

**Minutes of the June 2, 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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By a motion of Commissioner Koger, seconded by Commissioner Castlen, the court considered for approval; Minutes of the May 19, 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 Castlen, seconded by Commissioner Wathen, the court considered for approval; Budget Transfers for the Fiscal Year Ending June 30, 2022.

County Treasurer Jim Hendrix: Each year, we have to go through this exercise because under our fund accounting rules, we cannot end the year with a budget line item where the actual exceeds the budgeted amount. Obviously, you can't budget exactly. Some will be over and some will be under, but for all the ones that are over, we have to make these adjustments. These budget transfers I have reviewed. They're normal. They're either offset by revenue, offset by another expense, or were approved by the court. It's also important to note that a budget amendment adds to the total of the budget, but budget transfers do not add to the total, they're just to move money between funds. I'm requesting your authority to make the following budget transfers \$2,469,250 in the General Fund. I would note that about 60% of that is due to two items. First, is a round-robin where we've sent the IRS a \$550,000 check twice and they keep sending it back. We've now got that resolved, but I can't net them so it shows up as additional expense when it really wasn't. Second, because when we budgeted last year, trying to budget how quick the hotels would come out of COVID, we under budgeted that. They did a lot better so the transfers to the Convention and Visitor's Bureau (CVB) and to the City of Owensboro for the 1% that we gave them for the operations for the Convention Center are a lot higher than we budgeted. That speaks to over about 60% of that number. Also, in the Road Department's \$82,000, Jail Fund \$226,500, Construction Fund \$200,000, and the Solid Waste Funds \$1,716,000. I request your approval.

Judge Mattingly: It is a good thing that the hotel/motel tax is coming back because that helps offset the operational loss that the city has at the Convention Center and it gives the CVB more money to do their programming. I would like to point out the jail where we have \$160,000 in overtime wages simply because

all of the overtime that Jailer Maglinger and the folks that he has are working all the time - it's hard to find people.

Treasurer Hendrix: If you notice, that's offset primarily in the full-time employment, so if they couldn't get full-time employees, they'd have to work part-time. It's really offset by the normal wages anyway.

Judge Mattingly: The other thing was in the solid waste construction fund, we didn't anticipate starting that cell so quickly and didn't have that in the budget necessarily.

Treasurer Hendrix: We had enough total, just not per line item.

**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; Regarding the EDCWA Grant Project:

- **Resolution 14-2022**
- Accept Project Grant
- Certificate of Recording Officer
- Opinion of Legal Counsel
- Clear Site Certificate – Grantee
- Clear Site Certificate – Legal Counsel
- Accounting Certification

David Smith: This is part of Senate Bill 36, which was passed 2-years ago and it was the state dealing with the ARPA money that came from the federal government. They set aside \$250 million for water and wastewater projects. Daviess County got a share of \$3.7 million. The Judge met with local utility providers last summer and we submitted that to the state. The money is being done through the Kentucky Infrastructure Authority (KIA) and because of that, the East Daviess County Water Association as a cooperative is not allowed to get money from the KIA so Daviess County Fiscal Court has to get money and then pass it through to them. Other entities restricted from receiving KIA funds include the City of Owensboro, RWRA, other local water districts, and the City of Whitesville. This project is about \$850,000 and is to put six-inch water line down Short Station Road from Knottsville to Jack Hinton Road and then go from that point up Jack Hinton Road back to Philpot. As you all know, Strand is nearing completion of their court directed water study. The court would like to see ARPA funds utilized for water line extensions to increase fire protection and you need to have six-inch water lines for fire protection. This is a fast growing area so we feel pretty confident that Strand will say that this is a good place to invest, but we needed to spend the money now before we get their report.

Judge Mattingly: David my understanding is that there is going to be another \$250 million +/- round.

Mr. Smith: Yes, this last budget that was approved included another \$250 million with the same distribution based on population so we should be getting about another \$3.7 million. The process will be slightly different. We will be meeting sometime this summer to decide how to divvy up the money, once

we get the exact totals. Instead of it going through the DLG, the general assembly will actually line item the money.

Commissioner Wathen: The water line study we're doing, when will it be completed?

Mr. Smith: They are nearing completion. They have the models built and are currently testing them.

Commissioner Wathen: Those two things will be related right - the money and the study?

