

**Minutes of the February 20, 2018
Daviness County Fiscal Court Meeting
Held at the Daviness County, Kentucky Courthouse**

**Present elected court officials included
Judge/Executive Al Mattingly and County Commissioners Mike Koger,
George Wathen and Charlie Castlen**

**DOCUMENTS RELATED TO TODAY'S DISCUSSIONS
ARE FILED IN THE CORRESPONDING FISCAL COURT FILE**

The meeting opened with a prayer and the Pledge of Allegiance to the Flag.

Judge Executive Al Mattingly proclaimed March 1-7, 2018 as Severe Weather Awareness Week

Treasurer Jim Hendrix presented the Treasurer's Report for January 2018.

Minutes of the February 1, 2018 meeting were submitted to fiscal court members for review prior to today's meeting and on a motion of Commissioner Koger, 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 for approval 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; Audit Engagement Letter with Mountjoy, Chilton, Medley and Advisors to perform the DCFC Fiscal Year Ending 2018 Audit.

Mr. Hendrix stated, "We have used this firm before and have been satisfied with their work. According to the state's auditor's office they have agreed to grant us the authority to have an outside firm perform this year's audit."

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; Contract with Gardner Engineering for Transfer Station services.

As noted by David Smith, this contract will provide structural engineering services for a new Transfer Station concrete pad. The original pad was constructed around 1983 and half of the pad has failed. He also noted that upon construction to replace this pad, the Transfer Station will not close. If Gardner Engineering determines that both halves need to be reconstructed, the Transfer Station pad will close one side of the pad and when that is complete, they will do the other half; always leaving a half open during normal operating hours.

Commissioner Koger asked if the county will handle this project's construction in-house.

Mr. Brasher stated, "As this project will consume a significant amount of time and with the county's current work load, it would be my recommendation that the work be contracted."

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; Kentucky 2018 Waste Tire Management Program Grant Agreement.

This state grant provides the public a free and convenient opportunity to dispose of their waste passenger tires. Waste tires may be disposed of at the State Highway Department garage between June 14 & 16. There are no limits to the number of tires that can be disposed of during this event.

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; Contract with Vovac Truck for Transfer Station Trailer #172 Floor Repair.

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; Hire Jay Fogle as a temporary Solid Waste HEO, not to exceed 2 months, upon approval by the Kentucky Retirement Systems (KRS).

Mr. Smith noted, "As you recall, last year, Mr. Fogle retired from the county as a landfill Heavy Equipment Operator (HEO). Currently, the landfill is needing a temporary HEO for assistance during this very busy time at the landfill. Since Mr. Fogle is knowledgeable and capable, the landfill would like him to return for a short stint, not to exceed 2 months."

Judge Mattingly asked if the county is required to pay into a new retirement fund for Mr. Fogle during his temporary employment. Mr. Smith stated, "I don't think so." However, County Attorney Porter thinks that the county may be required to do so because of his prior employment with the county. Mr. Smith explained, "If they (KRS) treat him the same as our seasonal Parks Department employees, who are temporary-seasonal, we will not have to pay."

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 to Appoint Wally Taylor to the Property Maintenance Appeals Board TERM: 2/25/18 – 2/25/2021.

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 Appoint Carl Worthington to the Property Maintenance Appeals Board TERM: 2/25/18 – 2/25/2021.

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

Other business to be brought before the Daviess County Fiscal Court: None presented

Public Comments:

Representing the Stoney Brook Subdivision Harold A. Wilson of 2362 Georgia Lane stated, "We are very concerned about flooding" and provided the court the following letter signed by 16 subdivision residents. (A copy of that letter is located in the respective court folder.)

"We, the residents of Stoney Brook subdivision, want to draw to your attention concerns about drainage and flooding related to the Stone Crest subdivision. In a previous roadside meeting with county engineer Mark Brasher, county commissioner Mike Koger, Mike McKay & his wife, another resident, and I, the issue of two retention basins was discussed. During this meeting, Mr. Brasher told us there were to be two retention basins built. Since that meeting, we have been told by Mike Martin, engineer in the city hall meeting, that Mr. Brasher signed off on the design having only one reservoir and one wetland. Other information given by Mr. Brasher indicated that the number of cubic feet of water per second that would be dispersed would be less than we have historically experienced with design having

