

**Minutes of the January 13, 2022, 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.**

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

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Judge Mattingly: For those who are watching on Facebook live this evening, you are welcome to send us your comments and questions. You can either do it on Facebook live or you can call/text 270-929-1010. There is a delay, so we may not get to your question, but if it's germane to the topic that we're discussing, we will answer it or if it has to do with anything other than what's on the agenda, at the end or in the public comments section, we will get to it.

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

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County Treasurer Jim Hendrix presented the Treasurer's Report for December 2021.

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By a motion of Commissioner Wathen, seconded by Commissioner Castlen, the court considered for approval; Minutes of the December 16, 2021 Daviess County Fiscal 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 Wathen, seconded by Commissioner Castlen, 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 Castlen, seconded by Commissioner Wathen, the court considered for approval; Daviess County Sheriff's 2022 Budget.

Treasurer Hendrix: Although the Sheriff doesn't report to the Fiscal Court the court must approve the budget for the Sheriff and the Clerk, because in the worst case scenario, if for some reason at the end of the four year term, they're short, that shortfall would come to the highest government in that county, which is this court. I have reviewed the specifics, compared it to what we know of from last year. I find the report to be in order and don't see anything that's particularly burdensome. It's just, as you know, the majority of their budget is labor. As they're required to, the last page is a listing of the number of deputies and the max salary for that item, plus benefits.

Judge Mattingly: I talked to Sheriff Barry Smith. It's obvious that he's trying to make certain that he does everything that he's statutorily responsible for. You know Barry has been at the forefront of adding more deputies to their department to get them out on the road and also was very instrumental in reworking the pay scale for all the bailiffs at the Judicial Center. I want to thank him for that. One of the things that really kind of gives me hope is that with the House Budget that was unveiled Monday, there has been a proposed increase in the amount of reimbursement for the Sheriff's Department for those bailiffs. Right now, they get \$9 per hour and the reimbursement would go up to \$15 per hour. That still would mean that there would be money out of the general fund for those bailiffs, but it would get us a lot closer. I've spoken with Senator Matt Castlen and asked him to make sure it doesn't get kicked out or something else gets passed. It's kind of funny how few people in this community understand the connection and the intertwining of all the elected offices in this community.

**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; Daviess County Clerk's 2022 Budget.

Treasurer Hendrix: I reviewed the budget in context of the prior year as with the Sheriff's budget, the majority of this budget is labor. As required, there is a list of deputies on the last page along with benefits that they cannot exceed. Those are all in order. Noteworthy is they've added a line, as you know, at the end of the fourth term, access has come back to the Fiscal Court with the increase in fees they had a few years ago. That number is going to be a substantial number. Right now, it is projected to be in excess of a million dollars. There is a \$580,000 equipment line, about \$300,000 of that is for the storage expansion that they've been talking about for a couple of years. The remainder of that would be for the voting machines that you, the court, already approved, but they haven't paid us yet because we're waiting to see how much we're going to be reimbursed by the state, so we just do it one time.

Commissioner Castlen: Before COVID, when they came and visited us, we always thanked them for their cordial working relationship with us, and to your point about most of the citizens in our counties don't understand the inner workings and how we're all intertwined, but in many counties that intertwining becomes cause for consternation and poor relationships and we're very blessed in this community that we've not had that for a long time.

Judge Mattingly: Thank you for bringing that up. I was going to say the same thing. I want to thank Clerk McCarty and her staff as well as Sheriff Smith and Shelley O'Bryan for their hard work putting together their respective budgets.

**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 Wathen, the court considered for approval; **Resolution 01-2022** – Subdivision Street Lighting District for Deer Valley Subdivision, Sec. 5.

Assistant County Treasurer Jordan Johnson: Per KRS, to allocate the meter cost of streetlights installed in subdivisions in unincorporated areas of Daviess County. This resolution is for section 5 of the Deer Valley

Subdivision. The subdivision will become a streetlight district where the collective cost of the streetlights will be divided by the amount of parcels in the district and placed on the respective tax bills for collection and remittance to the utility. The petitioners 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.**

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By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered for approval; MOA Between the Commonwealth of Kentucky, Department of Military Affairs, Division of Emergency Management, and 120 Local Jurisdictions of the Commonwealth to Establish an Agreement for an Emergency Management Assistant Program.

Mr. Johnson: This agreement is for the Emergency Management Assistance program. This is the pool of funds that we tap into in order to recover a percentage of EMA employees' salaries. It is an annual exercise for all counties. Legal, EMA, and I have reviewed it.

