

**Minutes of the April 4, 2019  
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 Mattingly proclaimed April 2019 as Child Abuse Prevention Month and April 5, 2019 as Arbor Day.

\*\*\*\*\*

Minutes of the March 21, 2019 meeting were submitted to fiscal court members for review prior to today's meeting and on a motion of Commissioner Koger, seconded by Commissioner Wathen with all the Court concurring said Minutes were approved and signed.

\*\*\*\*\*

**By a motion of Commissioner Koger, 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; Resolution No. 05-2019 – Cedar Hills Sewer Project Condemnation (Hwy 54).**

Judge Mattingly stated, "This applies to two property owners who own property in the right-of-way that is needed to provide sanitary sewer service to the Cedar Hills neighborhood. As you are aware, three years ago, the owner of the sewer treatment plant abandoned the plant. At that time, RWRA and this court agreed that RWRA would run and operate that plant and if anything went wrong, financially the court would stand behind it. The court borrowed money from the Kentucky Infrastructure Authority to fix and upgrade this neighborhood's sanitary sewers, and over the past year have worked to acquire the necessary right-of-ways. Legally, the court cannot purchase property in excess of appraised value, and out of approximately 125 property owners, only two have not agreed to the appraised offer. One of the two wanted 10 times the appraised value and the other one will not communicate with us. These two

owners are holding up a project that in its current state could cause catastrophic sewer failure making homes within the neighborhood uninhabitable. In addition, every minute this project is held up, it puts not only the residents at risk, but it also puts this court at a financial risk. In order to move forward, those right-of-ways must be acquired.”

Executive Director of RWRA Joe Sheppers noted, this project has been let and, barring poor weather, completion is set for the end of this construction season.

Commissioner Wathen stated, “These two right-of-ways run vertically along a ditch and one is located at the back the owner’s property and the other is both along the side and the back, correct? Once the line is in and the land is restored, what can be done on the right-of-ways?”

Mr. Sheppers concurred. He added, “We are talking about a small property easement. Both are within building setback lines and could not be used to build anything on anyway. Upon project completion, the only physically noticeable trace of this underground sewer project will be the at-grade level man holes, which will abut the ditch.”

Commissioner Wathen asked if condemnation was the only option and Mr. Sheppers assured the court that this is the only viable option out of numerous options that were studied in depth.

Judge Mattingly stated, “This is the best option for this area.”

Commissioner Castlen stated, “For me, this business of condemnation is not taken lightly. Often, a person’s home is their greatest financial asset and without completion of this project, each home in this neighborhood is on the brink of a catastrophic sewer failure, rendering them homeless.”

**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; **Resolution No. 06-2019** – Rural Secondary Program Agreement Amendment for Daviess County Bridge 80/20 Replacement Projects and to Approve said Amended Agreement.

County Engineer Mark Brasher stated, “Last year, we signed a Rural Secondary Program Agreement related to the design and/or construction of 4 bridges. One of the 4, Lydanne Bridge, has since been taken into the state’s 6-year road plan. Therefore, through this amended agreement, we are removing the \$21,600 design estimate for Lydanne Bridge and adding that amount to the construction phase for Drury Road Bridge. This amended agreement changes the state’s agreed upon amount to \$240,000 and the county’s portion to \$60,000.”

Judge Mattingly noted, “Historically, \$100,000 was set aside annually for each Kentucky county to use for bridge improvements/replacement. This amount could accumulate for up to 3-years for a total bridge design and construction total of \$300,000. Last year, we were told that counties would no longer be allowed to accumulate these monies.”

**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; Lease Agreement with the Commonwealth Attorney’s Office for Courthouse Records Storage. 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; Award the following:**

- **RFQ 002-2019:** Sign Posts and Hardware to G & C Supply Company for \$9,004.
- **RFQ 003-2019:** D6T Undercarriage Replacement to IMPCO, Inc. for \$18,304.62
- **Bid No. 04-2019:** Kirtley Annex Renovation Project to Lanham Brothers for \$98,845

**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; Hire Darla Howell as an Animal Control Officer effective April 8, 2019, upon successful completion of pre-employment testing.**

**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; Appoint Daisy James (08-2019) to the Greenwood Cemetery Advisory Board - Term: 04/19/2019 – 04/19/2022.**

**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 Bluegrass Industrial Park CEO Kim Logsdon and Board Chair Larry Mayfield. Annually, Bluegrass Industrial Park participating counties are to receive an update relative to the park.

Commissioner Wathen asked, “The taxes brought in for the park, is that amount sufficient to maintain the infrastructure?”

Mr. Logsdon replied, "Yes, it is. Currently, we are extending the road past the build-ready pad, which is ready and available. We are also in the process of extending sewer service to the pad. We have 18 more years left on our \$44,000 annual debt service."

Judge Mattingly noted that Ohio County, the host county, receives 40% of the tax revenue coming into the park. The other 4 county partners, Ohio, McLean, Muhlenberg, and Hancock, receive 15%. Three years ago, the 4 counties pledged 25% of their 15% and Ohio County pledged 25% of their 40% to go into a capital resources fund.

Commissioner Koger stated, "All of us are working really hard, especially for the next two months as we face issues like ambulance service, pensions, and the county's budget. We hope the people of Daviess County realize how hard we are working for them to make them number one; safety is our priority. Regardless of what you read or hear, we are having to make some tough decisions, but we are doing it for the interest of the people."

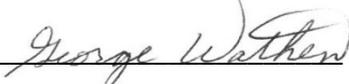
Judge Mattingly stated, "I spouted off and have said my piece as referenced in today's newspaper regarding the rick houses. That is the end of it. I will not give further comment on the topic. However, it should be noted that this private company has the right to spend their money any way they wish, and that is the bottom line. I would like the public to know, and I thank Mayor Watson for his comments following City Commissioner Larry Condor's comments throwing this fiscal court under the bus, in which he detailed the process of why OZ Tyler ended up with their warehouses in Ohio County. The simple fact is the city and county bent over backwards trying to accommodate a location for those warehouses. Why in the world would Daviess County give up \$500,000 in occupational tax revenue to allow OZ Tyler to get a Kentucky Business Investment incentive and an additional \$200,000? Why would we do that just to turn our backs on a very good corporate citizen? The answer is, we wouldn't. We worked hard trying to accommodate them. Next week, there will be a text amendment considered at OMPC, which would allow those types of warehouses to be located in an agricultural zone with a conditional use permit. As Mayor Watson said, right now in Kentucky there are 4 law suits by citizens relating to the black mold/fungus that comes from these warehouses and the text amendment being considered by OMPC has been drafted to mirror Nelson County, Kentucky's language."

\*\*\*\*\*

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 18<sup>th</sup> day of April 2019.

\_\_\_\_\_  
Jennifer Warren, Daviess County Fiscal Court Clerk