

**Minutes of the July 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.

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

By a motion of Commissioner Castlen, seconded by Commissioner Koger, the court considered for approval; Amend tonight's agenda adding item "D" Consideration for Approval: Approval of the Order of Allowance to the Board of Assessment Appeals.

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

By a motion of Commissioner Koger, seconded by Commissioner Wathen, the court considered for approval; Minutes of the July 12, 2022 Court Meeting.

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

By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered for approval; All Claims for All Departments.

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

By a motion of Commissioner Koger, seconded by Commissioner Wathen, the court considered for approval; Treasurer's Report for June 2022 and Final Settlement.

County Treasurer Jim Hendrix: Cash balance of June 30th was \$71,549,568. Regarding the official Treasurer's Settlement, he stated, "Nothing happened outside of what I apprised the court of in previous meetings."

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

By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered for approval; Order of Allowance to the Board of Assessment Appeals.

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

By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered for approval; Administrative Services Contract with GRADD for FEMA Hazard Mitigation Grants Program (*EOC Generator Project*).

Judge Mattingly: This is a Federal grant for a generator that is going into EMA. The total cost is \$11,450 with the county's portion being \$2,862.50 and GRADD getting paid \$572.50 for grant administration.

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

By a motion of Commissioner Koger, seconded by Commissioner Castlen, the court considered for approval; Lease and MOA with OCTC for Property located at Fours Lane and Highway 231.

Judge Mattingly: We have a 28-acre tract of land at the corner of Fours Lane and Hwy 231. OCTC maintains the entire 28-acres for the use of 4-acres of that land for their Agricultural Technology program. This is to continue that lease for one year and OCTC may extend it for four additional one-year terms.

Dr. Williams: This benefits our 2-year Agricultural Technology degree program, which is designed for students going into the agricultural industry. The property gives students hands-on experience with agronomy. It provides them an outdoor lab to grow different things and work with Ag equipment.

Commissioner Castlen: Do you ever see a need to expand?

Dr. Williams: Not currently, but we certainly would come back to you if we saw that need.

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

By a motion of Commissioner Wathen, seconded by Commissioner Castlen, the court considered for approval; Lease Agreement (PR-4778) with the Commonwealth Attorney's Office for Office Space.

Assistant County Treasurer Jordan Johnson: Our lease with the State to provide office space for the Commonwealth Attorney is set to expire on 11/13/2022. The Division of Real Properties preferred to update this lease now so that it pivots on the fiscal year. The State has accepted our proposed rate of \$12.30 per square foot for 4,057 square feet. This lease is for one year increments and can be extended until June 30, 2030. Legal and I have reviewed it. It is in order. We recommend approval.

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

By a motion of Commissioner Koger, seconded by Commissioner Wathen, the court considered for approval; Lease Agreement (PR-5703) with the Commonwealth Attorney's Office for Records Storage.

Mr. Johnson: The Division of Real Properties has accepted our proposed rate of \$6.00 per square foot for the 192 square feet of records storage that we offer the Commonwealth Attorney's Office for records storage in the courthouse basement. This lease is for one year increments and can be extended until June 30, 2030. Legal and I have reviewed it. It is in order. We recommend approval.

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

By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered for approval; Award the following Bids as recommended:

Mr. Johnson:

No. 2223-01: One (1) New Landfill Compactor (Landfill)

This bid is for the provision of one (1) new landfill compactor for the West Daviess County Landfill. We received five (5) bids and recommend award to the best evaluated bid submitted by C&C Manufacturing for the 2022 Al-Jon ADV600 unit in the amount of \$1,205,567. This total bid price exercises all three bid options, which included a pass mapping guidance system, a fire suppression system, and our standard 5 year/10,000 hour power train warranty package. There were two bids that came in lower than our recommendation. The lowest bid received had exceptions outside of what we deem acceptable and was in fact a lower class machine than what was specified, and the next lowest bid is a unit that we have run in the past, and due to its design and speed, we found that it performs poorly in our application. Landfill management and maintenance both recommend the Al-Jon unit, as in terms of functionality and fuel efficiency, it offers the greatest value to the court. This is a budgeted replacement. There were no exceptions. I recommend approval.

