

**Minutes of the September 3, 2020
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**

Today's meeting was open to essential personnel only but made available to the public via the Daviness County Fiscal Court's Facebook live page. Citizens were notified that questions and/or comments may be posted directly to the court's Facebook page or *during* the meetings, to submit them by calling or texting 270-929-1010.

The meeting opened in Prayer and the Pledge of Allegiance to the Flag.

Treasurer Jim Hendrix presented the Treasurer's Report for July, 2020.

Commissioner Castlen asked about COVID's impact, thus far.

Treasurer Hendrix: This early on, it's difficult to isolate what parts are actually COVID. If I look at the last six months, we're not that not significantly off from last year. So, I don't see anything yet. I really won't be able to tell if there's going to be an ongoing impact until closing of September books, which will be about October 15.

The Daviness County Library Tax Rate for FY 20/21 was presented.

Judge Mattingly: This is something that we do with special taxing districts and special governmental entities. We do not approve their tax rate. They have a responsibility to present their tax rate to fiscal court. If you take a look at the library this year, the real property rate will be 6.3 cents for \$100 valuation and 7.57 cents for personal property. That's the same as it was in 2019. They will generate a total revenue for FY 2020/2021 of \$4,984,182.

The Daviness County Extension Office Tax Rate for FY 20/21 was presented.

Judge Mattingly: They are keeping their tax rate the same this year. If you look at it, the real and personal property tax rates have stayed pretty much the same for several years. Their rate this year is .859 cents per \$100 valuation. I still am amazed at how they do what they do with such a small tax rate. I do serve on that board and can tell you we have a lot of dedicated folks who are there for the betterment of everyone in Daviess County.

The Daviess Co. Conservation District Annual Financial Report for FY Ended June 30, 2020 was presented.

Judge Mattingly: This is just to report on what they do over the years and how they spend their money. They are not a taxing district so they do not receive funds from a direct tax of any kind. I think the court, if I'm not mistaken, distributes about \$40,000 a year to them and then they have other income from other agencies, including from other counties as well. Unfortunately this year, because of COVID, they cannot do some of the things they really like to do, which is taking kids fishing and out to the Gun Club where they shoot archery and all those kind of things.

By a motion of Commissioner Koger, seconded by Commissioner Castlen, the court considered for approval; Aug. 18, 2020, Daviess County Fiscal Court Meeting minutes.

The vote was called and with all present members voting in favor, said motion passed.

By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered for approval; All Claims for All Departments.

The vote was called and with all present members voting in favor, said motion passed.

By a motion of Commissioner Koger, seconded by Commissioner Castlen, the court considered for approval; DC Sheriff's 2019 Oil and Unmined Coal Settlements.

Sheriff Cain: I am here pursuant to statutory mandates to settle the 2019 tax year for oil reserves and unmined coal. Total certification for unmined coal was \$2,912.56, with total collections of \$2,851.35. Three delinquent bills were turned over to the county clerk on August 21. Total certification for oil was \$51,095.13 with total collections of \$48,965.54. Eleven delinquent bills were also turned over to the clerk on August 21st. All monies have been dispersed according to the taxing districts and we respectfully request that this tax settlement be approved.

Treasurer Hendrix: I have reviewed this and it is consistent with our records and no other entity has made me aware of any differences.

The vote was called and with all present members voting in favor, said motion passed.

By a motion of Commissioner Wathen, seconded by Commissioner Castlen, the court considered for approval; **Resolution 21-2020** - DC Board of Health Public Health Tax Rate FY 2021.

Judge Mattingly: Their tax rate remains the same as the prior year at 4 cents per \$100 valuation.

The vote was called and with all present members voting in favor, said motion passed.

By a motion of Commissioner Wathen, seconded by Commissioner Castlen, the court considered for approval; **Resolution 22-2020** – Coal Severance Grant Application.

Treasurer Hendrix: This resolution is being passed so that we may access the local government economic development (LGED) fund. As you know, the coal severance money either goes in local government economic assistance (LGEA) fund or LGED, and “LGEA” we receive quarterly. This is primarily spent on asphaltting. This LGED fund money has been allocated to us, but it is not in our possession. This is the first step for us to be able to tap those dollars. As you can see by the resolution, the \$75,000 is going to be used for the Cedar Hills sewer extension project. This is the first step in a multiple step process which must be taken in order to access the money.

