

**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 8<sup>th</sup> day of August 2013**  
**Present were Judge/Executive Al Mattingly and**  
**County Commissioners Jim Lambert,**  
**George Wathen and Charlie Castlen**

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**DOCUMENTS RELATED TO TODAY'S DISCUSSION**  
**ARE FILED IN AUGUST 8, 2013 FISCAL COURT FILE**

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Judge/Executive Al Mattingly opened the meeting in prayer and led the court in the Pledge of Allegiance to the flag.

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Daviess County Sheriff Keith Cain introduced new Deputy Sheriff Jason Luedke.

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The Green River District Health Department 2013-2014 Budget was presented.

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The court recognized the 2013 Kentucky Small Business Pacesetter Award Recipients, Browns Valley Truck Equipment, Owner Tina Winston, and Unique Granite and Marble, Owner Rick Thomas.

Ms. Winston was unable to attend today's meeting, but Mr. Thomas thanked the court for their recognitions.

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Minutes of the July 11 and 30, 2013 meetings were submitted to fiscal court members for review prior to today's meeting and on a motion of Commissioner Wathen, 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 Lambert,** 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.**

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**By a motion of Commissioner Castlen, seconded by Commissioner Wathen,** the court considered for approval the Annual Treasurer's Settlement and Financial Reports for Fiscal Year 2012/2013.

County Treasurer Jim Hendrix stated," In accordance with KRS 424.220, I have compiled the accompanying statement of assets, liabilities, and fund balances arising from cash transactions, as of June 30, 2013, and the related statement of cash receipts, cash disbursements, and

changes in cash balances for the year then ended. I have also compiled supplementary schedules reflecting actual revenues and expenditures itemized by account and a comparison to the budget. The financial statements were prepared on a prescribed basis of accounting that demonstrates compliance with the regulatory basis of accounting, which is a comprehensive basis of accounting other than generally accepted accounting principles. Consequently, certain revenues and the related assets are recognized when received rather than when earned and certain expenses are recognized when paid rather than when a liability is incurred. Accordingly, the accompanying financial statements do not, and are not intended to present financial position and results of operations in conformity with generally accepted accounting principles. I concur with these balances and believe them to be true and correct to the best of my knowledge and belief. Details of every transaction made during the period are available in the Treasurer's Office."

Judge Mattingly stated that we have money in the bank and we pay our bills on time.

**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 Lambert,** the court considered for approval of 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 Lambert, seconded by Commissioner Castlen,** the court considered for approval the MOA with On Time Fab, Inc. regarding their expansion.

Matt Hayden, co-chair of the Economic Development Advisory Commission stated, "Ray Middleton with On Time Fab has prepared for a \$300,000 project expansion of his business. This process has been approved by the state for a KBI program incentive that is the state program, which allows some incentive for him at the state-level. In this process, he is to create 20 jobs over 5 years. In doing this, the advisory board has made the recommendation to the commission of loaning him \$72,000. This would include an interest free note to him if he creates two jobs over the course of the loan. If he fails to create these jobs, he will have to pay the .5 percent interest on the loan. The loan does get paid back fully and he is guaranteeing the loan."

County Attorney Claud Porter stated, "Just so there is no confusion, Matt said that they were promised to create 20 jobs. As far as we are concerned, and the agreement we have, it was 10 over these 5 years and then the other was the 2 years. So, that is what he applied with the state for and got. And that is what this one says. I just didn't want there to be any confusion about what he applied for."

Judge Mattingly stated, "It is kind of confusing the way this reads."

Mr. Hayden stated, "The first part I mentioned was just something he did with the state."

Commissioner Wathen stated, "And the 2 jobs, that is just 2 total, not 2 per year."

Mr. Hayden stated, "In lieu of the .5 percent interest on the loan."

Attorney Porter stated, "Right, and it is 2 full-time equivalents – additional ones."

**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 Lambert,** the court considered for approval the Geotechnical Contract with Vector Engineers, Inc. for new utility building at West Daviess County Landfill.