Mr. Smith: When we meet this summer, we will already have the Strand study in our hands. We will know the most effective way to spend that money when it comes to increasing fire hydrants in the county.

Judge Mattingly: This shows the importance of doing the studies - having them in hand and being prepared because if we didn't have this study before this money became available they're going to pass us on by and go to somebody else.

Mr. Smith: This Strand plan, if you recall, is going to provide us a 10 to 20-year long-term look at how to provide this so this is not something that we have to get all the money right now to extend these fire hydrants through the community.

Commissioner Wathen: My understanding is it's going to show us if we make any improvements how it all needs to interrelate.

**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; Amend the Daviess County Detention Center's Inmate Telecommunications General Service Agreement.

Assistant County Treasurer Jordan Johnson: This amendment is to our current inmate phone service agreement for the detention center. It extends the existing contract to January 10, 2027. Under the same terms and conditions, the vendor has agreed to continue our annual technology grant as well. Jailer Maglinger, legal, and myself have reviewed it and we found no issues. It is in order and I would 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; Contract with MMLK Government Solutions.

David Smith: This is a contract renewal with the same terms - 3, 1-year terms at \$4,000 per month.

**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; Contract with Stuart Snow to provide a Supervised Public Fireworks Display.

Judge Mattingly: This is the same contract we've had for many years. They will provide a fireworks display on Labor Day.

**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; Waste Tire Application Grant Agreement.

David Smith: This is not the large Waste Tire Amnesty event we often do. This is an annual grant we apply for, which allows us funds to dispose of small illegal roadside tire dumpsites and other like refuse tires. The grant is for \$4,000.

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

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By a motion of Commissioner Wathen, seconded by Commissioner Castlen, the court considered for approval; **Award RFQ 35-2022**: Ceiling Mounted LED Surgery Lights to MWI Animal Health for \$10,241.01.

Assistant County Treasurer Jordan Johnson: Daviess County Fiscal Court received three (3) responsive quotes for three (3) MI 1000 LED ceiling mounted surgery lights for the Daviess County Spay/Neuter Clinic. MWI Animal Health 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 MWI Animal Health in the amount of \$10,241.01.

**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; **Award** the following Annual Bids as recommended:

Assistant County Treasurer Jordan Johnson:

**No. 19-2022**: Janitorial Services for the Morton J. Holbrook Judicial Center

Daviess County Fiscal Court received five (5) bids for the provision of janitorial services for the Morton J. Holbrook Judicial Center. EPIC Systems, Inc. is the lowest and best evaluated bid, having no exceptions to the bid specifications. This expense is reimbursed by the Administrative Office of the Courts, we have used this vendor in the past with no issues. It is our recommendation to award Bid No. 19-2022 to EPIC Systems,

Inc. for the respective schedule of rates for the contract period extending from July 1, 2022 to June 30, 2023.

**No. 20-2022: Concrete Crushing Services**

Daviess County Fiscal Court received two (2) bids for the provision of concrete crushing services at the Grimes Avenue Transfer Station and West Daviess County Landfill. Complete Demolition Services is the lowest and best evaluated, having no exceptions to the bid specifications. It is our recommendation to award Bid No. 20-2022 to Complete Demolition Services for \$6.57 per ton. The increase over the current rate is within the expected range, we have used this vendor in the past with no issues, there were no exceptions, and I would recommend approval.

Commissioner Wathen: Why is there such a price increase from the prior year?

Assistant County Treasurer Johnson: It was based entirely on fuel prices.

**No. 22-2022: Coated Corrugated Culvert Pipe**

Daviess County Fiscal Court received two (2) bids for the provision of coated corrugated culvert pipe for the Daviess County Road Department. Metal Culverts is the lowest and best evaluated bid, having no exceptions to the bid specifications. It is our recommendation to award Bid No. 22-2022 to Metal Culverts for the respective schedule of rates. The increase over the current rate is within the expected range after reviewing the State's pricing, we have used this vendor in the past with no issues, there were no exceptions, and I would recommend approval.

**No. 24-2022: Janitorial Services for County Administrative Facilities**

Daviess County Fiscal Court received five (5) bids for the provision of janitorial services for County administrative facilities. EPIC Systems, Inc. is the lowest and best evaluated bid, having no exceptions to the bid specifications. It is our recommendation to award Bid No. 24-2022 to EPIC Systems in the amount of \$7,204.88 per month. The increase over the current rate is within the expected range, we have used this vendor in the past with no issues, there were no exceptions, and I would recommend approval.

