

**Minutes of the November 19, 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  
George Wathen, Charlie Castlen and (via Zoom) Mike Koger**

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

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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. Through the media, citizens were notified that public comments shall be available on the same Facebook page or by submitting them to 270-929-1010 (voice/text).

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

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Assistant Treasurer Jordan Johnson presented the Treasurer's Report for October 2020.

Mr. Johnson: The total cash on hand, as of 10/31/2020, is \$39,753,054. All funds are performing within the expected range with the exception of some underperforming jail revenue categories. It is expected that overages and other revenue accounts and decreases and expense accounts of the jail fund will offset the underperformance, but we will continue to monitor that to see if it will present an issue.

Judge Mattingly: Why we have so much cash on hand? What's going on there?

Mr. Johnson: At this time of the year, the tax revenues have started coming in. We had been utilizing the reserve fund for operations rather than having to borrow money while we're waiting on these particular revenues to come in. The \$39.7 million total is a cash balance not a reserve. We have 13 funds in total as follows with rounded balances:

- Bond Fund = \$3.6 million
- Economic Development = \$1.3 million
- Closure/Post Closure = \$7.5 million
- Solid Waste Operating = \$7.6 million
- General = \$17.4 million (includes daily operating funds, budgeted projects, & CARES Act monies)

Mr. Johnson: This projected balance is roughly \$9.4 million, which includes the \$5.5 million for the new radio (dispatch) system. This is a typical balance for this time of year.

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Judge Mattingly: Pending the return of DCFC Clerk Jenni Warren, Terri Thompson has been appointed to temporary act in her stead.

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Judge Mattingly: We always ask for comments from the public, typically we're on a 30 second to 1 minute time delay on Facebook, but we want to hear what you have to say and encouraged public comments be posted to the our Facebook live page or text/call it in to 270-929-1010.

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By a motion of Commissioner Koger, seconded by Commissioner Castlen, the court considered for approval; Minutes of the November 5, 2020 Court Meeting.

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

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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.**

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By a motion of Commissioner Koger, seconded by Commissioner Castlen, the court considered for approval; Fund Transfer of \$2 million from the General Fund with \$1 million going into the Road Fund and the same amount into the Jail Fund.

Judge Mattingly: Due to the early release of prisoners, reduction in the number of state prisoners coming to us, and fewer contract prisoners, the jail fund is underperforming. Jailer Maglinger emailed me today indicating that the number of state prisoners is starting to come back up and that he is hoping to offset some of that shortfall in revenue by increasing the number of federal prisoners. As you know, federal prisoners pay us quite a bit more than state prisoners. Almost to the tune of twenty dollars a day per prisoner. The Road Fund, we're toward the end of our paving and we always need a little money this time of year.

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

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By a motion of Commissioner Wathen, seconded by Commissioner Castlen, the court considered for approval; Contract with Patrick Environmental Services to prepare Air Quality Compliance Reporting for the West Daviess County Landfill for the period of July 1, 2020, through July 31, 2021.

Judge Mattingly: This is an annual EPA required landfill contract. The amount is for \$4,500.

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

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By a motion of Commissioner Wathen, seconded by Commissioner Koger, the court considered for approval; **Resolution 28-2020:** Subdivision Street Lighting District for Deer Valley Section 4 Unit 3.

Mr. Johnson: This resolution is the method provided by state law where a developer of a subdivision in an unincorporated area of the county can set up street lights and petition the fiscal court to create a lighting district. The annual amount to be paid will be equally divided by the total number of parcels and will be placed on their respective tax bills to cover the cost of lighting. This is for an additional unit in section 4 of the Deer Valley Subdivision.

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

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By a motion of Commissioner Castlen, seconded by Commissioner Koger, the court considered for approval; **Resolution 29-2020:** Subdivision Street Lighting District for Brookfield Section 4.

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

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By a motion of Commissioner Wathen, seconded by Commissioner Koger, the court considered for approval; **Resolution 30-2020:** Subdivision Street Lighting District for Brookfield Section 3.

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

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By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered for approval; **Resolution 31-2020:** Support Modernization of Kentucky Transportation Funding Mechanisms.

