

GALLATIN COUNTY FISCAL COURT
April 13, 2023

The Regular Meeting of the Gallatin County Fiscal Court was called to order by Judge Ryan Morris on April 13, 2023 at 6:00 p.m. at the Gallatin County Extension Office Annex, Warsaw, Kentucky. The meeting was also streamed on Facebook Live. Magistrates present were Joel Shinkle, Ethan Moore, Donnie Sullivan and M. J Haddix. County Attorney Grant Axon was also present. Everyone stood and recited the pledge of allegiance.

Minutes: M. J Haddix moved to approve the minutes from the March 9, 2023 Regular Meeting and April 11, 2023 Budget Caucus Meeting. Donnie Sullivan seconded his motion. Motion passed unanimously.

Recognition of Audience: Ron Hardy came before the court to inform the court of a continual nuisance in his neighborhood of Willow Pointe where children are riding ATVs inappropriately. He has discussed with Police but have not seen any change. Judge Morris thanked Mr. Hardy for bringing the situation to the court's attention and stated it will be looked into, to see how they can help.

Approval of Consent Agenda: Judge Morris requested to add Investment of ARPA Funding to the agenda under New Business. Ethan Moore made a motion to add the item as requested. Joel Shinkle seconded. All ayes. M. J Haddix made a motion to approve the agenda as amended. Donnie Sullivan seconded. All ayes.

Vendor Claims: Claims were presented for approval to pay which included the added blue sheet provided as well as a late addition for Gallatin Fair Volunteer Insurance to Public Entity Insurance in the amount of \$240.00 annual premium. Joel Shinkle made a motion to pay the bills as presented. Magistrate Haddix seconded the motion. Motion passed unanimously.

March 2023 Financial Reporting

1. Fund Cash Statement Summary – Treasurer Lesa Bullard presented the Fund Cash Statement Summary for the month ending March 31, 2023. M. J Haddix made a motion to approve the report and Joel Shinkle seconded the motion. All ayes.
2. Cash Transfers – Donnie Sullivan made a motion to approve the cash transfers for the month of March. M. J Haddix seconded. All ayes.
3. Interfund Cash Transfers – Ethan Moore made a motion to approve the interfund cash transfers for the month of March. Donnie Sullivan seconded his motion. All ayes.
4. Budget Transfers – Ethan Moore made a motion to approve the interfund cash transfers for the month of March. M. J Haddix seconded the motion. All ayes.
5. Budget Amendment #03092023 #9 – 2nd Reading. Unbudgeted Receipts – Excess Revenue. Motion to approve the budget amendment made by M. J Haddix and seconded by Donnie Sullivan. Motion passed unanimously.

OLD BUSINESS

DUKE ENERGY EASEMENT UPDATE

Judge Morris informed the court that Duke Energy has their equipment on site with construction underway. Payment to the county has been submitted but not yet received.

Magistrate Haddix asked if the funds were to be received prior to the start of construction. County Attorney Axon answered that the agreement was for them to initiate and submit payment once agreement was in place.

CODE ENFORCEMENT/NUISANCE ORDINANCE AMENDMENT

County Attorney Axon reported to the court that he is updating the ordinance and will have it completed for review in time for the May meeting as promised.

Magistrate Haddix mentioned to the court that the property that had been discussed on Spencer Road now looks worse than it ever has. Further stating that work needs to be done on it. He also noted that there are many folks across the county living in RV's.

Judge Morris stated that he has reviewed and worked with Mr. Axon, noting that the clarity of the revised version will be much easier for the public to understand what is in place. He also welcomed and encouraged the Magistrates to engage with him to give suggestions for what they want to see as qualifications for the Code Enforcement Officer.

Magistrate Sullivan noted that the position had previously been within the Sheriff's Department, and asked if that is still an option. Both Judge Morris and Sheriff Webster stated that it does not seem to be the best way to go given the demands on the Sheriff's Office.

ARPA RESOLUTION AMENDMENT FOR BALL FIELD LIGHTING

Judge Morris publicly thanked Dustin McEntire for the work he has done on and at the ball fields. He then reported that based on the diagram completed for the field lights, some adjustment needs to be made to the language of the resolution, noting that the previous amount is amended to cover the project as a whole as follows. For Boaz Field, an amount not to exceed \$25,000; Field 3, an amount not to exceed \$25,000; Field 2, an amount not to exceed \$10,000.

