

RESOLUTION/ORDINANCE NO. 08-04

A RESOLUTION/ORDINANCE ESTABLISHING RESPONSIBLE BIDDER REQUIREMENTS FOR COUNTY CONSTRUCTION PROJECTS

WHEREAS, the Marshall County Fiscal Court does wish to ensure that its construction projects are handled by competent companies and individuals;

WHEREAS, the Marshall County Fiscal Court does wish to enact "Responsible Bidder" requirements;

NOW THEREFORE, BE IT RESOLVED/ORDAINED, by the Fiscal Court of Marshall County, Kentucky as follows:

Beginning September 16, 2008, any and all construction projects that are required to be bid by applicable law shall be subject to the following "Responsible Bidder" regulations. The Marshall County Fiscal Court shall reserve the right to summarily reject any and all bids and/or bidders that do not conform to the specifications and requirements of a "Responsible Bidder" as such term is defined below:

A Responsible Bidder for construction contracts means a bidder who meets all of the job specifications, the following applicable criteria, and submits sufficient evidence of compliance with same:

- (1) All applicable laws prerequisite to doing business in Kentucky.
- (2) Evidence of compliance with:
 - (a) Federal Employer Tax Identification Number or Social Security Number (for individuals)
 - (b) Provisions of Section 2000(e) of Chapter 21, Title 42 of the United States Code and Federal Executive Order No. 11246, as amended by Executive Order No. 11375 (known as the Equal Opportunity Employer provisions).
- (3) Certificates of insurance indicating the following coverages: general liability, workers' compensation, completed operations, automobile, hazardous occupation, and product liability;
- (4) The bidder and all bidder's sub-contractors must participate in active apprenticeship and training programs approved and registered with the United States Department of Labor's Bureau of Apprenticeship and Training for each of the trades of work completed under the awarded contract;

- (5) All contractors and sub-contractors are required to turn in certified payrolls.

RESOLVED/ADOPTED this the 16th day of September, 2008.

s/Mike Miller
MIKE MILLER, JUDGE-EXECUTIVE
Marshall County Fiscal Court

ATTEST: Melonie Chambers

FIRST READING: August 19, 2008

SECOND READING: September 16, 2008

Marshall County Fiscal Court
August 19, 2008

The Marshall County Fiscal Court met in regular session on Tuesday, August 19, 2008 in the Joe Williams Fiscal Courtroom, Marshall County Courthouse, Benton, Kentucky. All duly elected Commissioners and Assistant County Attorney Jason Darnall were present. Mike Miller, County Judge/Executive presided.

I GUESTS:

A. Debbie Allen with the JDMS Nursing Scholarship Foundation addressed the Court regarding the September 12th – 14th “Run for Nurses” Motorcycle Ride & Music Festival. The fundraising event is being held at Inn by the Lakes and Ms. Allen asked for the Court’s help. Money raised provides scholarships to nursing students. The county will help by providing picnic tables.

B. Sheriff Kevin Byars informed that the annual Sheriff’s Ranch Golf tournament will be held at Marvel Golf Course on September 20th.

C. Sheriff Byars presented a Resolution for the Court’s consideration which authorizes Judge Miller to make application for and, upon approval, to enter into an agreement with the Kentucky Office of Homeland Security to execute any documents which are deemed necessary to facilitate and administer a grant project for communication equipment. A motion was made by Com. Anderson and seconded by Com. Gold to approve the Resolution as presented. All voted aye. Motion carried.

D. Sheriff Byars asked for the Court’s consideration of purchasing a used 2004 police interceptor, which has approximately \$10,000 worth of electronic equipment compatible with that used by Marshall County. The total cost for the vehicle is \$15,900.00. A motion was made by Com. Anderson and seconded by Com. Gold to purchase the vehicle as requested. All voted aye. Motion carried.

E. Bobby Gifford, Director of Water Vision 2020 presented a request for payment for WX21157046 in the amount of \$117,397.50. A motion was made by Com. Anderson and seconded by Com. Gold to approve payment. All voted aye. Motion carried.

