

**Minutes of the March 8, 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: Today we have reopened the courtroom to the media and a limited number of visitors. We ask that anyone that wants to come and speak contact our office to make a reservation. We do that because we want to be respectful of the folks in the community who might want to come and we don't want 10 people to show up and speak on the same issue. Right now, we are open to 10 folks from the public. If we continue to see the dramatic decrease in COVID rates, we will open the courtroom to full public participation by the middle of April. At which time, people will be able to come in and talk to us about the budget. For those who are watching on Facebook live today, 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 right away, 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.

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

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Judge Mattingly sent condolences to the family of the late Senator Joe Bowen. He said he was certainly an asset to this community and will be sorely missed.

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By a motion of Commissioner Wathen, seconded by Commissioner Koger, the court considered for approval; Minutes of the February 22, 2022 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 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.**

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By a motion of Commissioner Wathen, seconded by Commissioner Castlen, the court considered for approval; Fund Transfers.

County Treasurer Jim Hendrix: The first transfer is for \$570,000 from the General Fund to the Road Fund. The other one is for \$800,000 from the General Fund to the Convention Center for the bond payment.

**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; Administrative Code Amendment: Section 7: Commercial Driver's License, Class A.

Treasurer Hendrix: Recently, the requirement to attain one's CDL has changed drastically. Individuals will have to participate in a four-week course that is expensive. The court has considered that cost and this is being passed and added to the administrative code to clarify that the court will pay the cost for the employee to take that test one time. If they pass, that cost, this spells out how long an employee must stay in order to not have to reimburse some of the funds. The proposed policy follows:

**Section 7 Commercial Driver's License, Class A**

- A. The County will pay the cost necessary for an employee to attain a Commercial Driver's License, Class A within six months of hire. The County will pay these costs to the institution up front.
- B. The County will pay this cost one time per employee. If the employee is unable to complete the course to attain a Commercial Driver's License, Class A the employee will be required to pay the cost for any additional training to attain a Commercial Driver's License, Class A.
- C. Employees must successfully complete the course and attain a Commercial Driver's License, Class A. If not attained within six months of hire the employee may be terminated.
- D. Employees who receive benefits shall work for the county for a minimum of three years or be subject to the repayment rules.
- E. Repayment:
  - 1. If an employee leaves within 12 months of receiving a Commercial Driver's License, Class A, then the employee must reimburse the County for 100% of any costs paid by the county.
  - 2. If an employee leaves within 24 months of receiving a Commercial Driver's License, Class A, then the employee must reimburse the County for 75% of any costs paid by the county.
  - 3. If an employee leaves within 36 months of receiving a Commercial Driver's License, Class A, then the employee must reimburse the County for 50% of any costs paid by the county.

Commissioner Castlen: Was the change federal or state?

Treasurer Hendrix: It was federal.

Commissioner Wathen: Basically, this is going to make it harder all across the country for people to get their CDL license. Another limitation on our truck drivers.

Judge Mattingly: Some of the smaller counties that do not have a community college or a school that would teach this, it's going to up their costs because they're going to have to pay the cost of going to the school plus room and board while their people are out and away. I know we were training our people. We were helping them study the book and you have to pass the test so the community college is going to help them study and pass the test. They're not going to get any better training, I don't think, than what we were getting from our folks and then they're going to have to be trained on the road. It's going to increase the time it takes, but it is what it is and we are held to that federal 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 Koger, the court considered for approval; **Resolution 4-2022** – Fair Housing.

Judge Mattingly: This is a standard resolution that we pass every year. It is part of Owensboro Regional Recovery's CDBG grant documents. It says that we do not discriminate against any protected classes in order to get the federal funds.

**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; Modification of Intergovernmental Agreement with the United States Marshal Service.

Judge Mattingly: This is a standard agreement that we have with the United States Marshall's Service. It changes some of the wording in the agreement. It adds some wording regarding video, teleconferencing, voter registration, body cameras, restrictive housing, suicide prevention, and those types of items. It's been reviewed by the jailer and he sees no issue.

**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; Facility Use Agreements with the following:

- St. Martin's Parrish Hall
- St. Peter of Alcantara Parrish Hall
- Owensboro SportsCenter

Judge Mattingly: These are standard agreements with locations used as polling places during elections. In this case, these are for the upcoming primary elections.

**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; Professional Services Contract with GRADD regarding the Administration of the Owensboro Regional Recovery's CDBG.

Judge Mattingly: This is a standard grant administration contract we sign with GRADD.

**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; Kentucky Pride Fund FY 22/23 Composting Grant Application for a new Compost Screen Machine.

David Smith: About 10 years ago, the county decided to start applying for more Pride grants. At that time we were only applying for the recycling grant to get roll off dumpsters to handle recycled material. This Kentucky Pride fund is funded through a \$1.75 tax on every ton of trash that comes to our landfill. We have recently been trying to get more of that money back. It's money that's sitting in Frankfort. One of the things we've done is the Household Hazardous Waste Day that we started a few years ago and upgrading our composting facilities was the other part that we felt we needed to do. Last year or two years ago, we applied for and got money for a new Scarab or compost turner. Now our screen that, after the compost has been cooked and it's ready to be sold, we have to screen it because there is still some trash in that like leaves, which the public doesn't want. The current screen is over 22 years old and it is beginning to be very hard to find material to repair it. We will only buy this machine if we get the grant and it is a 75-25 grant. We are applying for \$240,000 and then the court would put in \$60,000 to purchase the machine for a total cost of \$300,000.

**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; Daviess County Fiscal Court Rate Schedule.

Judge Mattingly: Anytime we change the rates or fees on anything the county does we have to get approval by the court. In this case, we're raising the cost of ammunition at the gun club to \$8 a box. That \$8 includes sales tax. Ammunition was a very hot commodity at the gun club last year and it made up a large percentage of the profits that we made because ammunition is hard to get.