**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; KYEM Emergency Management Assistant Program Non-Supplanting Certification.

Mr. Johnson: This certification states that Daviess County Fiscal Court will not pursue grants through this particular program for items that are already budgeted. This means that we will only request assistance for items that we would otherwise not pursue. We do this annually and this certification is standard.

**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 CivicPlus for Point of Sale Transaction System and Online Shelter Reservations for the Parks Department.

Mr. Johnson: This item is to introduce an online reservation system for our park shelters that will include a point-of-sale transaction system for the parks department and gun club. The cost will be \$9,888 for the first year and \$4,987.50 every subsequent year, which increases 5% per year starting in year three. The solution brings the points of sale for the park system into uniformity with the other points of sale in the county and will provide the public the benefit of being able to reserve shelters and parks amenities remotely without having to physically visit the Schertzinger facility. Legal, Parks, and I have reviewed it.

Commissioner Wathen: Are they going to help us install this?

Mr. Johnson: They are going to install it.

Judge Mattingly: This should make it easier for everybody.

**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 Wathen, the court considered for approval; Professional Services Contract with Morley & Associates, Inc. for Contract Preparation and Negotiation in Connection with Fiber Construction Project.

Mr. Johnson: As you're aware, we've selected Conexon as the successful proposal for countywide broadband expansion per our RFP from 2021. This item is for Morley and Associates Inc. to be our consultant firm that and they will negotiate and prepare the final contract with Conexon for a fixed fee of \$9,700. Once finalized, that contract will come before fiscal court for final review and approval. Engineering, IT, and I have reviewed this consultant proposal. Their qualifications and references were satisfactory.

Judge Mattingly: Have we done a formal announcement that we've accepted Conexon? The question arises simply because there was a comment made by the media wanting to know if we were planning on doing a formal release.

Treasurer Hendrix: Until a contract is negotiated, we don't have a deal with anyone. We need a valid contract to proceed.

Judge Mattingly: So, what we're doing is once we have the contract, we'll make available any and all documents regarding this.

Mr. Hendrix: Because at that point, we're still trying to figure out who we're going to award the final deal to. Right now, we know who we think it's going to be, subject to a mutually agreeable contract.

Judge Mattingly asked for a timeline.

Mr. Johnson: The court could expect to receive a contract by the first meeting in March.

Judge Mattingly: And if things go well, once we sign that contract, we can release the proposed bid to the contractor and let them get going, correct?

Mr. Johnsons: Yes, sir.

Judge Mattingly: Sounds good. It's been a long time coming, but once it's done I think it's going to really make a big difference, particularly in a rural Daviess County as far as broadband is concerned.

**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 Weaver Consultants for Contained Landfill Permit Renewal.

Judge Mattingly: This is a contract with Weaver Consultants. They are the same consultants who helped us design our contained landfills and they oversaw the construction. Simply put, this contract is needed and we must have it to continue to operate.

**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; Playground Lease Agreements with the Daviess County Public Schools, Diocese of Owensboro, and Stanley and Whitesville Playground Associations.

County Engineer Mark Brasher: These are standard, annual agreements regarding youth football, softball, and baseball programs. The county does not run any of the programs we only facilitate the leases. We also facilitate the insurance and set standard safety rules that everyone must comply by. These contracts are the same as the prior ones.

**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; Concessions Contract with Owensboro-Daviess County Babe Ruth League.

Mr. Brasher: This is the annual contract we have with the Daviess County Babe Ruth League for them to utilize both concession stands at Panther Creek Park during the ball season. This contract is the same as the prior one.

**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; Purchase a Police Pursuit Vehicle from KY State Master Agreement for the Detention Center.

Mr. Johnson: This is to purchase one new Dodge Durango police pursuit vehicle unit from the KY State Master Agreement for \$35,375 to replace a failing unit at the Detention Center. Upon review, the Detention Center will have sufficient, unspent funds available in their capital budget lines to cover this expense. This is the same master agreement utilized by the Sheriff's Department for their replacement units.

Judge Mattingly: Since this is an election year, unless someone comes out and talk to us and berate us because we're paying premium prices for vehicles, explain to us what the state contract is.

Mr. Johnson: The state contract is a bid that's administered by the state and it is available to all counties and jurisdictions of the Commonwealth to purchase from.

Judge Mattingly: The folks who provided the pricing, the specs, and everything has been reviewed and approved by the state.

