

**Minutes of the April 21, 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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The meeting opened in Prayer and the Pledge of Allegiance to the Flag.

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The court Proclaimed April 2022 as Fair Housing Month.

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Kentucky Transportation Cabinet (KYTC) presented the Rural Secondary Program Recommendations.

Engineer Matt West of KYTC: I am the Branch Manager for Project Delivery and Preservation in Branch II of KYTC District II. I've Scott Phelps here with me. He's a Section Supervisor Transportation Engineer in our Owensboro section, which covers Daviess County. He manages our payment programs out of that office. He's going to present our projects for this year and then after that, I'll come back up and answer any questions you all have related to KYTC and Daviess County.

Mr. Phelps: I just want to say that I understand that this will probably be the last time that we're coming before you and just want to say congratulations. Funding is the same as last year. With this being a budget year, we did not yet have the budget numbers. Note, as reflected is a 10% reduction due to COVID. I'm hoping those funds are coming back this year, but I just don't have the numbers to say that for sure, so I left them the same, which is \$278,000 for Daviess County in flex funds and our funds are \$723,000.

KYTC's recommendations follow:

**Funding:** (Reflects 10% required reduction due to COVID-19 shutdown)

Flex Funds (20%):       \$278,262

KYTC Funds:             \$723,360

**Recommendation:**

<u>KY 1554 Asphalt Resurface</u>	<u>KY 456 Asphalt Resurface</u>	<u>KY 500 Asphalt Resurface</u>
Audubon Parkway to US 60	KY 56-KY 500	KY 56-End
Mile points: 0.795-5.769	Mile points: 0.00-3.392	Mile points: 0.00-3.18
AADT: 598	AADT: 1255	AADT: 4702
Estimate: \$373,000	Estimate: \$254,000	Estimate: \$238,000

Commissioner Koger: With the increase in fuel costs, do you think all of these are still doable?

Mr. Phelps: It might be a little bit of a stretch, but two of those roads are narrow. Highways 456 and 500 are not very wide. Highway 1554 is a little bit wider, but we're going to have to see how that plays out. I may have to beg for some additional funds, but we can try.

Judge Mattingly: Flex funds are the 20% of the funds that are dedicated to Rural and Secondary Roads. How am I to be assured that you'll do the roads that you are here recommending when you haven't done several that we have been waiting on such as Hwy 815? And we're supposed to get shoulders there. I don't know how you're going to put shoulders on Hwy 815 when one side has a ditch too close and water coming out of a seeping coal mine. Highway 764, we're still waiting on that from last year.

Mr. Phelps: I have to admit. I have egg on my face on that one. What I thought was going to be a simple project turned into a nightmare - going back and forth with Frankfort over what they wanted. It is still in the works. It's going to happen. It's just a matter of designing the culvert extensions on that. Frankfort did not want to use my idea. They want it to be designed and as soon as I can get that design out of them I can request funding to be sent out to an engineering firm, but they take funds away for that, so I'm waiting on our designers to give me those designs.

Judge Mattingly: My concern is at the time that we had money to do those, oil was at \$50 a barrel and now it's a \$100 a barrel and you have a lot of oil in asphalt. Is the state going to give you extra money to complete those roads?

Mr. Phelps: We're still talking to them about doing those roads. Like I said, we are still going back and forth with the design people. The projects have not been killed. They're still in the process.

Judge Mattingly: Regarding drainage, because nothing has happened, Hwy 81, right across from Wayne Bridge Road, near Roman Meadows, that's the road that drains water away from Roman Meadows and they've got a lot of backyards that are flooding, which needs to be ditched out.

Mr. Phelps: We've a project in the works for highway safety improvement and it includes some ditch work, but I'm not sure if it covers that portion.

Judge Mattingly: I don't want to wait. I don't want to see you guys wait because we reported a blockage in a bridge on Reid Road several years ago and even offered to take it out ourselves because it was going to rain really hard. It lost the bridge and it caused a lot of problems for the citizens who had to use Reid Road. Now we've Roman Meadows, and a lot of people live in that subdivision, and they've already got water standing in their backyards. I've got a bunch of folks in Brownwood Manor who think that we don't know what we're doing because they've got water from seeping hillsides under their crawl spaces - only been there for 50 years - and you don't have a thing to do with it, but I'm just using the two to show what can happen.

