

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 21st day of March 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 MARCH 21, 2013 FISCAL COURT FILE

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

The following update was given regarding the Pioneer Village by Owensboro-Daviess County CVB Executive Director Karen Porter and Development Director Sean Dysinger:

Village at the Creek Arts Series

May 18th - Bluegrass in the Village featuring King's Highway. Tickets include a barbecue dinner brought to you by Roy Henry's Boogaloo - Barbecue, runner up in the recent Pitmasters BBQ Cook off. Tickets \$12 (\$6 for 12 & younger) 5 to 8 pm

June 1st - Songwriters in the Village A celebration of the songwriting process featuring Terry Herd of Bluegrass Radio Network and many others. 6 to 9pm - Free Admission & Concessions available

June 14th - Flag Day Celebration in conjunction with DAR - Music & food, plus a free flag for the first 200 visitors. Free admission

July 21st - Gospel in the Village (tentative) An ice cream social, picnic fare, and great Gospel Music.

August 3rd - Quilts at the Village (tentative) Quilt and folk art fair. In partnership with the Daviess County Barn Quilt Trail and the International Quilt Museum in Paducah, Kentucky.

September 13th - Buffalo Dinner Ticketed Event 5 to 8 pm (dinner served at 6). Live music - Guest Chef prepares this frontier classic. Featuring an elegant dinner, live music, and living history guests.

Mr. Dysinger stated, "All of these events are in addition to the living history events that we do. All of those events are done with volunteer help and corporate sponsorships. One very exciting thing development on that front is that we will be planting a homestead pioneer garden at the village. We have collaborated with Western Kentucky Botanical Gardens, UK Extension Office, and the Daviess County Fiscal Court on that. We will break ground on that in a couple of weeks. We will be planting flax, cotton, corn, and many of the crops that you would have seen in the early history of Western Kentucky. Volunteers will tend the garden and we will bring groups of kids out to look at those different crops throughout the summer. We will teach them a bit about agriculture and the early history of Kentucky."

Judge Mattingly stated, "Let me tell you just how happy I am to see such an ambitious schedule. I am glad to see that Yellow Creek Park is going to be used even more, in particular the Pioneer Village."

Commissioner Lambert stated, "I really enjoyed the buffalo dinner last year. I don't know how you did that, but do it the same way this year."

Commissioner Castlen agreed with Commissioner Lambert.

Commissioner Wathen stated, "What are we going to do to advertise this – get the word out?"

Mr. Dysinger stated, "A lot of the marketing that the CVB does already is a natural for these sorts of events. We are a strong supporter of the Bluegrass Radio Network. That demographic overlaps nicely, obviously with the bluegrass event but also with the quilting event, and the gospel event. It will be advertised on our website, facebook, and our festival city app. It will also be advertised in Kentucky Monthly, Owensboro's Parent Magazine, and radio and TV advertising."

Commissioner Lambert stated, "Wally Taylor, who is in the audience today, has just donated another log barn, and we are in the process of taking that down. We appreciate the donation."

Mr. Dysinger stated, "The village would not exist were it not for the donations of a lot of families in Daviess County. Everything we have mentioned today is in addition to the continuing capital improvement work with the help of great folks like Ward Pedley, Mr. Taylor, and others. I am always a believer in not rolling out a lot of plans until I know that they are either done or coming to fruition. But you are absolutely right, none of this would be possible were it not for the support of a lot of great Daviess County families and folks."

Treasurer Jim Hendrix presented the Treasurer's Report for the Month Ended February 2013.

Minutes of the March 7, 2013 meeting were submitted to fiscal court members for review prior to today's meeting and on a motion of Commissioner Castlen, seconded by Commissioner Wathen with all the Court concurring said Minutes were approved and signed.

By a motion of Commissioner Lambert, seconded by Commissioner Castlen, 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 Wathen, seconded by Commissioner Castlen, the court considered for approval a Proposal for Allocating Economic Development Funds to On Time Fab., Inc., per the Daviess County Economic Development Advisory Commission's recommendation, and subject to working out the terms and conditions of this allocation.

Chair of the Daviess County Economic Development Advisory Commission Wayne Foster stated, "We appreciate the court making the money available. This vote was unanimous, and we feel like this was right in line with what we thought we were instructed to do."

