

FS. COURT ORDER BOOK: 29
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DATE: 3.10.10

MARTIN COUNTY FISCAL COURT MEETING

FEBRUARY 25, 2010

OPENING OF COURT

Judge Kelly Callaham called the meeting to order at 5:00 PM, and those in attendance were County Attorney Kennis Maynard, and Magistrates: Glen R. Maynard, Gary Hunt, Gretta Ward, Sam Whitt, and Victor Slone. Court Recorder Tonya L. Mills was present to record the minutes of the meeting. County Attorney Maynard led prayer at the beginning of the meeting.

APPROVAL OF MINUTES

Victor Slone made the motion to approve the minutes of the December 17, 2010 meeting and the January 21, 2010 meeting. Gary Hunt seconded the motion, and the motion carried with a unanimous vote.

RESOLUTION-ADOPT COUNTY ROADS

Judge Kelly Callaham read the Resolution whereas the Martin County Fiscal Court is responsible for the acquisition and Maintenance of the following County Roads: Upper Long Branch-Trace Fork, Mike Dalton Lane, Whitt Road, Locust Lane, Forest Way, Grandview Loop, and Six Avenue. Gretta Ward made the motion to approve the Resolution. County Attorney Maynard advised the Court to approve the motion contingent upon him receiving the paperwork from the property owners so deeds can be prepared to the County. Gretta Ward agreed for this to be part of the motion. Victor Slone seconded the motion, and the motion carried with a unanimous vote. The Resolution can be found recorded with the minutes of this meeting.

STATE HIGHWAY DEPARTMENT

Judge Callaham stated that Darrell Slone, Branch Manager of the Pikeville Highway Department, Matt Moore, Section Engineer for Floyd and Martin County, and Jerry Todd, Supervisor of the State Road Department in Martin County were all present to discuss the Martin County Rural Secondary Program for 2010-2011 Fiscal Year. The Court members received a copy of the District 12 Recommended Improvements for the Martin county Rural Secondary Program. Mr. Slone explained that the Flex Funds listed in the program was the money designated for the County to spend on its own projects. Judge Callaham stated that the Flex Funds were appropriated in the Governor's Budget which has not yet been approved. Mr. Slone stated that even though the Governor's Budget has not passed, the money for the Flex Funds will still be available. The amount could change, but the money will still remain in the project. Judge Callaham asked if the Flex Funds were restricted. Mr. Slone stated that the County would follow the guidelines

that were presented last year which stated the funds should be used for resurfacing. Mr. Slone stated that the County would receive the guidelines in the next few weeks.

Gary Hunt asked if the old guardrails which are replaced by new guardrails could be given to the County to use. Mr. Slone stated that placing guardrails on the program is very difficult because a prioritized list has to be compiled based on certain data. Magistrate Hunt stated that guardrail for Meathouse used to be on the program, but is no longer listed, and the work has not been completed. County Attorney Maynard asked if the State has placed Meathouse Road on this data base so this stretch of road could be placed on the list of roads which needs guardrail. Mr. Slone stated that this road is on the data base.

Glen R. Maynard asked if they could place guardrail on RT 3 on the Ford curve. Judge Callahan asked if the County could install guardrail instead of waiting on the State if the County uses the same contractor. Mr. Slone stated that the County may be able to if they do so by permit, but he would check on this and report back to them later.

Gretta Ward stated asked that the bridge on RT 40 where you enter into Tomahawk needs to be wider. She stated that she has placed this on a list in past years, but still nothing has been done to help the situation. Mr. Slone stated that the State will be working next week to repair the hole in the bridge. He agreed that the State has concerns about the bridge being too small, but there are right-of-way issues that would have to be taken care of before the bridge can be extended.

Judge Callahan asked if the State would consider exchanging roads with the County on the Airport Road for Saltwell Road. Mr. Slone agreed to research the property.

