lyles to the Board. All voted aye. Motion carried.

Q. Judge Neal recommended Pamela Sirls and Dr. Blake Wiseman be appointed to the Hospital Board. A motion was made by Com. Gold and seconded by Com. Bowlin to appointed Ms. Sirls and Dr. Wiseman to the Board. All voted aye. Motion carried.

R. A motion was made by Com. Gold and seconded by Com. Cocke to appoint Joel Frizzell and Ritchie Clendenen to the Marshall County Code of Ethics Board. All voted aye. Motion carried.

S. IT/GIS Director recommended Chad Tucker be hired for the open IT position. A motion was made by Com. Cocke and seconded by Com. Gold to hire Mr. Tucker for the position. All voted aye. Motion carried.

T. A motion was made by Com. Gold and seconded by Com. Bowlin to approve the Standing Order for Travel, Utilities, and Salaries. All voted aye. Motion carried.

U. A motion was made by Com. Gold and seconded by Com. Cocke to approve the Treasurer's Report. All voted aye. Motion carried.

V. Treasurer Emily Martin requested an Intrafund Transfer moving \$100,000.00 from the Occupational Tax Admin fund to the Jail Fund. A motion was made by Com. Gold and seconded by Com. Bowlin to approve the transfer. All voted aye. Motion carried.

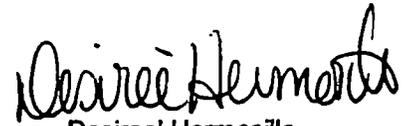
W. A motion was made by Com. Bowlin and seconded by Com. Gold to approve the Appropriation Transfer Report. All voted aye. Motion carried.

Marshall County Fiscal Court
June 20, 2017
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X. A motion was made by Com. Gold and seconded by Com. Bowlin to approve payment of the bills. All voted aye. Motion carried.

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

Respectfully submitted by,


Desiree Hermosillo
Fiscal Court Clerk