

**Minutes of the February 8, 2016  
Daviness County Fiscal Court Meeting  
held at the Daviness County, Kentucky Courthouse**

**Present elected court officials included  
Judge/Executive Al Mattingly and County Commissioners Mike Koger,  
George Wathen and Charlie Castlen**

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**DOCUMENTS RELATED TO TODAY'S DISCUSSIONS  
ARE FILED IN THE CORRESPONDING FISCAL COURT FILE**

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Judge/Executive Al Mattingly opened the meeting in prayer and led the court in the Pledge of Allegiance to the flag.

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Treasurer Hendrix presented the Treasurer's Report for December 2015.

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Minutes of the January 21, 2016 meeting were submitted to fiscal court members for review prior to today's meeting and on a motion of Commissioner Castlen, seconded by Commissioner Koger with all the Court concurring said Minutes were approved and signed.

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**By a motion of Commissioner Koger, seconded by Commissioner Wathen, the court considered approval of all Claims for all Departments.  
Without further discussion, Judge/Executive Mattingly called for a vote on the motion.  
All members of the court voted in favor; motion passed.**

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**By a motion of Commissioner Wathen, seconded by Commissioner Castlen, the court considered for approval an MOA with Mizkan America, Inc. regarding Waste Product Disposal and to Authorize the Judge/Executive to execute said MOA.**

David Smith stated, "Years ago, the prior owners decided to go to zero land filling. Because of our flow through ordinance, we had to have an agreement to allow them to take the waste out of the county. This is an annual agreement."

**Without further discussion, Judge/Executive Mattingly called for a vote on the motion.  
All members of the court voted in favor; motion passed.**

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**By a motion of Commissioner Wathen, seconded by Commissioner Castlen, the court considered for approval a Solid Waste Disposal Agreement with OMU.**

Mr. Smith stated, "OMU awarded a bid last fall. Since then, we have been negotiating regarding their coal combustion residuals disposal agreements. This agreement is the result of those negotiations. Basically, we have a minimum in this agreement that they must bring us a minimum of 125,000 tons within the next 5 years. Also, this is not limited to just CCR's. It's any waste that they are not currently bringing to us. This gives OMU the capability of finding a

lower cost option primarily through beneficial reuse and disposal back in the mines, but it also gives us the ability to have a known revenue stream to complete construction."

Judge Mattingly stated, "This is mainly driven by EPA regulation change." He also stated, "A discussion took place this afternoon with a gentleman who had environmental impact concerns. He was concerned that we were going to bring CCR from OMU to our contained landfill. He supplied us links to various studies and I think 99% of those links addressed slurry pits, such as what they were previously doing, dumping into clay pits. He also addressed beneficial use concerns where they would take CCR and use it in the construction of wallboard and use it as fill for road base. I don't think anyone up here would disagree with the statement that there are some bad things such as arsenics and mercury in CCR. Also, there is no disagreeing with taking this material and placing it in a self-contained, lined, landfill constructed to meet all landfill federal and state regulations and engineering design specifications. Our landfill is not similar to those referenced in the forwarded links. There has been concern regarding water and underground streams. Our landfill has monitoring well above and below the landfill and the flow of the water so we can monitor those wells ensuring that there is no breach in that containment system. In addition, we have 23 wells that pump water out of the landfill so we can recover and use the natural gas generated by the landfill instead of just flaring it off. By taking some of that water out, we do not have that water to filter and leach through materials and pick up whatever materials along the way. The landfill is constructed with a compacted nearly impermeable layer of clay, which means it would take 204 years for a single drop of water to filter through that clay liner. On top of the clay liner, we have 2 bio-mats with a layer of bintonite in between. Bintonite has a great capacity to absorb water, expanding to 700-900%. Plus, a 60 ml membrane has been installed on top of the second bio-mat, an additional mat, and finally a pipe to catch any leachate. That is then covered with 18" of river gravel and any flow is directed to that leachate pipe. Another membrane and then put 15' of soft fill. Any leachate collected is done through the installed pipes and is deposited into two 150,000 gallon concrete tanks, which sits in a bladder and between the bladder and tank there is a pipe that runs out to a ditch with a spigot so that leachate may be periodically be tested to insure there is nothing wrong with the concrete tank. The leachate is pumped out of the holding tanks and is taken to RWRA for treatment, just like they do for any other sewage and then it's discharged in the river. The Division of Water and the Division of Solid Waste inspects that leachate regularly. Since operating the landfill, over 20 years ago, there has not been a single inspection where those downstream wells have shown any contamination. While I understand this gentleman's concerns and perhaps those of others, I believe we are the most competent site to take care of this material and ensure that it doesn't do anything to the groundwater in this community."