**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; Transfer Richard Spivey to Road Department Mechanic, eff. 1/22/2022.

**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; Hire Dalton Harris as a Road Department Mechanic, eff. 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 Koger, the court considered for approval; Appoint to the Chamber Board; 1-Yr. Term (12/31/21 – 12/31/22) Commissioner George Wathen (Commissioner Koger served 2, 1-year terms) [#12.10.21](#).

**The vote was called and with Commissioner Wathen abstaining, all other 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; Appoint to the Green River Reg. Ind. Dev. Authority; 4-Yr. Term (12/31/21 – 12/31/25) Kyle Aud (Larry Mayfield S6T) [#12.2.21](#).

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

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Treasurer Hendrix read the presented the **First Reading of KOC A.100.03 (2022) 01-2022** - Budget Amendment #3.

**Comments:**

Treasurer Mr. Hendrix: This is the 3rd budget amendment of this fiscal year. This particular amendment proposes to increase our reserve in the general fund by half a million dollars and then transfer that money into the road fund where it will be spent on the additional asphalt resurfacing that the court discussed in our last meeting. We also have an \$8,800 grant from KACo that we previously had not budgeted because we didn't know we were going to get it. Anytime that we have revenues that are not budgeted, we are

supposed to do a budget amendment, but especially if we're going to expend those dollars in that fiscal year. If we're not going to spend the dollars we could actually get by without it, but we're planning on spending them. That's why they're both here.

Judge Mattingly: Mark, we are paving about 8 miles with that \$500,000 and the majority of those are located in subdivisions, correct?

County Engineer Brasher: That is correct.

Judge Mattingly: Since this court started, we average about 35 miles a year. I would compare the total miles paved and the shape of our roads to any other of the 119 counties left in the Commonwealth. The engineer and his staff do an excellent job making sure that we maintain our transportation system.

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**Public Comments:**

Judge Mattingly: This is the time during our meeting where if we were open to the public, and I'm sorry we're still closed because of COVID. As a matter of fact, today, if you look at the map, you'll see we're averaging roughly 200 cases in Daviess County for 100,000 people. It has never been that high. The good news is that omicron virulence seems to be mitigated a little bit and particularly for those who are vaccinated or have antibodies. You might end up with a bad cold, but it's still something that you want to avoid particularly our seniors and those who have underlying conditions. I'll give the public a chance if they have anything that they would like to say or any questions while we go through the rest of the meeting.

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**Comments by Daviess County Fiscal Court:**

Commissioner Castlen reported that his premature grandson is continuing to do well and has reached 4 pounds 14 ounces.

Commissioner Wathen: This year's Christmas at Panther Creek Light Show was this 2<sup>nd</sup> largest total grossing year. Each participating non-profit will receive around \$3,500.

Judge Mattingly: In-person check presentations will not be possible this year, so checks to non-profits will be mailed out in the coming weeks.

Commissioner Koger: I'd like to thank Mark and his crew for the recent snow removal work. I did not receive one complaint, which is good.

Judge Mattingly: Mark, how are you preparing for this winter weather?

Mr. Brasher: Earlier this week, the estimates were all over the board. Some had it from 1 inch to others saying we could see up to 78 inches. We are sure it's going to be somewhere in between. The most recent forecast says we may get just under an inch on Saturday and nothing on Sunday. We're preparing for the worst and hoping for the best. We have been out brining/pre-treating the roads all day today. We'll do that again tomorrow until we have to bring all the trucks in and break them down to prepare them for snow removal, if need be.

Judge Mattingly asked about the state's routine regarding road snow prep and snow removal.

Mr. Brasher: They'll start with the lower priority routes so they get the higher priority routes right before the event. This takes them about three days to get everything.

Judge Mattingly: I had a citizen call me and was amazed he could get a hold of me, but I had a citizen call me and ask if the state was using beet juice.

Mr. Brasher: I'm not aware of them using it. At one time, beet juice was being used, but I think they got away from it. To be honest, I think it was maybe the county. I tried it for a year. I think early on we tried it for one year.

Judge Mattingly: You know cars pull up after running through beet juice and the kids get into it and it caused all kinds of messes.

Judge Mattingly: Jordan Rowe posted a video on states of emergency. I continue to get lambasted, and you know, it seems like the people who want to complain to me don't have any trouble getting in touch with me. I continue to get lambasted about not declaring a state of emergency. There are some folks that believe if I declare a state of emergency that they don't have to go to work, they can stay home, and their employer has to pay them.