Magistrate Moore asked if the old dugouts are also being rebuilt. Judge Morris answered that a plan for that is being worked on currently.

Magistrate Haddix noted that the ARPA funding list provided did not appear to include funds for the Glencoe Park playground equipment. Treasurer Bullard answered that he was correct, as the funds have not yet been expended.

Motion to approve the amended ARPA Resolution made by Magistrate Haddix and seconded by Magistrate Moore. Motion passed unanimously.

ADDITIONS TO COUNTY ROAD SYSTEM UPDATE

Judge Morris reported that he is working on setting up a meeting with the residents of Lykins Lane to discuss and explain the process and noted that the road is within Magistrate Shinkle's district.

Magistrate Haddix asked for a more specific location of the Ardith Scott Farm property that has been subdivided and discussed. He was informed it is in the 2900 block of HWY 16 between

Eagle Tunnel and Old 16. Judge Morris stated that he will be conferring with Mr. Haddix to set up a meeting with those property owners as well.

Mr. Haddix also noted that the property owners on Ponderosa had previously expressed interest in joining the county road system.

Judge Morris offered for consideration in the future to require developers to get proper approval to subdivide property with correct 911 addresses to help alleviate such issues that are currently being experienced on the former Ardith Scott property.

HARTIG PARK & YOUTH SPORTS 501C3 UPDATE

Judge Morris turned the floor over to County Attorney Axon as he has some experience with the process. Mr. Axon explained that there are specific provisions when entities are closely related to government. He further explained there are fees associated with the IRS standing, state operating status and preparation of an operating agreement. He stated he feels the best way to approach, would be to have an umbrella 501c3 to cover all the individual groups. He also explained that the county cannot set it up, but a closely related group can do so. Judge Morris asked for clarification of that the structure and accounting would be set up separately with different account for each group. Mr. Axon answered, that yes ideally there would be separate account for each separate portion of funds allocated to individual groups.

Judge Morris asked that since the county can't be who sets up and is in charge, then who would, separate boards? County Attorney Axon stated that would be determined via operating agreement and would be questions to answer. Mr. Axon further explained that rough costs to complete the set up would be around \$1,000 – 1,500.

Magistrate Moore asked if the 501c3 would be completely separate without county control and oversight? Further asking, that in a situation that things go wrong, say embezzlement, does that come back on the county. Mr. Axon answered, could you be sued for the actions of those folks, yes possibly, but the operating agreement would address who is in charge and the like. Basically, there would be some related oversight but not direct control, however would have stipulations within the agreement of allowable actions.

Magistrate Moore stated tat he had some hesitation to a situation arising with similarities with previous Fair Board issues. Judge Morris and Treasurer Bullard stated that there is some difference since ground was leased to Fair Board where that's not the case here. Mr. Morris further stated that improvements or changes to property would be required to come before the court, even if it is their funds. Mr. Axon noted again, that would be addressed in the operating agreement with on-going maintenance type things laid out as allowable.

Judge Morris and Magistrate Haddix asked to discuss the action steps. County Attorney Axon stated that possibly a draft operating agreement could be created to begin with while getting the interested parties involved and bring it back to the court. Judge Morris stated that he felt that was a good plan. Mr. Axon stated that he can work toward having the draft in May but June is more likely with Code Enforcement revisions being priority for May.

NEW BUSINESS

GALLATIN COUNTY FAIR UPDATE

Kentucky Davis informed the court that the Fair will be June 10 – 17 and every night is booked. He provided an in-depth overview of the schedule and events planned.

INVESTMENT OF ARPA FUNDING

Judge Morris presented the court with information in regard to investing up to \$1 million in treasury bonds with all rates in excess of 4% at 3, 6, 9 and 12 months. Projected earnings as stated would be approximately \$39,000. He further explained that this plan would enable funds to come available every 3 months in case of a need for projects. He added that lesser amounts could be considered or a variation of those presented, all of which would be through Ross & St. Clair Associates, who is the county's financial advisor for ARPA funds.

