

At the regular monthly meeting of the Fleming County Fiscal Court held Tuesday, July 9, 2019 at the Fleming County Courthouse, 100 Court Square, Flemingsburg, Kentucky the meeting was called to order at 9:00 AM by Fleming County Judge/Executive Larry H. Foxworthy who also led the Pledge of Allegiance. The roll call was conducted by Fiscal Court Clerk Tammy L. Gray. Magistrates present: Chris Hickerson, David J. DeAtley, Richie Kielman, James Smoot, Donnie Fawns and Ray H. Money. Also present was County Attorney Monica Hill and County Treasurer Kathy Dryden.

Vote Unan. Motion: David J. DeAtley Second: Richie Kielman

A motion was made to approve the minutes of June 11, 2019.

Vote Unan. Motion: Ray H. Money Second: James Smoot

A motion was made to approve the minutes of June 28, 2019.

Discussion was held with members of the Fiscal Court, County Road Supervisor Anthony Vise, Joe Lengacher and Reuben Delagrange regarding roadway damages due to metal wheels, metal horseshoes and metal wheeled farm implements. Information was shared regarding the potential use of polyurethane horse shoes and whether they would be feasible and safe to use. Judge/Executive Foxworthy stated that the Fiscal Court wishes to work with citizens who utilize horse-drawn buggies, metal horseshoes and/or metal wheeled farm implements to ensure that newly paved roads can endure the use of metal materials and increase the lifespan of the asphalt surface. Discussion continued about various pavements conditions and poor asphalt materials in place in multiple areas of the county and the cause/effect of multiple years of storm water damages and heavy load traffic on narrow county roads. It was agreed to test the polyurethane horseshoes to determine if they would be safe and viable solution. Magistrate Kielman will be present during the testing phase.

Vote Unan. Motion: Chris Hickerson Second: David J. DeAtley

A motion was made to approve the Morgan and Associates agreement to provide auditing services for Fiscal Year 2018-2019.

Vote Unan. Motion: Ray H. Money Second: Chris Hickerson

A motion was made to approve the inmate housing agreement with Mason County Fiscal Court to use the Mason County Detention Center.

Vote Unan. Motion: Ray H. Money Second: Donnie Fawns

A motion was made to approve the county road maintenance reports as follows for May 2019 totaling

\$ 381,516.97. District One \$ 91,371.69, District Two \$ 102,111.99, District Three \$ 68,657.56, District Four \$ 1,329.89, District Five \$ 18,789.04, District Six \$ 99,256.80.

Vote Unan. Motion: Chris Hickerson Second: Donnie Fawns

A motion was made to approve the County Treasurer's month end, fiscal year end and annual financial reports of June 30, 2019 totaling \$ 1,434,380.98. General Fund \$ 819,889.56 Road Fund \$ 16,798.30, Jail Fund \$ 6,795.93, LGEA Fund \$ 108,911.27, Forest Fire Fund \$ 62.46, Revolving Loan Fund \$ 16,333.77, Dispatch Fund \$ 164,069.67, Capital Improvement Fund \$ 301,520.02.

Vote Unan. Motion: Ray H. Money Second: David J. DeAtley

A motion was made to approve the Budget Transfers as presented by Dryden.

Vote Unan. Motion: James Smoot Second: Richie Kielman

A motion was made to approve the Cash Transfers as presented by Dryden.

Vote Unan. Motion: David J. DeAtley Second: Chris Hickerson

A motion was made to approve all claims reports and carry in claims reports as presented.

Vote Unan. Motion: Richie Kielman Second: Donnie Fawns

A motion was made to approve the first reading of Amendments to Ordinance 13-1150 Fleming County Administrative Code/Personnel Policies: (Note: Amendments are in BOLD lettering)

SECTION 2.8 Procedures for Requesting Public Records Relating to KRS 61.870 to 61.884

A. Initial Request with Immediate Inspection

(1) Any person desiring to inspect or copy the public records of the county shall make a request or complete a written application for such records at the office of the County Judge/Executive during regular office hours, except during legal holidays. The application shall be hand delivered, mailed, **electronically mailed (email)** or sent via facsimile.(KRS 61.872 (2))

SECTION 8.2 Adoption of Kentucky Model Procurement Code

- A. **The Fleming County Fiscal Court shall hereby adopt and follow the provisions of the Kentucky Model Procurement Code (KRS ~~45a.343~~ 45A.005 to 45A.460 45A.488) effective July 1-2015 June 2019. ~~No other statutes governing purchasing shall apply to the Fleming County Fiscal Court upon adoption of these provisions.~~**
- C. The Fleming County Fiscal Court has the sole authority to award any contract which exceeds ~~\$ 20,000.00~~ **\$ 30,000.00** regardless of whether the award is based on competitive sealed bids, multi-stop sealed bidding, competitive negotiations, or by non-competitive negotiations as long as Model Procurement Code is followed.

