

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 7th day of May 2015
Present were Judge/Executive Al Mattingly and
County Commissioners Mike Koger,
George Wathen and Charlie Castlen

DOCUMENTS RELATED TO TODAY'S DISCUSSION
ARE FILED IN MAY 7, 2015 FISCAL COURT FILE

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

Judge Mattingly presented the following proclamations:

- Police Memorial Week – May 17-23, 2015
- Stamp Out Hunger - Letter Carriers Food Drive – May 9, 2015
- Older Americans Month – May 2015

Daviess County will be 200 years old on June 1. A Bicentennial Celebration will be held on May 30. Chair of the Daviess County Bicentennial Celebration Committee Aloma Dew discussed the community's celebratory plans. For details on local events, please see www.daviess200.org.

The court members doted on all those who have given their time and talents to not only preserve the memories of the last 200 years, but to celebrate Daviess County's history.

The court received into record the Daviess County Fiscal Court Audit Report and Financials for the Fiscal Year Ended June 30, 2014 into record.

The court received into record the Daviess County Sheriff's Settlement – 2013 Taxes for the record.

Minutes of the April 16, 2015 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 present court members concurring said Minutes were approved and signed.

By a motion of Commissioner Koger, 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 present court members voted in favor; motion passed.

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

By a motion of Commissioner Wathen, seconded by Commissioner Castlen, the court considered for approval to Apply for the 2015/2016 Community Development Block Grant for Owensboro Regional Recovery, and authorize the Judge/Executive to execute any and all documents relating to said application, including the approval and execution of **Resolution 04-2015.**

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 **Resolution 05-2015** and Contract Agreement regarding the County Road Aid Coop Program.

County Treasurer Jim Hendrix stated, "This is an annual agreement and I 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 Wathen, seconded by Commissioner Koger, the court considered for approval **Resolution 06-2015B** regarding County Bridge Replacement

County Engineer Mark Brasher stated, "This bridge replacement is located at Panther Creek Park Drive."

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 the 2015-2016 Roadway Resurface List.

Mr. Brasher noted that this list includes approximately 35.5 miles of county roads.

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 Lease with Jesse Pollock relating to the Gun Club.

Judge Mattingly stated, "This is a lease renewal with minor changes."

Commissioners Castlen noted receiving calls from citizens expressing concern regarding the noise level near the club. Commissioner Koger was contacted by a citizen who feels it is a conflict of interest for the Judge to vote on this issue, as he is an active member of the gun club.

Judge Mattingly noted that this three day per week gun club has operated as such since the 1960's and since he is no longer a member, he will vote on this contract renewal.

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 Wathen, the court considered for approval a Rental Agreement with ROMP.

County Attorney Claud Porter stated, "This is the standard agreement that has been used for the past 3-4 years."

Judge Mattingly stated, "As I look at all of the addendums and attachments, one of the things that we have talked about this year is this court will provide security using the Daviess County Sheriff's Office. I don't see that in this agreement."

That is noted in Section (2)(f), Mr. Porter said.

Judge Mattingly stated, "As a condition of us entering into a contract with ROMP that we will provide the security..."

Mr. Porter noted that he is correct, that is not included.

Judge Mattingly stated, "And that should be."

Mr. Porter stated, "The agreement has always been with the Sheriff's Office, not with the court."

Judge Mattingly noted, "That was the previous agreement and that is supposed to be between ROMP and the court."

Mr. Porter asked, "So is the court going to enter into a contract with the Sheriff's Office?"

Judge Mattingly said, "Yes."

Mr. Porter stated, "That was not my understanding and that was not the agreement that we have had."

Judge Mattingly asked, "We can approve both the contract with ROMP, the contract with the Sheriff, which will be the same contract that we would enter into..."

Mr. Porter stated, "We would not necessarily have to contract with the Sheriff's Office. The Sheriff's Office is an entity of that. So you are going to contract with..."

Judge Mattingly stated, "Well, even if we don't do that, I just want to incorporate the security agreement that ROMP had with the Sheriff originally. I don't want to delay us approving the two or the one and then take it back to you (Mr. Porter) and then take it to ROMP."

