

**Minutes  
Grant County Fiscal Court  
November 16, 2015**

**Call to Order**

Judge/Executive Stephen Wood called to order the November 16, 2015 meeting of the Grant County Fiscal Court.

Those in attendance were Judge/Executive Stephen P. Wood; Magistrates Jacquelyn Riley, Bobby Newman, and Shawna Coldiron; Joe Taylor, County Attorney; Sheriff Chuck Dills; Jailer Chris Hankins; and Deputy Judge/Executive & Fiscal Court Clerk Scott Kimmich.

Citizens in attendance were: Deputy Sheriff Mike Webster, Robert Hall, Members of the Grant County Marching Band, Clint Newman, Grant County Road Department, Josh Shuster from Brandstetter Carroll, Vance Mitchell from Trace Creek Construction, and Brian Skinner from Ross Sinclair Associates.

**Invocation and Pledge of Allegiance**

Judge Wood led in the Pledge and called upon Rick Haggett, Pastor, Mt. Carmel Baptist Church to offer the invocation.

**Review and Approval of the Agenda**

Judge Wood presented the Agenda for approval. Magistrate Coldiron offered a motion to approve and Magistrate Newman seconded the motion. Upon a roll call vote Magistrate Newman voted AYE, Magistrate Coldiron voted AYE, Magistrate Riley voted AYE, and Judge Wood voted AYE. Motion carried unanimously.

**Approval of the Minutes**

Judge Wood presented the minutes of the meeting held on November 2, 2015 for consideration. Magistrate Riley offered a motion to approve with changes submitted to the clerk prior to the commencement of the meeting and Magistrate Coldiron seconded the motion. Upon a roll call vote Magistrate Coldiron voted AYE, Magistrate Coldiron voted AYE, Magistrate Riley voted AYE, and Judge Wood voted AYE. Motion carried unanimously.

**Delegations**

Judge Wood recognized the members of the Grant County High School Marching Band and was joined by the Magistrates in presenting Certificates of Recognition to the individual band members.

**Executive Orders**

Judge Wood advised there were no Executive Orders to come before the court.

**Fiscal Matters**

## Claims List

Judge Wood presented for the court's approval the claims list dated November 16, 2015 against the General Fund; Road Fund; and Jail Funds as well as the LEGA Fund and charges for Poll Workers.

Magistrate Riley sought clarification on charges in the Jail Budget concerning Mental Health Charges and Prescriptions. She is concerned based on current spending the Jail will not have sufficient funds to finish the year.

Magistrate Coldiron offered a motion to approve and Magistrate Riley seconded the motion. Upon a roll call vote Magistrate Newman voted AYE, Magistrate Coldiron voted AYE, Magistrate Riley voted AYE, and Judge Wood voted AYE. Motion carried unanimously.

### Court Order Transfer-

Judge Wood presented the Court Order Transfer and explained the administration is requesting to transfer funds to provide for the payment of the statutory contribution to the Property Valuation Administrator as the mandated amount exceeds the funds budgeted.

Secondly, the transfer provides for the transfer of funds from HVAC maintenance at the Justice Center to cover increased costs of maintenance supplies not anticipated at the time of the budget preparation.

Magistrate Coldiron confirmed that the adjusted amount will complete the statutory contribution.

Magistrate Coldiron offered a motion to approve and Magistrate Newman seconded the motion. Upon a roll call vote Magistrate Newman voted AYE, Magistrate Coldiron voted AYE, Magistrate Riley voted AYE, and Judge Wood voted AYE. Motion carried unanimously.

### Treasurer's Request for Borrowing Authorization-

Judge Wood presented the Treasurer's request for authorization to borrow an amount not to exceed \$50,000 to cover payroll in the event revenue from the jail does not arrive before payroll next week. Judge Wood advised the amount authorized in October was never drawn down as the revenue check arrived before payroll was issued.

Magistrate Coldiron offered a motion to approve and Magistrate Riley seconded the motion. Upon a roll call vote Magistrate Newman voted AYE, Magistrate Coldiron voted AYE, Magistrate Riley voted AYE, and Judge Wood voted AYE. Motion carried unanimously.

## Ordinance and Resolutions

### Resolution No. 15-12

Judge Wood presented Resolution 15-12 for consideration of the court.

A RESOLUTION OF THE GRANT COUNTY, KENTUCKY, FISCAL COURT  
AUTHORIZING THE COUNTY JUDGE/EXECUTIVE TO ENTER INTO A  
MEMORANDUM OF AGREEMENT FOR THE PREPARATION AND

MAINTENANCE OF THE NORTHERN KENTUCKY REGIONAL HAZARD  
MITIGATION PLAN.

Magistrate Riley offered a motion to approve and Magistrate Coldiron seconded the motion. Upon a roll call vote Magistrate Newman voted AYE, Magistrate Coldiron voted AYE, Magistrate Riley voted AYE, and Judge Wood voted AYE. Motion carried unanimously.

