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PUBLIC SERVICE COMMISSION



MARION COUNTY FISCAL COURT  
223 N. SPALDING AVE., ROOM 201  
LEBANON, KENTUCKY 40033

John G. Mattingly  
County Judge Executive

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FAX

TO: Mr. Jeff DeRollen  
Exec. Director PSC

FROM: John G. Mattingly  
Marion County Judge Exec.

FAX: 1-502-564-3460

DATE: MAY 11, 2010

PAGES: 4 (including cover)

Urgent  For Review  Please Review  Please Reply

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THANKS John G. Mattingly  
John G. Mattingly



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County Judge Executive

**Marion County Fiscal Court**  
223 North Spalding Avenue, Room 201  
Lebanon, KY 40033

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May 4, 2010

To: Mr. Jeff Derouen, Executive Director  
Public Service Commission of KY.  
P.O. Box 615, 211 Sower Blvd.  
Frankfort, Kentucky 40602-0615

From: John G. Mattingly, Marion County Judge /Exec.

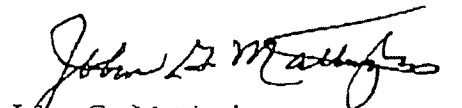
Re: Reconsideration and support for Cell Tower proposed location

Dear Director Derouen,

In late March, I wrote a letter, that opposed placement of the Bluegrass Cellular Tower at 5210 Hwy. 1157, near Bradfordsville, Ky. – Case number 2010 -00047. I did this at the request of a couple of Marion County residents- one of whom was the Chair of the Old Liberty Cemetery Board. I have since met with community members, the local Magistrate, and many others, who have convinced me that this site is not a problem-the bigger problem is a lack of available cell service.

The local citizens have actually circulated petitions -that quickly filled, with nearly 300 names- all in favor of placement of the proposed Cell Tower on the identified site. I met with the Bluegrass Cellular Engineering and consultants, apprised of Ky. Heritage Council concerns, and to be perfectly honest—I am satisfied that they did their due diligence in the selection of the proposed Site. I now understand the complexities of choosing a site- when all things must be considered. We looked at two or three other possible sites in the general vicinity- functionally there is no other site that doesn't have other serious Historical Site impact implications.

The devastating KY flooding, and particularly in the East Marion County (Bradfordsville) area this past weekend has clearly driven home - the urgency of establishing better cell communications in the area. I have enclosed a copy of the petition, Fiscal Court Minutes in approval of the Site and pictures of this devastating flood event. Please make no hindrance or delay approval of this proposed site.

  
John G. Mattingly,  
Marion County Judge / Executive

cc: Bluegrass Cellular



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**AGENDA**

Marion County Fiscal Court Meeting

Date: Thursday, April 15, 2010

Time: 4:00 p.m.

- 1) Consider/ Approval of Minutes of Previous Meeting ✓
- 2) Consider/ Approval of Resolution- Childcare Provider Appreciation Day - May 7, 2010 ✓
- 3) Consider/ Approval of Resolution for Submission of Illegal Dump Cleanup Grant Application
- 4) Consider/ Approval of KACo - All Lines (KALF) and Workers Comp. Insurance for FY 2010-11
- 5) Recognize Bradfordsville Community Petition for Cellular Service/ Cell Tower Site Location
- 6) Consider/ Approval of Payment of Clerk's Invoice for Calculation of Motor Vehicle Tax Bills
- 7) Consider/ Acceptance of "Official Order" to Accept By-Pass (Hwy. 2154) into State Road System
- ✓ 8) Consider Dates for State Treasurer / County - To Host Local "Treasure Finders" Program
- ✓ 9) Raywick Fire Dept. Proposal - Proposed Raywick Fire House Expansion - County Support
- 10) Dept. Reports: Road, Solid Waste, Jail, EMS, Emer. Mgt., Animal Control
- 11) Payment of Bills w/ Additions
- 12) Old Business / New Business
  - a) Submitted Request(s) for R/S "Flex" Program, 80/20 Bridge and "Discretionary Funding
  - b) Follow-up on CRA Contract, Resolution for County Road Aid for FY 2010-2011
  - c) "HB 810" Training Proposal Seminars for upcoming Months

Marion County Fiscal Court met in regular session on April 15, 2010 at 4:00pm. The meeting was called to order by Judge John G. Mattingly with all magistrates being present.