Commissioner Wathen reviewed the provided links and noted that most were fairly dated, originating between 2007 and 2010. To summarize the links, he said they referenced unlined, unregulated, and unmonitored pits and ponds and the construction of such cannot be compared to our landfill's integrity. He stated, "Daviness County is providing a solution instead of contributing to the pollution problem."

Commissioner Koger said he does not believe any court member would consider putting our community's health and environment in harms way.

James Lacey-Kamuf thanked the Judge for his thorough explanation. He stated, "The world is estimated to be over 4.5 billion years old, so that 204 years, as mentioned, should be unacceptable. If the world is still in its infancy, consider how many people may be impacted by the possible pollutants from the landfill's leachate."

**Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.**

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**By a motion of Commissioner Wathen, seconded by Commissioner Castlen,** the court considered for approval the Panther Creek Park 2016 Concessions Agreement with the Daviness County Babe Ruth League and to Authorize the Judge/Executive is sign said agreement.

**Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.**

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**By a motion of Commissioner Wathen, seconded by Commissioner Castlen,** the court considered for approval to Authorize the Judge/Executive to sign and submit any and all documents relating to the 2016 10.1-acre Cell Construction for the Landfill.

Mr. Smith noted that this gives authorization to the Judge/Executive to process necessary project documents.

**Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.**

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**By a motion of Commissioner Koger, seconded by Commissioner Castlen,** the court considered for approval the Proposal for the 2016 Annual Survey Report for the Landfill.

**Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.**

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**By a motion of Commissioner Wathen, seconded by Commissioner Castlen,** the court considered for approval the Proposal to Add Counties to Solid Waste Permit for the Transfer Station.

Mr. Smith explained that this formally authorizes the county to accept waste from all Kentucky counties.

**Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.**

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**By a motion of Commissioner Wathen, seconded by Commissioner Castlen,** the court considered for approval to Hire Danielle Kamuf as an Administrative Assistant in the Department of Parks and Recreation effective February 15, 2016, subject to successful completion of pre-employment screenings.

**Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.**

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**By a motion of Commissioner Wathen, seconded by Commissioner Koger,** the court considered for approval to Hire Samuel E. Hodskins, Sr. as a part-time Heavy Equipment Operator in the Department of Solid Waste effective February 9, 2016, subject to successful completion of pre-employment screenings.

Judge Mattingly stated, "Mr. Hodskins is also a trained and skilled heavy equipment mechanic and soon, it is my intent to bring before this body a recommendation to hire Mr. Hodskins as a part-time HE Mechanic. He noted that skilled mechanics with the training of Mr. Hodskins are difficult to come by. Few to no qualified applicants are submitting job applications for like positions.

Commissioner Wathen stated, "To me, this position is full-time temporary as he will work 40 hours per week."

Mr. Smith said, "Correct."

**Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.**

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**By a motion of Commissioner Wathen, seconded by Commissioner Castlen,** the court considered for approval to Promote Danny Roberts to Service Technician in the Department of Public Works effective February 1, 2016.

**Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.**

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**By a motion of Commissioner Wathen, seconded by Commissioner Castlen,** the court considered for approval to appoint Jamie Bisel (52-2015) to the OASIS Board - TERM: Immediately – 12/1/2018.

**Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.**

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**By a motion of Commissioner Castlen, seconded by Commissioner Wathen,** the court considered for approval the **Second Reading of Ordinance 1-2016** - An Ordinance relating Property Maintenance.

**Comments:**

Daviess County Farm Bureau President Jeff Berry thanked the court for allowing his organization to be a part of this process. He believes this is a good and beneficial community ordinance.

**Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.**

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**By a motion of Commissioner Koger, seconded by Commissioner Castlen,** the court considered for approval the **Second Reading of Ordinance 2-2016 [KOC 621.15 (2016)]** An Ordinance relating to the Daviess County Road, Bridge, and Street System.

**Comments:**

No comments received.

**Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.**

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The **First Reading of 220.26. (2016); 3-2016** was presented regarding an Ordinance amending KOC 220.26(2016) Authorizing and Establishing a Development Area for Economic and Infrastructure Development to be known as the "Daviess County Development Area No. 1;" Establishing the Percentage of Increment that the County of Daviess will Authorize each Year; Approving and Authorizing the Amount of Increments to be Authorized Including the Authority to Enter into Local Development Area and to Impose Assessment Fees on Newly Created Jobs with the Development Area.

**Comments:**

Mr. Smith stated, "Last year, Glenmore Distilleries requested the court create this economic development area. It is where their new warehouse is located. An issue that has occurred is

when they had us set this up they wanted the tax rate to be the same in this district as it is in city. This was to make it easier for accounting purposes. Since then, the city has raised their occupational tax. So we are going back to raise the assessment to match that of the city."

County Attorney Porter stated, "We are just amending the prior ordinance because of the way our new ordinances are put in, we don't get rid of the old one and bring a new one in, we just amend the current ordinance."

Judge Mattingly stated, "The Termination date does not change at the end of the ten year agreement. It will revert to the then-current county tax rate."

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**Other business to be brought before the Daviess County Fiscal Court:**

**By a motion of Commissioner Koger, seconded by Commissioner Wathen,** the court considered for approval to Purchase Restroom Partitions for the Parks from Schrecker Supply Company for \$10,412.

**Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.**

**By a motion of Commissioner Castlen, seconded by Commissioner Koger,** the court considered for approval to Purchase Heavy Equipment Trailer for the Road Department from Impco, Inc. for \$13,768.14.

**Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.**

**By a motion of Commissioner Wathen, seconded by Commissioner Castlen,** the court considered for approval to Advertise **Bid No. 04-2016:** Landfill Cell Construction; Geosynthetics.

**Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.**

**By a motion of Commissioner Koger, seconded by Commissioner Castlen,** the court considered for approval Replace Two Entrance Gate Operators at Operations Center from Murphy Electric for \$6,274.50.

**Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.**

**By a motion of Commissioner Wathen, seconded by Commissioner Castlen,** the court considered for approval Replace Surety Bond at Lakeside at the Downs, Unit #3.

**Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.**

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**Comments:**

Judge Mattingly encouraged public attendance during next Thursday's Cedar Hill Treatment Plant Public Meeting and next Friday's Friendly Village Treatment Plant Public Meeting.

Judge Mattingly expressed appreciation to all who were recently involved in the homeless count (K-County) on January 27th. Larry Conder also expressed appreciation to the members of the Homeless Council of the Ohio Valley for their hard work putting together and hosting the 2016 Community and Homeless Resource Fair and K-Count for Daviess County. He noted the day's success.

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**Without objection, Judge/Executive Mattingly adjourned the meeting.  
SO ORDERED THAT COURT STAND ADJOURNED.**



Judge/Executive: \_\_\_\_\_ Commissioner: \_\_\_\_\_

Commissioner: George Wathen Commissioner: Mike Koger

I, duly appointed Clerk of the Daviess County Fiscal Court, do hereby certify that the above Minutes for the corresponding Order Book were approved by the members of the Daviess County Fiscal Court at the regular session of said Court on this 25th day of February 2016.

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Jennifer C. Warren, Daviess County Fiscal Court Clerk