Victor Slone stated that he has a problem with both the bridge on RT 40 at Tomahawk and on RT 40 at Beauty because both of the bridges are too small. He also stated that the same type of bridges along RT 40 in Johnson County have already been replaced, and he is questioning why the bridges in Martin County have never been replaced. Mr. Slone stated the bridges are inspected every 2 years and receive a sufficiency rating, and that some of the bridges along RT 40 have been replaced with Federal Bridge Replacement Money. County Attorney Maynard asked for the criteria used in the sufficiency ratings to be sent to his Office so he can have the bridges in Martin County rated in order to try and receive funding for these bridges.

Victor Slone stated that the guardrail on RT 292 used to be on the priority list but is no longer on the list of improvements. Victor Slone also commended the Transportation officials for the rock removal work being done along RT 40, and he asked if they had any plans to remove the rock along the curve in Warfield. Mr. Moore stated that they are in the process of trying to secure funding for this project with Hazardous Safety Improvement Project money from the Federal Government.

Judge Callahan stated that the County was in the process of purchasing salt from the State Garage, and an agreement needs to be approved before the purchase can be

completed. County Attorney Maynard has reviewed the agreement. Victor Slone made the motion to approve the agreement for the purchase of salt. Gretta Ward seconded the motion, and the motion carried with a unanimous vote. The agreement can be found recorded with the minutes of this meeting.

The Rural Secondary Program can also be found recorded with the minutes of this meeting.

COUNTY CLERK'S 2009 FINANCIAL STATEMENT

County Clerk Carol Sue Mills presented the County Clerk's 2009 Financial Statement and a check in the amount of \$16,294.18 in excess fees. Clerk Mills explained that the remaining \$1000.00 in excess fees would be paid to the Court after the completion of the audit. Gretta Ward made the motion to approve the financial statement. Victor Slone seconded the motion. The financial statement can be found recorded with the minutes of this meeting.

MARTIN COUNTY CAL RIPKEN LEAGUE

Elbert Osborne, President of the Martin County Cal Ripken League Baseball League, addressed the Court about receiving funding from the Court for the league. Mr. Osborne thanked Victor Slone and the Court for the improvements which have been made to the Warfield Park. He stated that the biggest problem with the Inez Field is the bathrooms and the concession stand. Judge Callaham stated that the Court may be able to obtain Park Grants, and he would check into getting a grant approved. Mr. Osborne stated that the league needed 3 or 4 thousand to run the league. Judge Callaham stated that he would try to have the County repair the concession stand. Victor Slone made the motion for the County to donate \$3000.00 to the league contingent upon the Court being allowed to donate money to a civic league. Gretta Ward seconded the motion, and the motion carried with a unanimous vote.

MARTIN COUNTY SADDLE CLUB

Mike Crum, member of the Martin County Saddle Club, addressed the Court and asked permission to use a small amount of the Caney Shaft property for a Spring Ride. Mr. Crum stated that he has been in contact with Lauren Land Company about receiving an agreement with them which states that mining would not be done during the Spring on this property. Victor Slone stated that the Court needs to try to put a roof on the building located on the property. Judge Callaham stated that during the Budget process, the County would try to budget money for the repairs needed for the buildings. Mr. Crum stated that the Saddle Club has insurance and would also be in agreement to sign a release holding the County not liable for accidents which might occur during the ride. Victor Slone made the motion for the Saddle Club to host a Spring Ride on the Caney Shaft Property. Gary Hunt seconded the motion, and the motion carried with a unanimous vote.

BILL STACY PROPERTY DISCUSSION

Once again, Bill Stacy addressed the Court about them approving the adoption of an easement of the road leading to his property because the County once maintained the road. Now he is unable to get the road graveled or repaired, and traveling on the road is tearing up his vehicles and his trailers. County Attorney Maynard stated that the County is not allowed to spend public money on private roads, and in order for the County to obtain the necessary paperwork to adopt his road into the County's road plan, the property owners living along the road would have to sign a deed over to the County which they have refused to do. Gary Hunt stated that he would send gravel to his road if Mr. Stacy would take down the no trespassing sign. Mr. Stacy stated that he had already taken the sign down. Mr. Hunt agreed to have gravel sent to be placed on his road.

