

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 20th day of August 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 AUGUST 20, 2015 FISCAL COURT FILE

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

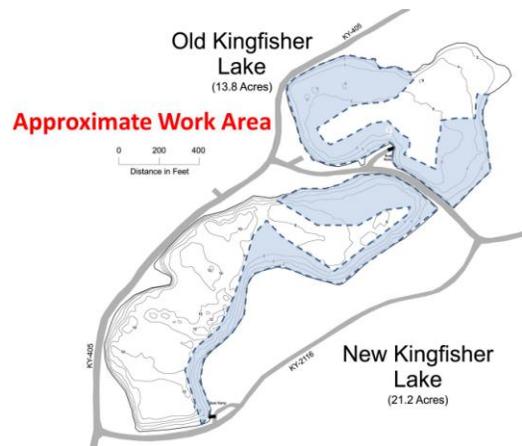
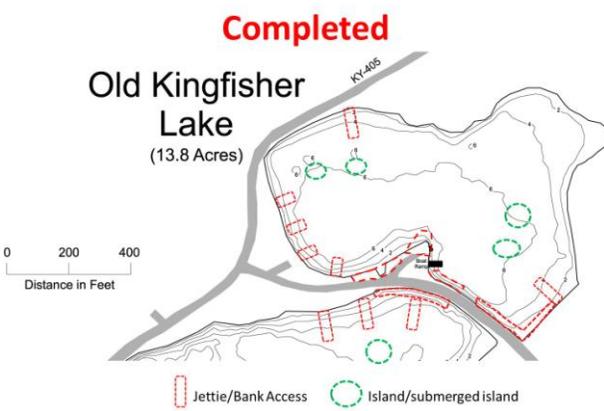
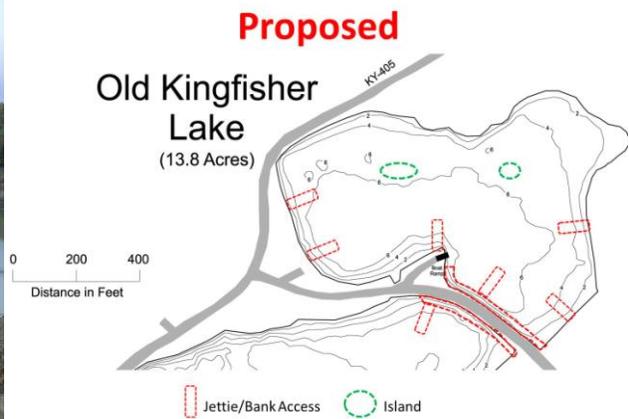
The Treasurer's Report for July 2015 was presented.

The Kentucky Division of Fish and Wildlife Director of Fisheries Division Ron Brooks presented an update on the progress of Kingfisher Lake.

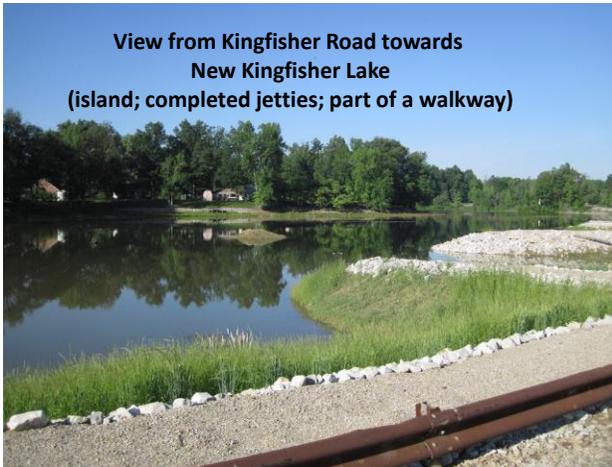
Kingfisher Lakes



Mr. Brooks stated, "Kingfisher Lake is Kentucky's oldest state-owned lake (1900) with the state taking ownership in 1950. Between 2009 and 2010 Dissolved Oxygen (DO) was nonexistent below 18 inches in Old Kingfisher Lake - heavy blooms of bluegreen algae and periodic fish kills. Without intervention, Old Kingfisher would be unusable as a fishing lake. A public meeting in August 2011 was held to discuss renovation timeline and design. A proposed drawdown was set for the winter of 2012, but took place in 2013. A required 1-2 year drying season (summer) was necessary to compact soils to hold heavy equipment. Due to the wet summer of 2013, we had to wait until 2014. Initial permits for culverts and a stoplog structure postponed drawdown for a year. Even with these delays, we are still on schedule for this renovation."