No. 2223-02: Three (3) New Walking Floor Trailers (Transfer Station)

This bid is for the provision of three new walking floor trailers for the Grimes Avenue Transfer Station. We recommend the only bid received submitted by VoMac Truck Sales & Service, Inc. for the three 2023 East Unloader units exercising all bid trade-in options for the total net bid price of \$301,261. The unit pricing for these trailers has increased steeply from the last time we purchased them. However, the increase is comparable to what we've seen over the last year and half across various pieces of equipment and vehicles. Additionally, due to limited availability, our trade-in consideration is more than double what it has been in the past, mitigating the increase somewhat. These are budgeted replacements. There were no exceptions. I recommend approval.

Commissioner Castlen: I noticed the delivery date is almost eight months out. Is that normal or is that a longer than normal delivery window?

Mr. Johnson: That is atypical.

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

By a motion of Commissioner Koger, seconded by Commissioner Wathen, the court considered for approval; Terminate **Bid Contract 38-2021: Engine Oils & Lubricants (Annual)**.

Mr. Johnson: Key Oil Company holds the calendar year 2022 contract for engine oils & lubricants, and have submitted notice that they can no longer supply product under this contract pricing given the fact they have incurred several unforeseen price increases. They proposed a change order that was too high for us to reasonably consider locking in for the remainder of the year, so we recommend terminating the bid contract per Section 3.22: Contract Termination; Subsection III Default; Subsection C, which is simply termination by non-compliance by the vendor and has no penalties. We can finish the remainder of the year quoting engine oil and lubricant orders as needed based on price and availability, much like we do other goods and services. No departments see any issues operating this way. I recommend termination.

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

The Court Considered for Discussion: Yellow Creek Park Major Projects.

Judge Mattingly: I asked that this be placed on the agenda so that we could look at doing some fairly major projects at Yellow Creek. One of them would be a renovation or reworking of the baseball diamonds, which has been a topic of great discussion for a number of years. Commissioner Wathen, the Parks Board and I think that it's time for us to at least get the process started even though we know that that project will not be completed during our term in office. We still hope to, with this court's concurrence, move forward in obtaining specs for bids so the upcoming court can decide if this is something they wish to pursue. The second, a desire to create and construct a multi-use outdoor stage. One similar to Beaver Dam's. This idea too has been discussed for many years. An architectural conceptual drawing (as shown in court) of a stage was provided to the court in 2014. Such a stage could provide the community with a diverse array of uses and benefits. Numerous citizen comments continue to be made supporting such an initiative. I've heard people say that if we did this, we would be competing with other venues. There are no for-profit businesses in this space. Those in the space are all trying to give our citizens the best experience in the community without having to go out of town. We looked at this idea years ago and I think it's time we look at it again. We have the money where last time money was more of a consideration - it is always a consideration, but now we can move forward without having to borrow or bond money for such a project. I would like to have your permission to move forward with getting our engineers back involved in putting some things together on paper so that we can go back and forth and bring it back to you. Additionally, this would be the perfect time to move the maintenance buildings and the Raptor Center to the back of the park instead of keeping them as a unpleasant welcoming sight to those entering the park. This would also free up both the old Thruston School and shed properties allowing for a total ball diamond redesign.

Commissioner Wathen: When redesigning the ball fields, I would like them to consider a cloverleaf-style - one where the concessions stand and scoring booth join the 4 ball fields in the center. But yes, I would like to see that proposal.

Commissioner Castlen: I support moving forward.

Judge Mattingly: I would then like to instruct the County Engineer to locate a consultant for these plans and at the next meeting provide a cost estimate to see what it might cost and what the next steps would be.

Commissioner Koger: I agree. We need a facility for kids from that end of town.

Commissioner Wathen: That's why I'd like to see us do something at Yellow Creek because it's really utilized by those that live out there and our local teams and clubs.

Judge Mattingly: One of the other things, we're working or negotiating with the pickle ball association to add more pickle ball courts. It will give us a little more room there and perhaps give us more parking.

Commissioner Wathen: Pickle ball needs to be taken into consideration, potentially.