Judge Mattingly: This will require our 5 state representatives to sign an agreement supporting the use of this grant for the Cedar Hills sewer extension project. You know, the Cedars Hills project was one of those projects where because of the sewage treatment plants in such a poor condition and being abandoned, we were doing everything possible to help them get a sewer line out that way. At the same time, it's kind of appropriate that we use the LGEA fund from coal severance because extending it out in that direction makes it available to further develop the properties out toward Philpot for economic development.

The vote was called and with all present members voting in favor, said motion passed.

By a motion of Commissioner Koger, seconded by Commissioner Wathen, the court considered for approval; Repetitive Loss Data Sharing Agreement with FEMA.

Judge Mattingly: FEMA now requires this agreement which authorizes data to be shared with FEMA including personally identifiable information, protected by the Privacy Act of 1974. The data contains historical flood insurance claims needed for the Community Rating System, which currently provides county residents with a 10% reduction in flood insurance premiums.

The vote was called and with all present members voting in favor, said motion passed.

By a motion of Commissioner Wathen, seconded by Commissioner Castlen, the court considered for approval; Professional Services Contract with Trott Communications to perform Project Management for Implementation of the County Radio System.

Assistant County Treasurer Jordan Johnson: This agreement is for our current radio consulting group Trott Communications to serve as the court's project management for the estimated 2-year implementation of our new radio system. Services will include inspection, testing of all stages of install, and verification of all invoicing from the award of vendor. Additionally, they will oversee the connection of the system to consolidated dispatch, and the required associated testing. To date, I would like to report that Trott Communications has performed to our satisfaction and at a high level of technical competence, so I recommend approval for the, not to exceed price of \$77,801, services. Additionally, I would note that this agreement has optional pricing of \$9,265 for Trott Communications to assist in departmental programming of talk-groups, post implementation, and the orientation of the talk-groups is drastically different from the way our departments operate now so a fleet mapping support is needed. We will have this pricing available and under contract.

The vote was called and with all present members voting in favor, said motion passed.

By a motion of Commissioner Castlen, seconded by Commissioner Koger, the court considered for approval; Award the following Bids:

#32-2020: A New Single Axle Dump Truck to Truck Centers, Inc. as follows:

Jordan Johnson: Daviess County Fiscal Court received four (4) bids from three (3) participants for the provision of one (1) new single axle dump truck for the Daviess County Road Department. Truck Centers, Inc. is the best evaluated bid, having no exceptions to the bid specifications. It is our recommendation to award Bid No. 32-2020 to Truck Centers, Inc. for the 2021 108 SD Freightliner unit for of \$109,871.00.

#34-2020: Parking Lot Sealing & Striping to Roberts Asphalt as follows:

Mr. Johnson: Daviess County Fiscal Court received three (3) bids for the crack filling, seal coating and/or striping of various County parking lots and a specified length of the Greenbelt. Roberts Asphalt is the lowest and best evaluated bid, having no exceptions to the bid specifications. It is our recommendation to award Bid No. 34-2020 to Roberts Asphalt for of \$22,093.00. Lot locations include: Courthouse, Judicial Center, East Fire Station, 2 Greenbelt lots and the length of the Greenbelt trail. Also included: Volunteer stations at St. Joseph, Moseleyville, and both Thruston-Philpot stations. Volunteer stations shall pay for work on their respective parking lots.

#35-2020: 2 New Community Notification Sirens to Ohio Valley 2-Way as follows:

Mr. Johnson: Daviess County Fiscal Court received two (2) bids for the provision and installation of two (2) new community notification sirens for the Daviess County Emergency Management Agency. Ohio Valley 2-Way is the lowest and best evaluated bid, having no exceptions to the bid specifications. It is our recommendation to award Bid No. 35-2020 to Ohio Valley 2-Way for of \$43,720.68. Installation locations are Girl Scout Road; LAT/LONG: 37.599894, -86.999074, and Lonesome Pine Road; LAT/LONG: 37.656583, -87.224403.

Judge Mattingly: Jordan, how many old sirens do we have left or did we get rid of all those last year?

Mr. Johnson: All of the old mechanical sirens have been replaced.