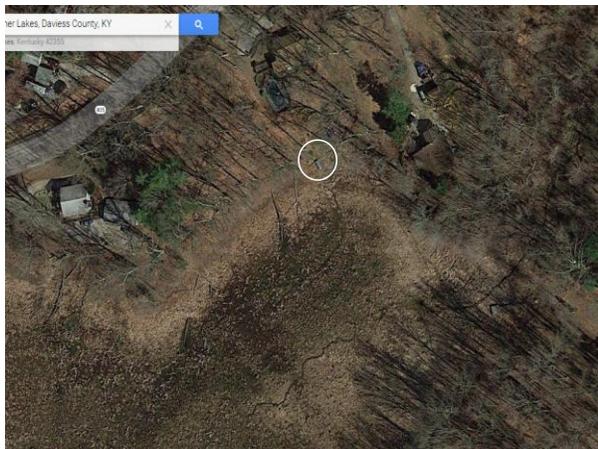
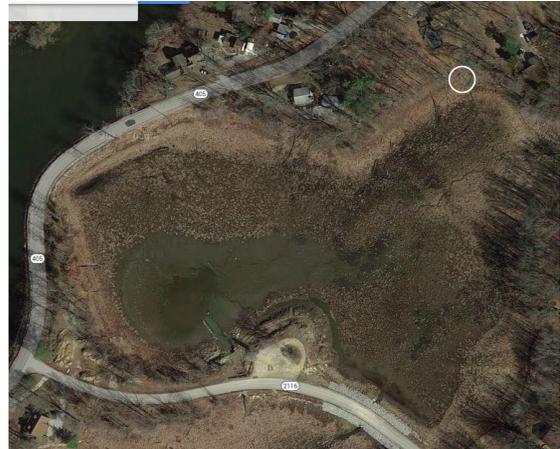
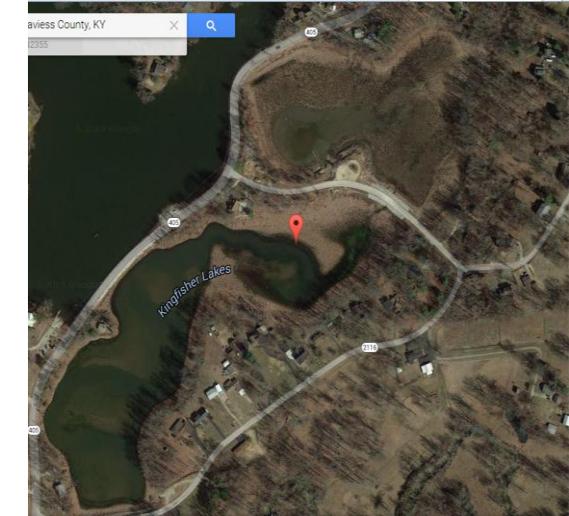
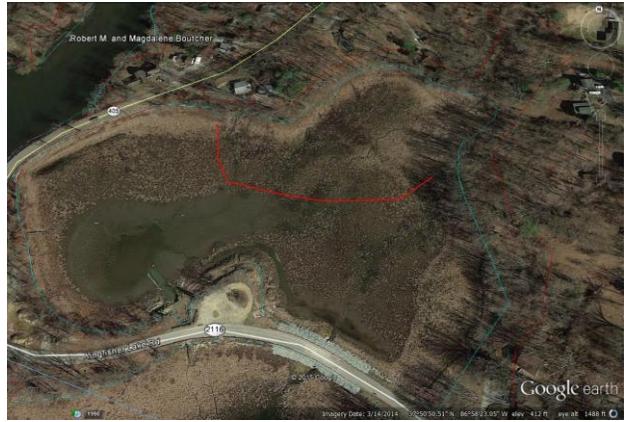
Mr. Brooks stated, "We still need the water to come up about 6 feet. A culvert was installed between the lakes. A nice stoplog structure was installed in case the lake needs to be dewatered again. We are hiring a company with an airboat to come in and spray the vegetation and hopefully within the next several weeks, the vegetation will be wilted and dying. We will then come in and try to work out those willows. When NRCS did core samples, we found out that soil around the areas where the willows are is a 6 inch to 1 foot bog - a root wad that supports plant life. This is why it would not dry out. There was no way of knowing this prior to the renovation. Even if we took that bog out, there was nothing we could do because as it was a spring-fed slur. That is why we did not get any further with that as we could not utilize equipment there." Mr. Brooks further stated, "We have deepened new Kingfisher in some places up to 10 feet. Rocks, islands, and old road beds have been created and are now fish habitats. Fishing will be really good in a few short years."