F. Judge Miller informed that the \$1.8 million which was approved for Phase II of Water Vision 2020 by the General Assembly will not be available until January and presented documentation for the Court’s consideration for a short term loan through KACo. The documentation included a Resolution, Notification of Intent to Lease, and a Public Hearing Notice. A motion was made by Com. Anderson and seconded by Com. English to approve the Resolution as

presented. All voted aye. Motion carried. The Public Hearing was scheduled for 11:00 a.m. on Tuesday, September 16, 2008.

II. CORRESPONDENCE:

A. The Boy Scout Council sent a letter and invoice for the third of three payments per the agreement with the Court. A motion was made by Com. English and seconded by Com. Gold to approve payment of the invoice. All voted aye. Motion carried.

B. Haven of Hope sent a letter regarding their annual banquet. The Court has purchased a table in the past. A motion was made by Com. English and seconded by Com. Gold to purchase a table again this year. All voted aye. Motion carried.

C. Ken Mitchell, Executive Director of the Kentucky Office of the 911 Coordinator/CMRS Board informed that the 2007 CMRS Grant in the amount of \$24,101 for Marshall County has been successfully completed and is now officially closed. Judge Miller thanked Marshall County 911 Director Marsha Penney for a job well done.

D. Myralee Smith-Cowley, Executive Director, Office of Federal Grants, Governor's Office for Local Development, informed that the Marshall County Water Spray Pad Project was not selected for funding. Judge Miller added that of the 120 applications, only seven will receive funding.

E. Jailer Roger Ford informed that the items of non-compliance noted during the recent jail inspection have been corrected.

F. Shirley Johnson, Producer and Director of Twilight Cabaret sent a letter of appreciation for the Court's recent contribution.

G. Terry Blackwell, CEO of the Girl Scouts of Kentuckiana sent a letter of appreciation for the Court's recent contribution.

H. Lena Mallory, County Extension Agent for 4-H Youth Development sent a letter of appreciation for the Court's recent contribution.

I. A motion was made by Com. Gold and seconded by Com. English to sponsor the Storytellers/Writers/Poets Workshop which is scheduled for three

consecutive weekends at the Marshall County Library. All voted aye. Motion carried. (The cost for the sponsorship is \$550.00.)

III. OLD BUSINESS:

A. A motion was made by Com. English and seconded by Com. Gold to approve the minutes of the July 15th meeting. All voted aye. Motion carried.

B. Discussion was held about the purchase of land adjacent to the county park. This item was tabled.

C. Marshall County Sanitation District #1 informed that road department was widening KOA Lane in Aurora and damaged two sewer mains. The total bill for repairs, parts, and labor is \$784.57. A motion was made by Com. Gold and seconded by Com. Anderson to pay the District for the damages. All voted aye. Motion carried.

D. Troy Kirkendall, Superintendent of Parks, asked for the Court's consideration of declaring the following items as surplus property:

- Redmax GZ23N Gas Weedeater
- Home Pro Z2T Gas Weedeater
- Featherlite SST25 Gas Weedeater
- Honda 2300 PSI Pressure Washer
- 1987 Dodge Van (2G5WB31W6HK251102)
- 2 – Foam Filled Carlisle Turbo Master Mower Tires (24x12-12)
- CO-2 Pain Marking Machine with (2) CO-2 Bottles

Also, he asked for approval to transfer a New Holland 2500 Sweeper with a 6' Manual Angle to the Road Department. A motion was made by Com. Anderson and seconded by Com. Gold to declare the items as surplus and approve the transfer of the sweeper as requested. All voted aye. Motion carried.

E. Discussion was held concerning recycling efforts, including used oil. A motion was made by Com. Anderson and seconded by Com. Gold that all county departments work in cooperation with Recycling Coordinator John Miller. All voted aye. Motion carried.

F. An invoice in the amount of \$3,192.00 was submitted for the Sanitation District #2 Project. A motion was made by Com. English and seconded by Com.

Anderson to approve payment of the invoice as submitted. All voted aye. Motion carried.

IV. NEW BUSINESS:

A. The Marshall County Conservation District submitted the Annual Financial Report for FY 2007-08 and also the annual report.

B. Judge Miller read a Resolution for the Court's consideration which authorizes him to sign and submit an application for Community Development Block Grant Funds to the Kentucky Department for Local Government for the construction of a new Marshall County Public Health Department. A motion was made by Com. English and seconded by Com. Anderson to approve the Resolution as presented. All voted aye. Motion carried.

