

Minutes of the **May 6, 2021**, Daviess County Fiscal Court Meeting  
Held at the Daviess County, Kentucky Courthouse

Present elected court officials: Judge/Executive Al Mattingly and County Commissioners  
George Wathen and Charlie Castlen - Commissioner Mike Koger was absent.

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

*Today's meeting was limited to essential personnel, but made publically available via the Daviess Co. Fiscal Court's Facebook live page, where public questions/comments may be posted, or by contacting 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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Branch Manager and engineer for KYTC, District II Highways Jason Ward: For FY 2022, the Rural Secondary Road Program in Daviess County totals \$1,168,835. The projects KYTC recommends are as follows:

- **Project #1: KY 815**  
4.3 miles from KY 1514 *MM2.11* to KY 56 *MM 6.41*; Projected cost = \$600,000  
**Improvements:** Resurface, rework culvert ends, possible guardrail addition, raise the portion that floods by 3 inches, add base, and another ditching and repairs.
- **Project #2: KY 764**  
3.0 miles from the county line *MM 1.01* to *MM 4.04*; Projected Cost = \$450,000  
**Improvements:** Rework drainage, resurface, and repair base failures.

*\*The following shall be done if enough funds remain after completion of the above two projects.*

- **\*Project #3: KY 764**  
Repairs at *MM 7.5*; Projected Cost = \$100,000  
**Improvements:** Repair Approach to Culvert

The county's Flex Funds total \$340,730 and includes a carryover of \$37,667 from FY 2021.

Judge Mattingly: We have a carryover due to an uncertainty of receiving those funds. We did end up getting the funds, and since they were not spent, we will apply them to another county road project.

Mr. Ward: They were conservative with their estimate last year, because of COVID. They had a little bit more gas revenue than what their conservative estimate was.

Mr. Ward: There are 149 miles of Rural Secondary roads and 341 state maintained roads in Daviess County. From 2011 through 2019, the state has resurfaced 85 miles of that 149 in Daviess County.

Commissioner Wathen: Damage has been done to the roadway at the intersection of Highways 56 and 815. Would the state consider improving that intersection?

Mr. Ward: Yes, if it is right in that intersection, we should be able to take care of that.

Judge Mattingly: A common complaint we get relates to the lack of shoulders on Highway 815.

Judge Mattingly: One of the complaints that we get all is that are no shoulders along Highway 815.

Mr. Ward: We have reviewed this concern and the primary problem, as far as trying to widen that road and get some shoulders on it, is the numerous underground utilities and there's no money available to get those lines moved. The water line is right at the edge of the black top. These lines also crisscross throughout that road in places. On one side you have a creek and immediately along the other side are utility lines.

Judge Mattingly: If you wanted to put a tile down that ditch and cover that over, we would be okay with that.

Mr. Ward: Again, it's a money issue. Those tiles are pretty expensive.

Judge Mattingly: There is a lot of water that runs down that ditch. Since completing area coal mining, the spring was diverted and, even in the driest parts of the year, water never goes away. It runs all the time.

Mr. Ward: We have tried to place riprap and do some work out there in effort to build a little shoulder, but with the utilities out there, it's extremely difficult to do anything to make that road wider. If the county really wanted to address this, I recommend seeking funding from the KYTC highway during the bi-annual road plan.

Mr. Ward: Regarding project #1, there is a section out there that seems to like to flood here as of recent, and we are looking at adding about three inches of asphalt pavement there to try to get it above the height where its flooding and hopefully it won't continue to flood when we get those heavy rains like we've been having.

Commissioner Castlen: Will three inches be enough?

Mr. Ward: The water that runs over it is not running very deep, only an inch or two.

Judge Mattingly: When heavy rains occur, it's like a very thin sheet of water that flows over the road, which can potentially cause a vehicle to hydroplane. Raising this should stop that sheeting effect.

Mr. Ward: We are hoping it stops and diverts the water through the pipe instead of trying to go over the roadway.

Mr. Ward: If there are funds remaining after completion of the first two projects, the 3<sup>rd</sup> project will be considered, and by using existing maintenance contracts or our in-house state employees, we hope to be able to get that done.

Judge Mattingly: I want to thank Jason for everything he has done for District II.

In light of Mr. Ward's retirement, 30 days from now, the court wished him well.

State Maintenance Engineer Scott Phelps: I've been talking to people in Frankfort about the utility issues. There is not a whole lot we can do, but we could possibly raise up the walls to make them even and then put a lid on top of that. This will help if somebody drives off that edge, they are not going to fall off into the ditch.

Judge Mattingly asked Deneatra Henderson if she could bring folks up-to-date on the roundabout?

Ms. Henderson: It is funded and moving forward. The necessary public meetings have taken place, and due to public concerns and those of the City of Owensboro, the project is currently being redesigned for a better fit.