**No. 30-2022: Wood Grinding Services**

Daviess County Fiscal Court received three (3) bids for the provision of wood grinding and disposal services at the Grimes Avenue Transfer Station and West Daviess County Landfill. O'Bryan Grain Farms is the lowest and best evaluated bid, having no exceptions to the bid specifications. It is our recommendation to award Bid No. 30-2022 to O'Bryan Grain Farms in the amount of \$22.44 per ton. The increase over the current rate is within the expected range, we have used this vendor in the past with no issues, there were no exceptions, and I would recommend approval.

**No. 32-2022: Fire Rescue Uniforms**

Daviess County Fiscal Court received one (1) bid for the provision of fire rescue uniforms. We recommend award to the only bid received by Siegel's Uniforms for the presented schedule of rates. There was an exception on guaranteed delivery that was ruled as minor, Chief Smith sees no issue with the exception or pricing, and I would 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; **Renew** the following Annual Bids as recommended:

Assistant County Treasurer Jordan Johnson:

**No. 08-2020.2: Pavement Striping**

The vendor, Reynolds Sealing and Striping (2<sup>nd</sup> Renewal), has signed and submitted a renewal form acknowledging that they wish to extend all aspects of the specifications and bid requirements as previously agreed upon without reservation or alteration for an additional contract term. The terms, conditions and pricing in their respective bid contract shall remain the same. It is our recommendation that Daviess County Fiscal Court renew this bid for an additional contract term extending from July 1, 2022 to June 30, 2023.

**No. 13-2021.1: Tire Repair & Maintenance Services**

The vendor, Best One Tire (1<sup>st</sup> Renewal), has signed and submitted a renewal form acknowledging that they wish to extend all aspects of the specifications and bid requirements as previously agreed upon without reservation or alteration for an additional contract term. The terms, conditions and pricing in their respective bid contract shall remain the same. It is our recommendation that Daviess County Fiscal Court renew this bid for an additional contract term extending from July 1, 2022 to June 30, 2023.

**No. 14-2020.2: County Uniforms**

The vendor, Unifirst (2<sup>nd</sup> Renewal), has signed and submitted a renewal form acknowledging that they wish to extend all aspects of the specifications and bid requirements as previously agreed upon without reservation or alteration for an additional contract term. The terms, conditions and pricing in their respective bid contract shall remain the same. It is our recommendation that Daviess County Fiscal Court renew this bid for an additional contract term extending from July 1, 2022 to June 30, 2023.

**No. 15-2019.3: Bulk Delivered Fuel**

The vendor, Valor Oil (3<sup>rd</sup> Renewal), has signed and submitted a renewal form acknowledging that they wish to extend all aspects of the specifications and bid requirements as previously agreed upon without reservation or alteration for an additional contract term. The terms, conditions and pricing in their respective bid contract shall remain the same (bid rates are a mark-up per gallon on top of the Owensboro rack price for fuel). It is our recommendation that Daviess County Fiscal Court renew this bid for an additional contract term extending from July 1, 2022 to June 30, 2023.

**No. 16-2019.3: Recycling Services**

The vendor, Dahl & Groezinger (3<sup>rd</sup> Renewal), has signed and submitted a renewal form acknowledging that they wish to extend all aspects of the specifications and bid requirements as previously agreed upon without reservation or alteration for an additional contract term. The terms, conditions and pricing in their respective bid contract shall remain the same (bid rates are deduction registers from the Chicago Metal Market Consumer Bundle #2 rate). It is our recommendation that Daviess County Fiscal Court renew this bid for an additional contract term extending from July 1, 2022 to June 30, 2023.

**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; **Reject (Annual) Bid No. 21-2022: Ready-Mix Concrete.**

Assistant County Treasurer Jordan Johnson: This bid is for the provision of ready-mix concrete for the Daviess County Road Department. We received one bid that had pricing and exceptions outside the range of what we would consider acceptable. We recommend rejecting all bids, allowing the Road Department to quote concrete supply based on lowest price and availability for fiscal year 2023 given the current material supply chain issues. Road Department management projects no impact on operations since most orders are less than \$1,500 per job. I would recommend rejection.