C. Several weeks ago action was tabled regarding a proposed Ordinance for Responsible Bidders. Since that time, the County Attorney has reviewed the document and it is ready for the first reading. Following the first reading, a motion was made by Com. English and seconded by Com. Anderson to approve the first reading of Ordinance #08-04. All voted aye. Motion carried. (See item L, page 5.)

D. Following the second reading of Ordinance #08-02 (off site auto displays), a motion was made by Com. English and seconded by Com. Anderson to approve the second reading and adopt Ordinance #08-02. All voted aye. Motion carried.

E. Judge Miller informed that the West Kentucky Allied Services Report is on file in his office for public review.

F. Copies of the County Clerk's Audit were distributed and are also on file in the County Judge/Executive's Office.

G. Following the first reading of Ordinance #08-03 (tax rates), a motion was made by Com. English and seconded by Com. Gold to approve the first reading. All voted aye. Motion carried.

H. The 2006/07 Audit of the Marshall County Library is on file in the County Judge/Executive's Office for public review.

I. A motion was made by Com. Gold and seconded by Com. Anderson to approve the Treasurer's Report, subject to audit. All voted aye. Motion carried.

J. A bid opening was held August 5th for the purchase of a new multi-purpose rescue truck for the Ambulance Service. Advertisement for bids was published in the July 22nd edition of the Tribune Courier. Ambulance Service Director Mark Harrison, Ambulance Service employee Mark Combs, and Marshall County Finance Officer Emily Martin opened the bids. Three companies responded:

1. Fire Apparatus Division S.D.C. of Louisville, Kentucky submitted a "no bid" response.
2. Emergency Vehicle, Inc. of Lake Park, Florida - \$152,872.00 on a 2009 Ford F-550 4-door (extended) super Cab/EVI 12-ft. non-walk-in.
3. Wynn Fire Equipment of Corbin, Kentucky - \$144,950.00 on a 2008 Ford F550 Extended Cab 2-door.

Both bids included an air cascade system, which provides the means to re-fill oxygen tanks. Following discussion, a motion was made by Com. Anderson and seconded by Com. English to accept the bid from Wynn Fire Equipment in the amount of \$144,950.00. All voted aye. Motion carried. (See item R, page 6.)

K. A motion was made by Com. Gold and seconded by Com. Anderson to approve payment of the bills. All voted aye. Motion carried.

L. Regarding Ordinance #08-04 (Responsible Bidders), Assistant County Attorney Jason Darnall has reviewed the county's procurement code which was adopted in 1980 and it does not make reference to the Kentucky Revised Statutes.

M. A motion was made by Com. English and seconded by Com. Anderson to go into executive session to discuss litigation. All voted aye. Motion carried.

N. Judge Miller declared Court back into regular session.

O. An invoice for engineering services for the Sanitation District #2 Project was submitted. A motion was made by Com. English and seconded by Com. Anderson to approve payment of the \$2,205.00 invoice as submitted. All voted aye. Motion carried.

P. Judge Miller read a press release informing that Morsey Constructors, LLC of Calvert City has been presented with a 2008 Governor's Safety and Health Award for achieving a minimum 500,000 hours worked without experiencing a lost-time injury or illness during business operations.

Q. A motion was made by Com. English and seconded by Com. Anderson to approve payment of the bills. All voted aye. Motion carried.

R. A motion was made by Com. Gold and seconded by Com. English to send a \$30,000.00 check for a deposit on the multi-purpose rescue truck for the ambulance service. All voted aye. Motion carried.

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

Respectfully submitted by:

Melonie Chambers
Fiscal Court Clerk

Marshall County Fiscal Court
September 16, 2008

The Marshall County Fiscal Court met in regular session on Tuesday, September 16, 2008 in the Joe Williams Fiscal Courtroom, Marshall County Courthouse, Benton, Kentucky. All duly elected Commissioners, the County Attorney, and Assistant County Attorney were present. Mike Miller, County Judge/Executive presided.

I. GUESTS:

A. Gene Gilliland, representing Renaissance on Main Street, asked for the Court's consideration of contributing \$300.00 to go toward purchasing pumpkins and supplies for the Autumn Jubilee on October 25th. A motion was made by Com. English and seconded by Com. Anderson to contribute \$300.00 as requested. All voted aye. Motion carried.