Mr. Porter stated, "Yes. I can do that. However, is the court planning to pay the Sheriff's Office?"

Judge Mattingly said, "The court will bill ROMP half of the cost prior to the event and the balance due within 30 days. We will then forward that money to the Sheriff."

Mr. Porter stated, "So your contract will be with the Sheriff, not ROMP."

Judge Mattingly replied, "Yes, for security. We will delay the vote on this and bring it back before the court at the next meeting."

Judge/Executive Mattingly called for a vote on the motion. All members voted in opposition to today's proposed contract; motion failed.

Judge Mattingly noted that a revised contract will be presented at the next court meeting.

By a motion of Commissioner Castlen, seconded by Commissioner Koger, the court considered for approval an Agreement for Loan and Display of Sculpture with Lundeen Sculptures, LTD.

Judge Mattingly stated, "This will probably be the first expenditure of funds collected by the hotel/motel tax. Local tax dollars will not be used to fund this sculpture loan." He also noted that no one or anything in Daviess County will suffer because of the placement of this piece."

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 Contract with Ricky Moore Trucking, LLC for the operation and transportation of solid waste.

Judge Mattingly stated, "This has to do with the agreement between the City of Henderson and Daviess County Fiscal Court where Henderson will now begin to bring their Solid Waste to the Daviess County Landfill."

David Smith stated, "Mr. Moore is the current solid waste hauler for the Henderson City Transfer Station. He is very familiar with solid waste disposal regulations and is skilled at dealing with Highway 81 traffic."

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 Koger, the court considered for approval the Concessions Contract with East Daviess County Little League.

Parks Director Ross Leigh said that this is a standard contract.

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 Wathen, the court considered for approval the Concessions Contract with Owensboro-Daviess County Babe Ruth League.

Again, this is a standard contract.

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 Koger, the court considered for approval the Request for Proposal for Bicycle Rental Location/Set-up.

Mr. Leigh stated, "I am asking the court to approve this RFP. A local citizen approached me with the opportunity to be able to provide these essentially mitigating the county's responsibility. It is a prudent thing for us to advertise for this RFP, but is not required."

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 Koger, the court considered for approval to Advertise for **Bid No. 25-2015:** One (1) New or Used Roll-Off Truck and **Bid No. 26-2015:** One (1) Used Dozer.

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 Award **Bid No. 22-2015:** One (1) New Tractor to Wayne Supply for \$27,285.

The lowest bidder is not being recommended for award due to unacceptable exceptions.

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 to Award **Bid No. 23-2015:** One (1) New 4x4 Full Size Pickup Truck to Don Moore for \$24,207.36.

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 to Renew the following bids:

- **Bid No. 13-2014:** Pavement Striping – 1st Renewal
- **Bid No. 14-2013:** Concrete Crushing – 2nd Renewal
- **Bid No. 15-2014:** Grinding & Disposal Services – 1st Renewal
- **Bid No. 16-2014:** Recycling Services – 1st Renewal

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 Hire the following:

- William D. Nantz as a seasonal Grounds Maintenance employee at Yellow Creek Park, effective on or after April 27, 2015.
- Brandon J. Clark as a Service Technician in the Department of Public Works, effective May 11, 2015.
- Isaac Hardesty as summer laborer in the Department of Public Works, effective May 18, 2015.

- Maxwell Lanham as an Engineering Intern effective May 18, 2015 and subject to successful completion of pre-employment screenings.
- Brent Roberts as seasonal grounds maintenance at Yellow Creek Park effective upon successful completion of pre-employment screenings.
- Adam Forsythe as a Park Attendant at Panther Creek Park effective upon 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.

By a motion of Commissioner Wathen, seconded by Commissioner Koger, the court considered for approval to Appoint Paul Nave (26-2015) to the Medical Control Authority (Served 3 terms) - TERM: 5/19/2015 – 5/19/2019.

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 Appoint Jim Hendrix (25-2015) to be the Daviess County Treasurer (Served 2 terms) - TERM: 7/1/2015 – 7/1/2019.

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

The court considered the **First Reading of KOC 621.15 (2015)** – An Ordinance relating to the Daviess County, Road, Bridge, and Street System.

Comments:

Mr. Brasher stated, "Each year, I bring before the court an updated version of this system. I am asking for approval."