POCAHONTAS LAND PROPERTY

Judge Callahan stated that he has followed all of the procedures asked of him by Pocahontas Officials in regards to purchasing property from them, but they will not get back in contact with him. Judge Callahan asked for a motion for County Attorney Maynard to start the process of condemning the property. Gary Hunt made the motion to approve this request contingent upon the feasibility of the process. Victor Slone seconded the motion, and the motion carried with a unanimous vote.

FINANCIALS

INVOICES

Victor Slone made the motion to approve the payment of the claims submitted. Sam Whitt seconded the motion, and the motion carried with a unanimous vote. The list of claims can be found recorded with the minutes of this meeting.

APPROPRIATION TRANSFERS

Victor Slone made the motion to approve the list of appropriation transfers. Sam Whitt seconded the motion, and the motion carried with a unanimous vote. The list of transfers can be found recorded with the minutes of this meeting.

ADJOURNMENT

Victor Slone made the motion to adjourn. Sam Whitt seconded the motion, and the motion carried with a unanimous vote. The time was 6:10 PM.

State of Kentucky, County of Martin, Clerk's Office.
I, Carol S. Mills, Martin County Clerk, do hereby certify that the foregoing instrument was on this day, 11/10/09, filed for record, at 1:00 P.M., which together with this and the foregoing certificate has been duly recorded in my office. Given under my hand this 10 day of Nov, 2009.
By Carol S. Mills, CLERK

Commonwealth of Kentucky
Martin County Fiscal Court

Resolution

WHEREAS, Martin County Fiscal Court is responsible for the acquisition and maintenance of county roads designated as such in Martin County, Kentucky; and

WHEREAS, a list of which is attached hereto as Appendix A, are hereby designated and determined and adopted by the Martin County Fiscal Court as county roads as defined in KRS 178.010 of the Kentucky Revised Statutes; and shall till further action of the Martin County Fiscal Court or the operation of law remain as a county road for the purposes as set out in Chapter 178 of the Kentucky Revised Statutes.

Passed in open court by the Martin County Fiscal Court, this 25th day of February 2010.

Martin County Fiscal Court

BY:


Kelly Callahan

Martin County Judge/Executive

APPENDIX A

1. UPPER LONG BRANCHII – TRACE FORK
2. MIKE DALTON LANE
3. WHITT ROAD
4. LOCUST LANE
5. FOREST WAY
6. GRANDVIEW LOOP
7. SIX AVENUE



AGREEMENT FOR SERVICES TO BE PERFORMED IN CONJUNCTION WITH GOVERNMENTAL AGENCIES

This agreement made and entered into by and between Kentucky Transportation Cabinet, party of the first part, and
Martin County Fiscal Court, party of the second part.

WITNESSETH:

WHEREAS, the party of the second part has requested the party of the first part to perform the hereinafter described services, and

WHEREAS, the party of the first part has agreed to perform said services at the expense of the party of the second part.

NOW THEREFORE, it is hereby agreed between the parties hereto as follows:

(1) The party of the first part does agree to perform the hereinafter described services and does agree to interaccount the party of the second part for the actual costs incurred in rendering said services.

(2) The party of the first part agrees that the herein described services are to be performed on or about 2/25/2010
Date

(3) The party of the second part does agree to be liable to the party of the first part for the actual costs of the herein described services and to pay the actual costs of said services upon being interaccounted for said services by the party of the first part.

(4) The party of the second part agrees that the services requested herein will be for public use and that no part will be diverted to private use.

Services to Be Performed

Location Martin County Maintenance

Description of Services
50 Tons of salt @ 69.56 per ton.

Estimation of Costs for Services to Be Performed

Labor _____

Equipment _____

Rental _____

Materials \$3,478.00

Support _____

TOTAL _____

Note: Due to fluctuation in material costs, estimated amount is subject to change. Estimated amount is good for 30 days.

IN TESTIMONY WHEREOF, witness the duly authorized signatures of the parties hereto this _____
Day/Month/Year

Party of the First Part

Title

Approved as to form and legality.