Judge Mattingly: This is a resolution that was sent to me by the Kentucky Judge/Executives Association. I watched KACo's interim joint committee on local governments this week and one of their priorities is to encourage the general assembly to look at modernizing the structure or the funding for transportation. This is also a priority of the Commissioners and Magistrates Association. Since 2015, the funding has dropped \$200 million per year so that's a billion dollars that we have lost over that period of time. Right now, the Kentucky Transportation Cabinet road fund requires an additional \$900 million a year, just to address current maintenance and construction needs. As you're aware, 48% of the funding from the gas tax comes to cities and counties. The other 52% goes to the state. All counties are woefully short in this area. We continue to have to pull from general fund dollars to add to our Road Fund. We average about 30-35 miles a year, there are some counties that are doing as few as 3-4 miles per year. Crittenden County is having to allow their chip and seal roads to go back to gravel because they don't have the funding to maintain their roads.

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

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By a motion of Commissioner Castlen, seconded by Commissioner Koger , the court considered for approval; **Change Order #01 for RFP #01-2020: P25 Trunked Radio System.**

Mr. Johnson: This is a change order to our radio system upgrade that includes necessary electrical work to the courthouse to accommodate additional backup dispatch equipment for the P25 digital system to function properly. Our electrical panels are currently full on the 2<sup>nd</sup> floor and in the basement. They require expansion to feed the additional consoles that come with our new system. The change order is for \$46,637 and includes 8 UPS battery backup units for the console for continuous power. Engineered drawings, construction installation, electrical outfitting, and moving backup dispatch to the basement changes the total project amount to \$6,046,053.

Commissioner Castlen: Some of this money is already in our budget, not outside of the scope of this upgrade budget, correct?

Mr. Johnson: Originally, it was thought that this work could be accomplished via a bid utilizing local electricians with funds that we had budgeted in the courthouse repairs account. However, since it is an emergency operation on a highly technical level, most vendors that we approached initially shied away from that responsibility. We consulted with Trott Communications and they directed us to a subsidiary company, Motorola, specializing in such work and can do so within the scope of our original contract. I would anticipate the majority of the cost of this change order will be offset by unspent funds in the courthouse repairs account.

Judge Mattingly: I see where the original cost was \$68,000 and there's an offset, a refund, of wave training.

Mr. Johnson: Wave training is something that would normally be done for operating dispatchers with such a new system. However, the city does not require that training so the fact that they added this on was very likely in error, but it's just part of their system's package.

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

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By a motion of Commissioner Wathen, seconded by Commissioner Castlen, the court considered for approval; Deed of Easement on Lonesome Pine Trail for a Tornado Warning Siren with Pole.

Judge Mattingly: This deed of easement at 4599 Lonesome Pine Trail is with John and Barbara Collignon for one dollar. The court thanked them for their willingness and cooperation in this regard.

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

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By a motion of Commissioner Wathen, seconded by Commissioner Koger, the court considered for approval; Create and Advertise for a new position of Veterinarian in the Department of Animal Control.

Mr. Johnson: In August 2015, we conducted a bid for veterinary services for shelter animals. Ultimately, East Side Animal Hospital was selected to be our sole provider. Our agreement with East Side ended this

year with the death of Doctor Marsch, which prompted us to conduct another bid for veterinarian services. After failing to receive bids, we asked local veterinarians why they were not interested in submitting a bids. They indicated their inability to service the high volume of shelter animals. This put the county in a position to either seek an alternative or more than triple our euthanasia rate. Hiring a county veterinarian would be our first step to see whether or not we can secure the position in order to pursue a county spay/neuter clinic and preserve our semi-no-kill shelter status. After reviewing operational expenses of other county ranked clinics, it is anticipated that the additional expense of operating this clinic would be covered by adoption and spay/neuter fees making it self-sustaining. The scope and rate of services would be subject to fiscal court approval. It should be noted that in addition to offering low-cost spay/neuter services, having an on-site veterinarian will improve the overall health and condition of animals housed at the shelter.

