

REGULAR SESSION  
of the Daviess County Fiscal Court  
held at the Courthouse in the City of Owensboro,  
County of Daviess, Commonwealth of Kentucky  
on this 20<sup>th</sup> day of February 2013  
Present were Judge/Executive Al Mattingly and  
County Commissioners Jim Lambert,  
George Wathen and Charlie Castlen

\*\*\*\*\*

DOCUMENTS RELATED TO TODAY'S DISCUSSION  
ARE FILED IN FEBRUARY 20, 2013 FISCAL COURT FILE

\*\*\*\*\*

Commissioner Wathen opened the meeting in prayer and led the court in the Pledge of Allegiance to the flag.

\*\*\*\*\*

Commissioner Lambert introduced and welcomed Dan Zielinski who is working towards achieving Eagle Scout before turning 18. He is currently working on getting his local government/citizenship badge.

\*\*\*\*\*

The court was presented the Daviess County Public Health Taxing District Financial Statements for the Year Ended June 30, 2012.

\*\*\*\*\*

County Treasurer Jim Hendrix presented the Treasurer's Report for the Month Ended 01/31/13.

\*\*\*\*\*

Jerry Fischer updated the court on the status of the Stormwater Master Plan. He stated, "We have been working to come up with some goals for the county, and to work with some firms to do a Stormwater Master Plan. We went through some interviews, and the board approved URS out of Louisville, which works with a local firm, HRG. Hopefully, we can start negotiations before too long with them, but these goals that we propose could possibly change depending on what the evaluation comes up with. It will take a lot of previous studies that have been done, and use that information, and make models of the primary waterways, the 12 that we have listed in the maintenance policy. Then hopefully we will get enough information off that to determine what can be done, some costs for certain projects that will hopefully improve the community as far as flooding issues that we have going on right now. That is our primary goal to improve the community. We know there are certain areas of the community that we may not be able to deal with due to the costs, but hopefully, through this master plan we can still get the information. We have been told that before we could ever do anything we have to have a plan in place, and that is the objective to get started with this master plan. If we do not have a plan, we cannot do any work, and we cannot go to Frankfort or Washington to get any type of money. That is the reason that we feel confident that we need to start the plan, and get it in place. That way we will be ready whenever there are projects that are due. On behalf of the board, we would like to recommend that we start negotiations with URS to do the master plan, and hopefully after negotiations are done, we can get it approved to move forward with the master plan."

Commissioner Wathen stated, "There was a subcommittee selected. We received seven proposals and interviewed three different companies. The subcommittee decided on URS, and submitted their name to the board. The board unanimously agreed to go with URS. I will just

kind of interject, I am going to call this phase I of the master plan study. What we hope to get out of this – we are going to study, like we say, 12 ditches – what we are going to get out of this is 2 things, 2 general statements. One is this should tell us approximately what it would cost us to do the full-blown master plan, and then secondly, it should give us a general estimate of what it would cost to do the work/construction that the master plan dictates because this is the beginning process. It also gives us an opportunity to take, once we have this completed, we can go forward, and try to get some help, some grants, and different things from the Corp of Engineers, state, federal etc... This is a major step forward for the community, I think.”

Judge Mattingly asked, “Claud, so we now need to authorize the County Engineer to negotiate a contract with URS?”

County Attorney Porter stated, “Yes, Judge.”

**By a motion of Commissioner Wathen, seconded by Commissioner Castlen, the court considered approval to Authorize the County Engineer to negotiate a contract with URS relating to a Stormwater Master Plan.**

Judge Mattingly stated, “We are not giving him (the county engineer) the authority to enter into a contract, just to negotiate a contract with URS.”

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

\*\*\*\*\*

Minutes of the February 5, 2013 meeting were submitted to fiscal court members for review prior to today’s meeting and on a motion of Commissioner Lambert, seconded by Commissioner Castlen with all the Court concurring said Minutes were approved and signed.

\*\*\*\*\*

**By a motion of Commissioner Castlen, 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.**

\*\*\*\*\*

**By a motion of Commissioner Lambert, seconded by Commissioner Castlen, the court considered for approval the Lease Agreement with Jesse L. Pollock for a 72.28-acre tract of land located at 7740 KY 2830 for the Operation of a Gun Club.**

Nate Pagan stated, “Late last year, we were notified by the previous lessees that they would not renew their lease beyond December 31, 2012. At that point, we began to seek others who might be interested in operating that facility. We identified three groups that we talked with, and of those, I think we all kind of agreed on one, Jesse Pollock. We entered into negotiations with him resulting in the lease that you see today. Essentially, it is a three-year term with the option to renew for a second three-year term. We will provide the facility for a fee of \$1.00 per year, and that is really our extent of involvement. He operates and runs the facility. He is responsible for providing liability insurance, and those types of administrative functions.”