**Expanded parking lot; Set cables;
Extended fishing access from area**

Red Line indicates vegetation line on 5/21/15



Mr. Beane's Property and view a few weeks ago

Mr. Brooks stated, "Moving forward, when water levels allow shallow draft boats to enter, we will spray to kill the willow trees. After the willows are dead and their roots have had time to decompose (about 2 mo.), we will attempt to remove or lay down as many trees as possible. Other vegetation will die and collapse with the increase in water levels. The only thing I am concerned about with the cattails is unless the water levels rise this winter and next spring, the cattails will return and we may be out there spraying again. The problem with the lakes is that the watershed is so small it has taken longer than we had hoped for refill. We know there are springs running under and into those lakes so we had hoped, even aside from the rains, that they would fill up a little faster than they are. Regarding stocking the lake, we recently stocked 8-10 inch catfish and plan to stock small to medium sized (3-4 inch) bluegill this fall. We also plan to stock age-1 largemouth bass. Discussions will take place regarding the possibility of stocking trout this fall and next year to jumpstart the fishery for anglers. Trout and gambusia (mosquitofish), which are already in the lake eat a lot of insects. This I know is a concern for many of you. I have heard that someone has stocked some crappie in the lakes. I encourage people not to do this as crappie will overpopulate in these small lakes and their growth will be stunted making for small crappie fishing. They will also harm bluegill. Without the crappie, the bluegill will have enough to forage and grow to a proper size. I hope no one put crappie in there. If you did it is unfortunate because you did not do what you thought you were doing. The only regret I have regarding this project is that I have not appeared before the public more to present a project update. This project will result in better fishing and improved access."

Living with her parents at 8919 Boling Heights Lane, Sara Martin noted that it is sad the residents of Kingfisher Lake have had to live with this situation for 3 years and may have to live with the lake looking this way for another 2-3 years. She asked, "What will be sprayed and when?"

Mr. Brooks stated, "We are currently in the process of hiring Aquatic Control to spray the vegetation."

Ms. Martin stated, "You said that when the water comes up, the vegetation will die. At that point, you will spray to kill the remaining vegetation. What vegetation are you referencing?"

Mr. Brooks stated, "I was talking about the shoreline emergent vegetation. Currently, there are a lot of weeds. We are trying to let the water levels come up and kill that vegetation. This will result in less spay material and labor costs."

Ms. Martin stated, "How long will that take?"

Mr. Brook replied, "That is up to mother nature. Since March, the water level has risen around 3 feet. We need another 6 feet. Hopefully, we will have a lot of snow and rain this winter and next spring."

Ms. Martin stated, "Why can we not aid in replacing the lake water? Maybe with the use of area springs and creeks."

Mr. Brooks noted that they removed the water using gravity. He stated, "We are relying mainly on the watershed around those 2 lakes, which is really very small."

Ms. Martin stated, "Spraying for mosquitoes - is that no longer in the plans?"

Mr. Brooks stated, "I don't think we ever promised that."

Ms. Martin stated, "So, mosquito control will be left to the fish?"

Mr. Brooks replied, "Right."

Ms. Martin asked if fish are currently in Old Kingfisher Lake.

Mr. Brooks said yes, gambusie.

Ms. Martin asked, "How long will it be before the fish can return to the vegetation areas where mosquitoes are the worst?"

Mr. Brooks replied, "Gambusie are about 1/2 to 1 1/2 inches and as soon as the water level rises, they will return."

Ms. Martin asked how Mr. Brook's department could not know or anticipate bogs when they knew of the underground spring.

Mr. Brooks stated, "The problem is not the bog, it is the clay underneath. This clay solution never settles. This bog has the appearance of a solid substrate due the vegetation growth. You would never know about the clay solution until you get out there on it and feel it move."

Ms. Martin asked about pre-work research.

Mr. Brooks noted that his department has been working the lakes since the 1950's. So they have knowledge of the lake.

Ms. Martin asked, "Was research done into the 1900's process to construct the lake?"

Mr. Brooks said no.

Ms. Martin asked, "The original lake was willed to the state for the use and enjoyment of Kentuckians. So, we might be looking at another 2-3 years before the vegetation is gone, correct?"