A motion was made by Mr. Masterson and seconded by Mr. Caldwell to approve the minutes from the last meeting. Passed by unanimous vote.

A motion was made by Mr. Smothers and seconded by Mr. Masterson to approve the Childcare Provider Appreciation Day proclamation requested by Shirley Buckman. Passed by unanimous vote. It was also noted that on May 7<sup>th</sup>, 2010 there will be a reception for all child care providers in Marion County.

Keith Brock from Solid Waste requested approval of the submission of the resolution for Illegal Dump Clean-Up Grant Application. A motion was made by Mr. Elder and seconded by Mr. Wicker to approve sending in the grant request for the illegal dump sites. Passed by unanimous vote.

Sue Porter from KACo noted a check in the amount of \$12,494.45 to Marion County Fiscal Court that will be effective on July 1<sup>st</sup>, 2010. A motion was made by Mr. Elder and seconded by Mr. Smothers to approve resumes of KACo all lines and workers compensation insurance for fiscal year 2010-2011. Passed by unanimous vote.

The court made known a petition in the Bradfordsville Community for cellular service and a Bluegrass Cellular Tower that would provide more service in the Bradfordsville end of the county. A motion was made by Mr. Wicker and seconded by Mr. Smothers to approve Bluegrass Cellular's recommended tower location. Passed by unanimous vote.

A motion was made by Mr. Caldwell and seconded by Mr. Masterson to approve the payment of the clerks invoice for 21,134 tax bills preparation in the amount of \$3170.10. Passed by unanimous vote.

A motion was made by Mr. Masterson and seconded by Mr. Caldwell to approve the official order to accept the bypass (hwy 2154) and other entrances and approaches into the state roads system. Passed by unanimous vote.

May 6<sup>th</sup>, 2010, providing it is suitable with the "treasure finders" program, there will be a group of individuals calling Marion County residents who are owed monies from unclaimed property. If May 6<sup>th</sup>, will not work, the next day chosen will be May 10<sup>th</sup>. Judge Mattingly will take care of securing a location to host the program.

Chief Chuck Helm and Sammy Spalding from the Raywick Fire Department gave a presentation to the court about an addition to the existing fire station in order to meet their growing needs. It will be a free span metal building, and 3600 square feet. Chuck Helm spoke on the necessity of this project and came requesting \$60,000, noting that he had already allocated \$16,100 to this project from excess Raywick Fire Department Funds. Discussion ensued about how fiscal court would be paid back, grant matching monies, and CoLT financing possibilities. Mr. Masterson noted that fiscal court should look into establishing a growth plan for fire departments, noting that Loretto Fire Department has the same idea in mind, and that there needs to be guidelines that discuss how fiscal court is going to deal with fire department growth in the future. The court decided that they will review the plan, and specs, and make a decision or recommendation at the first regularly scheduled meeting in May.

Tommy Lee from the Road Department noted that weed spraying along the roads is going well. It was also mentioned that they replaced some culverts on Dry Fork Rd, there have been several signs

put up, and they have a couple of track loaders to try before the bids come in for a new or used one. He also made mention that he will begin interviewing within the next two weeks to hire a new full time employee, and he will have his recommendation on May 6<sup>th</sup>, 2010. A **motion** was made by Mr. Elder and seconded by Mr. Masterson to approve advertising for bids on a garbage truck. Passed by unanimous vote. Tommy Lee also opened sealed bids on the road materials. There were (2) sealed bids received. One was from D & R Oil. The bids for it were as follows:

Regular Unleaded Fuel:	\$2.3845 per gallon
Premium Unleaded Fuel:	\$2.5645 per gallon
Regular Road Diesel:	\$2.4813 per gallon

The second bid was from Nally and Hayden Surfacing, and the prices were as follows:

Tack Oil:	\$3.50 per gallon
Bituminous Surface (4000 ton):	\$60.31
Dense Grade Rock:	\$9.15 per ton
Rip Rap:	\$11.50 per ton
No. 57 Rock	\$9.50 per ton
No. 9 Rock	\$9.50 per ton
No. 3 Rock	\$9.15 per ton

It was noted that a decision will be made at the next meeting on which bid to accept.