#36-2020: A New 5th Wheel Road Tractor to VoMac Truck Sales as follows:

Mr. Johnson: Daviess County Fiscal Court received one (1) bid for the provision of one (1) new 5th wheel road tractor for the West Daviess County Landfill. VoMac Truck Sales is the only bid submitted, having no exceptions to the bid specifications. It is our recommendation to award Bid No. 36-2020 to VoMac Truck Sales for the 2022 Mack Anthem unit exercising the trade-in option in the net amount of \$110,000.

#37-2020: A New 15' Disk Harrow to Rudolph Brothers as follows:

Mr. Johnson: Daviess County Fiscal Court received six (6) bids from four (4) participants for the provision of one (1) new 15' disk harrow for the West Daviess County Landfill. Rudolph Brothers is the best evaluated bid, having no exceptions to the bid specifications. It is our recommendation to award Bid No. 37-2020 to Rudolph Brothers for the 2020 Great Plains 7115 DH unit equipped with the finishing reel only for of \$23,600. Note, these units have two options, either three bar spike harrow or finishing reel harrow. The low bid has neither harrow option which would require the court to purchase this piece from another vendor. The next lowest bid contains the three bar spike harrow, which when pulled over the soil typically leaves larger clods of dirt that will be problematic for our intended crop. The recommendation contains the finishing reel harrow option for \$1,200 dollars more than the next lowest bid, which, per landfill management, will provide superior planting conditions for the wheat crop.

#38-2020: A New Medium Roof Cargo Van to Crossroads Ford as follows:

Mr. Johnson: We were notified by our Ambulance Service Provider AMR that they would no longer be providing transport services for autopsies for our coroner's office. AMR's reason is because they are required to keep a certain amount of staff and units available in the county to meet their contractual obligations, which made this transport service no longer feasible for them. After reviewing neighboring operations, Coroner Jones found that we were the only Coroner's office in the state to his knowledge that actually utilize the ambulance service for body transports. On further analysis, it was found the most cost effective way would be to provide this service internally, and this unit will help accomplish that end. We received three bids ranging from \$25,935 to \$31,966, and recommend the best evaluated bid of Crossroads Ford for the 2020 Ford Transit medium roof unit for of \$31,966. You will note this is the highest of the three bids received. However, it is the only unit that is immediately available. The other two units would have to be placed in the order bank of the vendor, they would likely arrive sometime early in the next calendar year. In addition to this, the low bid has exceptions to our specifications that would prove problematic for our intended use. Since time is of the essence we believe the \$650 differential in the two higher bids is justified to receive the unit almost four months earlier, especially given that the order banks have had multiple rolling delays due to COVID-19 effects on the manufacturers.

The vote was called and with all present members voting in favor, said motion passed.

By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered for approval; Final Surety Bond Release for Commercial Warehousing.

County Engineer Mark Brasher: This is a surety for sanitary tap for a development on Warehouse Road.

The vote was called and with all present members voting in favor, said motion passed.

By a motion of Commissioner Koger, seconded by Commissioner Castlen, the court considered for approval; Hire Matthew Forrester as Firefighter/EMT, effective September 9/8/2020.

The vote was called and with all present members voting in favor, said motion passed.

By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered for approval; Promote Jacob Vanover to Fire Department Engineer, effective 9/6/2020.

The vote was called and with all present members voting in favor, said motion passed.

By a motion of Commissioner Wathen, seconded by Commissioner Koger, the court considered for approval; Promote Barry Dennis to Service Technician with the road department, effective 9/4/20.

The vote was called and with all present members voting in favor, said motion passed.

By a motion of Commissioner Koger, seconded by Commissioner Wathen, the court considered for approval; Promote Warren Goetz to Service Technician with the road department, effective 9/4/20.

The vote was called and with all present members voting in favor, said motion passed.

By a motion of Commissioner Koger, seconded by Commissioner Wathen, the court considered for approval; Appoint Brandon Gentry [7.1.20](#) to the Dental Clinic Board TERM: 7/1/20 – 7/1/22.

The vote was called and with all present members voting in favor, said motion passed.

By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered for approval; Appoint Laura Muhlenburg [9.5.20](#) to the Regional Airport Bd. TERM: 9/1/20 – 3/1/22

The vote was called and with all present members voting in favor, said motion passed.

By a motion of Commissioner Koger, seconded by Commissioner Wathen, the court considered for approval; Appoint Ted Lolley [9.4.20](#) to the Regional Airport Board TERM: 9/1/20 – 3/1/22.

The vote was called and with all present members voting in favor, said motion passed.

