

**Minutes of the August 5, 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, Charlie Castlen, and Mike Koger.**

Today's meeting is limited to essential personnel, but streamed live on the Daviess Co. Fiscal Court Facebook page. Public questions/comments during this meeting, may be posted to the Facebook live stream or by contacting 270-929-1010 (voice/text).

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

Judge Mattingly: As of yesterday, we were at 45 cases per 100,000 people. I encourage all of you to get your vaccine. If you have concerns and I don't have a problem with that – we are not going to try to vaccine shame anybody whether you've gotten it or haven't gotten it, but I suggest perhaps you talk to your physician and voice those concerns.

By a motion of Commissioner Castlen, seconded by Commissioner Koger, the court considered for approval; Minutes of the July 15, 2021, Daviess County Fiscal Court meeting.

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; 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 Castlen, seconded by Commissioner Koger, the court considered for approval; Treasurer's Report and Settlement for the Fiscal Year 2021.

Treasurer Hendrix: This is the final report for this fiscal year. It consists of the monthly report you normally see and then a document entitled the treasurer's settlement. Instead of presentation, it is on the approval agenda because this is the 4th quarter and it is the final financial statement for the year. Regarding the settlement, which is a requirement for the treasurer to complete at the end of the year and or the month they retire, I have certified that I've compiled these statements in accordance with the requirements of the state and of the government accounting standards board, that I have prepared supplementary schedules reflecting the actual revenue and expenditures by account and compared to the budget, that the financial statements were prepared on prescribed basis of accounting that demonstrate compliance with the regulatory basis of accounting, which is a comprehensive basis that's required by the state. This is a basis of accounting other than generally accepted accounting principles, so the funds and all the accounts have been properly prepared. I've reconciled all of the bank statements, all of the cash, and it

has all checked out and it is where it should be and prepared statements showing the operations for the year. The finances are good. We did as well as we had projected or better. Obviously, the CARES money reimbursement improved our financial position. They have passed DLG's initial testing and have already been posted, in summary, on their website. We are now preparing for the annual audit which should begin in September.

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; Fund Transfers.

Treasurer Hendrix: I request the authority to make the following budgeted, fund transfers:

- \$589,600 from the General Fund to the Bond Fund – Public Safety Radio System
- \$1 million from the General Fund to the Road Fund
- \$1 million from the General Fund to the Jail Fund
- \$116,500 from the General Fund to the Bond Fund – Operation Center
- \$369,000 from the Jail Fund to the Bond Fund – Detention Center
- \$600,000 from the General Fund to the Bond Fund – Convention Center

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; Daviess County Fiscal Court Rate Schedule.

Assistant County Treasurer Jordan Johnson: Judge, a quick correction. At the top of the page the effective date should be August 5, 2021. A corrected copy will be submitted for the court record. This is to approve rates being charged for goods and services at the Parks Department, Animal Shelter, the upcoming Spay/Neuter Clinic, and Landfill. For the Landfill, it should be noted this rate schedule includes only compost and hay, the tipping fees are included on a separate schedule. This list is reviewed annually with Department Heads and Treasurer Hendrix and is updated accordingly.

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; **Resolution No. 11-2021** and Rural Secondary Program Flex Funds Agreement.

County Engineer Mark Brasher: As submitted and accepted, this agreement is for \$340,730 (flex funds) and is to for the resurfacing of Carlton Drive and Boteler and Jack Hinton Roads.

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; Lease Agreement with the Friends of the Ohio County Animal Shelter, Inc. (FOTS Rescue) and Daviess Co. Fiscal Court for Daviess County's temporary use of the FOTS Rescue Hartford, KY Spay/Neuter Facilities.

David Smith: This contract allows us to start a low cost spay/neuter clinic much sooner than anticipated. The intent of this is for Dr. Gray to use this space to perform related surgeries at the Hartford facility until our local clinic is complete. This lease has a 4-month term and is renewable, per our needs, on a month-to-month basis.

Judge Mattingly: I think it's a good move for the county.

Commissioner Wathen: What had this facility been used for?

Mr. Smith: It is used as a spay/neuter clinic. It is just not open every day of the week. The days it is not in use, will be the days we can utilize the facility for our needs.

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; Proposal for Preparation of 2021 Landfarm Annual Report by Weaver Engineering.

Mr. Smith: This required annual report is very detailed and shows soil data including nitrogen levels. What makes this process difficult and tedious is that the state requires the report to be hand written, including re-writing the prior year's data along with the new, current year's data. Although this is a fixed price contract, Weaver Engineering had not calculated the amount of time it was going to take to do this third report, so this report will cost \$1,000 more than the prior report for a total of \$5,850.

Judge Mattingly: It's a premier program in the state. I don't know that there are a lot more of them anywhere in western Kentucky. I think it's a feather in our cap that we can take that sludge out of the contained landfill and get some good use out of it.

Mr. Smith: As a note, our consultants plan to talk with their state counterparts to see if changes are possible, which would allow future reports to be done electronically.

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; Encroachment Permit with KYTC to Install a Tornado Siren Pole at Roy Clark Rd. and Hwy 144.