Party of the Second Part

Title

KYTC Legal Services



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Day/Month/Year

Party of the First Part Title

Approved as to form and legality.

Party of the Second Part Title

KYTC Legal Services



TRANSPORTATION CABINET

Department of Highways District 12 Office
109 Loraine Street
Pikeville, KY 41501
(606) 433-7791

Steven L. Beshear
Governor

Michael W. Hancock, P.E.
Acting Secretary

February 17, 2010

Honorable Kelly Callahan
Martin County Judge Executive
P.O. Box 309
Inez, Ky. 41224

**SUBJECT: Martin County Rural Secondary Program
2010-2011 Fiscal Year**

Judge Callahan:

As a result of a telephone conversation between your office and a representative of the Department of Highways, this is to confirm our planned attendance at the Court meeting scheduled for February 25, 2010 at 5:00 p.m. to discuss the above subject with you and the Fiscal Court.

Laws governing the administration of the Rural Secondary Program require that the Department of Highways meet with the Fiscal Court each year and accept recommendations from the Court. During this meeting, we will be available to answer any questions the Court may have regarding this program. We will also be available to accept any recommendations. Funds for the Rural Secondary Program are made available to the Department of Highways from a portion of the motor fuels tax. This sum is 22.2% of the current tax on all motor fuel sold in the Commonwealth of Kentucky. Due to the limitations of funds, many requests cannot be accomplished. Requests received by our office will be forwarded to the Central Office in Frankfort for further review and consideration.

There are 63,609 miles of State Highways in Martin County that are classified as the Rural Secondary System. These roads are delineated in yellow on the attached map for review. The anticipated allotment for Martin County for the 2010-2011 fiscal year is **\$805,915**. A tentative breakdown of this allotment, along with proposed projects on the rural secondary state-maintained system, is shown in the attached listing.

Thank you for your assistance in this matter. Your cooperation in submitting recommendations and priorities as quickly as possible will be appreciated.

Sincerely,

Darold K. Slone, P. E.
TEBM- Project Delivery and Preservation II

For: Kevin Damron, C.D.E.

Attachments



**KENTUCKY TRANSPORTATION CABINET
DISTRICT 12 RECOMMENDED IMPROVEMENTS
MARTIN COUNTY RURAL SECONDARY PROGRAM
2010-2011 FISCAL YEAR**

