

**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 8th day of March 2011.
Present were Judge/Executive Al Mattingly and
County Commissioners Jim Lambert,
George Wathen and Charlie Castlen**

Judge/Executive Al Mattingly said the Opening Prayer and led the court in the Pledge of Allegiance to the Flag.

Deputy Nathan Thomason was introduced to the court by Sheriff Keith Cain as their newest deputy. The court congratulated Deputy Thomason and thanked him for his willingness to serve our community.

Minutes of the February 22, 2011 meeting were submitted to the Fiscal Court members for review prior to the Fiscal Court meeting and on a motion of Commissioner Lambert, seconded by Commissioner Castlen with all the Court concurring said Minutes were approved and signed, and the Court was directed to spread upon the Fiscal Court Order Book the Minutes along with any exhibits, orders, ordinances or resolutions that pertain to same.

By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered approval to appoint Mark Brasher as County Engineer for a two year term commencing March 16, 2011.

Judge/Executive Mattingly explained that the Fiscal Court had been without a County Engineer since January 2011, and we advertised for the position. There were twelve applicants. Two did not respond in the proper form, so we actually only had ten applicants to consider. A search committee recommended three names for the Fiscal Court to consider. After sending a request to the three applicants, one of those applicants withdrew their application. Judge/Executive Mattingly interviewed two applicants. **Without further discussion, Judge/Executive Mattingly called for a vote on the motion. Voting results: All members of the court voted in favor. Motion passed.**

County Attorney Claud Porter read the **First Reading: KOC 611.8 (2011)-An Ordinance Authorizing the Establishment of Assessment Warrants for the Broadacre Subdivision.**

Comments by Fiscal Court:

Judge/Executive Mattingly asked David Hawes, Director of Regional Water Resource Agency (RWRA), to explain.

Mr. Hawes explained that this neighborhood requested sewer service. RWRA develops and constructs the sewers and the total cost of the sewer construction along with any easement acquisition costs, legal expenses, etc. is divided up among those properties served. When we have grants applied to the project, that amount is deducted prior to assessing the cost to the property owners. This process does not create a burden to the existing rate base, but those properties that receive service pay their proportionate share. Broadacre Subdivision is located off Highway 56 next to the new Sorgho Elementary School to the East. Sixty-eight users will each be assessed \$3,392.56 to receive service.

Commissioner George Wathen stated that he was unfamiliar with the process and wondered what the "total system development share" represented.

Mr. Hawes explained that the “total system development share” was the portion of the line that had to be constructed out of the lift station and was just a prorated amount of the total cost of that line. The cost of upsizing the line located near Hwy 56 that would make sewer service available to the area across the road that currently does not have service was not assessed to the Broadacre subdivision users.

Commissioner George Wathen questioned the language contained in the ordinance as to when it was determined by the Fiscal Court that this area receive service.

Mr. Hawes stated that RWRA is the agent that provides services, builds the lines and so on. “Essentially the authority for the determination has been given to us by both bodies, both the City of Owensboro and Daviess Fiscal Court. As a combined agency, you all have given us that authority, and generally the way we operate, and Dean mentioned it before in the other meeting, we generally try to put sewers where the majority of the people want those sewers. That is done through a petition system, and we receive petitions and so on. Sometimes it’s done based on environmental need. Sometimes we have to provide sewer service to one neighborhood to get to another neighborhood. There are various reasons why we provide sewer service.”

Judge/Executive Mattingly asked for an example of an environmental need.

Mr. Hawes stated Broadacre is a neighborhood that had environmental issues. We received information from the Kentucky Division of Water that some of the receiving streams nearby had high levels of fecal matter in them, so that was a determination as to one of the reasons we were looking at this neighborhood. “The fact that we have grant funds available also is a determining factor that might help a neighborhood come forward.”

Judge Mattingly said, “So, they had failing septic tanks. The septic tanks were leaking sewage into the streams, the ground water, and those kinds of things and even over on the neighbor’s yard.”

Mr. Hawes answered, “That’s correct. We sometimes receive notification from the Health Department. Sometimes we receive notification from Division of Water, and in the case of Broadacre, I think we received some communication with Division of Water.”

Judge Mattingly asked, “How many people are required for a petition? How many signatures do you require?”