Mr. Brooks said, "Willows are scheduled to be removed by the end of this year and they will not return. However, cattails can return if water levels don't come up."

Ms. Martin asked if the spray to be used to kill the vegetation will harm the fish.

Mr. Brooks said, no.

Ms. Martin asked, "The original estimate for this project was \$50,000. What is the total project cost now?"

Mr. Brooks stated, "It is over \$100,000. We do not get any tax dollars and our budgets are very slim. We are primarily funded through hunting and fishing licenses and permit. This is a unique project."

Ms. Martin asked if the labor hours were collected for this project.

Mr. Brooks said yes and that information may be obtained through an open records request.

Ms. Martin said she and others have noticed that for lengthy periods of time, no work was being done. She stated, "We all understand that there is a lot of work being done in Kentucky, but we just want to make sure it is being done adequately everywhere. So, I think sharing the labor timesheets on this project would be interesting."

Ms. Martin also asked who was used for the core sampling and when were they utilized. She was told NRCS did the work last summer.

Ms. Martin wanted to know if area residents were consulted as to how best to use equipment.

Mr. Brooks replied, "No, we already had expert advice."

Jack Johnson of 8959 Highway 405 stated, "I live directly in front of old Kingfisher Lake. Carpenters Lake is at my back. You all got one of the jetties right. It's the one in front of my house. It's the only one that when the water level comes up that you can walk out on and fish. For the others to be viable, the water would have to be over Highway 405."

Mr. Brooks stated, "Laser shots have been taken of all of our jetties. There is some settling and we will increase the height of those settled jetties. I don't know about any being too high, but we know about those that are too low. Either way, we will take care of it."

Mr. Johnson stated, "In front of my house, it is not any deeper than it was."

Mr. Brooks stated, "Not all areas were dredged the same."

Mr. Johnson, "My understanding was that the lake was too shallow at 5 foot to support fish-life. I'm not seeing it any deeper. If there is a spot 10 foot deep, I want to see it."

Mr. Brooks stated, "It's not 10 right now. Water levels still have to come up."

Mr. Johnson stated, "The water will be over the road before it is ten feet there. We can put a man on the moon, but we don't have the technology or know-how to dig out a small lake. That amazes me."

Mr. Brooks stated, "What we don't have is the funding. If we had a million dollars, we could do a bang up job on that lake. We had less than \$100,000. We can only do what we can with the funding that we have. These guys have done an excellent job."

Mr. Johnson stated, "Excellent job is a personal opinion. None of us out there believe that."

Tina Martin of Boling Heights Lane stated, "Knowing you only had \$50,000, did it not seem impossible to do it for \$50,000? Particularly when the project cost has risen to \$100,000?"

Mr. Brooks stated, "Not really because we were doing the labor in-house. The labor is what really costs on this stuff. The equipment rental really was not that expensive and we received a lot of donations for this project. When you break the cost down, \$50,000 seemed reasonable. We had an idea that it could cost more than \$50,000, but we also knew that for what we needed to get the job done, we could get the money over a 2-3 year period."

Ms. Martin stated, "I know you cannot break anything down into cost details, but what caused it to double?"

Mr. Brooks stated, "I think the type of stoplog block structure we put in was more expensive than originally anticipated and the riprap also was expensive. Just little things here and there basically."

Ms. Martin stated, "The lake is located very close to a creek that overflows several times a year. Can you can siphon that water into the lake?"

Mr. Brooks said that would be possible if the water was higher overall than the lake.

Ms. Martin recommended to Mr. Brooks that for future projects, more consideration be made when creating jetties as my neighbor now has two very large jetties built directly in front of his front door.

Mr. Brooks stated, "There is anywhere from 50-100 foot buffers and those buffers are important to us because federally, folks have to have access to the lake and be able to walk around that lake. When we put jetties on our buffer it invites people to use that buffer in order to access those jetties. One of the things I previously said we would do, is that we could put a "Dawn to Dusk" law into effect, where after dusk nobody can fish there. We will put signage up very soon regarding that."

Marty McClelland of 8970 Highway 405 stated, "Fish and Wildlife owns 11 Kentucky lakes, correct?"

Mr. Brooks agreed, but added that they also manage and maintain over 100 state reservoirs and thousands of miles of stream. He stated, "We spend a lot of time on other waters such as Kentucky and Barkley, which are very large bodies of water."