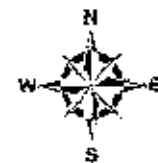
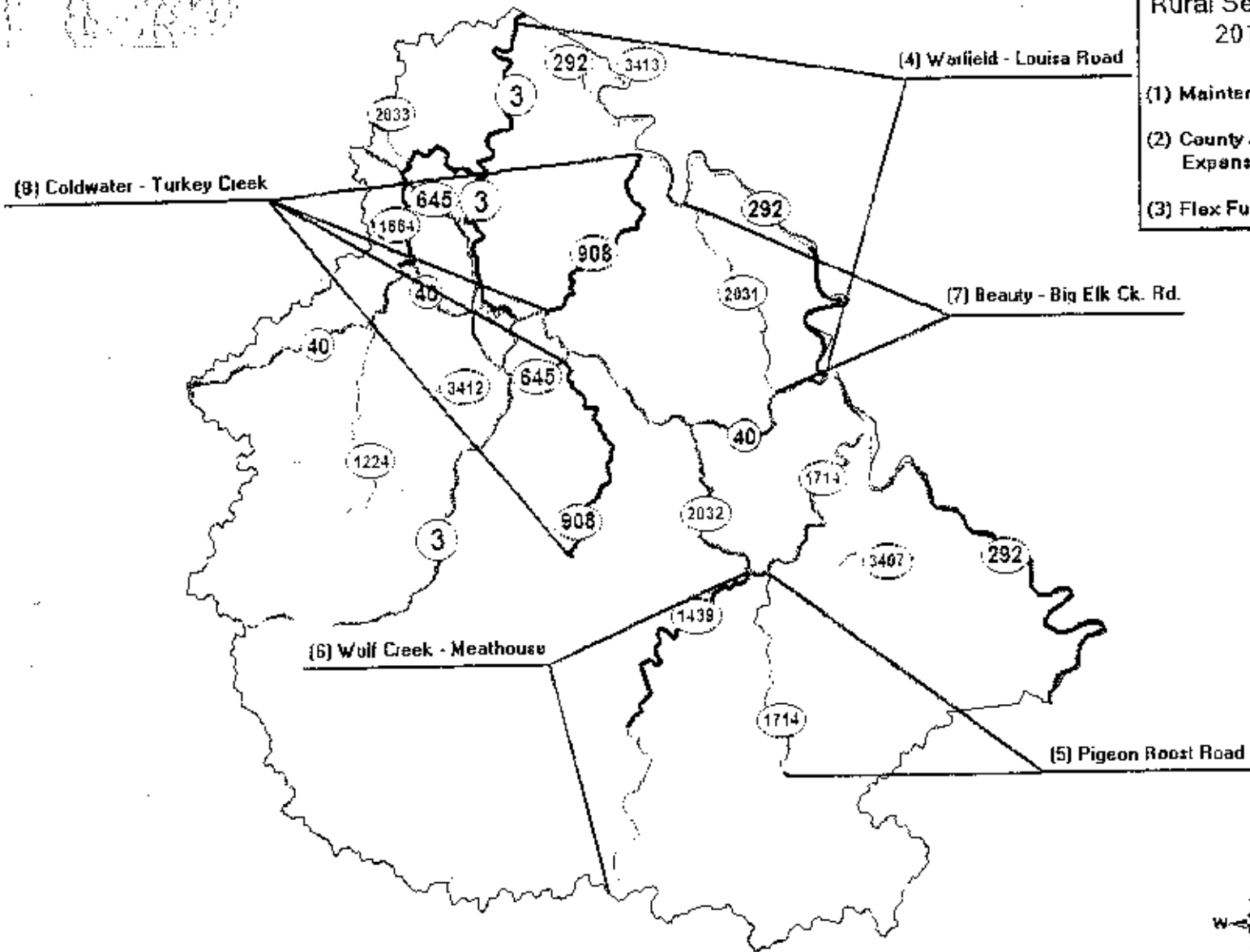
Anticipated Allotment		\$ 895,915.00
1.	Maintenance and Traffic of 63.609 miles of Rural Secondary Roads @ \$5,840 Per Mile	\$ 371,500.00
2.	County Judge Executive Expenses	\$ 3,862.00
3.	Flex Funds for Projects	\$ 131,896.00
4.	KY 292 Warfield – Louisa Road Bituminous Patching From: M.P. 13.160 KY 40 To: M.P. 23.900 KY 3	
5.	KY 1714 Pigeon Roost Road Bituminous Patching From: M.P. 0.000 Begin State Maintenance To: M.P. 5.150 KY 1439	
6.	KY 1439 Wolf Creek Road-Meathouse Bituminous Patching From: M.P. 0.000 Pike County Line To: M.P. 10.733 KY 2032	
7.	KY 2031 Beauty – Big Elk Creek Rd. Bituminous Patching From: M.P. 0.000 KY 40 To: M.P. 5.140 KY 292	
8.	KY 908 Coldwater - Turkey Creek Bituminous Patching From: M.P. 0.000 Begin State Maintenance To: M.P. 5.469 KY 645 From: M.P. 5.469 KY 40 To: M.P. 10.786 KY 292	



DEPARTMENT OF HIGHWAYS
MAP OF
MARTIN COUNTY

Rural Secondary Map
2010-2011

- (1) Maintenance & Traffic
- (2) County Judge Executive Expenses
- (3) Flex Funds for Projects





DEPARTMENT OF HIGHWAYS
MAP OF
MARTIN COUNTY

Rural Secondary Map
2010-2011

- (1) Maintenance & Traffic
- (2) County Judge Executive Expenses
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