Mr. Hawes stated, “There is no specific requirement, but generally we try to at least the Board has given our staff direction that when we see a petition of 75% we know that that neighborhood wants sewer service. Some neighborhoods have higher and some lower, but we try to get those in a systematic way and generally it’s 75%.”

Commissioner George Wathen asked that this area was determined by RWRA and the Fiscal Court hadn’t voted on this prior to the ordinance being presented.

Mr. Hawes answered, “Correct. Fiscal Court did not specifically vote on any particular project.” We do notify all the court members of neighborhood meetings, and you will be able to come. Actually we’ve got one coming up next week for the Woodland South area near Hwy 56 and Hayden Bridge Road.

Judge/Executive Mattingly asked Dean for the exact date and time of that meeting.

Dean stated that it will be at Sorgho School on Monday, March 14th at 6:30 p.m.

Mr. Hawes stated, “We meet with the neighborhood prior to anything going on in the neighborhood other than survey work and things. We generally try to lay it out and show the neighborhood in those meetings where the lines are going, and we explain the whole process.”

Comments from the public:

No comments were received.

Mr. Porter read the **First Reading of KOC 611.9 (2011)**-An Ordinance Authorizing the Establishment of Assessment Warrants for the Daniels Lane (Vincent Station Interceptor) Sewer Extension.

Comments by Fiscal Court:

Judge/Executive Mattingly asked Mr. Hawes to explain this project.

Mr. Hawes explained that this project is off Daniels Lane very near the hospital on a road that has some industrial properties called Vincent Station. "This line actually ran parallel to Daniels Lane. It connected up to sewers that were actually placed in the ground years ago."

Commissioner Jim Lambert asked why the cost to these property owners is considerably less than the other project.

Mr. Hawes stated that this line was just put up parallel to the road. There was one single line that connected up to two existing lines. "We were able to put that off the right-of-way or right at the edge of the right-of-way, and we were able to do that without much pavement repair, without the movement of utilities and things like that, so the actual construction for length of pipe and properties served was just more economical. That's the way you'll see these type projects in neighborhoods where we have to tear up a lot of pavement and we bring in more rock. It is just strictly related to the construction costs."

Comments from the public:

No comments were received.

By a motion of Commissioner Castlen, seconded by Commissioner Lambert, the court considered approval of an Amendment to the Administrative Code relating to the Procurement of Goods and Services.

Judge/Executive Mattingly asked, "Mr. Hendrix, do you want to enlighten us as to why we are doing this?"

Treasurer Jim Hendrix explained that this proposal is changing the signature authority involved in our purchasing. "Currently a department head can purchase up to \$500.00 on his own signature. What we request to do is raise that to \$1,000.00 dollars. The fall out of that would be the next bracket would be over \$1,000.00 up to \$5,000.00 you can get his signature and the County Judge's signature, or if the County Judge is not available, you can also get the County Treasurer and the Liaison Commissioner. From \$5,000.00 to \$10,000.00 would require the department head and the County Judge. Then from \$10,000.00 to \$20,000.00 is prior approval by Fiscal Court, and you have to have quotes. Over \$20,000.00 would still require bids. The purpose of these changes is simply to update an outdated limit with \$500.00. Some department heads can't purchase a tire on their own signature. That makes no sense. We are updating outdated limits to more properly reflect responsibility given to department heads and eliminate the inefficiency involved in the purchasing process of tracking down people for signatures. This change in no way lessens their obligations to follow the requirements of a purchase. These items would still be pre-approved in the budget, and I don't see it as lessening anything. We would request your approval."

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

By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered approval of a 3 year Contract with NeoPost Meter Rental Agreement.

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

See Document [A](#)

By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered approval to hire Ryan Baxter Liles as a seasonal Grounds Maintenance employee at Panther Creek Park.

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. Voting results: All members of the court in favor. Motion passed.

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. Voting results:
All members of the court in favor. Motion passed.**

Public Comments:

No comments were received.

Other Business to be brought before the Daviess County Fiscal Court:

No comments for received.

Comments by Daviess County Fiscal Court:

No comments were received.

Without objection, Judge/Executive Mattingly adjourned the meeting.

Al Mattingly
Daviess County Judge/Executive