B. Members of the Marshall County Arts Commission were present and Judge Miller read a Proclamation naming October "Arts and Humanities Month" in Marshall County. A motion was made by Com. English and seconded by Com. Gold to approve the Proclamation as presented. All voted aye. Motion carried. George Milam with the Arts Commission informed that Tuesday, October 21st, staff from the Kentucky Arts Commission will be upstairs in the Courtroom Art Gallery and invited all to attend a reception between 4:00 and 6:00 p.m.

C. Judge Miller commended the work of the Marshall County Cemetery Committee and informed that a grant has been submitted again this year. He added that it is unlikely the grant will be awarded for the third straight year, but the application has been submitted.

D. County Planner Josh Tubbs submitted invoices for the Court's approval for the following:

1. Marshall County Sanitation District #2 - \$3,000.00 for administration – to be paid to KIA. A motion was made by Com. Gold and seconded by Com. Anderson to approve payment of the invoice as submitted. All voted aye. Motion carried.
2. Marshall County Sanitation District #2 - \$3,755.00 to Florence & Hutcheson for engineering services – to be paid from KIA funds. A motion was made by Com. Gold and seconded by Com. Anderson to approve payment of the invoice as submitted. All voted aye. Motion carried.
3. Marshall County Sanitation District #2 - \$68,449.77 to API Contractors for contract work completed thru 8/31/08 and 30% at order placement on tanks - to be paid with KIA funds. A motion was made by Com. English and seconded by Com. Anderson to approve payment of the invoice as submitted. All voted aye. Motion carried.

4. Marshall County Sanitation District #2 - \$2,280.00 to Pat English for backhoe work (ditch & road) for a manhole – to be paid with special appropriation funds. A motion was made by Com. Anderson and seconded by Com. Gold to approve payment of the invoice as submitted. All voted aye. Motion carried.
5. Marshall County Sanitation District #2 - \$225.00 to Pat English for backhoe work (backfill & manhole) – to be paid with special appropriation funds. A motion was made by Com. Anderson and seconded by Com. Gold to approve payment of the invoice as submitted. All voted aye. Motion carried.
6. Little Cypress Water Line Extension Project - \$2,750.00 to the Purchase Area Development District for administration fee – to be paid from Delta Regional Authority Grant funds. A motion was made by Com. English and seconded by Com. Anderson to approve payment of the invoice as submitted. All voted aye. Motion carried.
7. Little Cypress Water Line Extension Project - \$17,899.35 to Paducah Water Works for match for invoices paid by Paducah Water for the project – to be paid from Delta Regional Authority Grant funds. A motion was made by Com. Anderson and seconded by Com. Gold to approve payment of the invoice as submitted. All voted aye. Motion carried.
8. Little Cypress Water Line Extension Project - \$78,314.57 to Paducah Water Works for equipment & labor – to be paid from Delta Regional Authority Grant funds. A motion was made by Com. English and seconded by Com. Anderson to approve payment of the invoice as submitted. All voted aye. Motion carried.

E. Bobby Gifford, Director of Water Vision 2020 asked for the Court's approval of two invoices on the North Marshall Water District Project to Construction Site Services: (1) for \$31,152.00 (2) for \$22,915.70. A motion was made by Com. Anderson and seconded by Com. English to approve the invoices as requested. All voted aye. Motion carried.

F. Judge Miller recognized Jennifer Beck-Walker, the new Executive Director of the Purchase Area Development District.

II. CORRESPONDENCE:

A. Jack Smith, Chairman of the Grassroots Committee and Patrick Neely, Executive Director of the Kentucky Equine Education Project (KEEP) informed that the Committee has awarded \$500.00 to the Kentucky Junior Rodeo Association. The grant funds are used to promote and purchase awards for a

rodeo. The Marshall County Team Leader for KEEP is Commissioner Terry Anderson.

B. Randy Hollis with Mediacom sent a letter updating the Court on the preparations for upgrading the cable system in the county.