County Engineer Brasher: We use quite a bit of concrete, but in small quantities and with the current state of concrete across Kentucky, it's more of an issue of when we can get 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 Koger, seconded by Commissioner Castlen, the court considered for approval; Surety Bond Release for Deer Valley Section 4, Unit 3.

County Engineer Brasher: The developer has requested the release of surety for Deer Valley Section 4, Unit 3. My office has inspected those improvements and I do 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 Castlen, the court considered for approval; Hire David Lopez as Road Department Heavy Equipment Operator Eff. June 13, 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 Wathen, seconded by Commissioner Castlen, the court considered for approval; **Second Reading of KOC A.102 (2022) 07-2022** – Fiscal Year 2023 Annual Budget.

County Treasurer Hendrix: Before I read the ordinance, the comments would be that the budget assumptions assume no new taxes, no new debt, and no tax increases. Also, in the fourth year of your term, the fiscal court is limited to a 65% rule, which states that this court may neither encumber nor expend more than 65% of any fund. There are a few adjustments to that such as bond payments, but that's the rule. However, from time to time, funds don't lend themselves to that and you can ask for an exemption. I've requested from DLG that they exempt two funds from that 65% limit and that request was granted. The Solid Waste Construction fund doesn't lend to that because the majority of that fund expense is to install the liner. We can't split that liner into ratios. It has to be replaced and waiting until January really pushes the capacity limit and it could be harmful. There's no reason to wait, so they

exempted that fund. We were also granted an exemption regarding the ARPA fund - the federal rules place no such limit on those funds. This court is entitled to encumber all, in fact has already done, which I pointed out, so they reviewed it and agreed that the ARPA fund can be exempt too. With that, the Budget Ordinance (having appropriations and revenues of the same amount) equals \$121,700,021 and is made up of the following funds:

General Fund: \$49,691,163	Road Fund: \$6,633,713	Jail Fund: \$10,157,695
LGEA Fund: \$841,000	Bond Fund: \$5,431,550	Total Solid Waste Funds: \$27,450,900
Economic Development Fund: \$1,344,000	American Rescue Plan Act Fund: \$19,900,000	
New County Clerk Permanent Storage Fund: \$250,000		

Judge Mattingly: I think it's a very good and balanced budget. It leaves money in the bank for the next year's fiscal court and we still have money available to pay our bills on time. You know, we're paving roads and doing the things that we're supposed to be doing as a county government.

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

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

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Public Comments:

Kentucky State Senator-Elect Gary Boswell: I'm here to talk about the confederate soldier statue tonight. You know, we have a problem in this country. People are literally afraid to speak out on some issues, but I'm not afraid to speak out. I don't have a business, so nobody can hurt my business. I don't have an opponent in my race for State Senate, so I don't worry about somebody having to vote against me. I'm not afraid of physical threats. I'm for the truth. I have a statement and a few questions. I believe that the decision to remove the confederate statue was against about 70% of the people in Daviess County. After talking to a number of veterans, I believe they are by far a large majority who were opposed to the statue's removal. I understand that the decision was made earlier to remove the statue, but the statue was under injunction and appeal. If I understand that correctly, the decision to actually remove the statue was made based on a technicality that a bond was not filed. When the statute was removed the other morning, were the three commissioners aware that the statue was going to be removed that morning? When the original vote to remove the statute was made, (I understand it was unanimous, I was watching the meeting) was the vote to remove the statue, particularly from Mr. Castlen and Mr. Wathen, was your vote contingent upon the committee finding a suitable place to place the statue? I'd like to make a comment. I was a County Commissioner from 1990 to 1999. We had been insured with the EM Ford Insurance and I was the one responsible for having that moved from EM Ford to KACo. At that time, we went to a blanket policy, which we listed all the county assets on the policy. During that time, I was in charge of the county's insurance. It has been told that the county insured the statue, but, during that time, it was never a part of the county's insurance policy. That is point #1. I'm making a public request today for a record that indicates that there was specific coverage on the statue that has been asserted. Point #2 – Maintenance. I believe, in 1991, there was discussion among the court about the ownership of the statue. It was clear to us then that we, the county, did not own the state. The statue was getting in poor of disrepair and Doug Brantley, a local citizen brought a crew in and had it repaired without cost

to the county. My primary interest in being here today is for the truth. I don't have a specific interest in the statute although I thought it was a great piece of art and never meant to be a symbol of racism. I'm very disappointed that it was moved.