Attorney Porter: I'm sorry they believe that Judge, but that doesn't apply to them.

Judge Mattingly: All the state of emergency does is it allows Fiscal Court to go outside of our standard operating procedures regarding expenditures of money and hiring people/contractors and those kinds of things.

Attorney Porter: Unless there's a specific Executive Order directing any other kind of...

Judge Mattingly: Now, I could issue an Executive Order, I assume, that says no traffic on any county road and that would say, "hey, you guys you get on the county road and you're going to get in trouble", but typically if you hear other counties declare them, it's just so that they can number one, go outside those parameters and number two, become eligible for federal monies. Also, folks just remember, if you are adjacent to a county that has declared a state of emergency then you're able to participate without declaring an emergency directly yourself, that's pretty cool to know. So you know, we take it very seriously when we issue those kinds of things because most of the time when we do this, all people see is a state of emergency and they never read the rest and people go clean out the shelves of the grocery store.

Judge Mattingly: Mark, you said everything was normal. How many mailboxes did you guys take out... Occasionally, we'll get a call from folks. I mean either we clean the roads or we don't. Sometimes a mailbox is going to get knocked down. Mostly, the ones that get knocked down are those placed on county right-of-ways and shouldn't be there anyway, which presents a problem. You know, we can't stop at every driveway and hand shovel around the driveway and around the mailbox. It's just physically impossible.

Mr. Brasher: We had some issues with our plows coming up to a vehicle going the other direction and at which point we try to get over as much as possible for safety reasons and that's where a lot of those...

Judge Mattingly: I mean, it's either you want the roads cleared or we don't, and I want the roads clear.

Judge Mattingly: Daviess County Fiscal Court worked extremely hard to get KYTC to locate a Regional Real ID office here in Daviess County. Now that office does driver's licenses, IDs, and Real IDs. I've received a few, a very few, calls regarding people being unable to get out to that office and back. Primarily these are the folks that relied on public transportation within the city limits to access the Judicial Center's licensing branch. Now that that office is located outside of the city limits, city transportation services are not an option. When we decided to go into that project, we thought it would be a lot better for Daviess County citizens to have the regional office located in Daviess County as opposed to having it located in Madisonville, to renew their license or get their Real ID, because that's where it would have been. I have a call scheduled with the Kentucky Transportation Cabinet, Secretary Gray and his staff and we're going to talk about how, if possible, we can, one-day a week provide some transportation to and from Real ID to the city. I don't know if it will be a regularly scheduled deal or something like GRITS where you would call if you needed a ride. It would be a low-cost ride and we certainly don't want to see people walking along the side of Highway 81 to get out there. You know our homeless shelters have transportation and I'm certain that they can provide that transportation. Our senior center has a bus that we funded and I'm sure if you were elderly and needed a ride... There are many agencies who would gladly give you a ride, particularly if it was cold and snowy, so we're going to try to address the issue. I don't know that I can, but we're going to try.

Judge Mattingly: It's campaign season, and you're going to see all kinds of things. I see candidates right now coming out making all kinds of statements about how hard it is to get in touch with the court members. I was talking to somebody today and I said it wasn't very hard for the thousands of people that we helped get their unemployment last year and in 2020. One candidate said that very thing, yet contacted me Friday, calling me on my cell phone. I know it's hard sometimes to talk to the candidates, but get involved in the election. Candidates can make you believe that they're the savior of the world. I know, I was a candidate at one time or another. Getting down to the truth, the real truth, and I can tell you that the 2 guys currently running for office, one I've worked with for going on 12 years and the other going on 20 years and they absolutely will take your calls and will return your calls. We're here to serve you, so when you hear somebody make a statement like that, the best thing you can do is call us up and see what's going on.

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**Other business to be brought before the Daviess County Fiscal Court:**

By a motion of Judge/Executive Mattingly, seconded by Commissioner Castlen, the court considered for approval; Enter into **Closed Session per KRS 61.810 (1) (b)** - Deliberations on the future acquisition of sale of real property by a public agency, but only when publicity would be likely to affect the value of a specific piece of property to be acquired for public use or sold by a public agency.

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

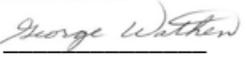
No action was taken.

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Without objection, Judge/Executive Mattingly adjourned the meeting.

**SO ORDERED THAT COURT STAND ADJOURNED.**

Judge-Executive Al Mattingly  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 January 26, 2022.



Jennifer Warren  
Daviess County Fiscal Court Clerk