C. Betty Dobson sent a letter of appreciation for the Court's donation toward the Kentucky Commission of Human Rights visit to western Kentucky. Ms. Dobson added that as a result of their visit, the Commission approved several resolutions including recognition of Cherokee Park, historic cultural events, and several Civil Rights activists of the area.

D. Mike Walsh sent an e-mail regarding problems at the boat ramp in the Big Bear area – including congestion, no organization of who uses the ramp in what order, and no boat prep area. Judge Miller asked Road Supervisor Gary Atkins about the situation and he said that there is one person who is not happy with the situation and twenty that are, and there is no easy solution.

E. Marshall County Ambulance Service Director and Kentucky Ambulance Providers Association (KAPA) President Mark Harrison informed that KAPA has been selected as the recipient of the 2008 Partnership Award, which is a national honor awarded by the American Ambulance Association. Judge Miller commended Mr. Harrison and all involved.

III. OLD BUSINESS:

A. A motion was made by Com. Anderson and seconded by Com. Gold to approve the minutes of the September 2nd meeting. All voted aye. Motion carried.

B. Following the second reading of Ordinance #08-03 (tax rates), a motion was made by Com. English and seconded by Com. Gold to approve the second reading and adopt Ordinance #08-03. All voted aye. Motion carried.

C. Following the second reading of Ordinance #08-04 (responsible bidders), a motion was made by Com. English and seconded by Com. Anderson to approve the second reading and adopt Ordinance #08-04. All voted aye. Motion carried.

D. Com. English recognized Donnie Duke, who is today's WCBL Celebrity.

IV. NEW BUSINESS:

A. A bid opening was held for the sale of surplus property from the parks department. Notice for bids was published in the September 9th edition of the Tribune Courier for the following items:

- Redmax GZ23N Gas Weedeater
- Home Pro Z2T Gas Weedeater
- Featherlite SST25 Gas Weedeater
- Honda 2300 PSI Pressure Washer
- 1987 Dodge Van (2G5WB31W6HK251102)
- 2 – Foam Filled Carlisle Turbo Master Mower Tires (24x12-12)
- CO-2 Pain Marking Machine with (2) CO-2 Bottles

Two people submitted bids which are as follows:

1. Jack Bragg - \$20.00 on the Pressure Washer
2. David Parker - \$6.80 on the Pressure Washer; \$177.00 on the Van; \$11.00 on the mower tires; and \$6.80 on the Paint Marking Machine.

A motion was made by Com. English and seconded by Com. Anderson to accept the bid on the Pressure Washer from Jack Bragg and to accept the other bids as submitted by David Parker. All voted aye. Motion carried.

B. Judge Miller informed that Everett Harris, who has served faithfully for many years on the East Marshall Fire Protection District board passed away. The board members recommended that Jim Cothran be appointed to fill Mr. Everett's term. A motion was made by Com. Anderson and seconded by Com. Gold to appoint Jim Cothran as recommended. All voted aye. Motion carried.

C. Transportation Cabinet Secretary Joe Prather sent a letter and an agreement for the Cabinet to provide up to \$150,000 in reimbursable funding to Marshall County. These funds are to be used to construct turn lanes on KY 348 at Old Symsonia Road to provide access to the new hospital. Discussion was held about cost being up to \$200,000 – the plans for the turn lane will not be available until September 18th and an estimate can actually be obtained after receiving those plans. Judge Miller added that he has been told the hospital project will not move forward without this turn lane. Judge Miller read the Agreement for the Court's consideration. Following discussion, a motion was made by Com. English and seconded by Com. Gold to approve the agreement

with the Cabinet and approve a Resolution authorizing Judge Miller to sign any and all documents regarding this project on behalf of the Court. (The County Attorney will prepare the Resolution.) All voted aye. Motion carried.

D. Judge Miller read the Marshall County Animal Shelter Report for August which is as follows: animals in the pen as of 7/31/08 – 65; brought in by Animal Wardens – 43; brought in by citizens – 163; total taken in – 206 (dogs – 48, cats – 34, puppies – 39, and kittens – 85); adopted – 18; reclaimed – 5; euthanized – 240; and animals in the pen as of 8/30//08 – 8.

E. A motion was made by Com. English and seconded by Com. Anderson to approve the Treasurer's Report, subject to audit. All voted aye. Motion carried.