**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; Contract with Axiom Architecture for Sheriff's Office Renovation Design Services.

Assistant County Treasurer Jordan Johnson: This contract for \$11,820 for service items one through six is for the design services to renovate the first floor tax collection space of the sheriff's office. Once completed we would use these drawings and specifications to bid the project. The project scope includes correction of layout issues in the sheriff's office and officer equipment storage, work areas, and lockers. We would also address the electrical capacity of the building and ventilation in the southwest wing of the second floor of the courthouse in the same bid as an option for the court to consider. The reason this is on the agenda now is our time restriction of the project. The renovation would have to be complete prior to the end of August of this year so that the Sheriff's Office has ample time to prepare for their tax season. This project would be budgeted in and paid from next year's budget, if ultimately approved after the

bidding process. Sheriff Smith, engineering, maintenance, and myself have reviewed it. The fee is within the expected range. I would recommend approval.

Commissioner Castlen: Is this only for the upstairs or the bottom or both?

Mr. Johnson: The first floor tax department.

Commissioner Wathen: But it also involves the heat and air on the second floor.

**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 the following as recommended:

Assistant County Treasurer Jordan Johnson:

**Bid No. 05-2022:** Geosynthetic Cell Construction (Landfill) to Atlantic Lining Company, Inc. Daviess County Fiscal Court received five (5) bids for the purchase, delivery, and installation of a GCL, 60-mil HDPE textured liner, 16-ounce non-woven geosynthetic fabric, and purchase and delivery of a 6-ounce woven geosynthetic fabric required for the construction of approximately 16.8 acres of Subtitle D landfill cell at the West Daviess County Landfill. Atlantic Lining Company, Inc. is the lowest and best evaluated bid, having no exceptions to the bid specifications. It is our recommendation to award Bid No. 05-2022 to Atlantic Lining Company, Inc. in the total amount of \$1,199,610.95.

**Bid No. 10-2022:** CAT 836K Rebuilt Exchange Wheels (Landfill) to Terra Compactor Wheel Corp. Daviess County Fiscal Court received three (3) bids for the provision of one (1) complete set to include four (4) rebuilt exchange wheels for the 2014 Caterpillar 836K Compactor at the West Daviess County Landfill. Terra Compactor Wheel Corporation is the lowest and best evaluated bid, having no exceptions to the bid specifications. It is our recommendation to award Bid No. 10-2022 to Terra Compactor Wheel Corporation in the total amount of \$54,420.

**RFQ 16-2022:** D8T Standard Track Chains (Landfill) to IMPCO Daviess County Fiscal Court received three (3) responsive quotes for the provision of standard track chains for the 2016 CAT D8T Waste Handling Dozer located at the West Daviess County Landfill. IMPCO is the lowest and best evaluated quote received, having no exceptions to the specifications. It is our recommendation to pursue the lowest and best evaluated quote submitted by IMPCO for \$14,522.56.

**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; Surety Bond Releases for Collyns-Estates for Water Mains & Fire Hydrants and Sanitary Sewer.

**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 the following as Seasonal Park Attendants eff. upon successful completion of pre-employment screenings:

Conrad Kimball	Blake Kimball	Jayden Bickett
Larry Worth	Brandon Mitchell	Steve Nazaruk
Alfred McPherson	Ricky Roberts	

**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; **Second Reading of KOC 921.677 (2022) 04-2022** – An Ordinance Amending Text in Articles 3, 8 and 14 of the Owensboro Metropolitan Zoning Ordinance.

**Comments:**

Judge Mattingly: You all were here at the last meeting when Brian Howard came in and gave us the reason to make these text amendments. One of the things that this will do is it will create flexible zoning regulations for redeveloping neighborhoods. The other, as more and more interest is being seen in solar farms, this addresses solar farms and requires large solar farms to be conditionally permitted, which means that you have to go before planning and zoning and request a conditional use permit. It also gives surrounding landowners and neighbors an opportunity to come and speak on any reasons they may have for not wanting it permitted in their area. It also gives some degree of protection to those surrounding landowners and neighbors as it includes making sure that those solar farms are bonded so they don't just get abandoned.

Commissioner Wathen: The conditional use permit process requires both a solar farm design plan as well as a decommissioning plan (total removal of solar farm) for when the solar farm is no longer wanted.

Judge Mattingly: Because we are seeing other communities dealing with these problems, we are getting ahead of the game and trying to make sure they don't happen here.

**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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No Public Comments were received.

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Comments by Daviess County Fiscal Court:

Commissioner Castlen congratulated the Apollo High School Dance Team for winning a National title.

Commissioner Koger requested that the April 7<sup>th</sup> court meeting be rescheduled as that week is KEA week and he will be out of town. It was suggested that meeting be rescheduled for either April 11<sup>th</sup> or 12<sup>th</sup>. Judge Mattingly will have the members of the court check their calendars to see if either of the two dates will work and if so, the meeting will be rescheduled.

Commissioner Wathen reminded all of the free paper shredding event at the SportsCenter on April 1<sup>st</sup>.

Judge Mattingly Congratulated Dees Diner for winning the iconic Best Burger award during the annual Burger Week. He also reminded all that day light savings time ends this Sunday.

Judge Mattingly reminded everyone that court meetings are open by reservation and encouraged people to reserve a seat at the next meeting. He hopes that by mid-April, COVID numbers will be low enough, at least in the yellow, to re-open court meetings to the room's full capacity.

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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 March 22, 2022.



Jennifer Warren  
Daviess County Fiscal Court Clerk