

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 16th day of October 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 OCTOBER 16, 2014 FISCAL COURT FILE

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

By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered approval to amend today's agenda and move an item for discussion relating to leasing county owned property to OCTCS following the consideration for approval relating to OCTC Phase II Technology funding.

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

County Treasurer Jim Hendrix presented the Treasurer's Report for September 2014.

Minutes of the October 2, 2014 meeting were submitted to fiscal court members for review prior to today's meeting and **on a motion of Commissioner Wathen, seconded by Commissioner Lambert with all the Court concurring said Minutes were approved and signed.**

By a motion of Commissioner Lambert, 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 the OCTC Phase II Technology funding in the amount of \$1 million and authorizes the Judge/Executive to sign any and all documents relating to said funding.

Judge Mattingly stated, "During the last General Assembly meeting, they passed a statute which allows local communities and community colleges to build necessary buildings. This court has been advocating for the Phase II Technology Center for at least ten years. We have discussed this court participating in the funding of that Phase II Technology Center to the tune of \$1 million. The City of Owensboro is also putting up \$1 million. OCTC has to raise \$4.5 million for the \$13.5 million project."

Dr. Klauber stated, "When the Advanced Technology Center was in the beginning phase of construction the recession hit. The state basically took a look at the plans and shoveled about half of it on to the floor and that part was cut out. The promise was that it would be finished later. Well, later has now arrived. At OCTCS, in our skilled trades programs, our enrollment is at capacity. We can really take no more. What I have been doing by working with the high schools and others it is almost like an hourglass. I have been filling the top of the hourglass and putting more sand in it by opening up the Hancock County Annex, working with Titan to provide some space to teach welding, but the neck of the hourglass is the same size. That is the problem we face with the capacity of the programs. Also, with our technical and skilled trades program, I have no doubt that the jobs are there when the students walk across the stage. We look around at the manufacturing and industries in this community and they are in critical need of a good, qualified labor pool in skilled trades."

Commissioner Lambert asked where the phase II building will be located.

Dr. Klauber said that the building would be the first building on your left, if entering the college's south side.

Commissioner Wathen supports this project. He stated, "I am hoping that this will allow students to learn a trade, make a good living, and stay here in Owensboro."

Commissioner Castlen agreed with Commissioner Wathen.

Judge Mattingly stated, "This is the best investment that we can make with the dollars that are available here in Daviess County. This program, under which we are going to do this building, I am very proud and pleased that it was initiated – that the push came from our local community and that the entire Commonwealth benefits."

Judge Mattingly further stated, "This is our formal commitment. We are going to write a letter stating that we are involved and we will provide the money."

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 **discussion** the Leasing of property adjacent to WKU-O to OCTCS.

Judge Mattingly stated, "I asked Dr. Klauber to attend tonight to tell us why he needs that piece of property and why it should be across the road from the main campus."

Dr. Klauber stated, "I also brought Dr. Leach who is our program coordinator for Vet. Tech. When we started the Vet. Tech. program we knew we were going to have to have some sort of facility to keep a few animals. I wanted to build a small facility right next to the maintenance building on the college campus. We had a great place laid out for it and then I ran in to the bureaucracy at KCTCS. By the time it was all said and done, I was going to spend upwards of a quarter of a million dollars for a barn to house two horses and two goats. If I go and build it on state property, I have to comply with all of the state's procurement rules as far as contracting and who builds it. The truth of the matter is that I just need a barn. I want to get maybe a kit and have my electrical and construction students build this project. I cannot do that on state property. I find myself trying to save the institution a lot of money and feel like I am just handcuffed because of existing regulations. So, I came to the Judge and said if we could just get the foundation, not the college, to lease a couple of acres we could get it done. We want the barn back in the back where no one can see it from the road. We want to get it as far as we can from public view. I understand that WKU has their eyes on that property and they want to build a building over there. I am good with that. I understand that. If Dr. Ransdell comes up here with an \$8-\$9 million check and he wants to build a building then we will deconstruct that barn and go somewhere else. You can put that in the lease. If I can use the foundation as my

vehicle, I can have the flexibility to have the students build it. I can get a kit and get it done appropriately and for under \$40,000."