F. Judge Miller reminded the Court that the 33rd Annual Aurora Country Festival will be Friday, October 3rd thru Sunday, October 5th.

G. County Attorney Jeff Edwards said he has been told that the Marshall County Hospital Board will be putting the old hospital property for sale this evening.

H. A motion was made by Com. Anderson and seconded by Com. English to go into executive session to discuss personnel. All voted aye. Motion carried.

I. Judge Miller called Court back into regular session.

J. A motion was made by Com. English and seconded by Com. Anderson to recess for a scheduled public hearing regarding a short-term funding program through KACo for Water Vision 2020.

K. Judge Miller called Court back into regular session.

L. A motion was made by Com. Gold and seconded by Com. Anderson to enter into an agreement for short-term funding through KACo for Water Vision 2020. All voted aye. Motion carried.

M. Judge Miller informed that discussion was held during executive session about changes in Hazardous Duty Retirement which became effective September 1st. County Attorney Jeff Edwards read a Resolution for the Court's consideration for an agency transferring from Non-Hazardous to Hazardous

coverage (as defined by KRS 61.592 (1) (b)), which would allow all employees working under hazardous duty positions at the Marshall County Sheriff's Office and the Marshall County Detention Facility to transfer from non-hazardous to hazardous coverage in the Kentucky Retirement System. A motion was made by Com. Anderson and seconded by Com. Gold to approve the Resolution as presented. All voted aye. Motion carried.

N. Com. Gold commended the Road Department Employees and the Volunteer Fire Fighters for the outstanding job helping to clear the roads following this weekend's storms.

O. A motion was made by Com. Gold and seconded by Com. English to approve payment of the bills. All voted aye. Motion carried.

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

Respectfully submitted by:

Melonie Chambers
Fiscal Court Clerk



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DEFENDANTS

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 \$37,410.94 in the above styled
 is on or about the hour of 1:00 p.m.
 to the highest bidder at the Mar
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2025
 side of Old Benton-Mayfield Public
 Emma Butler, West 192 feet to a
 feet; thence, East parallel with Mrs.
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 October 23, 2008 and of record in
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 base price in cash due on the date
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 balance shall bear interest at the
 until paid. The bond shall have the
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ORDINANCE NO. 08-04

AN ORDINANCE ESTABLISHING RESPONSIBLE BIDDER REQUIREMENTS FOR COUNTY CONSTRUCTION PROJECTS

WHEREAS, the Marshall County Fiscal Court does wish to ensure that its construction projects are handled by competent companies and individuals;

WHEREAS, the Marshall County Fiscal Court does wish to enact "Responsible Bidder" requirements;

NOW, THEREFORE, BE IT ORDAINED, by the Fiscal Court of Marshall County, Kentucky as follows:

Beginning with the passage of this Ordinance, any and all construction projects that are required to be bid by applicable law shall be subject to the following "Responsible Bidder" regulations. The Marshall County Fiscal Court shall reserve the right to summarily reject any and all bids and/or bidders that do not conform to the specifications and requirements of a "Responsible Bidder" as such term is defined below:

A Responsible Bidder for construction contracts means a bidder who meets all of the job specifications, the following applicable criteria, and submits sufficient evidence of compliance with same:

- (1) All applicable laws prerequisite to doing business in Kentucky;
- (2) Evidence of compliance with:
 - (a) Federal Employer Tax Identification Number or Social Security Number (for individuals)
 - (b) Provisions of Section 2000(e) of Chapter 21, Title 42 of the United States Code and Federal Executive Order No. 11246, as amended by Executive Order No. 11375 (known as the Equal Opportunity Employer provisions);
- (3) Certifications of insurance indicating the following coverages: general liability, workers' compensation, completed operations, automobile, hazardous occupation, and product liability;
- (4) The bidder and all bidder's sub-contractors must participate in active apprenticeship and training programs approved and registered with the United States Department of Labor's Bureau of Apprenticeship and Training for each of the trades of work completed under the awarded contract;
- (5) All contractors and sub-contractors are required to have in certified payroll.

ADOPTED this the _____ day of _____, 2008.

MIKE MILLER, JUDGE-EXECUTIVE
 Marshall County Fiscal Court

ATTEST:

FIRST READING: August 19, 2008

SECOND READING: _____