Nick Brake of the Greater Owensboro Economic Development Corporation stated, "On Time Fab. is a local fabricating company. They are located in the West Industrial Park. They currently have approximately nine employees, and are in the process of doing some significant expansions. Most of their business comes from outside of Daviess County, so it is a primary employer in that sense. The opportunity with this favorable term loan will allow them to double in size and add, over the next several years, up to 20 jobs. It will allow them to expand their facility, and again to vie for significant business. We see this company as a great example of the uses for this money. This money is really going to make available to them opportunities that they would not have had. You can really take pleasure in the fact that you are making a significant impact on the future of this company. This company has already been approved by the state for a state incentive. A lot of the due diligence in this project has been conducted from our group and

from Frankfort. We feel very confident in the ability in this company to do what they say they are going to do.”

Judge Mattingly stated, “This is not the only money that is being invested in this expansion. This is just a part, and they are spending a lot of their own money. This is a loan, which will be paid back. How is it secured?”

Mr. Brake stated, “Part of it is going to be for some equipment, and I think some of the equipment will be used as part of the collateral for that.”

Judge Mattingly asked, “I assume it says “subject to terms and conditions” we still are working those out?”

Mr. Brake stated, “I think that will be worked out with David and with Mr. Porter.”

Commissioner Lambert asked, “Have we stated publically the amount of the loan?”

Mr. Brake stated, “\$50,000.”

David Smith stated, “The committee approved up to \$72,000, but we will not know the amount – and that is one of the reasons we waited so long is we will not know the amount of the loan until they buy the machine and get a firm price for the machine and set up. We are waiting on them to get far enough along in the process.”

Judge Mattingly stated, “The max set aside is \$72,000.”

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 a Proposal for Allocating Economic Development Funds to The Hines Group, Inc., per the Daviess County Economic Development Advisory Commission’s recommendation, and subject to working out the terms and conditions of this allocation.

Mr. Foster stated, “The proposal you have in front of you is from the Hines Group. Let me just say they had every opportunity in the world to sellout and relocate out of Daviess County. They made the decision to stay and fight back from economic uncertainties. They have since become a very viable corporation right here in Daviess County. As we listened to what they said, instead of selling out to someone else, now they are looking to purchase another company that is in line with what they do already. They would be moving equipment and bringing customers here, and our understanding is that most of the people that work in those positions right now would not be moving. These would be new jobs here in Daviess County. I was impressed by the wages that they would start at because it is very unusual to see that kind of level of wage here in Daviess County for that type of work. They will be doing a lot of training, and will be hiring some high level personnel. We feel like this was a perfect thing, and what they are asking to use the money for is to relocate this equipment – to help cover the cost to relocate the equipment that they would be purchasing. This is not a loan. This is a grant. If you look at the application they filed with the state, it says they will add 60 jobs. We unanimously recommend this be done.”

Mr. Brake stated, “The Hines Group is a long-term employer here and had gone through some hard times. In fact, the Owensboro manufacturing building, which is in the MidAmerica Airpark was up for sale a number of times. In fact, we have shown that building a couple of times to several clients, and when they notified us late last year, that they were looking at this expansion opportunity, and that they would be expanding in that building, and no longer having it for sale, and adding the jobs. This, once again, is one that went up through a state incentive process, and they did receive an incentive from the Commonwealth of Kentucky. It is a three million

dollar investment. The state incentive is 60 jobs. They guarantee 50, as far as this grant application is concerned. The quality of jobs and the stability of this company makes this a very good investment. The impact is not only important because of the jobs but you have to remember this is a headquarter operation. We do not have that many headquarter operations here. All of this money will stay in Daviess County because their entire operation is headquartered here in Philpot. That, in the mind of the committee, made it worthy of a grant rather than just a loan because of the magnitude of their impact, the size of their operation, and what this is going to mean for their long-term stability."

The court expressed sincere gratitude towards the members of this committee as they have dedicated many hours and their talents for the betterment of Daviess County.

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 Lambert, the court considered for approval **Resolution 01-2013** and Contract relating to the 2014 County Road Aid Cooperative Program.

Mr. Hendrix stated, "This is an annual agreement that we get in conjunction with the county road aid money that we receive from the state, and they need a contract verifying it. They will honor the amount that is stated in here. We will get two payments. The first payment will be 60% and then we will get 40% later in the year. Again, this is an annual contract. This gives the state the authority to pay us. The resolution says that you agree to spend the money on the roads listed in the contract, and basically that translates into the county road index."