Judge Mattingly said that this facility could only be used as a gun club/range, nothing else.

**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 Lambert, seconded by Commissioner Castlen, the court considered for approval to Hire the following Seasonal Employees commencing March 1, 2013 through November 30, 2013, contingent upon successful completion of pre-employment screenings:

**Panther Creek:**

**Grounds Maint.**

Jason Head  
Gary McCarty  
James Robertson  
Neil Vanover

**Park Attendant**

Chris Hall  
Nathan Lacefield  
Jared Payne

**Yellow Creek:**

**Grounds Maint.**

Timothy Beebe  
Steve Graybill  
Glenn Hite  
Larry Piper  
James Pullin

**Park Attendant**

Jerry Hallam  
Nicole Shor  
Austin Wedding  
Isaac Hardesty

**Horse Fork Creek Park:**

**Grounds Maint.**

Robin Edgell  
Harold Ross

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 the Engagement Letter from Mountjoy, Chilton, and Medley to perform the 2012-2013 Daviess County Fiscal Court Audit.

County Treasurer Jim Hendrix stated, "This is a standard audit engagement letter. This will be for the fiscal year that is about to end in June. We go ahead and do this so we can get a better time slot with the auditor. What has to happen is that I have to contact the state, the state has to decline to do the audit, and they have declined. They also have given me permission to hire an auditor. This auditor is in good standing with the state APA's office. They have also done our audit before, and they are very professional and technically proficient. The fee is a not to exceed amount of \$25,700. That is \$1,200 higher than last year, but it is the first time they have raised that fee since 2010. I would recommend approval."

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 Wathen, the court considered for approval to Appoint Dwane Smeathers (05-2013) to MCA Board (Dr. Vernetta Harris – partial term, filling the unexpired term of Walt Green) - TERM: 03/01/2013 – 03/01/2017.

Nate Pagan stated, "The MCA board manages the contract with the ambulance service for emergency response. Right now, we have four appointees. To this vacancy, we will appoint Chief Smeathers as our fire department representative. The interlocal agreement that creates the MCA, requires us to have a member of the fire department on the board. The past one retired last year, so this appointment is just cleaning up our responsibilities of having a paid county firefighter on the board."

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 Lambert, seconded by Commissioner Castlen, the court considered for approval to Appoint Ray Asmar (04-2013) to the **Airport Board** (served 3 terms) - TERM: 03/08/2013 – 03/08/2017.

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

\*\*\*\*\*

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

By a motion of Commissioner Wathen, seconded by Commissioner Castlen, the court considered for approval to Award **Bid 23-2012** for the Crooked Creek Road Elevation Project to Double A Services.

County engineer Mark Brasher stated, "This is the Hazardous Mitigation grant that was applied for approximately five-years ago. I believe we received approval of that grant around two-years ago. We have been in the process of designing it. We have run into several issues relating to wetlands, Indiana bats, and the fact that this project can only be done during the dry time of the year. We opened bids in November and they were higher than our cost estimate that we had turned in for the grant. For the last couple of months, we have applied for a grant budget increase. We have not yet heard back from them. We hope to hear something in the next week or two. Due to the limitation on cutting trees, because of the Indiana bat, we have until March 31, 2013 to do that. At this point, our window is closing for that very initial step of cutting trees so I am recommending that we award the bid to the lowest responsive bidder, which was Double A Services. If we award it now, this will give them enough time to turn in the insurance, to sign the contract, and to go ahead and proceed with cutting the trees before that March 31 deadline. At that point, the project will probably sit until the summertime when the creek dries out, and it will be more efficient for them to get there to do the raising of the road, the removal of the pipe, and the reconstruction and reinstallation of the pipe."

Judge Mattingly stated, "We actually exceeded the time limit on the bid as far as their guarantee on the price, but we have contacted them and asked if they would extend that time limit, and they said they would. Mark, if we do not proceed now, what do we have to do?"

Mr. Brasher stated, "If we continue to wait now because of the logistics of their potential price for material could go up, and if they cannot hold their price firm then we would in essence have to rebid the project. It would take about one-month to rebid, then it would take a couple of weeks to sign a contract, and get the insurance in place. If we go through that process, we are past the March 31 deadline. At that point, we would have to ask FEMA for another 12-month extension, which we just have done, and have received to get us to this point. Instead of potentially waiting another 12-months to do this project, I am recommending that we proceed understanding that we may not get that additional funding, and we budget appropriately."