David Smith stated, "We are preparing to go out for bid to put in a de-watering system for our gas wells. Before we can bid the entire process there has to be a utility building constructed to house all of the pumps and compressors. In order for us to build the building and get a permit, we have to first perform a geotechnical survey, even though it is quite well known to be mine spoil. We still have to perform that according to state building codes. Most engineering companies will work off a purchase order, which would not have required court approval, but this company wants a contract. The amount of this contract is \$4,000."

Commissioner Wathen asked, "So there are 2 options on here..."

Mr. Smith stated, "We chose the cheapest option – option B of \$4,000."

Commissioner Wathen asked, "I know this is just to do the study, but when we build the building, isn't that a part of the total bid that we will do for..."

Mr. Smith replied, "That will be part of the construction bid, yes. That will include building the building, putting in the pipes and compressors. It will all be one bid."

Commissioner Lambert asked, "David, if we failed to do this, this means that we simply could not produce the gas, correct? Are we near marketing the gas?"

David Smith stated, "Currently, we flare the gas, but because our volumes are down, because some of the wells are watered in, we cannot get the gas out unless we get the water out. And yes, we need to put in a watering system. If we do not do this survey, we cannot get a building permit, which means we cannot put compressors in the building, which means we cannot put the de-watering system in. We believe that once we get the de-watering system in, we will have enough gas production to go once again for bid to see about putting in a landfill gas to energy plant."

Commissioner Lambert asked, "If we do this, how much money are we going to have in de-watering the wells?"

David Smith stated, "We won't really know until we bid out the de-watering wells. We cannot do the bids for the de-watering until we know the geotechnical specifications for the building. This is the first step – the geotechnical survey and once we get this back we can create a final bid document that will be a bid document to not only put the actual wells – to put piping in our current wells to put the compressors in the building and to construct the building. That will all be one bid that we will hopefully be able to bring to the court within the next month or two. Then that bid will be brought in. We will not know the price of that bid until we bid it out. However, this court could elect not to go forward with the bid if it comes in too high on the de-watering system."

Judge Mattingly stated, "This is a state requirement. This has caused quite a bit of consternation among on all builders throughout the state with the new requirement. So, we had Commissioner Ambrose Wilson in this area last week, we were trying to see what we could do to perhaps change or exempt some buildings that were not going to house people. I think the best thing to do is go ahead and move forward. If we want to keep this project on time, we need to go ahead and move forward with this contract."

Commissioner Wathen stated, "We need to get the water out of the wells whether or not we move forward to the big project that you are talking about. Even if we don't go that far, in order to get in compliance, we have to get the water out of the wells so that we can get the gas out of

the landfill. So, regardless of the long-term benefit of hopefully selling that gas, even if we don't do that, we need to do this."

Commissioner Castlen asked, "This is required because the construction is at the landfill, correct? Is that why this survey needs to be done?"

Mr. Smith stated, "Yes, it is a state requirement. Any time you build any building in the western part of the state because of the seismic possibilities they require geotechnical work on every building."

Judge Mattingly stated, "The New Madrid zone."

Commissioner Wathen stated, "It does not have anything to do with the landfill."

**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 Lambert,** the court considered for approval the Agreement and Contract with Inspection Testing and Maintenance, Inc. for Hydrant Flow Testing in the Southeast and West Daviess County Water Districts for \$5,820 or \$6.00 per location. Term of said contract is July 1, 2013 through December 31, 2013. **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 Lambert seconded by Commissioner Castlen,** the court considered for approval the Transfer of Public Improvement Bonds to the City of Owensboro for Doe Ridge, Sec. 3, Unit 1. **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 Lambert, seconded by Commissioner Castlen,** the court considered for approval the Quitclaim Deed between Daviess County Fiscal Court and Regional Water Resource Agency for an easement across a parcel of land located on Sunrise Drive.

Judge Mattingly stated, "The best way I can describe this is that RWRA wanted us to give them an easement across property that we may or may not own a right to give an easement to them. Is this correct, Claud?"

Mr. Porter said that was correct. He stated, "Whatever it is that we can give them, we will gladly do it and that is what this does."