Judge Mattingly: Have you all looked to remedy that situation on Highway 56, just past the old Sorgho school, where water does not drain very well and runs across the road.

Ms. Henderson: Yes, we have looked at it and at the time, proposed recommended solutions, but nothing was agreed upon from the property owners.

Judge Mattingly: On Highway 298, just past Crescent Hill Drive, there is a section of ditch, in the right-of-way, that never drains. We have been trying to get you guys to dip that part out.

Mr. Ward: They will take a look to see if it can be remedied.

Judge Mattingly: I think Secretary Gray is doing a great job. Please send thanks on our behalf to the Secretary for the good people he sends us in District II.

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Judge Mattingly Proclaimed Emergency Medical Services Week as May 16-22, 2021.

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By a motion of Commissioner Wathen, seconded by Commissioner Castlen, the court considered for approval; Minutes of the April 15, 2021, 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 Wathen, seconded by Commissioner Castlen, the court considered for approval; 2021 Rural Secondary Road Program as presented and detailed above.

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

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Judge Mattingly: Since we intend to use our flex funds on county roads, I think we may need to include that into the record.

By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered for approval; Retain the county's flex funds, regarding the 2021 Rural Secondary Road Program, for county road improvements.

**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; Jail SAP Modification Contract and related Annual Affidavit.

Judge Mattingly: This increases the \$9 daily rate per state inmate to \$10.

**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; Daviess County Lion's Club Fairgrounds Rental Agreement for Tire Amnesty Event.

David Smith: The Daviess County Lion's Club Fairgrounds is graciously providing, at no cost, the Fairgrounds arena for the 2021 Waste Tire Amnesty Day Event. The event starts on July 15 and concludes midday, on July 17.

Judge Mattingly: Thank you to Joan Hayden the entire Daviess County Lion's Club Board for allowing us to use the Fairgrounds for this community event. Their generosity is appreciated.

**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 Axiom Architecture for County Spay/Neuter Clinic Design Services.

Assistant County Treasurer Jordan Johnson: With this, Axiom shall produce bid documents for service items #1 through #6 for the construction of the spay/neuter clinic for \$25,150.

**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; Award **RFQ 05-2021**: IPEMA Certified Playground Mulch (Parks) to Phil Etienne L&B H Mulch.

Mr. Johnson: This quote of Phil Etienne L&B H Mulch is for the provision and delivery of 500 cubic yards of IPEMA certified playground (wood) mulch. Yellow Creek Park playgrounds shall receive 300 cubic yards and Panther Creek Park playground the remaining 200 cubic yards. This was the lowest quote submitted at \$7,200.

**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; Hire Joseph Burden as Solid Waste Heavy Equipment Operator upon successful completion of pre-employment screening.

**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; Hire Casey Hamilton as Firefighter/EMT upon successful completion of pre-employment screening.

**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; Hire Brandi Hughes as Administrative Specialist for the Daviess County Attorney Civil Division effective May 3, 2021, upon successful completion of pre-employment screening.

**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; Hire Steve Nazaruk as Seasonal Park Attendant for Panther Creek Park upon successful completion of pre-employment screening.

**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; Amend the Library Board appointment term of Michelle Drake from a 3 year term to a 4-year term.

The new term expiration date, as amended, is 9/13/2023 and rectifies the previously approved term.

**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; Appoint Larry Boswell (S2T) #4.3.2021 to the Industrial Development Authority;  
TERM: 4/9/21 – 4/9/2025.

**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 Danny Richeson (S2T) #5.6.2021 to the OMPC Building Code Appeals Board;  
TERM: 5/6/21 – 5/6/2025.

**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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**Public Comments:**

Via Facebook live, Rachel Evans asked the court to re-introduce the fairness ordinance.

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**Comments by Daviess County Fiscal Court:**

Judge/Executive Mattingly: On October 3, 2019, the court approved a 2-part financial pledge to the RiverPark Center for their facility improvement campaign. The first part, we gave them \$50,000, and stipulated that if they could raise \$750,000, we would give them a second \$50,000 part. They have now reached that goal and will issue them a pledge-completion check. Recently, I received a letter from their board chair, Jeff Ebelhar, thanking the court for the financial support.

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By a motion of Commissioner Wathen, seconded by Commissioner Castlen, the court considered for approval; Enter into **Closed Session per KRS 61.810 (1)(f)** Discussions or hearings which might lead to the appointment, discipline, or dismissal of an individual employee, member, or student without restricting that employee's, member's, or student's right to a public hearing if requested. This exception shall not be interpreted to permit discussion of general personnel matters in secret.

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

No action was taken.

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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 May 20, 2021.

*Jennifer Warren*

Jennifer Warren

Daviess County Fiscal Court Clerk