

**Minutes of the November 8, 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).

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

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

Judge Mattingly Proclaimed November 7-13, 2021 as Nurse Practitioners Week.

Judge Mattingly: For those folks watching us on Facebook live, you may text or type a message into Facebook that will be relayed to us or you could text or call 270-929-1010 your question or message.

By a motion of Commissioner Koger, seconded by Commissioner Wathen, the court considered for approval; Minutes of the October 21, 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 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 Wathen, the court considered for approval; **Resolution 13-2021** Street Lighting District for Brookfield Subdivision Section 4.

Assistant County Treasurer Jordan Johnson: This subdivision will become a streetlight district where the collective cost of streetlights will be divided by the amount of parcels in the district and placed on the respective tax bills for collections and remittance to the utility. The petitioner has fulfilled our requirements and our legal department has reviewed it.

Judge Mattingly: This, as we look down through here, of all three resolutions on today's agenda are either under construction or have just been completed. Please explain why we do this, Jordan.

Mr. Johnson: Either the developer or a subdivision petitioner must petition fiscal court to create a street lighting district. This petition shall have signatures of a minimum of 70% of said subdivision homeowners.

Judge Mattingly: Okay, so a subdivision with 100 homes, 70 of those homeowners would have to come in and say we have a petition we want a street lighting district and then we would go through all the motions to find out the cost and that cost would be apportioned to everyone in the subdivision, not just those who signed the petition, and placed on their tax bill.

Commissioner Castlen: I know this specifically mentions section 4, and the map that we have shows several phases, which indicates they are doing these in phases. Could a subdivision or does it have to be all of the existing subdivisions you just discussed with Jordan or could it be a portion?

County Attorney Claud Porter: Generally, those are done by units as they are developed. This is a section and you'll notice this in each section. Next they'll have a portion of each section so they don't want to develop them all at the same time. Just like they don't want to put all of the streets and curbs at the same time. This way they only have to develop a portion at a time. They could put one street lighting district in for the whole section, it's just that the cost is a little prohibitive and they'd rather do it as they go.

Judge Mattingly: Let's go back to your (Commissioner Castlen) question. I think, once all the sections or the divisions have been built out, it becomes a subdivision and I don't believe you could create a partial lighting district.

County Attorney Porter: No, not in one that's already completed. I guess, I misunderstood Commissioner Castlen's question. Once it's completed then it is a whole subdivision.

Judge Mattingly: ...and has to be done in its entirety.

County Attorney Porter: Yes.

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 15-2021** Street Lighting District for Deer Valley Subdivision Section 4, Unit 4.

Mr. Johnson: The developer/petitioner has fulfilled all requirements and our legal department has reviewed it.

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; **Resolution 16-2021** Street Lighting District for Deer Valley Subdivision Section 4, Unit 5.

Mr. Johnson: The developer/petitioner has fulfilled all requirements and our legal department has reviewed it.

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; Contract with Strategic Adventures for Blackford Creek Property Feasibility Study

David Smith: Back in 2009, Browning Ferris Industries donated to Daviess County just under 80 acres of land on the corner of Kelley Cemetery Road and Chestnut Grove Road and the county really hasn't done much with that property. Former County Commissioner Jim Lambert had, at times, discussed possibly putting in a nature preserve on that land with trails and maybe picnic areas. We think there may be an opportunity for a grant for us to develop this land into more of an outdoor adventure area. The land itself is somewhat restricted - we cannot have four-wheelers and such at the site. They don't want anything to interfere with the superfund site next door. It needs to be something that doesn't heavily impact the land. Strategic Adventures studied a site in London, Kentucky and their CVB has created an outdoor adventure area at a former state park per their study. This contract with them is to do something similar for \$9,500, plus travel. They will explore all different types of outdoor adventure applications including, but not limited to, zip lining, challenge courses, and skywalks. If this contract is approved, they can visit the site and others, per our direction, and following their visit(s), can have a report back to the court within approximately 30-days. They may review up to 3 local sites if the court desires. Once we are able to better understand what we have and what we are able to do, we can pursue grants.