Judge Mattingly stated, "Commissioners, we had some discussion as to the 3% set aside for the emergency fund. If you will look on page 1 of 6 in the contract – what that does is, I think, 118-119 counties participate in this emergency fund. Basically, what it says is that we get a total of about \$1.8 million from the state and 3% of that will go into that emergency fund, which becomes available for this or any county that participates, and if they have a major structure such as a bridge that collapses or a road that wash out. In effect, what we are doing is buying insurance with 3% of that road fund. I think it is a good thing."

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 Professional Services Contract with URS for the Daviess County Storm Water Master Plan.

Jerry Fischer, Chair of the Drainage Advisory Commission stated, "What we are asking for... Mark has been in contact with the firm (URS) in Louisville to do a Stormwater Master Plan. What we are wanting to get out of this Stormwater Master Plan is to try and find some answers to eliminate some of the flooding issues that we have in the county. We want to try and get some detailed analysis of different situations with different goals that we have established on some of the waterways in the county. The main reason is that everybody has ideas about flooding issues so we want definite answers. We hope with this firm that they can do detailed analysis in this first phase on these waterways and can give us the answers that we need for different projects. Also, with these projects, this plan involves – to get any type of funding you need to have a plan. That is one of the main reasons we want to put a plan in place. We want one that will work and not one that will just be put up on a shelf and not used. There is a lot of economic impact that has been heard over the years through the flooding even the past previous rains there have been a lot of roads that have been closed and that is one of the issues that we would like to try

and address. We have schools that are involved and schools buses that cannot get to schools because of some of the flooding.”

Judge Mattingly asked, “Mark, what is the value of the contract and what are they going to do?”

Mr. Brasher stated, “The contract is for \$85,500. They are going to look from a broad view at Daviess County, and get fiscal court member’s information to determine what level of service Daviess County can afford to provide for their citizens – looking at public infrastructure, economic development issues. In essence, they will give us potentially, construction costs for us to remedy or remove a certain percentage of the ground flooding for 2-year, 10-year, 25-year, 50-year rain events. That information will be provided to fiscal court. The court will then be faced with the question of can Daviess County afford to do projects to provide this level of service.”

Commissioner Lambert asked, “Will this firm look at any of the earlier studies?”

Mr. Brasher stated, “Yes, they will definitely be looking at earlier studies. Their schedule for this part of the master plan is approximately 42-weeks. For the first several weeks they will be looking through documentation and doing research.”

Commissioner Wathen stated, “This represents a giant step forward for the county because this phase I of the master plan moves us one step closer to a master plan, and that is what we need. I guess the best part about it for me is that we are looking forward to answering the age-old question that has always been around in Daviess County but nobody has ever answered it, and that is, is there anything we can do about flooding, and if there is, can we afford it? This moves us in that direction. I think at the end of this phase I we will have a good idea of what it would cost us to do the full-blown master plan. Now, the full-blown would be whenever they do all the surveys of all the different creeks, bridges, and over passes. It would give us just what it says, a plan to move forward with for the county to solve a bunch of our problems with – it will allow us to solve certain problems in little pocket areas in the county or to solve all the problems. That is why I am looking forward to seeing the results.”

Mr. Fischer stated, “There is a local firm that will be working with URS, so hopefully they will be able to provide insight.”

Larry Boswell asked, “Is there going to be some visibility to what you are going to spend, what the payback on that would be, and how that is going to be measured for success or failure?”

Judge Mattingly stated, “It is, Mr. Boswell, right now we are preparing a model where we can look at various rain events and give us projected costs. Those are never exact costs. What they will do is look at varying levels of service and at that time, then, you know, I think, the public will be involved in gathering this information and talking about this very first preliminary phase. They will be involved every step of the way as far as the court is concerned when we make those decisions as to what level this county needs. To answer your question, yes, there will be transparency.”

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 Professional Services Contract with GRADD for the Annual MS4 Permit.

Mr. Brasher stated, “This Municipal Separate Storm Sewer System (MS4) is an annual contract with GRADD. This is a permit that the Division of Water requires of smaller communities. This permit is where Daviess County and the City of Owensboro are required by law to do certain programs in regards to clean water, and GRADD is the agency which spearheads the programs.”

Commissioner Wathen stated, "Basically what we are doing is we are taking what the government is mandating we do, and we are telling them how we are going to do it for our community."