Mr. Phelps: What's the nearest crossroad?

County Engineer: Wayne Bridge Road.

Judge Mattingly: It's an intersection, not a crossroad. It is very frustrating when you report things and it takes forever. And COVID, I understand COVID. Everybody understands COVID, but it really bothers me that there is a reduction in road money due to COVID. If you follow the general assembly lately, they, and I understand none of the money used on roads comes out of the general fund, but the general fund is

through the roof. You would expect that the road fund would see some increase or something, but maybe I'm wrong.

Commissioner Castlen: I'm just curious on those two roads you mentioned. Why haven't they been done? What is the hold up?

Judge Mattingly: It's KYTC. We're not putting any money into it and these are Rural and Secondary State roads and they were on the list. It's not us holding it up because we passed a resolution saying we agree with you. I have to look at these gentlemen. All we can do is tell them, and you take it back, and I'm sure they'll take it back, but it's frustrating sometimes. And we have to then turn around and deal with citizens. Lots of times they don't even realize that these are state roads under the purview of the state and not the county. That's the holdup.

Commissioner Wathen: Do you get a lot of calls about Frederica Street? I was wondering how that was coming along.

Mr. West: Yes, we get them and that's a major primary road and it falls under a different pavement management program than the Rural secondary and it's got a lot of different rules we have to follow. However, I've asked for the past four years to get that road bumped up. This year, we have gotten it bumped up to like #7. We should have funding for the top 12, based off of current prices.

Judge Mattingly: I was talking to representative D.J. Johnson the other day as a matter of fact some people were beating the county up over Frederica Street as a result of conversation going on about Brownwood Manor. D.J. said money is there and it will get done this year. The issue is the underlying bed with all the water. There's water under everything out there. Any project that was ever done has to be dewatered. There's not proper drainage under that road and it will continue to erode. If you think repaving it then it will last 15 to 20 years.

Mr. West: It's a longer-term fix on us going out and continuously potholing it every day. It has been put on a rehab list for complete payment rehabilitation. However, there hasn't been funding for that and that's been kind of the argument with the FD05 program. They didn't want to pave it because of the base failures and suffering.

Judge Mattingly: But they are going to use a process where they will double the amount of fiber they normally use.

Mr. West: That should help and prolong the life of it.

Commissioner Castlen: I'm eager to see. Denitra mention that in our last TAC meeting. She said they were going to repave it or resurface it and I asked her if they were going to fix the base and she said no, but they were going to do what the Judge just said.

Mr. West: We plan to just put an overlay. It has 4 inches of asphalt on it now and we are going to add another inch and a half to that.

Commissioner Castlen: Is Frederica Street the worst street in the district?

Mr. West: Probably.

Judge Mattingly: I would be remiss if i didn't beat on him about Hwy 298 just past the Hillcrest Subdivision. In the curve on the west side of that road, a ditch that just holds water forever and it's a roadside ditch, but you guys can't seem to get out there.

County Engineer Brasher: I think we visited that ditch three or four years ago.

Mr. West: We will go look at that and the Hwy 81 issue next week.

Judge Mattingly: Lastly, did you know about the on-ramp off of Carter Road heading west on US 60?

Mr. Brasher: I emailed Scott about that today.

Mr. West: We will also take a look at that area.

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The Daviess County Extension District's FY 2022/2023 Budget was presented.

Judge Mattingly: Their tax rate did not go up. They do a heck of a job for their nine tenths of one cent tax rate. They are spending within their revenue stream.

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County Treasurer Jim Hendrix presented the Treasurer's Report for March 2022.

Treasurer Hendrix: I received a notice today that the second tranche of the ARPA funding should be available in the next month so they'll contact me when it's time for me to go into the system to make that last transfer happen.

*\*See comments below.*

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By a motion of Commissioner Koger, seconded by Commissioner Castlen, the court considered for approval; Minutes of the April 11, 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 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 Koger, seconded by Commissioner Wathen, the court considered for approval; Fund Transfers.

Treasurer Hendrix: We come for permission to transfer \$220,000 from the General Fund to the Bond Fund for the Convention Center and \$245,406 from the Solid Waste Operating Fund and take \$204,665 to the Closure Fund and \$400,741 to the Post-Closure Fund. These fund transfers are normal, budgeted items. I request approval.