By a motion of Commissioner Koger, seconded by Commissioner Wathen, the court considered for approval; Appoint the following Confederate Monument Relocation Committee members: Term 9/3/20

- Aloma Dew [9.6.20](#) as Board Chair as directed by the Judge/Executive
- Wesley Acton [9.7.20](#) as Judge/Executive appointee
- Kenny Barr [9.8.20](#) as West County appointee
- Anne Damron [9.9.20](#) as Central County appointee
- Tim Kline [9.10.20](#) as East County appointee

Judge Mattingly: At the first meeting in August, through a resolution, we decided to move the Confederate Memorial off the courthouse lawn. We also decided that we would come up with a committee to help advise us, help interface with the public, take public comment, and bring us back some recommendations. The committee will be given six months to come back with recommendations. One of the things as we direct the committee, and I think all of you would agree, we want to make sure that they take public input, they listen to the community, and get the ideas that the community has. To help make that happen, we are activating again the email address of: publiccomments@daviessky.org so folks can email the committee. Certainly, if you want a letter to go to the committee and send it or address it here at the courthouse, and that way they will get input from everyone in the community. The folks, at least the ones I have recommended for appointment, they didn't call me. I called them to ask them to serve on this committee. There was a little hesitancy on their part to accept this controversial issue appointment. We have a lot of passion on both sides of this issue, but in the end, I think this committee is made up of a good cross section of folks in our community.

Commissioner Wathen's asked about the public communication process with this committee.

Judge Mattingly: Our Communications Director, Jordan Rowe will work with the board as their liaison to help them on the technical side. They will have their own email address, and we will redirect the emails kind of like they were redirected to us so that they will have access to them. Now, if you wish, I can have him include you guys if you want to take a look at them, but I'm leaving this in the hands of the committee pretty much. Ms. Dew, the chair, will call the first meeting and the media will be notified, so the public will be aware, of scheduled meetings. What I would suggest would be that Jordan Rowe, contact Aloma to see what she needs in the way of support, make sure that we have all the emails, addresses, and phone numbers and things like that. And then they will schedule their first meeting.

Commissioner Wathen: What is the committee's responsibility from an openness and transparency point?

County Attorney Claud Porter: Because it is a court appointed or a public entity, they will need to comply with Open Records and Open Meetings; meaning all of their meetings, when called, must have at least 24 hour notice. They may not discuss individually or separately any decision before making it. All that must be done in public and all records or documents they produce will be subject to open records and to disclosure. I'll be happy to talk with each of them if there are questions.

Judge Mattingly: At their first meeting, we would need you to kind of give them the ground rules of what they can and can't do.

Attorney Porter: I think Ms. Warren may have sent them the open meetings, open records booklet that the Kentucky General Attorney puts out. It's a somewhat intimidating book, but at least I would be willing to shorten it. But the shortest part is, anything they do has to be done openly, just as the court does.

Judge Mattingly: So that's why we have you. It intimidate us and we just call you when we have a question. And that's probably the best advice I can give them.

Commissioner Castlen: Isn't it true that because this is a public committee that's been formed by fiscal court that correspondence with citizens to them is also subject to open record.

Attorney Porter: Yes, it is.

Commissioner Castlen: I just want the public to be aware of that.

Attorney Porter: Anything sent to or from the committee is subject to open records.

Commissioner Castlen: Judge, I know you got at least one email from someone who said they don't want this to be public.

Judge Mattingly: I had several and I apologized to them, but it was too late to tell me that because any of our emails, any of those conversations, any writings, any of those things are subject to open records request.

The vote was called and with all present members voting in favor, said motion passed.

Consideration for Discussion:

First Reading of 11-2020; KOC A.99 (2020) - An Ordinance Relating to the Adoption of the 2020 Daviess County Tax Rates

Comments:

Treasurer Hendricks: The court must adopt its tax rates, even without change. This is our annual exercise. We have received from the state the certified assessment and received our calculations from DLG. Upon review, our real property tax rate currently is 13.5 cents per \$100 dollars of value. The compensating rate, sent to us by DLG is 13.4. I prepared this ordinance, taking the compensating rate, which will reduce our real property rate from 13.5 cents per \$100 dollars of value to 13.4 cents. That rate is also used for public service companies real estate. The tangible personal property rate then is a derivative of the property rate. Because the personal property assessment decreased by \$25 million, our allowable rate would actually have allowed us to increase that rate to 17.58 cents per \$100 dollars of value, but again, I believe it's the will of the court to not increase anything, trying to be sensitive to the COVID crisis that we have all had to live through. I prepared the ordinance, leaving the tangible personal property rate at the current rate, not increasing it as we are allowed, but at the current rate of 16.37 cents for \$100 of value. That would be the rate for tangible personal property, public service companies tangible property, distilled spirits, large commercial or large noncommercial documented watercraft and aircrafts. We also have a motor vehicle, watercraft rate of 17 cents, that's not going to be changed. In fact that hasn't been changed for my entire term, which has been since 2008. Agricultural products as in tobacco and storage will remain at 1.5 cents. Other agricultural products will remain at 4.5 cents and the bank deposit tax will remain at 2.5 cents.

Judge Mattingly asked Treasurer Hendrix to explain compensating rate.

Treasurer Hendrix: It is the rate that would give you approximately the same revenues as you got last year. Since assessed values have increased, the rate went down.

First Reading of 12-2020; KOC 220.33 (2020) - An Ordinance Relating to a Proposed Increase of the Occupational and Net Profits License Fees by Person and Business Entities Conducting Business, Occupations, and Professions within Daviess County, Kentucky, as Amended by KOC 220.18 (2004), KOC 220.19 (2005), KOC 220.17 (2006), KOC 220.20 (2006), and KOC 220.32 (2019)

Comments:

Treasurer Hendrix: For those who see this printed in the newspaper, it says it is an ordinance to increase the tax, but to explain this, it is because the court ready has an ordinance on the books increasing the tax. January 1, 2020, the rate went from .35 to .70. That ordinance would also raise that rate from .70 to 1%, effective January 1, 2021. This ordinance delays that increase for a year. So while this says increase, which is accurate, it is an ordinance to increase the tax, it's not on top of the existing ordinance. It's taking the existing ordinance and taking that second piece that was going into effect next January and delaying that for a full year. We've looked at the finances. We've looked at the situation. My view is that the finances are strong enough that the court can do this in response to the citizens needs and that the court's finances will not suffer a significant negative effect. I believe we can manage through this. We may have to adjust capital. We may have to do a number of things because we still are unsure of the impact that we're going to have on finances because it's too early to see it, but there's nothing I see today to make me believe that the court can't manage through this without a significant negative effect.

Judge Mattingly: This is going to have an impact on the occupational tax that employees pay and will also have an impact on the net profits tax that employers pay so both business and labor are getting a break for the next coming year.

Public comments: David Smith noted that there are none to report.

Commissioner Koger reminded the public to be careful over the holiday weekend as not catch the virus.

Judge Mattingly: Daviess County, I think, had our highest number of COVID cases today. We are in excess of a thousand positive tests. We've had 13 deaths and it wasn't just in Daviess County. It happened all over. Health Department Director Clay Horton says that it's all over the book. If you recall, back early on we could kind of pinpoint hot spots in the community, but he says it is just all over the community. Please continue to social distance. I remind folks that when you see us up here in a meeting, we are socially distanced. We are more than six feet apart. If you panned around, you would see most of our employees, if not all of our employees, are socially distanced. We are a little bit over the number of people that the Governor recommends for a room, but we have to have the staff, we have to have the folks that operate, and they are socially distanced. I have two who are not and they have their masks on as they should.

Labor Day; lots of people out there getting a little rambunctious. State and local law enforcement are out, so be careful and don't drink and drive.

Judge Mattingly: OMPC sent us their yearly activity list. Those guys do a lot of work over there and for the most part, on the inspection side code enforcement, they are self-funded. On the zoning side - on the planning side, both city and county contribute the money they need to operate.

Without objection, Judge/Executive Mattingly adjourned the meeting.

SO ORDERED THAT COURT STAND ADJOURNED.

Judge-Executive Al Mattingly *Al Mattingly* Commissioner Charlie Castlen *Charlie Castlen*

Commissioner Mike Koger *Mike Koger* Commissioner George Wathen *George Wathen*

I, duly appointed Daviess County Fiscal Court Clerk Jennifer Warren, hereby certify that the above corresponding Order Book minutes were approved by the court on September 17, 2020.

Jennifer Warren

Jennifer Warren

Daviess County Fiscal Court Clerk