Resolution No. 15-13

Judge Wood presented Resolution 15-13 for consideration of the court. Judge Wood reminded the court the County was advised during the previous fiscal year that the intent was to refinance the bonds on the Grant County Justice Center and therefore would require action of the Fiscal Court and the Public Properties Corporation to proceed. In as much as significant time has passed since the adoption of the enabling resolutions the attorneys acting both on behalf of the Commonwealth and the County have requested that new resolutions of authorization be executed.

Deputy Judge Kimmich advised the estimated financial benefit to the County would be \$41,663, which would be here early next year, helping to offset the cost of the upcoming wet dry vote in the county. The Commonwealth will receive their funds over a multi-year finance plan that the Fiscal Court will be presented at the time of sale.

Mr. Brian Skinner, Ross Sinclair Associates, was present to answer any questions the court members may have. There were no questions.

Judge Wood asked the clerk to report the Resolution.

A RESOLUTION OF THE COUNTY OF GRANT, KENTUCKY DIRECTING THE GRANT COUNTY, KENTUCKY PUBLIC PROPERTIES CORPORATION TO TAKE CERTAIN FORMAL ACTIONS AS THE AGENCY AND INSTRUMENTALITY AND AS THE CONSTITUTED AUTHORITY OF THE COUNTY OF GRANT, KENTUCKY; SPECIFICALLY DIRECTING THE ISSUANCE OF AND AUTHORIZING AND APPROVING \$9,080,000 (WHICH AMOUNT MAY BE INCREASED OR DECREASED BY AN AMOUNT OF UP TO \$905,000) FIRST MORTGAGE REVENUE REFUNDING BONDS, SERIES 2016 (JUSTICE CENTER PROJECT), OF THE GRANT COUNTY, KENTUCKY PUBLIC PROPERTIES CORPORATION; AND AUTHORIZING OTHER ACTIONS IN CONNECTION THEREWITH.

Magistrate Riley offered a motion to approve and Magistrate Newman seconded the motion. Upon a roll call vote Magistrate Newman voted AYE, Magistrate Coldiron voted AYE, Magistrate Riley voted AYE, and Judge Wood voted AYE. Motion carried unanimously.

Resolution No. 15-14

Judge Wood presented Resolution 15-14 for consideration of the court.

RESOLUTION OF THE COUNTY OF GRANT, KENTUCKY, AUTHORIZING THE ADVERTISEMENT FOR BIDS AND DISTRIBUTION OF PRELIMINARY OFFICIAL STATEMENT FOR THE PURCHASE OF APPROXIMATELY NINE MILLION EIGHTY THOUSAND DOLLARS (\$9,080,000) GRANT COUNTY,

KENTUCKY PUBLIC PROPERTIES CORPORATION FIRST MORTGAGE  
REVENUE REFUNDING BONDS, SERIES 2016 (JUSTICE CENTER PROJECT).

Magistrate Coldiron offered a motion to approve and Magistrate Riley seconded the motion. Upon a roll call vote Magistrate Newman voted AYE, Magistrate Coldiron voted AYE, Magistrate Riley voted AYE, and Judge Wood voted AYE. Motion carried unanimously.

**New Business**

There was no new business to come before the court.

**Old Business**

Report by Construction Management Firm (Trace Creek) and Architects (Brandstetter Carroll, Inc.) on the award of bids for the Detention Center renovation project.

Judge Wood recognized Vance Mitchell from Trace Creek Construction and Josh Shuster from Brandstetter Carroll for an update on the project. Mr. Mitchell advised the court that the bids on the project had come in on target, slightly under projections. Momentum Construction was the low bidder on the General Trades Package, with a base bid of \$396,000; American Roofing was the low bidder on the Roof Package, with a base bid of \$489,249; and the low bidder on the Security System was Stanley Security at \$273,620.00.

Mr. Mitchell advised there were two alternates provided for in the project that were recommended in the total package. Alternate #1, providing for some additional overflow drains at a cost of \$6,000 and Alternate #2 providing for the painting of the exterior gas lines at cost of \$4,300.

Judge Wood expressed the bids for the Roofing Package were considerably less than anticipated originally and questioned the firms as to whether they were confident in the contractor's ability to complete the project and provide warranty to the county. Both the architects and the construction manager advised this was a good price and the warranty would be sufficient.

Magistrate Riley questioned whether the team had ever worked with the low bidders on the project and could attest to the quality of their work and Mr. Mitchell advised his firm has worked with them in the past and can confirm the quality of their work.

Magistrate Newman questioned what all was included in the General Trades Package and was advised this includes the kitchen, laundry, control and other non-roof or security features. However it does include door frame work.

Magistrate Riley questioned timeline on the project and was advised the project will begin in December with substantial completion in the spring, May.

Deputy Judge Kimmich questioned whether the kitchen equipment will be ordered soon to prevent delays once the general trades work is completed. Mr. Mitchell advised the products specked will be ordered and on site so that there will be minimal delay in installation so as to get the kitchen fully operational as soon as possible.