\*Judge Mattingly: On your financial report that you just did, the Closure and Post-Closure Funds - they carry pretty hefty balances because we can't touch them. They're dedicated for a specific purpose.

Treasurer Hendrix: That is correct. The money is escrowed. There's \$8 million for the point in time when we walk away from the landfill and close it. The money's there to make sure it gets closed and then to maintain it after that.

Commissioner Castlen: Does the state have a cap that we don't have to go above?

Treasurer Hendrix: There's a calculation that's looked at from time to time. They have a factor that looks at where you are at any point in time versus how much space you have left. In fact, last time, David asked for a review about eight or nine years ago and that's when we dropped it. The rates were like \$2 and \$1 and then we're doing \$1.25.

**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; Rural Secondary Program as previously recommended.

Judge Mattingly: Commissioners you just heard the recommendations.

**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 10-2022** - Subdivision Street Lighting District for Woodland Ridge, Unit 9.

Assistant County Treasurer Jordan Johnson: This resolution was presented to the court on March 22, 2022 for this particular unit of Woodland Ridge. However, Kenegy has since altered where the lights will be installed and this changes their application, meaning the court needs to pass a new resolution to set the proper lighting district. This will work the same as all the lighting districts with collective meter costs allocated equally among all parcels within that district. Legal and myself have reviewed it. It's in order. I recommend approval.

**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; Contract with Conexon, LLC for Fiber Broadband Expansion Services.

Judge Mattingly: It took us a long time to get here. David, what I would like for you to do is talk to us about questions long ago when we were all concerned and talking about this. Bring us up until last year and then I'm going to ask Jordan to explain the bid process - what we did when we went through it and then I've got a few comments I want to make.

David Smith: Back in March 2021, is when the American Rescue Plan Act passed and in that broadband was a specifically allowed use. A couple of months later, they came out with their interim final rule and in June, the Treasury Department said that you could take a holistic approach, meaning you could use the money to serve not just unserved areas, but you could actually spend it anywhere to provide broadband. With that, you all directed staff to look into doing an RFP for the entire county. We reached out to Boone County and Warren County, which had already done the RFP processes. We contacted OMU and confirmed that they were going to extend broadband outside the city limits to non-city residents who are in their territory. At that point, Mr. Johnson, using the data we got from other places along with talking with our staff including IT and Engineer Brasher, put out an RFP in September, which asks for the required subsidy to develop a plan to serve everyone. In November, we interviewed finalists and in December, you all had named Conexon as the preferred provider.

Judge Mattingly: Let's go back. What do rural residents do in this county for broadband?

Mr. Smith: Some areas are served by Spectrum Cable, which provides about a 100 meg service in areas close to the city and less as they get further out. Then the county had invested \$300,000 in Connect GRADD about 15 years ago, which is a wireless system based on 900 megahertz which, when streaming started, could supposedly do about one megabyte, which was a big difference compared to dial-up, but unfortunately, it doesn't handle streaming and once the water districts and Kenergy went to a 900 megahertz wireless meter system, you started getting interference limiting its usefulness.

Judge Mattingly: We finally were able to get Kenergy and Connect GRADD and engineers for the equipment together to talk and they changed the way they would download the updates to Kenergy's wireless meter reading system. Atmos Energy and all of the utility fields started going to that. It wasn't working as well as we would like. Even though Connect GRADD wasn't the best, former OCTC employee Jason Simon was able to obtain his BA degree online using Connect GRADD as his internet provider. Fast forward to the pandemic and tell us what the court did to relieve and remediate some of those issues.

Mr. Smith: When the pandemic hit, the court went out and purchased about 10 wireless cellular signal Wi-Fi's and placed them at all the fire stations. Some of them have better wireless cellular coverage than others, but they are all getting used actually pretty extensively, with the most popular one at Pleasant Ridge.

Judge Mattingly: I heard citizens come and tell us that they were being quoted \$50,000 to run a line to their homes. When you're talking about a rural community, as you get further and further from the urban suburban areas, it becomes unprofitable for private providers to serve those areas.

