

**Minutes of the April 21, 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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Commissioner Wathen opened the meeting in prayer and led the court in the Pledge of Allegiance to the flag.

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Judge Mattingly proclaimed May 2016 as Older American's Month and May 1-7, 2016 as National Small Business Week.

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PVA Rachel Foster announced that reassessment notices will be mailed April 27. She encouraged any citizen receiving a reassessment notice to contact her office if they have questions or concerns.

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The Rural Secondary Road Program recommendations by Kentucky Transportation Cabinet was presented by Engineer Jason Ward as follows

Rural Secondary Road funds, \$914,405:

- KY 1456 – Bridge over Natcher Parkway (MP 0.61) – Bridge Deck Restoration and Waterproofing (Latex Concrete Overlay)
- KY 279 – Asphalt Resurfacing - From MP 0.00(KY 815) – MP 5.101(Stephens Road)
- KY 815 – Asphalt Resurfacing – From MP 0.00(Daviness/Mclean Line) – MP 2.114(KY 1514)
- KY 554 – Asphalt Resurfacing – From MP 0.00(Daviness/Mclean Line) – MP 0.953(KY 815)
- KY 2156 – Asphalt Resurfacing – From MP 0.00(Daviness/Mclean Line) – MP 0.675(KY 554)

Due to conditions of Daviness County's state roads, the county qualifies for a 20% "Flex Fund" allocation rate, which is the second highest possible rate. This 20% equates to \$293,771 in flex funds for county road improvements.

As the court just received these recommendations today, Judge Mattingly explained that the court will need time to review and will consider for approval at the next court meeting.

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The Daviness County Extension District Budget was presented.

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County Treasurer Jim Hendrix presented the Treasurer's Report for March 2016.

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Minutes of the April 7, 2016 meeting were submitted to fiscal court members for review prior to today's meeting and on a motion of Commissioner Koger, seconded by Commissioner Castlen with all the Court concurring said Minutes were approved and signed.

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**By a motion of Commissioner Castlen, seconded by Commissioner Koger,** the court considered for approval 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 Castlen, seconded by Commissioner Wathen,** the court considered for approval Fund Transfers.

**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 Allocate \$500,000 of excess Transient Room Tax funds (HB 202) to the International Bluegrass Music Museum to aid in the construction of a new building and to authorize the County Treasurer to make the first payment by the end of April 2016.

Judge Mattingly asked the County Treasurer to confirm that the county holds enough money in that fund to make two equal payments of \$250,000, one by the end of this month, and the other in April 2017. County Treasurer Hendrix confirmed that statement.

Judge Mattingly reminded the public that these are not Daviess County tax dollars. These are dollars brought in to our community through the transient room tax.

Commissioner Koger asked, "Who decides the amount paid each year?"

Judge Mattingly said, "We will decided that this evening. First of all, we are formally allocating these funds. Secondly, we can decide to do \$250,000 now and then the balance over the next 4-5 years."

Commissioner Wathen stated, "This is stating that we are allocating \$500,000 and does not detail a payment schedule..."

Judge Mattingly stated, "It just says we allocate the money and make the first payment by the end of this month. Claud, I am assuming an agreement will be created and brought back before the court stipulating a payment arrangement and other conditions including a clause whereby if the Museum is not built, any money provided through this fund must be returned. Is that correct?"

County Attorney said there will be an agreement once this body decides the amount you are going to pay."

Commissioner Koger stated his support of the \$250,000 first payment, contingent upon the creation and court approval of an agreement stipulating a payment schedule for the remaining \$250,000 and clause about having the money returned if the building is not constructed.

Judge Mattingly stated, "Let's vote on the motion to allocate and then I will request a motion to make the first payment."

**By a motion of Commissioner Wathen, seconded by Commissioner Koger,** the court considered for approval to Allocate \$500,000 of excess Transient Room Tax funds (HB 202) to

the International Bluegrass Music Museum to aid in the construction of a new building and to request that the County Attorney create an Interlocal Agreement for county and city 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 Wathen, seconded by Commissioner Castlen,** the court considered to make the first payment of \$250,000 to the International Bluegrass Music Museum to aid in the construction of a new building by the end of this month, proving the city and county are agreeable to the terms and conditions in the aforementioned Interlocal Agreement.

Commissioner Koger asked, "Would the first payment date provide the County Attorney enough time to obtain the necessary signatures?"

Judge Mattingly replied, "Absolutely. I think the first motion allocating the funds is sufficient for the city to move forward with what they are doing, even if it is a few days late, it won't matter."

**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 County Clerk's Claim for Calculation of Motor Vehicle and Boat Bills for 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 Koger, seconded by Commissioner Castlen,** the court considered for approval the MOA with Hollison, LLC regarding a facility expansion.

As Commissioner Koger has a financial interest in this company, he withdrew his motion and made no further comment regarding this matter. Commissioner Castlen agreed to withdraw his second.

**By a motion of Commissioner Wathen, seconded by Commissioner Castlen,** the court considered for approval the MOA with Hollison, LLC regarding a facility expansion.