Mr. Johnson: The FY 21/22 budget includes two (2) new community warning sirens for the Daviess County Emergency Management Agency, which will go out for bid soon. This standard permit is required for one

of the chosen locations between US Highway 144 and Roy Clark Road. This location is deemed a maximum coverage area given that it will notify approximately 370 address points. The intended siren will be solar powered and will not require any utility hookup.

Commissioner Castlen: How many homes (address points) will the second warning siren cover?

Mr. Johnson: We are working on that one now and it will cover 98 address points.

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; Contract with Axiom Architecture for Kirtley Annex Renovation Design Services.

Mr. Johnson: This contract is for design services to renovate two spaces at the Kirtley Annex to create an additional office and storage space for the County Attorney offices. The fee is \$1,550.00 for the services we need within the contract, and we do not expect the total project to exceed \$7,000. There are budgeted funds in the facility accounts to cover this project. Legal staff and I have reviewed it and it is in order.

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; Declaration of Covenants and Restrictions for LWCF Agreement #21-01558.

Mr. Johnson: This agreement and deed restriction is a federal requirement in order for us to receive the \$74,601.77 match grant for the Horse Fork Creek Park inclusive accessible playground at Horse Fork Creek Park. It lists the requirements of the County which are standard, and simply states that we will maintain the equipment, keep the project area safe and open for public use, and not convert, dismantle, and/or transfer the asset with notification to and prior approval from the DLG.

Judge Mattingly: I think everyone here would agree that that probably is one of the best projects that we as a fiscal court have ever initiated - the spray park playground for all. The park is constantly used and it sits right in the middle of the urban, suburban core of Daviess County in the city of Owensboro. There's not a time that I passed by that there aren't kids standing, looking up at that water filled bucket just waiting for it to fall.

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; Public Safety Radio System Site Use Lease Agreements with:

- VB-S1 Assets, LLC
- Tillman Infrastructure, LLC

Mr. Johnson: As an update of our P25 digital radio system project, the project has stayed within budget and on schedule. All system user equipment has been delivered, tested, and programmed and is awaiting distribution and installation once the system goes live. In order to go live, the system requires equipment on three tower sites in the County that will communicate with equipment at the central site of Radio Hill. The two leases presented here are two of the three required sites. The site use lease agreement with VB-S1 Assets is to place our equipment on Vertical Bridge's existing tower as the Southern Site for the system. The lease is a \$1,500 monthly rate with a 2% annual escalator. Over the 20 year estimated life of the system, that will be a total cost of \$437,352.66. The lease is for an initial term of 5 years with 5 optional successive renewal terms for a total of 30 years. The site use agreement with Tillman Infrastructure is to place our equipment on Tillman's existing tower as the Eastern Site for the system. The lease is a \$1,300 monthly rate with a 2% annual escalator. Over the 20 year estimated life of the system, that will be a total cost of \$379,038.97. The lease is for an initial term of 5 years with 4 optional successive renewal terms for a total of 25 years. Trott Communications, Daviess County legal staff and I have reviewed it and it is in order.

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; Amendment #1 to the Professional Services Contract with Trott Communications for Implementation Support of Public Safety Radio System.

Mr. Johnson: We just discussed lease solutions for 2 of the 3 required sites for the radio system to ultimately function. These two solutions were for the Eastern and Southern portions of the County. When exploring leasing options for the final site in the Western part of the County, the rental rate of every site reviewed over the life of the asset would vastly exceeded the capital costs of constructing our own tower. This amendment would increase our not-to-exceed price of our current system implementation contract with Trott Communications by \$25,000. For this amount, Trott would develop the technical requirements, RFP/Bid specifications, and provide oversight and inspections for the construction of a 250' tower at the West Daviess County Landfill that would complete the system. The official site location at the Landfill would ultimately be selected once the survey of soil conditions of several potential areas is completed. If approved, we will move immediately to finalize the location and begin the bidding process for tower construction.

Judge Mattingly: We had looked at a tower we couldn't come to with within two terms with any existing tower. If I'm not mistaken, we were looking at quite a bit more than the other two sites that we agreed to lease.

Mr. Johnson: More than double.

Judge Mattingly: Do you have a rough guess of what it would cost the county to build our own tower?

Mr. Johnson: Our consultants gave us the comparative cost for a 20-year rental, which was \$525,000.

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; AmeriCorps Host Agency Agreement benefitting DC Parks.

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; Revoke **RFQ 06-2021** and Award **RFQ 11-2021**: Trap & Skeet Targets (Gun Club) to CAC Associates, Inc. for \$16,706.97.

Mr. Johnson: On July 1, 2021, the court awarded RFQ 06-2021 to CAC Associates for \$15,689.83 for trap & skeet targets for the Gun Club. On July 2, a letter was sent to all distributors of White Flyer Targets notifying them of an immediate price increase. All participants of RFQ 06-2021 rescinded their quotes at the proposed prices. Since the court made an award, RFQ 06-2021 needs to be revoked. RFQ 11-2021 is for the provision of 1,386 cases of targets for the Daviess County Gun Club, with updated pricing in light of the notification. This is the same amount of targets requested in the prior RFQ and we received three responsive quotes. The quote of CAC Associates for \$16,706.97 is the lowest and best evaluated quote, without exception. The differential between the two quotes is \$1,017.14. The cost will be recouped by shooting fees.

