

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 4th day of September 2014
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 SEPTEMBER 4, 2014 FISCAL COURT FILE

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

Judge Mattingly proclaimed September 2014 as Recovery Month.

The Daviess County Public Library and Extension District 2014 Tax Rates were presented to the court.

The Petition by Royal Summit Subdivision regarding the county accepting roads in the Road, Bridge and Street System was discussed.

County Engineer Mark Brasher stated, "The court has been petitioned to accept approximately 6 roads that are presently private into the county road index. Planning and zoning has reviewed the proposal and they have found that there is no conflict with the comprehensive plan or public improvement specifications. However, they did suggest that the final plat be amended because each of the final plats specifically indicated that the streets are to be privately maintained."

Judge Mattingly stated, "There were some recommendations made to the residents of those streets as to what requirements we had. Did they agree to those?"

Mr. Brasher stated, "There were several deficiencies that were found in the current system of roads. They have provided me with a document stating that they would remedy or carve out those that cannot be remedied or they choose not to remedy for it to be a part of the county road index."

Judge Mattingly stated, "When you say that they will carve out those things that they choose not to... That bothers me a little bit. Either you take the entire system in or you do not."

Mr. Brasher stated, "No, the entire road system would be accepted. Typically, when we accept a road we also accept the storm drainage system that goes through. Several modifications that have been done in this subdivision are beyond the street. A condition that we have discussed is that the county would only accept a storm system that is directly under the road, within the curbed lines of the street. Everything outside of that would not be county maintained."

Judge Mattingly stated, "And we only take those because they would affect what would then become county roads and we want to make sure that if there is an issue within that storm system..."

Mr. Brasher completed what the Judge was saying by stating, "...it is within our control. And that is only after the condition that it is filmed and inspected by camera that I get to review and document any deficiencies found that way."

Judge Mattingly asked, "Did they agree to that stipulation?"

Mr. Brasher said they have.

Judge Mattingly asked, "A portion of those streets have been re-paved and there is a section of street as you go into it that has not been paved in quite some time. Is there any expectations of those home owners that the county would immediately come in and pave those streets?"

Mr. Brasher stated, "There is an older section as you come in. I do not believe, if we accept these roads, that there is any obligation. If we accept these as county roads after the conditions are met they in essence would be put in to the pool of all county roads that we review each year and come up with our resurface list."

Judge Mattingly stated, "They would not go to the top of the list. They would be treated just like any other county road and wait their turn."

Mr. Brasher agreed.

Commissioner Lambert asked, "In the process, I understand that the developers and owners of the property would not want to do this work and make those improvements without our assurance that the court agrees to take them into this system. How do we do that? Do we accept them after the work is done? Do we approve it subsequent to those improvements being made? What process do we follow?"

Mr. Brasher stated, "I believe we accepted a street that was in Lake Forest within the last 6-8 months and what we did was the acceptance was subject to these conditions being completed. Once they are completed and accepted by my office, I would place them on the road index, which would have to be adopted by this court."

Commissioner Lambert stated, "So they would have assurance that upon completion of these recommendations that the roads would be accepted. Is that the voice of the court today?"

Mr. Brasher stated, "I believe that is what they are looking for at this point."

Judge Mattingly stated, "You know we talked about bonding those improvements, but we do not require a bond simply because we do have that final vote as to whether or not we take it in. If they do not do it then we do not vote to take it."

Mr. Brasher stated, "If it was unacceptable work then I would not recommend that the court take it."

Commissioner Castlen stated, "So you are wanting a consensus from us that we would agree to take these in, provided that they meet the criteria that you have laid out?"

Mr. Brasher stated, "I believe the development is asking for that."

Debra Seymour stated, "Yes, we agree to everything you discussed. If we are willing to do the work then we would like an assurance that the county will take these roads in."

County Attorney Claud Porter stated, "I assume that what we have said is that at the time that they request that, they will meet the criteria of the county for the roads at the time they are

requested to be entered into the county road and street index. In other words, the motion or the request would be that the roads would meet the requirements of the index and the county's requirement at the time that they are asked to be put in the system."

Mr. Brasher stated, "I would do a final inspection before I would approve and submit..."

County Attorney Porter stated, "Just so they know that if something happens within the next year that requires..."

Judge Mattingly stated, "I think maybe what you are saying is what if the state changed a criteria or what if the public improvement specifications change or we have a bad winter. When we say that we will take them in, it will be his final inspection and we will say we will take them in, but you are going to have to meet his approval."

Ms. Seymour stated, "Our expectation is to begin this process as soon as you give us your word that that is what you plan to do."