Magistrate Sullivan stated that he feels \$1 million is too much, doing half as much might make more sense, like \$125,000 in each bracket. Further discussion about amounts and structure took place with Magistrate Sullivan making a motion to invest \$300,000, \$300,000, \$100,000 and \$100,000 for 3, 6, 9 and 12 months, respectively. Magistrate Haddix seconded the motion. Motion passed unanimously.

HARTIG PARK CAMPING FEE

Judge Morris asked the court if there was interest in charging a camping fee, as most of the campers are non-residents and those funds can be invested back into the county. David Hull of the Hartig Park Working Group, stated that the camping fee seems like a good idea if it is allowable to help offset on-going maintenance costs.

Judge Morris mentioned a drop box or QR Code option could be used for payment, on an honor system basis. He further noted that upon getting the park the county spent around \$85,000 so there have been real dollar costs to the county as well as volunteer work and other in-kind costs. There was further discussion including if charging a fee to camp creates liability issues. Magistrate Haddix made a motion to table the issue. Magistrate Ethan Moore seconded. Motion passed 4 – 1, with Judge Morris voting no.

GREEN DOT BYSTANDER TRAINING, ERICA HOWARD

Judge Morris provided an overview of the program, dates and how to sign up.

COUNTY CLERK ELECTION EQUIPMENT GRANT RESOLUTION

County Clerk Christina McEntire informed the court that the first round of funding for the election poll books has been received. She explained that the second round of funding is now available in the amount of \$76,444.70 and these funds can be used as reimbursement for the machines that were just purchased last year that was just over \$102,000. Motion to approve the Resolution acknowledging the funds for reimbursement was made by M. J Haddix and seconded by Joel Shinkle. Motion passed unanimously.

KYTC RURAL AND MUNICIPAL AID AGREEMENT & RESOLUTION

Judge Morris presented the Kentucky Transportation Cabinet and Municipal Aid Agreement and Resolution. Magistrate Haddix made a motion to approve the agreement and resolution with Magistrate Moore seconding the motion. Motion passed unanimously with all members voting yes.

GALLATIN COUNTY CONSERVATION DISTRICT 2023-2024 BUDGET

Judge Morris presented the Conservation District's 2023-24 Budget. Joel Shinkle moved to approve the budget as presented and Donnie Sullivan seconded the motion. All ayes.

PUBLIC SAFETY TELECOMMUNICATION WEEK PROCLAMATION

Judge Morris read aloud a proclamation declaring the week of April 9 through 15, 2023 as Public Safety Telecommunication Week. He thanked those folks for their work and service.

ARBOR DAY PROCLAMATION

Judge Morris read aloud a proclamation acknowledging Arbor Day in Gallatin County as April 7, 2023.

COMMENTS

Judge Morris reported that the EMS Inspection was this week. He commended Tracy Cook and Brandon Terrell for their work. They do a great job keeping everything ready to go.

Magistrate Haddix mentioned an email from Complete Towing about a fence issue. Judge Morris stated that he has discussed the issue with them.

Mr. Haddix also mentioned that Mrs. Beers of Jericho Road's culvert issue. He asked if that has been addressed yet. Judge Morris stated that he is unsure at the moment, but will investigate.

Magistrate Shinkle stated that he needs the Road Department up in his end of the county to address some needed repairs. He also asked about the issue on Highway 16 and whether there has been a conversation with the state about the load of dirt that caused a culvert issue. Judge Morris stated that the state is aware and will get it removed.

Judge Morris reported that the Transportation Department has announced that two lanes of Highway 42 West will be opened on May 26.

Mr. Morris also requested the Magistrates to provide a list of roads in their districts that are in need of paving or repair.

Magistrate Moore asked if there will be an additional budget caucus meeting. Judge Morris answered that there is not one scheduled but he would like to meet with the Magistrates individually so they can review and discuss prior to the first reading being presented.

Magistrate Haddix made a motion to go into closed session to discuss property acquisition per KRS 61.810 (1) (b). Ethan Moore seconded the motion. All ayes.

Magistrate M. J Haddix made a motion to come out of closed session. Ethan Moore seconded his motion. All ayes.

With no further business before the court, M. J Haddix made a motion to adjourn. Ethan Moore seconded his motion. Motion passed unanimously.

Doug Miles
Gallatin County Fiscal Court Clerk