Judge Mattingly: Commissioners, we budgeted \$10,000 for this. I think it's timely if we decide to move forward with it, because there are so many grants out there for this type of venture. As a matter of fact, there are a lot of grants out there from 80/20 to 100% and it's just an opportunity to take advantage of those dollars.

Commissioner Wathen: Does this study include the possibility of nature trails?

Mr. Smith: The only thing that would be a nature trail-esque would be like an elevated trail or what are called skywalks. These are trails elevated 10 to 20 feet up off the ground where you would be walking at tree level.

Commissioner Wathen: I asked because I know there are many grants out there currently for nature trails.

Mr. Smith: The issue from this is this will also not only deal with the physical characteristics, but whether or not this market would support such a venture. That's part of it too to see if it's even financially viable whereas nature trail types of things don't have income. They're just trails and this is as much as anything a market analysis as well as a physically work analysis.

Judge Mattingly: We would probably be hard-pressed to get anybody to bid on operating a nature trail, but you're right Commissioner, there is a lot of money out there for those trails. Commissioner, you also brought up a very good question about liability since we're talking about zip lining. Jordan, would you mind explaining to us what you found out through KACo?

Mr. Johnson: We would contract with someone to operate the venture and would not have a part in the operations. The contractor would have the necessary business and operating insurance (and through a contract we would have with them) shall be held harmless. We would not take on any additional liability.

Judge Mattingly: It's kind of like several years before we took over the gun club. Operating the gun club as a county parks division, we contracted with private operators and they had to provide us with liability insurance. Same thing as Little Hurricane where they provide their own liability insurance.

Mr. Johnson: Yes, correct.

Commissioner Wathen: We would not build this structure...

Mr. Smith: We would only use the grant to build the structure.

Commissioner Wathen: That would make us the builders of it, wouldn't it?

Judge Mattingly: We would contract it.

Commissioner Wathen: But we're responsible if we contract...

Treasurer Hendrix: By the nature that the fiscal court owns it, we absolutely will have increased liability. It won't be the entire liability as Jordan said, because we would have the operator have the primary insurance, but they will always name the court as secondary.

Judge Mattingly: We are always what Claude calls "deep pockets".

County Attorney Porter: That's right.

Judge Mattingly: That's why you carry umbrella insurance if your primary insurance fails then you can fall back on that.

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 Mark Wagner to Service Technician eff. 11/9/2021

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; Reclassify the following employees to Building and Grounds Technician:

- Bruce Williams
- Mark Irby
- Steve Wilkerson
- Kevin O'Hearn

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

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

No Public Comments were received.

Comments by Daviess County Fiscal Court:

Commissioner Castlen wished all Veterans a Happy Veteran's Day.

Commissioner Wathen thanked those that put on the many Veteran's Day events

Judge Mattingly invited everyone to the groundbreaking of the new Animal Clinic tomorrow at 2:30 pm. We've already started getting a few calls from counties in the surrounding areas wanting to know if they could partake of the services that we offer and that's always a good thing because we're very cognizant of the cost of things that we do, but I think Daviess County and each and every one of the Commissioners, I won't speak for them, but I think, I know their heart, we had a choice, we could either put down a small number of animals with by doing this clinic or we could put down lots of animals and I don't believe any of us want to see us go from a very small number of animals being put down to a large number.

Judge Mattingly: We have partnered with Audubon Area Community Services (AACS) and GRADD to administer and distribute an additional \$200,000 in funds to be used for utilities. What's unique about this is there are lots of funds out there that get money for past due electric and gas bills, but there are no funds that I'm aware of that will also give you money to help cover waste water/RWRA cost. These funds are being distributed by AACS alongside the LIHEAP Program, which is also an available utility assistance program.

I received a letter from Hopkins County thanking us for our emergency management search and rescue teams over 20 people and seven canines assistance in a recent emergency need.

By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered for approval; Enter into Closed Session per KRS 61.810 (1) (c) Discussions of proposed or pending litigation against or on behalf of the public agency.

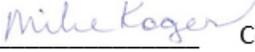
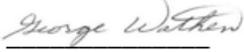
-No action was taken.

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

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 November 18, 2021.



Jennifer Warren

Daviess County Fiscal Court Clerk