Commissioner Wathen stated, "You know, the part of the drainage system that we are not going to take in? How are we going to clearly define the fact that that is not ours? My concern is that if we had a drainage problem, the water is running under the road – that is ours, and then it goes on across the field and that is not ours. In ten years or more when we are not here, if we had problems it is going to appear to others that it all belongs to the county. How are we going to differentiate that?"

Mr. Brasher stated, "And Debra, you may be able to answer that. Is it a part of the deed restrictions or is it presently a part of your deed restrictions in regard to who will maintain what is outside the curb line?"

Ms. Seymour state, "I have not reviewed all of that completely. I think we have sent you all of that information. I do not know if you have reviewed all of that. Our expectation is that the homeowners association would be responsible for any property in that area that is not a part of the road system that belongs to the county or part of the individual homeowner."

Judge Mattingly stated, "I understand what the Commissioner is saying. Say we have a box culvert and it drains through your yard and into a ditch behind your yard, and say that that drainpipe fails beside your house. Now we have a street full of water, it is in the middle of a freezing winter, and people are crashing their cars. We have a homeowners association that says that they would take care of that. What assurances do we have? And we as public officials are tasked with public safety, I mean we are going to have to take care of it."

Attorney Porter stated, "When there is a situation as the one you have described where because of something on someone else's property that causes damage or problems to a road we have the obligation to remove that, but we also have the possibility of charging that person for any repairs. It is nothing new."

Mr. Brasher stated, "I would assume, like it does today, in other areas across the county, I would get the call. I would inform the responsible party and then we would go from there. If they do not do it within a certain amount of time then we would do it."

Judge Mattingly stated, "But when you are gone as engineer, how do we tell the next court or next engineer that we are not maintaining it, that it is not the responsibility of the county? I understand what the Commissioner is saying, we run into that today. We had that happen today where the county did this 20 years ago, but we do not know whether the county did it then or not. How do we assure the future courts?"

Mr. Brasher stated, "A solution could be that if the final plats are resubmitted and amended then language be put on those final plats to reflect that."

Judge Mattingly stated, "I think that would satisfy. The plats are going to amended, right?"

Mr. Brasher stated, "I do not know that we have ever had a discussion in regards to that. We just got this letter back from planning and zoning. Are you guys willing to do that?"

Ms. Seymour stated, "That is the first I have heard of that. I see no reason why we would not resubmit it if that was a requirement."

Judge Mattingly stated, "It would resolve the issue that we might have 10-20 years down the road. And we deal with those issues today because, not that we did not have good elected officials, I just do not think that they looked which move they were going to make on the chess board 10 years out. And the taxpayer ends up, because we have to resolve it, having to pay for it. I think that that should be a requirement."

Commissioner Wathen stated, "I think that is everybody's intent. We just need to clearly define it."

Ms. Seymour stated, "That is our intent."

Commissioner Lambert stated, "As a part of the record could we have a list of your requirements so that we do not have some misunderstanding."

Mr. Brasher stated, "Yes, there is a document that was submitted to me by Bryant Engineering dated June 23, 2014 that states all of these criteria minus the resubmitting of the final plats to reflect the public streets plus language that will say that the homeowners association is responsible for all storm drainage outside the streets." Said criteria follow:

Guard shack canopy removal

- The Summit agrees to remove either the entire guard shack or the overhang over the road on Barclay Drive. The County Engineer stated that the canopy that extends over the drive lane must be removed at a minimum, but if they wanted to remove the guard shack entirely that would also be acceptable. The summit will further evaluate and determine if the guard shack will be modified or completely removed.

1674 Barclay Modifications

- There are perforated drain pipes that extend along the back of curb that outlet directly into the curb inlet in front of 1674 Barclay Avenue. These drain lines are non-standard and were presumably installed by the home owner. The County Engineer has stated that these lines must be fully removed in order for the County to accept the streets. The Summit agrees to remove the non-standard perforated drain pipes that extend along the back of curb and back fill with dirt in cooperation with the landowner.

6641 Barcroft Drive Drainage Modifications

- The attached design plans show proposed repairs. Plans are subject to approval by Mark Brasher and are currently under review. See attached construction plan sheet C 100.

6741 Kingston Drive Drainage Modifications

- The attached design plans show proposed replacement of the existing non-standard curb inlet box. Plans are subject to approval by Mark Brasher and are currently under review. See attached construction plan sheet C101.

1674 Barclay Avenue Drainage Modifications

- The attached design plans show the proposed repairs to address non-standard modifications that have been made within the road right-of-way. Plans are subject to approval by Mark Brasher and are currently under review. See attached construction plan sheet C 102.