Dr. Leach stated, "What we will need is at most two small fields that connect to the barn. We are talking probably three acres total. If you go out to the property and look at what is dropped off in the back – perfect. We do not want a public access off of that road. We are very sensitive to these animals not being bothered. This is not a livestock facility. It is just our teaching animals and we do not want anyone messing with them."

Judge Mattingly asked about the smell.

Dr. Leach stated, "Two horses and two goats. There will not be an issue with smell."

Judge Mattingly stated, "I believe all of that property surrounding it is agricultural. It would not be out of context with what is out there now. I know that we have some residents of Fours Lane that would rather not see, hear, or smell animals. That is always a concern of ours."

Dr. Leach added, "The goats will only be there during the fall semester. Many of the students have general education class at the OCTCS main campus and they will come over following those classes. It also makes it very convenient for our students to take care of the animals verses where we have to go now."

Judge Mattingly publically apologized to Dr. Gene Tice for not bringing him in at the beginning of the conversation.

Commissioner Castlen spoke to a lady who was unable to attend tonight's meeting and who wanted to express her concern that she would rather the barn not be across the field from her house. She is also concerned with the possible smell.

Commissioner Lambert stated, "I really have some concerns about moving a facility off of this campus, which is a state-owned facility. I was on the court when the land was purchased and the agreement was made with Western, and I know their plans and expectations. I am not sure when that is going to happen. So, I have some concerns about not building this facility because of the reasons that you mentioned on your site, but moving the same building under other conditions on someone else's site that have potential uses for that. We have an elementary and middle school there. They have activities at night and I can see some potential problems with kids being out at night and animals being in a barn right across the field. I am not saying no, but I do have some serious concerns. I thought you did not have the space, but now understand that you do have space. It is the regulations, cost, and the hoops you have to jump through that are the problems. With planning and zoning and regulations over on this other site, I am not sure that they would be much different. I do not know what they would be, but I am not sure you could do what you are wanting to do on the other site without all the same hoops to jump through."

Judge Mattingly stated, "I appreciate those concerns and think that all of those need to be addressed and answered. I can tell you that as long as the college provides a set of drawings that are stamped by a professional engineer, there should not be a problem going through planning and zoning. The land that is there does not belong to WKU. The land belongs to the court. If Dr. Tice came to us today with a plan for the land and they worked as hard to build a building on that property as they have throughout other areas of the state then I would agree with you, but I think it is on us to do what is best for the residents of our community. I do not think I have a problem with it. I certainly understand your concerns and I do want those things answered. What I would like to do is get a list of concerns from this body and present them to you (Dr. Klauber). This is not something that is going to happen tomorrow or potentially next year. My question is what happens if it costs \$250,000? Is it going to happen?"

Dr. Klauber replied, "Not today."

Judge Mattingly stated, "I would also just in general answering the mischievousness of our students. I would be more worried about what the WKU students might do to those animals. With that being said, there are two farms with barns adjacent to those schools and colleges. To my knowledge, there is nothing like that going on."

Commissioner Wathen stated, "The one thing hanging in my mind is that if you are having the problems that you are describing now and in a few years we need you to move, you are going to have the same problem. It is not going to be any different, so now you are going to spend all of this money for a short-term period of time to avoid the big expense and now you are going to be facing a big expense anyway. Have you gone out to see if there is any other place near this where someone would donate a few acres or a barn?"

Dr. Klauber stated, "I did try and talk with the adjoining property owner and they are not interested in pursuing that."

Commissioner Wathen stated, "I know there are unused barns in the county and the owner may allow you to do that. I am saying have you pursued a wide-spectrum of opportunities?"

Dr. Klauber stated, "I would not say that I have pursued a wide-perspective, but we have looked at the one property around the college and she was not interested in pursuing that. We could probably look at other areas in the county, but the problem is that you want to be in a relative close proximity to both the downtown and main campuses. There really is not a lot out there that is not being developed. Vacant land not being used in that area is becoming less and less available."