Judge Mattingly: Claud, let's go backwards. I think all those questions he asked were answered in court.

County Attorney Porter: Yes, Judge.

Judge Mattingly: All were answered in court. If you want to get a copy of the transcript then contact Claud's office and they'll be happy to answer it. Jordan tell me about the insurance. That again was answered in court because that was a piece of the evidence.

County Attorney Porter: We provided copies of policies.

Judge Mattingly: ...as well as statements by KACo saying that it was covered.

Assistant County Treasurer Johnson: We have our buildings, vehicles, equipment, watercraft, works of art, wherever they are – interior/exterior are covered by a blanket policy by KACo and we did confirm that the statue was part of that.

Judge Mattingly: Claud, the appeal?

County Attorney Porter: Provisions under the civil rules when you file an appeal if you want to keep the order the same as the one that was entered by the court at the time of the appeal then you have to file a supersedious bond that says we want to keep that in and the court has to approve it. That was not filed or approved.

Judge Mattingly: Any attorney worth his salt would have done that.

Attorney Porter: Well, they may not have worried about that. That may not have been a concern.

Judge Mattingly: As far as your first question, the Commissioners were emailed at 5:50 a.m. that I had ordered the... based on the result of a lawsuit and this was in conversation with our County Attorney, based on a lawsuit based on the 4-0 vote by Fiscal Court, 22 months ago, and based on the recommendations of the 5-0 vote by that committee that had been set up to offer us recommendations - nothing was contingent because we never knew whether or not that would pan out.

Commissioner Koger: I'll tell you that I got an email from the Judge and it was around 5:10 a.m. the morning of.

Judge Mattingly: ... and moved it around 7:45 a.m. or 8:00 a.m. because we didn't want to block Frederica Street traffic. Well, Mr. Boswell, you can sit there and laugh all day long, but that doesn't...

Mr. Boswell: We know you moved the statue secretly and the Commissioners were not aware of it until after it was done. And that is the truth.

Judge Mattingly: That is an outright lie. And I will give you a copy of the email that was sent to them.

Commissioner Castlen: The only thing I'll speak to as far as the timeline is that the Judge is right. He sent an email I think the timestamp on my email was about 5:50 a.m. I did not see it myself until about 8:20 a.m. and then the next I heard about it was when I got a text from you (Mr. Boswell) that I obviously misunderstood because you followed up with a more clear email or text and then I called Mark Brasher and asked him when it was removed and he said it was removed before 8 o'clock so to the point of your correspondence with me, the only thing I will confirm is that definitely it was moved before I saw the email, not before AI sent it, but before I saw it.

Judge Mattingly: That's the way we communicate is through email.

Commissioner Wathen: Just like Charlie, I too received the email early that morning, but didn't open it until after the statue was removed.

County Commissioner-Elect Janie Marksberry: I see all those beautiful American flags surrounding our courthouse right now and it just seems a shame to take down the only monument on this property of a soldier who represents a life given to the service of this country. I understand it's been voted on by the court to remove it, but due to the appeal of the recent court ruling and the majority vote to keep it, it seems it could have been left in place until the proceeding was settled. Also understand a citizen has offered to fully fund a statue to represent the point of a union soldier, further pointing to the fact of how divided our country was at this time and it could have been a teachable moment to our youth to not repeat this especially as we witness our country more divided than ever today. That soldier did not have a stance of arrogance or hatred, only of solemn reflection. I would respectfully ask you to reconsider removing the statue.

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Comments by Daviess County Fiscal Court:

Judge Mattingly thanked all local Veteran organizations for putting together and hosting the Memorial Day events.

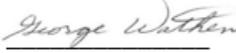
Assistant County Treasurer Johnson: Conexon is in the process of finalizing their preliminary design and engineering work for the initial phases of the project. They are putting the finishing touches on their buildout plan with their subcontractors - as I understand it they will have several starting points in the County and branch out from there, having services available to some residents by fall of this year. Everything looks to be on schedule.

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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 June 2, 2022.

*Jennifer Warren*

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Jennifer Warren  
Daviss County Fiscal Court Clerk