Assistant County Treasurer Jordan Johnson: What we went through as Mr. Smith said, in December 2021, fiscal court selected Conexon as our successful respondent. In January of 2022, Morley and Associates was selected as the consultant firm to prepare and negotiate our contract. Negotiations spanned through

February with the final agreement completed in March and signed by Conexon on April 1, 2022. In this contract, the county will provide \$10 million of ARPA funds for Conexon to make available fiber internet service to 100% of Kenergy's electorate membership that falls outside the service area of OMU in Daviess County, Kentucky. The project will be completed within 18 months and paid out on a percentage of completion basis. The project area encompasses roughly 15,000 to 20,000 household and business locations.

Judge Mattingly: Claud reviewed the contract and Jordan, I heard you say that we had a consultant regarding preparing the contract. We don't know anything about internet or broadband so we had somebody do that. One of the things that this court got beat up on was that when a certain purveyor was trying to provide internet to folks, they were going to provide it in like six stages, but there was no guarantee that those final three stages, which were the more rural of our citizens (the less dense in population) would get served and I opposed it because this court wanted every citizen in Daviess County who wanted broadband to have it available to them. I want to personally thank Commissioners Castlen, Wathen, and Koger for their perseverance and push to make sure that this went through, that we were able to do it. I know that you hear all kinds of campaign political promises and pledges that we're going to bring broadband. Well, may be one of those promises can be taken off the table because this commission is in the process of bringing broadband to 100% of the people in Daviess County and you guys are instrumental in doing it. I also want to thank Senator McConnell and Representative Guthrie because they encouraged us from the very beginning to take ARPA money and spend it where it would have a huge impact on the community. Short of what Commissioner Wathen said several years ago regarding OCTC phase two, we'll never know the impact that that has had on our community. I guarantee it. We will never know or understand the impact that having available, affordable broadband will have on the citizens in our community. I thank our staff and everyone who had anything to do with it. I want to thank everybody for their support and in persevering on getting this done. It's a really big deal for our community, particularly those in the rural community. I don't know how many calls I've gotten from people who want to locate here but they were all concerned they couldn't get enough bandwidth to work from home. Telehealth is going to be extremely important going forward with this. You now have people who don't have to worry about going directly to the doctor as they can dial them up. Homeschooling, you know hopefully we don't have issues with the pandemic anymore, but homeschooling, if we'd have had this two years ago, it would have been much easier on parents and kids. It's really a big deal.

Commissioner Castlen: I'm very pleased that this day has come. I had a lady reach out to me a few times over the past couple of months saying that their service provider had suffered some damage, I want to say back in December, when the Mayfield tornado hit, so they've been without. They've been very frustrated and I told her that this is coming and I gave her a date that I thought we were going to be voting on it and then she sent me a note and said, hey, you didn't vote on it like you said. I said no, it's coming this day. So, I'm just very pleased that this day has come.

Commissioner Wathen: I'm glad to see it happen. It's going to have a major impact on a lot of lives and I'm glad we could pull it off.

Commissioner Koger: I'm glad that we had the extra funds to be able to do this because without those funds it would probably be delayed longer.

Judge Mattingly: We'd still be looking. Now, there is a company that's talking about doing it throughout our area, but there again, they're going to do it to the most dense parts of the county and there is no guarantee that everybody gets it. Jordan, what's going to happen at our next meeting.

Mr. Johnson: Conexon will be available to attend our next court meeting, which will be May 5<sup>th</sup>, and they'll give a presentation on project steps, scope, timeline, and cost. This presentation will be streamed online and recorded so it will be available to anybody who has any questions.

Judge Mattingly: Jordan Rowe, I want to make sure we live streamed that meeting and we take questions that people would have. The courtroom is open for anybody who wants to come. One of the good things about Conexon it that they are ready. They have the fiber on hand. They have the labor to install it. The reason we moved so quickly is that we didn't want to be 5<sup>th</sup> in line. We want to be 1<sup>st</sup> in line so that we know that they can meet our timeline. Now, there are going to be some people out there, I guarantee you, who ask, well you just spent \$10 million to subsidize some private company to put broadband into Daviess County. And yes, we did, and we did it to make sure that those people that lived down at the end of a lane or a gravel road would have the same access that everybody has. The good news is it's not direct tax dollars out of your pocket, it's ARPA funds, and I think this probably meets the guidelines that this is one of the best projects that we will do that will meet all of the ARPA guidelines.