Judge Mattingly asked the court if they wanted to pursue obtaining court member's written concerns and presenting them to Dr. Klauber for a response."

Commissioner Castlen stated, "I am certainly open to that suggestion. I would say I would be more concerned with the notion of putting 30 animals out there, but hearing the number that you are saying, I do not think that is going to be a real bad situation if you happen to live in that neighborhood."

Commissioner Wathen stated, "My problem is that it is not a long-term or permanent fix."

Judge Mattingly stated, "It would be as long as that property is available and not being used by WKU. There is nothing in WKU's long-term plan that addresses the use of that land. They do not have a building that wants to go there."

Commissioner Wathen stated, "I would like to see if there is anybody who would like to volunteer and maybe a farmer help with some kind of lease."

Dr. Klauber stated, "But keep in mind that that liability would rest on my shoulders, not the county's. I am not asking for money. I am just asking for the land. That is a risk I would have to take. Really, not even me, but KCTCS Foundation. I think they are willing to take that risk."

Commissioner Wathen asked if the court could obtain WKU's master plan of the building they would eventually like to see on this land."

Judge Mattingly asked David Smith to get that plan for the court's review.

By a motion of Commissioner Lambert, seconded by Commissioner Castlen, the court considered for approval the Public Drainage Easements with Richard H. and Tina Greenwell, Ray and Glenda Worthington, and Ryan and Ashley McDaniel and authorization for the Judge/Executive to execute the easements.

County Engineer Mark Brasher stated, "This is to deal with an existing flooding issue on B and B Court and Dean Court. We have an existing system in this area made of black plastic pipe that is failing, which is causing water to get over B and B Court, Dean Court, and into adjoining yards. Looking into the file, we did not have easements to maintain that pipe. These easements will allow us to access properties for the removal of the existing pipe and to replace it with a new system."

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 **Resolution No. 14-2014** and Agreement with the Commonwealth of Kentucky, Transportation Cabinet, Department of Highways to resurface portions of Pleasant Valley Road, Hayden Road, Jackson Road North, and Keller Road.

These are Flex Fund dollar projects, as explained by Mr. Brasher.

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 County Request and Agreement for Anti-Litter Control Program Grant Funding.

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 2014/2015 Search and Rescue Affiliation Agreement.

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 to Advertise for Bid No. 1-2015: Engine Oils & Lubricants, Bid No. 2-2015: Bituminous Hot Mix & Pavement Milling, and Bid No. 3-2015: Mowing of County Right-of-Ways.

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

Comments:

The court received a petition and other relative information presented by Max Bishop requesting that the court consider returning the north end of Main Street in Curdsville to the status of "full-maintenance". "This is not a request for maintenance", said Mr. Bishop, and "the County Attorney needs this to remove obstructions that create a bottle neck and unsafe conditions." He further stated, "There has always been a public road access to the river in Curdsville. This is the only way the citizens of Curdsville and surrounding areas have to access the river. I understand that the County Attorney does not have the same authority on a non-maintained right-of-way as a full maintenance right-of-way to have obstructions, such as fences removed. This is the last right-of-way to the river as the North State Highway 500 is blocked where the ferry was and the creek road is blocked. The barge company still uses Main Street for their crews to get off and

on barges and people use this to fish. The citizens deserve one unobstructed way to the river." He would also like to see the county construct and install a sign, which indicates that access to the river should not be blocked.

Judge Mattingly said that the court and the county attorney will look at the petition."

Attorney Porter stated, "I will send Mr. Bishop a letter indicating the items he has presented here today.

Commissioner Wathen asked, "Why do you not have access to Highway 500?"

Mr. Bishop said a cable has been installed, and there is no access to where the ferry used to be.

Chris Settles of Laketown Road expressed his appreciation towards all who have been involved in extending waterlines to his area of the county. He said it is nice having clean, safe water.

Commissioner Lambert noted being contacted by Wes Yeiser who also expressed gratitude for the waterlines.

Judge Matting encouraged all citizens to get out and vote on November 4.

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

Al Mattingly
Daviness County Judge/Executive