Sidewalk repairs

- The original report, provided by the County Engineer, made a general statement regarding the condition of sidewalks. BEi conducted our own assessment of the sidewalks within the Estates and we believe that the following locations have bumps in sidewalks that would warrant replacement:
 - 6709 Kingston Drive (approximately 30 linear feet)
 - 1420 Kingsbrooke (approximately 10 linear feet)
 - 1430 Kingsbrooke (approximately 10 linear feet)

BEi request that the County review our findings and confirm that we have included all of the problem sidewalk areas which must be replaced.

Missing inlet boxes on Barclay Avenue

- The curb inlets just east of 1674 Barclay Ave were not constructed with the road. We are not certain why these boxes did not get constructed. We believe that the inlets were found to be unnecessary during the construction process. We have surveyed the elevations of existing curb lines to confirm that the curbs naturally drain as requested during meeting. See attached sheet C 102.

Inspection of storm drainage system

- Non-standard (N- 12) Pipe was used throughout this project for the storm sewer. Mr. Brasher stated that he would want a comprehensive inspection of the drainage pipes by using a camera system to film and identify any defects in the pipes. The Summit agrees to conduct an inspection study of the drainage lines by contracting a company with video inspection equipment to provide a complete set of inspection videos to the county engineer for review.
- All depressions due to leaking storm pipes will need to be fixed when the storm sewer pipes are replaced. Any defects found as a result of the video inspection of storm sewer pipes shall be repaired at the expense of The Summit. The Summit agrees to repair these items. The county engineer should develop a specific punch list of defective areas and a recommendation on the method of repair.

By a motion of Commissioner Lambert, seconded by Commissioner Wathen, the court considered for approval to accept into the county road and street index the streets so mentioned in the subdivision upon completion of the conditions outlined in the document that we just talked about, which will be a part of the record and the condition which was just added now about amending the final plats.

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

Minutes of the August 21, 2014 meeting were submitted to fiscal court members for review prior to today's meeting and on a motion of Commissioner Lambert, seconded by Commissioner Castlen with all the Court concurring said Minutes were approved and signed.

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

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 Daviess County Sheriff's 2013 County Tax Settlement.

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 an Update and Approval of Employees Health Related Renewal Agreements and to Authorize the Judge/Executive and County Treasurer to Execute Any and All Documents Necessary to Implement the Agreements to be Effective for the Plan Year November 1, 2014 thru October 31, 2015.

County Treasurer Jim Hendrix stated, "Annually, we have to renew the documents that deal with the employees health benefits. These are the various documents and they are typical. There is nothing unique in here. I have reviewed them and they are appropriate. I can report that getting to renew, Greg Carlton once again continues to be the person that works on our behalf to renew these and he did great job again and got another discount. So what we are able to do is offer the employees a renewal that would continue the same benefits that we currently offer without an increase in premiums."

Judge Mattingly stated, "In your opinion, would you say that the switch from the way we were going in the insurance market has paid dividends for fiscal court?"

Mr. Hendrix stated, "The methodology that he employed and the program that he has us on has continued within the range to which it was represented and it has saved up no less than a half a million dollars each year. This will be the fourth year that we have had this rate."

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 Evapar for generator services at the Operations Center, Courthouse, Judicial Center, and East Fire Station.

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 Millers Mill Plaza, Unit No. 1, Release of Surety (Streets and Sidewalks/Storm Sewers and Drainage).

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 the Renewal of **Bid No. 14-2013** - Concrete Crushing for the Solid Waste Department with Hazex Construction.

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. 18-2014** - Stanley Fire Station Roof Replacement to TSG Construction for \$19,983.

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. 19-2014** - Tire Repair & Maintenance Services to Tire Mart.

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 Lambert, the court considered for approval to Advertise for **Bid No. 20-2014** - One (1) New Landfill Compactor.

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 Jeremy Edge (29-2014) to the **Library Board** - TERM: 9/13/2014 – 9/13/2018.

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 A.87(2014)** - An Ordinance Relating to the Adoption of the 2014 Daviess County Tax Rates.

Comments:

Mr. Hendrix stated, "For the record, annually the court is required to adopt the tax rates even when there is no change. The tax rates are the same as the prior year and there are no additions or new taxes."

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

Comments:

Judge Mattingly recognized the Daviess County Fiscal Court September 2014 Employee Anniversary of Renetta Lanham, EMA Administrative Assistant – 15 years.

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

Al Mattingly
Daviess County Judge/Executive