Commissioner Castlen: And it's not unlike what we did with the water when we first became county elected officials - to try to get potable water to the far ends of those who were not being served. I would argue that it's not much different than back when electricity was first being spread around the country.

Judge Mattingly: And folks benefitting will all have skin in the game. They're going to pay the fees.

**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; Award **Bid No. 27-2022**: Six (6) New Wireless Controlled Scoreboards to Varsity Scoreboards.

Mr. Johnson: This bid is for the provision of six new wireless controlled scoreboards for all six fields at Panther Creek Park. We received two bids ranging from \$23,179.50 to \$26,578.38. I recommend award to the lowest and best evaluated bid submitted by Varsity Scoreboards for the six 2022 vs 3385 Fords for \$23,179.50. This replacement will be expensed from the budgeted Parks maintenance funds. There were no exceptions to our specifications and I recommend approval.

**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; Appoint Leah Christian (Angela Clark S1T) [#8.2022](#) to the PVA Assessment Appeals Board; 3-Yr. Term Eff. 5/3/22.

**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; Accept the Retirement Resignation of Senior Heavy Equipment Operator Tim Cecil (23-years) eff. April 30, 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; Accept the Retirement Resignation of EMA Planner Vicky Conner (21-years) eff. April 30, 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; Promote Michael Reed to Service Technician eff. April 18, 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 Castlen, seconded by Commissioner Wathen, the court considered for approval; Hire James Jackson as Service Technician 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 Wathen, the court considered for approval; **Second Reading KOC A.100.05 (2022) 06-2022** - Budget Amendment #5.

Comments:

Treasurer Hendrix: We're basically serving as a flow through for this federal CDBG grant. This budget amendment is for \$1 million and is going to OASIS Domestic Violence Shelter to help them purchase property. I recommend approval.

**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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Judge Mattingly presented the following First Quarter Employee Anniversaries:

- Steve Wilkerson-Building and Grounds- 15 years
- Thomas O’Hearn-Building and Grounds- 10 years
- Jeff King- Road Inspector- 5 years

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**Comments:**

Judge Mattingly: Last Tuesday, we had a petition to rename a section of Old 144 to Nanny Belle Loop. The signs are up and it is now officially renamed.

Judge Mattingly: I continue to hear from folks who are upset that KYTC moved the DMV, where you get your driver's license and Real ID, out to our Operations Center on Highway 81. They're upset with the city and the county. Let me assure you that the city and county does not operate that bureau. That's operated through KYTC. And for those who don't understand, when the Circuit Court Clerks, meaning the clerks that ran the licensing bureau, not just our clerk, decided that they didn't want to run Real ID and driver's licenses, KYTC took over that role. KYTC, in their infinite wisdom, decided they were going to have regional offices and were going to put them in 12 Kentucky counties. Originally, the regional office closest to Daviess County would be located in Madisonville. The Commissioners and I didn't like that very much. I worked with Secretary Jim Gray and he was able to switch that location from Madisonville to Daviess County. He asked for our help finding a proper location. They were shown numerous locations, including 2 downtown Owensboro locations, but ultimately decided to locate this regional office at the Hwy 81 Operations Center. We understand that that office is the busiest in the Commonwealth. I know it's a pain for some folks to have to go out there, but it's always been a pain for some folks to come downtown. However, would it have been more of a pain to drive the 40 miles to Madisonville to get your driver's license and Real ID or to drive a mile down Hwy 81? Because that was the choice. I agree with some of the things that I've heard, but I also talked with St. Benedicts Homeless Shelter Executive Director Harry Pedigo and they have a van and take their folks out there. I guarantee you that we have churches that would provide transportation. GRITS will provide transportation. I keep hearing that the city and the county ought to provide bus routes out there. Well, it's outside of the city and the city bus routes do not go outside of the city, but there are plenty of opportunities for transportation.

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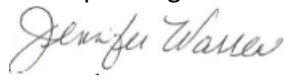
Without objection, Judge/Executive Mattingly adjourned the meeting.

**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 May 5, 2022.



Jennifer Warren  
Daviess County Fiscal Court Clerk