Judge Mattingly stated, "Let's talk about additional cost to the court. Let's look at best case/worst case scenarios."

Mr. Brasher stated, Best case would be that they accept our budget amendment and we get that additional money. We would be paying just under \$60,000 for a \$407,000 project. Worst case would be that they deny our budget amendment, and we do not get that additional money. We would be responsible for anything above and beyond the existing grant, which is sitting at \$300,000, so we would be out \$142,000 for the project."

Judge Mattingly stated, "That being our match. There is a certain amount that we have to put up so it is either \$60,000 or \$142,000. By going ahead and proceeding does not mean that we do not – they will not come back and tell us that we have the money. If we do not proceed we do not know for sure if all likelihood is that next year the costs are going to go up and it will be..."

Mr. Brasher interjected stating, "Yes, we would be applying for another 12-month extension which we may or may not get. If we did get it the costs, more than likely, would have gone up."

Judge Mattingly asked, "Have you identified other possible sources of funding which may offset the cost of this project?"

Mr. Brasher replied, "If it comes back that they deny our budget request. There are state programs that we could apply for and use, such as the bridge program. We also have the flex-funds for rural secondary roads that the State Highway Department gives us."

**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 Promote Jerry E. Reddish, Jr. from Heavy Equipment Operator at the Transfer Station to Solid Waste Heavy Equipment Operator at the Landfill, effective 02/25/13.**

**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 Lambert, seconded by Commissioner Wathen, the court considered for approval to Fund the Tennis Center in the amount of \$100,000, which will be allocated to the center in the amount of \$50,000 each year over a two-year period. This allocation to the Tennis Center is contingent upon the center reaching their \$500,000 match, as discussed below. If the center fails to reach their goal of raising \$500,000, then the center will not receive the court's \$100,000.**

Phil Clark stated, "We approached the City of Owensboro a few months ago and they agreed to match \$500,000, if we raised \$500,000. Currently, we have raised a little over \$400,000. This tennis center will be a 6-court facility, which is ideal for tournaments and programming. One of the purposes of this center is to work with every school system in Daviess County and provide the opportunity to get a racket in the hands of every first grader and allow them playing time on the courts at least 5 or 6 times, in addition to other school programming. We believe we can generate a ton of energy with this and we are here to ask for your support."

Judge Mattingly stated, "This is not just a facility, while the city is heavily involved, for city residents. This is a facility for all Daviess County residents. It is not unprecedented for the county would participate because when the city built the ice arena the county donated money for the construction of that facility realizing that it was going to be open to the entire community. It is not just for the tennis community."

Commissioner Lambert stated, "Judge, too, look back a number of years ago, the city and county did a parks master plan, and since that time, we have cooperated with the city in the development of the football facility. The city sort of verbally agreed to do that. We developed a soccer facility at Horse Fork. As Judge said, we participated in the ice center, and I certainly want to support this."

Commissioner Wathen asked, "Do you feel like the local high schools will actually use this facility for their team?"

Mr. Clark replied, "I think in inclement weather they would use the facility. I think it would be very handy when they have their tournaments here. I think the local colleges would use it also."

Judge Mattingly asked, "Who will be responsible for the facility maintenance?"

Mr. Clark said he believed it would be a joint effort between the center and the city.

Judge Mattingly said he asked that question because he does not wish to see Mr. Clark's group back here next year requesting funds for the center's maintenance.

Mr. Clark said he does not intend on returning to the court for a maintenance-funding request.

**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 Allocate funds for Judicial Center Maintenance Projects.**

Mr. Brasher stated, "Every year the Daviess County Fiscal Court proposes to the Administrative Office of the Court (AOC) maintenance projects for the Judicial Center. In the past, the AOC has funded these projects, but due to budget issues and the economy, they have not been able to find the money for what we have proposed as maintenance projects for the fiscal year. They have asked us to proceed with those projects at our expense. We have money in the budget due to – we had budgeted approximately \$40,000 for our HVAC contract, and we rebid that this year, and saved just over \$30,000 out of that line item. I am proposing that we do these projects totaling approximately \$11,000, and take the money from that account that we recognized the savings on."

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

**Comments:**

Judge Mattingly congratulated Jim Hendrix for his 5-year anniversary with the court and Brain Keith Hurm who has been with the court for 10-years.

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

---

Al Mattingly  
Daviess County Judge/Executive