At a later point in the meeting, County Attorney Joe Mattingly noted that the bids received for the road materials may not be in line with the specifications set forth by the fiscal court. He advised that the specifications for the bids be reviewed before making a decision about which bid the court should accept (Fuel = This is a "nonconforming bid", therefore re-advertising and re-submittal is required).

Keith Brock from Solid Waste was present, and noted that clean up of Smothers Hollow will begin next week. He also has a couple of cleanup sites in line for the next fiscal year, and discussion entailed.

Robbie Turner from EMS was present and noted that Jody's Copier Service was no longer able to uphold the service agreement because the copier purchased in 2001 no longer has parts available to fix that machine. He noted that a copier better than the one they currently have is cheaper, and will cost about \$3789. He mentioned that he had no need for a new one at the present time, but if his quits he will have to purchase a new one. EMS is currently getting their trucks ready for the summer months, and there were a total of 184 ambulance runs in the month of March. From January 1, 2010 - March 31, 2010, Marion County EMS has made a total of 584 ambulance runs. Robbie Turner also asked that the fiscal court keep employee of the EMS Carl Pinkston in their prayers, due to his recent hospitalization and long road of recovery ahead of him.

Kenny Blair and Hayden Johnson were present from Emergency Management. Hayden Johnson presented the court with a first draft of the newly drafted emergency management plan, which

consisted of 40 pages. He noted that it will be sent to Frankfort to receive revisions and corrections on April 16<sup>th</sup>, 2010.

Jeff Wooldridge from animal control was not present at the time of the meeting, but Mr. Caldwell noted that things are going well at the shelter, and has been a little busier because of the recent dog biting issue at the Hampton Inn Hotel.

Judge Mattingly noted an update on the R/S Flex Program. (2) out of the (3) roads were approved on the discretionary monies list, which were Three Pines Road and Clear Creek Road.

It was noted that the contract was received for the County Road Aid for Fiscal Year 2010-2011.

HB 810 training seminars were noted for the upcoming months.

Mayor Gary Crenshaw noted that he believed Judge Hourigan committed the fiscal court to black top the new parking lot at the Marion County Fair Grounds. Discussion ensued.

County Treasurer Kevin Cochran handed out the notice about accepting bids for the new fire training facility. A motion was made by Mr. Masterson and seconded by Mr. Smothers to approve accepting bids for the new Marion County Fire Training Facility. Passed by unanimous vote.


A motion was made by Mr. Elder and seconded by Mr. Smothers to approve placing the advertisement for the reverse auction for the road salt. Passed by unanimous vote.

Sherriff Carroll Kirkland presented a survey he had conducted with surrounding counties of similar size with Marion County to show that as far as full time Sherriff's Department Deputies, Marion County has fewer than others. Discussion ensued. A motion was made by Mr. Elder to pay \$23285.00 to cover retirement, social security, medical benefits, etc. Motion died for a lack of second.

A motion was made by Mr. Elder and seconded by Mr. Masterson to approve payment of the bills. Passed by unanimous vote.

Mr. Smothers noted that he wants to put (2) fire hydrants on Hwy 84, providing there is adequate pressure to support these. A motion was made by Mr. Smothers and seconded by Mr. Masterson to place these two fire hydrants on Hwy 84. Passed by unanimous vote.

A motion was made by Mr. Elder and seconded by Mr. Masterson to adjourn. Passed by unanimous vote. Meeting was adjourned at 5:20pm.

  
JOHN G. MATTINGLY  
MARION CO. JUDGE EXECUTIVE