Jimmy Thompson of 8860 Kingfisher Lake Road explained that he has grown up in and around lakes. He stated, "What are you going to do with the willow trees once they are sprayed and have died?"

Mr. Brooks stated, "We are looking for a tool that can be used to cut them and if need be, we will wait until winter when the ground has hardened to go out there with equipment and see if we can whack it down a little bit. Mother nature will decompose the trees very quickly as they are young and have not had time to become hard. They are still very soft."

Mr. Thompson stated, "They don't decompose. If you remember, there is a fence in new Kingfisher Lake and when they drained it, the wooden posts attached to that fence are still there."

Mr. Brooks stated, "The density of those posts are much different than the willows."

Mr. Thompson stated, "Those willows are going to be there for my grandkids and great grandkids. They are not going to leave unless you guys remove them. That is going to be a big problem. In addition, there are a lot of poplar trees out there too. My biggest concern is getting rid of the willows. When the owner gave this lake to the state over 50 years ago, I think they did so with the understanding that the state would maintain it. Did you know that?"

Mr. Brooks replied, "I am sure that was the case."

Mr. Thompson said that a search is underway to find the will that granted the state the lake. He stated, "If you all don't clean it up, the state is going to have to. I am talking about the willows. The only ones to come out on top of this situation include Wal-Mart and bait stores because people will have to go there to purchase hooks, corks, and plugs. You are not going to be able to fish it due to all of this material out there under the water. That is my concern - getting rid of it."

Mr. Brooks stated, "That is ours, too."

Mr. Thompson stated, "It is going to be tough, but it can be done."

William Beane of Highway 405 stated, "When we initially, met back in 2011, why have a meeting if you did not have permits to do the job? I cannot build a house without permits. Why would you want to do something without permits? Don't be telling me that you couldn't get the permits or it took too long to get the permits. I know how to get permits. I could have probably gotten you the permits in about 15 minutes. Another thing is how are you going to get rid of the willows? Well, I can tell you. Put on a pair of boots, get weed eaters and loppers and go out and cut them. I have cut the ones around my docks several times. That tells you how you can get rid of the stuff. If you don't want to get your feet wet, I'm sorry. That is what you are going to have to do."

Judge Mattingly asked Mr. Brooks, "Do you want to answer his questions?"

Mr. Brooks replied, "I don't think so."

David House of 8971 KY 405 stated, "I am not going to knock you as you have already been hit pretty good. I just want to ask about the mosquito problem and see if spraying the area can be done."

Judge Mattingly asked County Engineer Brasher to get that area on the spray list as the county contracts to have this service done throughout the county. He noted that this year has been a particularly bad year with regard to mosquito problems.

Kathleen Mattingly of Graves Lane requested to have her area sprayed as well.

Bob Bennett of 815 Kingfisher Road asked, "We paid every 5 years for a dock permit. I've been without water for 3 years or so. Are people like me with these permits going to have their fees prorated because all we have are decks out there? We cannot fish off of it or put a boat up to them."

Mr. Brooks was unable to answer his question, but agreed to get back with him with a response. He also directed anyone with this situation to get in contact with him so this issue may be looked at. His e-mail address is ron.brooks@ky.gov and phone number is 502-564-7109 ext. 4466.

Judge Mattingly asked to be notified on any correspondence related to this issue.

Representative Joe Bowen asked Mr. Brooks to assure everyone interested in this project that the commitment is there to complete this project and do it in the most expeditious way possible.

Mr. Brooks noted that he and his department are committed to doing so.

Mary Johnson of 8843 Kingfisher Lake asked about the new lake and the vegetation growing there, such as poplars and cattails. She wanted to know if property owners could remove the vegetation on their own.

Mr. Brooks stated, "I think we were concentrating mainly on what this construction caused. That isn't to say that we cannot address other areas as well on those 2 lakes. We can certainly look at it. If property owners are wanting to remove vegetation, they are asked to contact us prior to any work."

Ms. Johnson asked if Round Up would harm the fish.

Mr. Brooks said that it can. Again, he encouraged citizens to contact his office beforehand.

Sara Martin asked, "I continue to hear that the plan is to spray the willows and allow them to die and naturally decompose. You said that decomposition would take a few months."

Mr. Brooks said, "The root systems may loosen up in a few months to where we may be able to come in and pull those trees. That is what I am hoping."

Ms. Martin asked if there will be an odor when the trees decompose and will insects be attracted to it.