SECTION 8.10 Disposition of County Surplus Property

- A. ~~The County Judge/Executive or his/her designee shall prepare a written statement which describes the property.~~
- B. ~~The statement shall include the proposed disposition of the property and the reasons such disposition is in the public interest.~~
- C. ~~The statement shall include the method of disposition, whether it is to be transferred to another governmental agency or to a private concern; compensation, if any, to be received; and whether it is to be sold at public auction, by sealed bids or through negotiations.~~
- D. ~~If the property is to be sold through negotiations, the property shall be appraised by at least two competent and independent appraisers and the appraisals attached. No property shall be sold on a negotiated basis for less than the appraised value.~~
- A. A local public agency may sell or otherwise dispose of any personal property which is not needed or has become unsuitable for public use, or which would be suitable, consistent with the public interest, for some other use.
- B. A written determination as to need of suitability of any personal property of the local public agency shall be made; and such determination shall fully describe the personal property; its intended use at the time of acquisition; the reasons why it is in the public interest to dispose of the item; and the method of disposition to be used.
- C. Surplus or excess personal property as described in this section may be transferred, with or without compensation, to another governmental agency; or it may be sold at public auction or by sealed bids in accordance with KRS 45A.365.
- D. In the event that a local public agency receives no bids for surplus or excess personal property, either at public auction or by sealed bid, such property may be disposed of, consistent with the public interest, in any manner deemed appropriate by the local public agency. In such instances, a written description of the property, the method of disposal, and the amount of compensation, if any, shall be made. Any compensation resulting from the disposal of surplus or excess personal property shall be transferred to the general fund of the local public agency.
- E. As an alternative procedure to that set out in this section, a county may dispose of personal property pursuant to KRS 67.0802 relating to the disposition of county property, to define "independent appraisal" and to, in addition to the disposal methods available to counties, allow counties to transfer property for economic development purposes, trade property for the same or similar type of property, sell property without bids if the property is appraised for \$5,000 or less, sell property as scraps or dispose of as garbage, which can include road millings and dirt, if the value of the property is no greater than nominal, or allow the Finance and Administration Cabinet to sell the property on behalf of the

county; amend KRS 45A.425 to allow the provisions of Section 1 of the Act to be used in lieu of those set out in the local model procurement code for counties having adopted it.

F. Notwithstanding subsections (A) to (D) of this section, a city, urban-county government, or consolidated local government that has adopted KRS 45A.345 to 45A.460 may dispose of surplus property using the procedures in KRS 82.083.

Vote Unan. Motion: Ray H. Money Second: Donnie Fawns

A motion was made to approve Resolution 19-1284 regarding access to Roads, Streets, Alley Ways, ROW's for the Western Fleming County Water District Water Line Replacement Project, gives authorization of the use of county owned and/or maintained roadways, property, streets, and alleys to the Western Fleming County Water District, its contractors, and inspectors for the construction of the project by way horizontal directional drilling only and that no cutting of asphalt, chip seal nor aggregate surfaces is permissible and grants authority to the Judge Executive to sign and execute any documents pertaining to such processes and accesses for the project.

Vote Unan. Motion: Ray H. Money Second: Richie Kielman

A motion was made to approve the Softworks Agreement for road department software support and maintenance.

Vote Unan. Motion: Ray H. Money Second: Richie Kielman

A motion was made to approve the Fleming County Sheriff's 2018 Tax Settlement as presented pending audit.

Vote Unan. Motion: Ray H. Money Second: Richie Kielman

A motion was made to approve the Fleming County Sheriff's second quarter ending June 30, 2019 report as presented.

Vote Unan. Motion: Chris Hickerson Second: Richie Kielman

A motion was made to approve the Fleming County Clerk month ending June 30, 2019 report as presented by Fritz.

Vote Unan. Motion: Chris Hickerson Second: Richie Kielman

A motion was made to approve the Fleming County Clerk's second quarter ending June 30, 2019 report as presented by Fritz.

Fleming County Clerk Jarrod Fritz updated the Fiscal Court about election equipment and reapportionment of districts after 2020 Census.

Vote Unan. Motion: Ray H. Money Second: James Smoot

A motion was made to approve the Jailer's June 2019 monthly report.

Discussion was held regarding Fox Valley Recreation Park Waste Water Treatment Plant engineering proposals from HMB of Phase One of the project. Option A \$ 620,000.00 and Option B \$ 530,000.00. 70/30 Grant(s) and Rural Development loan options was discussed. County Attorney Hill will notify Fox Valley Recreation Park Board to submit a current Profit/Loss Statement of Condition to review if the park can manage any debt incurred by the project.

Vote Unan. Motion: Richie Kielman Second: Chris Hickerson

A motion was made to adjourn the Fiscal Court meeting at 9:58AM.