**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 Apply for the Kentucky State Spay/Neuter Grant for \$5,000.

Ashley Clark, Director of the Animal Shelter stated, "We use this to subsidize pet owners in the community that cannot afford to spay or neuter their pet(s)."

**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 Lambert, seconded by Commissioner Castlen,** the court considered for approval to Allocate the PetFinder Operational Grant awarded to the Animal Shelter, for \$1,000 toward the purchase of a cargo van.

Ms. Clark stated, "PetFinder is a national data base for shelters and rescues. They also have a charity. They are giving us these funds to help promote animal adoptions. So, we would like to purchase a cargo van in addition to some other monies that we have received. This van would be used to transport animals to off-site adoption events. Currently, we do not have a vehicle large enough for this."

Commissioner Wathen asked, "If we accept this, are we committing to purchase a van?"

Ms. Clark stated, "No, as long as we use the money to promote animal adoption, we can use the money on whatever we want. We have 2 other donors that have donated \$3,000 and I had talked to the Judge a few months ago about trying to raise enough money to purchase this van."

Judge Mattingly stated, "In other words, there would not be any tax payer dollars going toward the purchase of this van. This purchase would be made with donations only."

Commissioner Castlen asked, "We already do off-site adoptions don't we?"

Ms. Clark stated, "We do some. The problem is, is that you are relying on the animal control officers and volunteers to take them different places. It is not always feasible and often times vehicles don't have enough room for crates, tables, and signs that we use."

**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 Lambert, seconded by Commissioner Castlen,** the court considered for approval to Accept the City of Owensboro bid renewal for Road Salt per City Bid #2784 at \$64.61 per ton for pick up by county trucks at the terminal.

**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 Lambert, seconded by Commissioner Wathen,** the court considered for approval to Purchase Salt Brine Equipment and a Dump Truck off the State Bid List.

Mr. Brasher stated, "The equipment includes the mixture, storage tanks, and 2 applicators that go on the trucks. The dump truck includes a snowplow and the salt spreader. We checked local vendor to find out if they could supply these items and found that they could not. Therefore, we are asking to use the state contract list for this project. And since this is a new tool in our tool chest we will be coming to the court soon to discuss a new road clearing plan."

**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 to Advertise for Bid No. 26-2013 for Judicial Center Roof Replacement. 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 Lambert, the court considered for approval to Declare as Surplus a 2002 Ford Explorer from the Sheriff's Department (VIN# 1FMZU72E92ZB43150). 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 Lambert, seconded by Commissioner Castlen, the court considered for approval of the Retirement resignation of Samuel Holinde, Service Technician effective July 31, 2013 (28 years of service). 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 appoint Janie Robinson (22-2013) to the Daviess County Animal Control Commission TERM: 08/07/2013 – 08/07/2017. 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 Lambert, seconded by Commissioner Wathen, the court considered for approval to appoint Dr. Walter Marsh (23-2013) to the Daviess County Animal Control Commission TERM: 08/07/2013 – 08/07/2017. 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 Lambert, the court considered for approval to appoint Whaylon Coleman, Jr. to the Daviess County Bicentennial Committee TERM: 06/20/2013 – 06/20/16. 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:**

Commissioner Castlen mentioned that earlier today at the Shelton Memorial there was a get together of about 60 people. At the event was a gentleman, James Wimsatt who received 5 medals earned during World War II. Commissioner Castlen thanked him and all who attended today's event. He stated, "If you know any veterans that earned medals but have never received them, I encourage you to contact Congressman Brett Guthrie as he would be glad to help them work through the process of getting those medals."

Judge Mattingly reminded all that the August 22, 2013 fiscal court meeting will be held at the Stanley Fire Station.

Judge Mattingly recognized Daviess County Fiscal Court's August 2013 Employee Anniversaries:

- Public Works Construction Foreman Bruce E. Schrecker, 15 years
- Public Works Service Technician Michael K. Winchell, 15 years

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

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Al Mattingly  
Daviess County Judge/Executive