Judge Mattingly: This is not new ground in Kentucky. Hardin County, Louisville, and several other governmental agencies have in-house veterinary programs. We think this will enhance OCTC's veterinary tech. program by allowing their tech. students an opportunity to obtain hands-on training under a trained veterinarian. No one on this court supports competing with private enterprise and we will not offer veterinarian diagnostic or clinical care to the public outside the planned scope of this position's intended need.

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

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By a motion of Commissioner Wathen, seconded by Commissioner Castlen, the court considered for approval; Annual Maintenance Bid Renewals per existing contracts:

- 37-2017: Elevator Maintenance Services
- 01-2020: Engine Oils & Lubricants
- 03-2020: Mosquito Control Services

Judge Mattingly: These are 3 annual maintenance bids and are up for renewals.

Commissioner Castlen: How many annual renewals can we authorize?

Mr. Johnson: We have up to 4 following the initial year.

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

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By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered for approval; Reappoint Jamie Bisel #12.1.20 (Jamie Bisel S1½ T) to the OASIS Board TERM: 12/1/2020 – 12/1/2023.

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

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By a motion of Commissioner Wathen, seconded by Commissioner Koger, the court considered for approval; Reappoint Jan Goldman #12.2.20 (Jan Goldman S1½ T) OASIS Board TERM: 12/1/2020 – 12/1/2023.

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

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By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered for approval; Reappoint Chris Pantle #12.5.20 (S1T) to the Daviess County Extension District Board TERM: 12/31/2020 – 12/31/2023.

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

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By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered for approval; Appoint Susan Zoglmann #12.4.20 (Suzanne Cecil White S2T) to the Daviess County Extension District Board TERM: 12/31/2020 – 12/31/2023.

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

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No other business was brought before the Daviess County Fiscal Court.

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**Comments:**

Commissioner Castlen: Have we received notification of an appeal regarding a re-zoning on West Fifth Street Road?

Judge Mattingly: I have not received anything regarding this. Commissioner Wathen and I had a conversation with the county engineer today and I am not sure if it's the same person you are talking about, Commissioner Castlen, but this would have been a parcel of property that's going to be subdivided. Mark, do you know about this?

County Engineer Mark Brasher: I know he has a cut and fill permit, but am not aware of plans for that property.

Commissioner Wathen: I have not received anything either, but will find out.

Judge Mattingly: COVID is still out there and it is a very real and dangerous threat. Healthier, asymptomatic people are unknowingly spreading the virus. People are dying from this virus. I encourage all to remain socially distanced and wear a mask when in public. You may not like the governor's mandates, but he is doing all he can. He is looking more at local governments to help enforce state mandates, but we are understaffed. The Owensboro Police Department and the Sheriff's Department are already down many officers due to the temporary, March 2020, COVID-related closure of the POPS Certification program, which is used to further train and certify officers to join our local law enforcement teams. We are simply struggling with lack of officers. We have left enforcement to the County Health Department, Director Clay Horton, and his staff. They are doing a great job, but as many


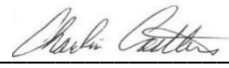
are experiencing COVID fatigue, staff at the health department are also becoming weary. We are just asking for folks to simply comply with whatever rules are out there. We're not looking to punish anybody and don't want to throw them in jail. So often though, you see so much stuff go on Facebook about just how simple it would be to put them in jail and throw away the key. I hope and pray that the vaccine quickly receives FDA approval and is immediately manufactured for distributed in a sufficient quantity to end the pandemic, but to at least have enough for those who directly care for those infected.

Since COVID-19 is still of concern, the court discussed and decided to continue to hold court meetings virtually through the end of the 1<sup>st</sup> quarter of 2021.

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Without objection, Judge/Executive Mattingly adjourned the meeting.

**SO ORDERED THAT COURT STAND ADJOURNED.**

Judge-Executive Al Mattingly  Commissioner Charlie Castlen 

Commissioner Mike Koger  Commissioner George Wathen 

I, duly appointed Daviess County Fiscal Court Clerk, hereby certify that the above corresponding Order Book minutes were approved by the court on December 3, 2020.

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Jennifer Warren  
Daviess County Fiscal Court Clerk