Judge Mattingly explained that if a street or road is not listed in this index, the county cannot spend any money on that road.

Jonathon Wilson of 2522 East 8th Street stated, "Our road comes to an end. We have neighbors all around us. There is a lot across from us. Our road is gravel. I assumed it was a county road since we are on East 8th Street. How can I get that paved? It is only 80x20."

Judge Mattingly stated, "You would petition the court to take that road in. The county engineer would review that road and report to you of any deficiencies. I have been there many times and have had a discussion with the person who constructed the homes out there. He said that had always been a paved road. At the end of the pavement that we do maintain, someone one has dumped a hopper of blacktop. So there is a hunk of blacktop there, but if you go out into the gravel part of it, which I had our men do and we dug down and there has never been asphalt there. Typically, when you have a developer build a house, they will also be responsible for that street. In this case, there are not curbs or gutters in that neighborhood so that would not be required. The property is a platted right-of-way, but not maintained. For us to take it, it would have to be built to specific specifications. Once the court accepted into the system, we would be responsible to future maintenance."

Mr. Wilson stated, "The only reason I am bringing it up is because I do not have the money to do that. My neighbors already have a paved road and 8th Street was already there. Should my address actually be on Boswell Drive, since Gary Boswell built the two houses?"

Judge Mattingly replied, "No, I don't think you would change that right-of-way since it is part of that platted right-of-way. If it is Mr. Boswell, I would suggest that you go back to him and ask him to pave the road."

Mr. Wilson noted that Mr. Boswell indicated to me that the road has been maintained. Just not very well.

Judge Mattingly stated, "I was thinking that I explained to you that we have never maintained it because there was never any blacktop there."

Mr. Wilson stated, "Can some of your guys, when I am out there show me?"

Judge Mattingly replied, "We have already done that. You don't need to be there. The engineer and I looked at it because I would like to help you if I can..."

County Attorney Claud Porter stated, "All of the owners of that right-of-way that you want to bring in would have to sign a petition and submit that to the court."

After the blacktop ends, is that the right-of-way?"

Judge Mattingly stated, "No, the right-of way goes on past that. You can refer to your deed."

Mark Brasher stated, "The deed shows a public right-of way."

Judge Mattingly stated, "You are caught between a rock and a hard place. As I said, there are several subdivisions being built out in the county now. All of those public infrastructure items are all paid for by the developer and then incorporated into the cost of the lot and house. Public money is not spent doing that."

Commissioner Koger noted that it would not cost anything for Mr. Wilson to obtain a bid on bringing that road up to the county's standards, and that way he would know exactly how much it would cost.

Wayne Wilson of 4731 Carlsbad Lane spoke about the odd location of a fire hydrant on that road.

Judge Mattingly clarified, "If it is not on the road index, the county cannot spend money on it. If we did, we would be in violation of state law. When you have a developer, in this case it might have been one or two lots, that developer would be responsible for paving that road. Your son would have paid for it in the cost of the house. I would go back to Mr. Boswell and see if something can be worked out."

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

By a motion of Commissioner Wathen, seconded by Commissioner Koger, the court considered for approval to Hire Maeghan Woodruff as a Road Department Laborer, effective on or after May 11, 2015 and subject to successful completion of pre-employment screening.

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 Castlen announced the first meeting of the Property Maintenance Ordinance Advisory Committee is set for May 11 at 6:00 p.m. here at the courthouse.

Judge Mattingly said the courthouse will be closed tomorrow due to the Bar-B-Q Festival.

Court members encouraged public participation in this year's festival as well as the May 30 Bicentennial Celebration.

Judge Mattingly announced the Daviess County Fiscal Court May 2015 Employee Anniversary of Stephen Bell, Firefighter/EMT – 5 years.

By a motion of Commissioner Koger, seconded by Commissioner Wathen, the court considered for approval to Enter Into Closed Session per KRS 61.810 (1)(g) – Discussions between a public agency and a representative of a business entity and discussions concerning a specific proposal, if open discussions would jeopardize the siting, retention, expansion, or upgrading of the business. No action was taken.

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

Al Mattingly
Daviess County Judge/Executive