Judge Mattingly: Regarding the stage, I think it is time for us to bring that facility to the forefront. We need to partner with the Bluegrass Music Museum because they have to rent and bring in a stage from Nashville every year. We need to revisit with the engineers that originally put this conceptual drawing together and ask them to update it and bring us some ideas and an idea of what the new cost might be. At that point, the court can decide whether to go forward or not.

Commissioner Wathen: When we looked at this before, I believe, problems began when we had the public meetings and everybody wanted to add things. Ideas were to add bathrooms, kitchens, dressing rooms, and they went on and on making it convoluted and expensive. In my view, it's important to keep it simple. For example, ROMP, we can provide a first class stage, but should continue to allow them to bring what they need such as bathrooms and necessities. We should keep it simple.

Judge Mattingly: I have spoken with Parks Board Chair Lewis Jean and he said we should have no pushback from the board. Again, we'll contact the architect who did the original 2014 stage drawing because they will have all of the CAD information and see about them reworking it and seeing about the cost.

Commissioner Wathen: When designing the stage, it may be important to keep in mind that things may need to be added onto the stage in the future, such as bathrooms.

Judge Mattingly: With this stage, there is a good chance that dozer work will be needed for construction so it is suspected that an archaeological survey could be required. We may also need to find out who can come in and do that archaeological phase for us.

Commissioner Koger asked where the stage would be located in the park.

Judge Mattingly: Nearly at the same location ROMP's stage sits for that festival, but at a slightly different (clockwise) angle, to better align it with the tree line.

Commissioner Koger: In creating an amphitheater stage, we will have to have some bathrooms at least for small crowds.

Judge Mattingly: Any other comments on these two projects? Okay we don't need to vote, just consensus to move forward.

Without opposition, general consensus was obtained.

No Other Business was brought before the court.

No Public Comments were received.

2nd Quarter Employee Anniversaries:

- Colton Lanham 5 years Public Works Heavy Equipment Operator
- Casey Owens 5 years Building and Grounds Tech.
- Bob Root 20 years Landfill Site Supervisor
- Brian Lanham 30 Years Transfer Station Supervisor

Comments by the Daviess County Fiscal Court:

Judge Mattingly: Saturday night a question came up about the need for cooling centers during this heat. I spoke with EMA and they said that homeless shelters, public buildings, and public transportation services are open during the hottest portions of the day and people can come inside to access cool air, the need for public cooling centers or shelters has not been expressed. He stated, "We are constantly monitoring the needs of the homeless and those folks. If somebody is in distress and because of the heat don't hesitate to call EMA, call here at Fiscal Court, call City Hall, and we'll try to help you out."

Judge Mattingly: As you are aware, House Bill (HB) 202 was passed 6 or 7 years ago, which allowed us to distribute excess collected tourist tax money (meaning funds exceeding a 2 years' worth of the county's saving and maintaining debt service balance). Currently, the county is in receipt of excess HB 202 money and can distribute those funds to qualifying non-profits. Eligible agencies include 6 downtown arts agencies. As in years past, there will be letters sent to the eligible agencies about the availability of funding and funding application deadlines. Applications that will be most favorably considered will be those with listed agency project matches and for projects that take into account information reflective of the Owensboro Destination Assessment Report as provided by the Venetos Corp. This was the organization hired to perform assessments and report back on what agencies were doing well and not so well and who recommended remedial actions in order to serve their customers (local citizens and tourists) better. Funding announcements may be made mid-October.

Commissioner Wathen asked if there is a funding cap.

Judge Mattingly: I think the process will take care of that cap for each agency. The total to be awarded is an amount that we will need to talk to the Treasurer about, but since we have not done this for 2 years, due to COVID, the total amount could be fairly large.

Without objection, Judge/Executive Mattingly adjourned the meeting.
SO ORDERED THAT COURT STAND ADJOURNED.

Judge-Executive Al Mattingly *Al Mattingly* Commissioner Charlie Castlen *Charlie Castlen*

Commissioner Mike Koger *Mike Koger* Commissioner George Wathen *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 August 4, 2022.

Jennifer Warren

Jennifer Warren

Daviess County Fiscal Court Clerk