Mr. Brooks said that decomposition of organic material under the water typically does not smell. He added, "Organic material occurs in every lake, all the time. This is no different."

Ms. Martin disagreed. She believes that the amount of organic material in this situation will be much greater than that of everyday organic lake matter.

Mr. Brooks noted that a lot of the vegetation will be removed.

Ms. Martin said, "You do not yet know if your department will be able to remove the trees as, in your words, you all are looking for a tool to remove the trees. Since this project has not gone as planned, what is your backup plan?"

Mr. Brooks took offense to Ms. Martin's statement that the project has not gone as planned. He stated, "I am very satisfied with the way this project is going. Even if we just cut the trees and are unable to remove the cuttings, there is not going to be enough organic material there to have a negative effect on Old Kingfisher Lake."

Ms. Martin continued, "If they are cut, will they not grow back?"

Mr. Brooks stated, "They will not be able to live or re-grow as they will be under water."

Judge Mattingly thanked everyone for coming and speaking, especially Mr. Brooks and his staff for presenting information and answering questions regarding this project. He also thanked Mr. Brooks and his department for the financial contributions to this project.

Minutes of the August 6, 2015 meeting 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.

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. 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 Purchase 99.23 acres at 8615 Hobbs Rd. from Robert Hayden for \$495,000 and 88.152 acres at 8981 Hobbs Rd. from Doug and Jane Hayden for \$465,000 for Landfill Expansion and Authorize the Judge/Executive to sign any and all documents related to said purchase.

David Smith stated, "We will now own everything west of the landfill to Hobbs Road, except for a 50 acre tract at the corner of Hobbs Road."

Commissioner Wathen stated, "We have now extended the life of our landfill for numerous generations."

Judge Mattingly noted that general fund tax dollars are not being used to pay for this land purchase. The Landfill's Enterprise Fund is paying for this purchase.

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 Daviess County Board of Health Resolution establishing the 2015 Tax Rate for the Daviess County Public Health Taxing District at 3.5 cents.

Judge Mattingly noted that this rate is set by the Public Health Taxing District and is not an increase over prior years.

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 to award the following Bids:

- **Bid No. 37-2015:** One (1) New 2015/16 Crew Cab Truck; LF for \$31,177 to Don Moore Chevrolet as they had the best evaluated bid, having minor exceptions. As noted, the lowest bid had unacceptable exceptions.
- **Bid No. 38-2015:** One (1) New 4x4 Full Size Pickup Truck; RD for \$25,511 to Don Moore Chevrolet as they were the lowest and best evaluated bid, having no exceptions.
- **Bid No. 39-2015:** One (1) New 2015/16 Crew Cab Truck; FR for \$29,692.92 to Champion Ford as they were the lowest and best evaluated bid, having no exceptions.
- **Bid No. 40-2015:** One (1) New 2015/16 SUV; FR for \$41,834 to Don Moore Chevrolet as they were the next evaluated bid, having minor exceptions. As noted, the lowest bid had unacceptable exceptions.
- **Bid No. 42-2015** - County Clerk's Office Renovation for the base bid of \$322,200 to Danco Construction, Inc. as they were the lowest and best evaluated bid, having no exceptions. (80-90% of the labor will be come from within 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 Koger, seconded by Commissioner Castlen, the court considered for approval to Advertise for the following Bids:

- **Bid No. 44-2015:** Gas Well Dewatering System; LF
- **Bid No. 45-2015:** Gas Well Replacement (3 Wells); LF
- **Bid No. 46-2015:** Undercarriage for D8T Dozer; LF

**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 Reject **Bid No. 41-2015:** Judicial Center Window Project.

The prices and/or exceptions of the received bids were deemed unacceptable. This project will be re-bid in the spring of 2016.

**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 Declare Surplus a 1979 Ford Pumper VIN# C91LVDFH2059.

**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 Appoint the following to the **Drug/Alcohol Steering Committee - TERMS: 9/1/2015 – 9/1/2018:**

- Ronsonlyn Clark (44-2015) as a joint appointee
- Jason Worth (46-2015)
- Lura McElhearn (45-2015)

**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 Castlen, seconded by Commissioner Lambert, the court considered for approval the **Second Reading of KOC A.89(2015)** - An Ordinance Relating to the Adoption of the 2015 Daviess County Tax Rates.

Comments:

No comments received.

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

Comments:

Upcoming community events were discussed.

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

Al Mattingly
Daviss County Judge/Executive