David Smith stated, "This new MOA amends the original September 2015 agreement, which was set up as a 3-year, principle-forgivable loan. The County Treasurer has since discovered that county governments are prohibited from providing forgivable principle loans. This amended MOA changes the agreement wording from "loan" to a "refundable grant". This leave us with the same agreement, but with different words."

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

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**By a motion of Commissioner Koger, seconded by Commissioner Castlen,** the court considered for approval the MOA Lease agreement with Kentucky Community and Technical College, Owensboro Campus from the Daviess County Fiscal Court for a 1.84 acre tract of land (lease area A) and a 2.09 acre tract of land (lease area B) for their Ag./Tech. programs.

Judge Mattingly noted that in return, KCTC agrees to mow the county-owned, 20+ acre tract attached to this site.

**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 an Agreement authorizing the City of Owensboro use of a county-owned ditching machine and a county equipment operator to clean a ditch along Medley and Boothfield Roads.

County Engineer Mark Brasher said, "This ditcher can do a job in a matter of hours opposed to other methods taking weeks. As the city does not perform this type of cleaning regularly, and to expedite the process, they are requesting use of our ditcher along with a machine operator."

Judge Mattingly noted that the agreement holds harmless the county for potential accidents.

Commissioner Wathen asked, "What if the machine breaks?"

Mr. Brasher replied, "This machine unfortunately breaks down often and we would simply have to repair it as normal."

**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 Koger,** the court considered for approval to Adopt the Yellow Dot Program.

The Yellow Dot Program, as explained by EMA Director Andy Ball, was initiated last year by former Governor Steve Beshear and designed to improve emergency care for motorists involved in a vehicle crash. The "dot", a circular yellow sticker on the lower left corner of the driver's side rear window, will alert emergency responders that a pamphlet with identification and medical information about the motorist is in the vehicle's glove box. A smaller yellow-dot stickers is available for motorcycle license plates. Director Ball supports the adoption of this 15-state program that is inexpensive and an effective way to provide access to critical information during motor-related medical emergencies and can make the difference between life and death. Funding for the Yellow Dot program in Kentucky is provided by a grant through the Federal Highway Safety Administration. To receive a yellow-dot packet, Kentuckians can e-mail [yellowdotky@ky.gov](mailto:yellowdotky@ky.gov) and make a request, visit the central office of the KY Transportation Cabinet (KTC), KTC district office, Kentucky State Police Post, or participating hospitals. If approved tonight, packets will also be available at various community locations, including the county clerk's office.

**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 to Award **Bid No. 05-2016:** Yellow Creek Bridge Replacement; YCP to Scott and Murphy, Inc for \$95,743.

Purchasing agent Jordan Johnson noted the vendor with the lowest bid (-\$793 lower) had a project completion date of 1.5 months longer than that of the recommended.

**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 Advertise for the following Bids:**

- **Bid No. 07-2016:** Full Body Scanning Security System; Det. Ctr.
- **Bid No. 08-2016:** Bulk Delivered Fuels; Annual
- **Bid No. 09-2016:** Ready-Mix Concrete; Annual
- **Bid No. 10-2016:** Electrical Services; Annual
- **Bid No. 11-2016:** Plumbing & HVAC Services; Annual
- **Bid No. 12-2016:** Equipment Rental; Annual
- **Bid No. 13-2016:** Crushed Limestone; Annual
- **Bid No. 14-2016:** Culvert Pipe; Annual
- **Bid No. 15-2016:** Janitorial Services; Annual
- **Bid No. 16-2016:** County Uniforms; Annual

**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 Austin Payne and Colton P. Lanham as temporary laborers in the Dept of Public Works effective on or after 4/25/2016, 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 Castlen, the court considered for approval to Hire William D. Nantz as a Utility Laborer in the Dept of Public Works effective 04/25/2016.**

**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 Koger, the court considered for approval to Hire Alicia Veach as a Parks Seasonal Grounds Maintenance employee effective 4/25/2016.**

**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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**Comments:**

Larry Conder announced various community events.



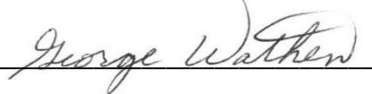

Judge Mattingly announced the Public Service Commission's abandonment ruling of both the Cedar Hills and Friendly Village treatment plants. He stated, "It is anticipated that RWRA will be appointed receiver by the Franklin Circuit Court. The DCFC continues to work towards obtaining grants to offset residential costs associated with the new sewer systems. Sometime in May, I hope to hold another public meeting to update interested citizens."

The costs associated with purchasing and installing fire hydrants are not paid, nor have they ever been intended to be paid for, with Volunteer Fire Department Fire Dues, as noted by Judge Mattingly. He recently was asked why not. He replied, "When the previous court instituted fire dues, they did so to specifically assist volunteer stations, not paid stations, with fire/medical

services. Each volunteer station receives dues collected within their service area. Prior to the creation of mandatory fire dues, and included on tax bills, people were encouraged to voluntarily donate to their respective station. Only 30%-40% of the citizenry voluntarily donated their share, which necessitated the need to make participation mandatory." He noted that citizens may apply with the county for hydrant financial assistance."

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

Judge/Executive:  Commissioner:   
Commissioner:  Commissioner: 

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 5th day of May 2016.

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Jennifer C. Warren, Daviess County Fiscal Court Clerk