Judge Mattingly: How much extra did it cost us for the targets?

Mr. Johnson: \$1,017.14.

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; Award the following as recommended:

Mr. Johnson recommended the following:

RFQ 09-2021: Surgical Equipment (Animal Control) to Steris Animal Health for \$9,938.40.

We received four (4) responsive quotes for the provision of canine and feline spay packs and surgical kits (and other related start-up equipment) for the Daviess County Spay/Neuter Clinic. Steris Animal Health is the lowest and best evaluated quote received, without exception.

Judge Mattingly: Since Dr. Gray and Ms. Thompson's name are down there, they're in agreement?

Mr. Johnson: Yes.

RFQ 10-2021: Clay Target Support Tower Project (Gun Club) to Pat O'Bryan Electric, On Time Fab, and Sterett Crane & Rigging for \$12,030.00.

We received various responsive quotes for services to construct and complete a clay target support tower at the Daviess County Gun Club. The following are the lowest and best evaluated quotes, without exception:

Pat O'Bryan Electric for electrical services for \$8,700, On Time Fab for welding services for \$1,650, and Sterett Crane & Rigging for crane services for \$1,680.

Note: \$10,450 worth of materials and services have been donated towards the project, including two 40' I beams donated by Modern Supply, professional design services donated by Gardner Engineering and Regal Engineering, and excavation work donated by Big Rivers Electric.

Bid No. 14-2021: Bulk 12 Gauge Shotgun Ammunition (Gun Club) to Botach, Inc. for \$33,950.

This bid is for the provision of bulk 12 gauge shotgun ammunition for the Daviess County Gun Club, and includes a total of 150,000 shells. We received five bids. Botach, Inc., had the lowest and best evaluated bid for by for the Aguila ammunition for \$33,950.00. This is a budgeted restock, the cost will be recouped by ammunition sales, there were no exceptions, and I would recommend approval.

Bid No. 18-2021: One (1) New Single Bale Wrapper (Landfill) to H&R Agri-Power, Inc. for \$23,876.

This bid is for one (1) new single bale wrapper for the land farming project at the West Daviess County Landfill to preserve the hay that is produced through the project until it can be sold. Daviess County Fiscal Court received two (2) bids and without exception, H&R Agri-Power, Inc.'s 2021 Vermeer SBW 8500 unit for \$23,876 is the lowest and best evaluated bid, without exception.

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; Hire Tony Rowe as Seasonal Park Attendant effective upon successful completion of pre-employment screenings.

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; Reappoint to the DC Animal Care and Control Board; TERM: 8/7/21 – 8/7/25 (4-yr. term)

- Pattie Martin (S0.5T) [#8.1.2021](#)
- Dr. Patrick Marsh (S0.5T) [#8.2.2021](#)
- Rheonna Johnson (S0.5T) [#8.3.2021](#)
- Carol Alvey (S2T) [#8.4.2021](#)

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

First Reading of KOC A.101 (2021); 07-2021: An Ordinance relating to the Adoption of the 2021 Daviess County Tax Rates.

Comments:

Judge Mattingly: We will have a public hearing for any comment regarding these tax rates prior to the next meeting.

Mr. Hendrix: Each year, the court is required to pass an ordinance to what its taxes are for that calendar year, even if there's no action taken, you are still required to pass the ordinance. We receive the information of assessment from the state and from the department of local government. I have reviewed that information with each of you. We were allowed to raise our rates to 4%. The real property rate would be higher. The resulting calculation of personal property rate would also be quite a bit higher than what we currently have on the books, but after a review of both the current financial position for the county and our expected financial position for the next couple of years, the preference that was indicated to me was to leave all of the ad valorem rates the same as last year, with no increase. I have reviewed that and my opinion is that leaving the rates the same as last year will absolutely generate enough revenue for us to manage the fiscal year 2022 budget. I see no negative issue from that. Therefore I have prepared this tax ordinance with all the ad valorem rates staying exactly the same as they were to prior year. The real rates are 13.4 cents per hundred dollars of value. The tangible personal property rate is 16.37 cents per hundred dollars of value. The motor vehicle rate stays the same at 17 cents, and the watercraft rate, which both of those are through the county clerk's office, also stays at 17 cents.

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

Public Comments:

(Via Facebook) Zack Ferrell asked for an update on the Panther Creek Park water tower.

Judge Mattingly: We are waiting on Gardner Engineering to present the court with his review of the tower.

Comments by Daviess County Fiscal Court:

Commissioner Castlen: Schools are about to restart and I encourage people to be cautious as you drive through the school zones. There are a lot of kids who walk to and from schools and we are not used to seeing them. Please be aware of that and be cautious as you make your normal trips.

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 Jennifer Warren, hereby certify that the above corresponding Order Book minutes were approved by the court on August 19, 2021.

Jennifer Warren

Jennifer Warren
Daviss County Fiscal Court Clerk