Magistrate Riley confirmed that the contractors would be responsible for background checks on

their staff to insure the integrity of the security of the detention center. She was advised the contractors will be responsible for this.

Magistrate Coldiron questioned the \$50,000 going into contingency and was assured that no money could be spent from the line item without a change order preapproved by the Fiscal Court.

Judge Wood advised that any funds remaining in the contract would be expended on projects at the detention center.

Motion was made by Magistrate Coldiron and seconded by Magistrate Newman to approve the contractors as submitted and certified by the construction management firm and the architects as the lowest and best bids, including Alternates 1 and 2, for a total project cost of \$1,169,169 with \$50,000 in contingency. There being no further discussion the Clerk was directed to call the roll, whereupon Magistrate Newman voted AYE, Magistrate Coldiron voted AYE, Magistrate Riley voted AYE, and Judge Wood voted AYE. Motion carried unanimously.

Mr. Mitchell questioned whether the \$50,000 can be incorporated into the contract for ease in administration, cognizant that any change orders will necessitate action by the Fiscal Court.

Judge Wood made a motion to reconsider the previous action and Magistrate Coldiron seconded the motion. There being no further discussion the Clerk was directed to call the roll, whereupon Magistrate Newman voted AYE, Magistrate Coldiron voted AYE, Magistrate Riley voted AYE, and Judge Wood voted AYE. Motion carried unanimously.

Motion was made by Magistrate Coldiron and seconded by Magistrate Newman to approve the contractors as submitted and certified by the construction management firm and the architects as the lowest and best bids, including Alternates 1 and 2, for a total project cost of \$1,169,169 with \$50,000 in contingency as part on the total project costs for purposes of budgeting. There being no further discussion the Clerk was directed to call the roll, whereupon Magistrate Newman voted AYE, Magistrate Coldiron voted AYE, Magistrate Riley voted AYE, and Judge Wood voted AYE. Motion carried unanimously.

Follow-up on the Jail policies and procedures manual.

Deputy Judge Kimmich reported the Jailer has advised he is working with his staff on reviewing the recommendations for changes as proposed by Magistrate Riley. His e-mail indicates he will be prepared to address the policies and procedures "in the very near future".

Report on the issue of the need for the county to formally appoint an Animal Control Officer.

Deputy Judge Kimmich presented a report on the issue raised by the Magistrates concerning the need for the county to proceed in appointing an Animal Control Officer(s) as mandated in the statute.

Kimmich advised pursuant to court discussion and direction I have moved on implementing a plan for the appointment of Animal Control officers to bring the county into compliance with the KRS 258.195(1) which states, "The governing body of each county shall employ, appoint, or contract with an animal control officer or shall contract with an entity that employs, appoints, or contracts with an animal control officer..."

However, a lawsuit, reported in the Courier Journal, has been filed in Jefferson County Circuit Court questioning the authority of animal control officers statewide, inasmuch as they are issuing citations to those alleged to be in violation of state and local laws and are not certified as "peace officers" as defined by the Kentucky Law Enforcement Council. Given the potential consequences of this suit, which would result in potential litigation and or refunded fines and fees, causes me to take pause.

The argument filed in Jefferson County, Kentucky, provides that there are conflicting statutes in that peace officers, those who can enforce the law and issue citations and summons, must meet training requirements by KLEC, however, there is no KLEC certification available. This is clear case of conflicting statutes.

That being the case, I am recommending that until such time as there is guidance from the County Attorney and the County's insurer, or a decision in this case by a court of competent jurisdiction, we continue as we are, having the Animal Shelter continue to pick up animals determined to be in need of pick-up and that any issuance of citations be handled by local law enforcement.

#### **Administrative/Departmental Reporting**

There were no administrative reports.

#### **Citizen's Address**

There were no citizens seeking recognition of the court.

#### **Judge's Report**

Judge Wood thanked Magistrate Newman for bringing up the recognition of the Grant County High School Marching Band at the previous meeting.

Judge Wood announced that the Ark has set an official opening date in July and encouraged everyone to participate.

Magistrate Riley explained she is continuing to attend meeting of the Corinth Fire Department and work with them on building alternatives. She further elaborated on the county's plan to apply for a grant to assist with such a project in the upcoming grant funding cycle.

Deputy Judge Kimmich reported that that County Treasurer had undertaken an effort to save the county \$3,710 from the former telephone vendor at the Detention Center and was successful.

Judge Wood responded to a question from Magistrate Newman and explained that the blacktopping that has been bid is to be complete this calendar year and that weather permitting this project should begin within the next week.

#### **Executive Session**

Judge advised there would be no executive session.

**Adjournment**

Judge Wood requested a motion to adjourn Fiscal Court to the hour of 7:00 p.m. EST on December 7, 2015, or until the call of the chair. Magistrate Riley moved to adjourn and Magistrate Newman seconded the motion.

The Court adjourned on a voice vote.

Signed:

---

Stephen P. Wood  
Grant County Judge/Executive