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 Kentucky Department of Agriculture and Daviess County Animal Control Grant Agreement for \$1,800.

Nate Pagan stated, "This is a grant, which is funded by the specialty animal license plates. It will be used for spay/neuter assistance for low-income pet owners.

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 the Diocese of Owensboro to use the Knottsville Playground for the Summer Recreation Program.

Mr. Pagan stated, "This is our standard agreement to lease a community playground and it covers the 2013 baseball/softball season."

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 Lambert, the court considered for approval to Award **Bid No. 04-2013** for the Daviess County Detention Center Roof Replacement to Preferred Roofing for \$397,400.

Mr. Hendrix stated, "Staff recommendation Option 3: Contractor permanently removes and disposes of roof façade on east, west, and north side of building. South side façade will be removed only temporarily and after new roof is installed. Contractor will reinstall south side façade."

Mr. Hendrix further stated, "The bid of Preferred Roofing is the lowest and best evaluated bid submitted for selected Option 3, and meets all specifications without exception. It is our recommendation that we award the bid for the Detention Center roof replacement Option 3 to Preferred Roofing at \$397,400."

Judge Mattingly stated, "One of the problems we have had with that roof is that the façade/flashings caused some problems. The recommendation was that when we have to remove the façade in order to replace the roof, the south façade is the one that will block the view running up and down Hwy 60 East of the equipment and all of the things on the roof so they determined they would put that one back on."

Commissioner Lambert asked, "In the past, we have had a lot of leaks. What is the warranty on this roof?"

Mr. Hendrix stated, "We got a 20-year, no-cost warranty. We put that in the bid up front."

Commissioner Lambert asked, "That would include leaks around air conditioning units and pipes?"

Mr. Hendrix stated, "Yes, we put that in the bid up front."

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 for Bid 06-2013 for the steel structure project at the Transfer Station.

David Smith stated, "Resulting from December's fire, the insurance company has agreed to pay all costs for replacing this steel structure."

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 Carolyn Williams (06-2013) to the Daviess County Parks Board - TERM: 04/01/2013 – 04/01/2017.

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 Appoint Belinda Abell (07-2013) to the Daviess County Parks Board as an ex-officio member - TERM: 04/01/2013 – 04/01/2017.

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 Lambert, the court considered for approval to Appoint Larry Boswell (08-2013) to the Industrial Development Authority Board - TERM: 04/09/2013 – 04/09/2017.

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 the Second Reading of KOC 921.666 (2013) An Ordinance Amending Section 3-2(c)5 of the Owensboro Metropolitan Zoning Ordinance regarding Cut and Fill Permits.

Comments:

Brian Howard of OMPC stated, "This is an amendment to the zoning ordinance that would allow the county engineer to approve cut and fill permits. Currently, when a cut and fill permit is asked for, the county engineer has to review the permit, but then it has to come back to our office and the zoning administrator has to approve it. This would change the language in the ordinance to say that it is the county engineer that would approve the cut and fill permits. We felt that this was a good measure to cut out a step in the process. It was a redundant step. We

are cutting out us as the intermediary. The engineer is the person with the expertise to review drainage as we do not have that on our staff, and so we are putting the approval in the hands of the person who should be making that decision.”

Judge Mattingly stated, “So we are going to make a text amendment to the zoning ordinance. Who initiated the amendment?”

Mr. Howard said that OMPC did.

Judge Mattingly stated, “This is just another effort by the planning commission and the legislative bodies to make it a little easier for people to do business in Daviess County.”

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 Contract with the Commonwealth of Kentucky for the Crooked Creek Road Project.

Mr. Brasher stated, “During the last court meeting, we discussed awarding the contract for the Crooked Creek Road project. At that time, we also discussed that we had submitted to the state a new budget for additional funds. We were hoping that we would get the money. We found out last Friday that we did get those funds. This contract reflects those changes in the budget. This total contract with the state is for \$400,000. We will be paying approximately \$60,000.”

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

Comments:

Commissioner Wathen stated, “The first Saturday of every month beginning in April, in downtown Owensboro, there will be the Owensboro Cruise-In. This event will be from 5-9 p.m.

Judge Matting noted that during a recent Firefighter’s Challenge held in Elizabethtown, Kentucky, Daviess County Firefighters placed 1st. Congratulations went out to our firefighters.

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

Al Mattingly
Daviess County Judge/Executive