two reservoirs. With the current design, planning for one reservoir and one wetland, we would appreciate reassurance that the result will be the same. We were satisfied that the two basins would be taken care of it and all were pleased. However, we now have concerns that only one basin may not take care of the increased possibility of flooding. We were told by one city hall commissioner that we needed to carry flood insurance. We are not in a FP now and need confirmation that after construction of the subdivision, this will remain the case. Our question is, before the county engineer signing off on this design, did he review the water runoff calculations to show that the current design would give equivalent or decreased flow rate into the Stony Brook ditch. (Now only one basin & one wetland). We would like confirmation that the wetland will suffice for the replacement of the second reservoir. What reassurance can be provided to the residents of Stony Brook that flooding and erosion will not increase and will not be remedied if needed? The other concern is about the sediment being deposited downstream where there is already a lot of buildup. The existing reservoir has experienced landslides and erosion and that has been deposited into the bottom of it. The county engineer told us that the county will not help clean out the ditch nor provide any equipment for such. The previous court always helped in these matters. Why has this policy changed? We appreciate this matter being considered now before problems arise after the construction bond is released. - Concerned Citizens”

Judge Mattingly said, “Flooding is always a possibility. It floods now and whatever they are doing up there, that should not make it worse. I agree with you, thanks to RWRA for taking that area into their system as the septic systems were atrocious. This because all of the water on that hill from that watershed flowed through your subdivision, through the septic systems, and into a ditch located on the south east side of the subdivision.” He added, “If you are not in a Flood Plain (FP) now, you won’t be in one unless there is a change. Although you say it’s not, I find it hard to believe that anything they might be doing up there would change that. The US Army Corps of Engineers is reevaluating now, as they do every 10-years. During this, some areas are taken out and others put in.”

Mr. Brasher stated, “Resulting from an amended preliminary development plat that went through planning and zoning a few weeks ago, current maps do not show them being in the FP.”

Judge Mattingly stated, “However, that does not mean, in the future, that area will not be included on the FP map. Regardless of what construction takes place on that hill, if your area is ever placed in the FP, the actions of that construction will not be the cause.”

Mr. Brasher stated, “If that happens, it will be as a result of more accurate elevations and advanced models as well as historical data.”

Judge Mattingly stated, “All of the information submitted to OMPC and reviewed by the county engineer was provided to them by their engineer (referencing the construction being considered “up the hill”). I am confident in telling you that the county engineer reviewed that information for accuracy.”

Regarding the issue of one versus two retention basins, Mr. Brasher said he is not aware of that issue on the original plat, but is certainly willing to contact that engineer to see if they had some preliminary stuff that was out there.

Judge Mattingly addressed the comment in the above letter that states, “The county engineer told us that the county will not help clean out the ditch nor provide any equipment for such. The previous court always helped in these matters. Why has this policy changed?” He stated, “In the city, they clean

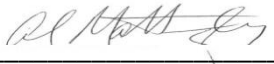
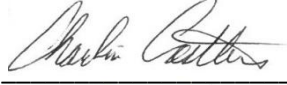
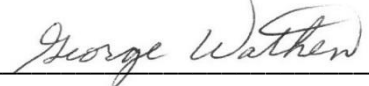

retention basins and ditches, but we do not, and that is one reason city residents pay 2 times the amount in taxes as compared to those living in the county. One of the ditches that I am familiar with is the ditch that comes off of that property and goes through your subdivision and on out to a south east ditch. I was out there 2 years ago during heavy rains and a resident of Stoney Brook had placed a wooden foot bridge across it that ditch. During this rain event, the small bridge was lifted up and floated down the ditch to the culvert and blocked water flow causing a flooding issue.”

Judge Mattingly assured Mr. Wilson that he will personally review the information alongside the county engineer and once finished, we will report our findings back to him.

Mr. Wilson asked them to also look at the dam in the lake of the nearby Crescent Hill subdivision. He believes that if that dam were to break, his subdivision will be wiped out.

Judge Mattingly noted, people in Crescent Hill have both a homeowners association and a lakeowners association and residents pay their respective dues to keep the lake properly maintained and inspected as well as the neighborhood. He also believes that the new construction previously discussed will have similar dues to ensure area upkeep and maintenance.

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

Judge/Executive:  Commissioner: 
Commissioner:  Commissioner: 

I, duly appointed Clerk of the Daviess County Fiscal Court, do hereby certify that the above Minutes for the corresponding Order Book were approved by the members of the Daviess County Fiscal Court at the regular session of said Court on this 1st day of March 2018.

Jennifer C. Warren, Daviess County Fiscal Court Clerk