

**Minutes of the August 4, 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 Koger, seconded by Commissioner Castlen, the court considered for approval; Minutes of the July 21, 2022 Court Meeting.

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; 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; Green River District Health Department's Resolution establishing 2023 Tax Rates.

Judge Mattingly: The recommended rate has not changed. The rate is four cents per \$100 valuation on real property, tangible personal property, and inventory.

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; **Resolution 15-2022** - Solid Waste Management Plan Update 2022-2027.

David Smith: This plan is similar to the last one with the tonnages updated.

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; **Resolution 16-2022** and Agreement regarding Rural Secondary FLEX Program Funds (Daniels Lane & Laketown Road).

County Engineer Mark Brasher: This is the annual KYTC Flex Fund. We submitted Daniels Lane and Laketown Road.

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

By a motion of Commissioner Wathen, seconded by Commissioner Koger, the court considered for approval; MOU with Henderson County Fiscal Court for the P25 Phase II Motorola Radio System.

Henderson County currently operates a digital radio system and this MOU will give both counties the ability to authorize and/or restrict access of personnel from either entity onto the other county's system so that first responders between counties have the ability to communicate automatically when necessary.

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; MOA with the City of Owensboro regarding the JAG Award.

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; Contract with Axiom Architecture for the Kirtley Annex Lobby Renovation Design Services.

Assistant County Treasurer Jordan Johnson: This is to create a storage room and reconfigure the mechanical and electrical systems. We are requesting approval for service items one through four for \$3,500.

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; Award **Bid No. 2223-03**: Leachate Drainage Layer Stone (Landfill) to Yager Materials.

Mr. Johnson: This bid is for the provision of approximately 30,000 tons of washed river gravel meeting our bid specifications that will comprise a one foot leachate drainage layer of stone that goes above the synthetic liner of the 16.6 acre subtitle D Landfill Cell. We recommend the lowest and best evaluated bid submitted by Yager Materials (\$24.80/ton) for an estimated total cost of \$744,000 for the 30,000 tons. There were no exceptions.

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; Hire Denise Bell as EMA Planner eff. Aug. 1, 2022.

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; Hire Kelly Wathen as Staff Accountant eff. Aug. 9, 2022.

Commissioner Wathen noted that he was not aware of any family relation relative to this hire.

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; Hire William Vaden as Service Technician eff. Aug. 15, 2022.

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

County Treasurer Jim Hendrix presented the **First Reading of KOC A.103 (2022); 08-2022** – An Ordinance relating to the Adoption of the 2022 Daviess County Tax Rates.

Comments:

Treasurer Hendrix: Annually, the court must set its tax rates even if they are unchanged. For 2022, we have reviewed the information sent to us by DLG on the assessments. Their recommended calculations that they send as they pre-calculate the compensating rate and the 4% rate. The Judge and I have reviewed the documentation, the impact on the budget, and consistent with the budget, the following rates are being proposed as that is that we accept the compensating rate, which will reduce the real property tax rate from 13.4 to 13.0 cents and then the derivative calculation for the personal tangible property, which would drop that from 16.37 to 13.84 cents. So, both rates would be reduced. There would be no additional taxes, no tax increases as is consistent with the way the budget was prepared. Real Property and Public Service Real Property would be 13.0 cents, Tangible Personal Property, Public Service Company (Tangible), Distilled Spirits, Large non-commercial documented watercraft, and Aircraft (recreational and non-commercial) 13.84 cents, Motor Vehicle and Watercraft 17.0 cents, Ag Products (tobacco in storage) 1.5 cents, Other Ag Products 4.5 cents, and Bank Deposit Tax 2.5 cents.

Judge Mattingly: The compensating rate is the rate that when applied to the property value in Daviess County, excluding new property, will give you approximately the same revenue that you received from the real property rate the year before. That is what we're expecting.

Treasurer Hendrix: If you look at the supporting documentation, the value on both the real property and the personal property went up this year. Sometimes they both don't go the same direction – one may increase while the other may decrease. In this case, they both increased so if we're going to collect the same revenue, both rates are decreasing.

No Other business was brought before the Daviess County Fiscal Court.

No Public Comments were received.

Comments by Daviess County Fiscal Court:

Judge Mattingly sent condolences and prayers to those in Eastern Kentucky as they are dealing with devastating floods.

Judge Mattingly congratulated state tournament winners American Legion Bombers.

Judge Mattingly: I want to inform the public that Friday, the county attorney and myself had a conversation with the attorney for the Kentucky Chapter, United Daughters of the Confederacy (UDC) regarding the statue base. We came to an agreement, which I've discussed with the commissioners. The agreement, in general, it is to resolve permanently all disputed legal and factual claims between UDC and the court. We agree that we will transfer to the UDC all the courts rights, titles, and interests in the base. All of those things that pretty much are on appeal, the court cases, UDC agrees to drop the appeal. Upon completion of the removal and relocation, which shall occur on or before August 31, barring any unforeseen, unforeseeable delay, that we will transfer all of our rights, title, and interest. If the relocation doesn't occur by then, everything becomes null and void unless extended. In consultation with the engineer, I don't think there's going to be a problem. The UDC agrees to place the base at the Panther Creek Battlefield on real property owned by them. We said that we would lend them our engineer. We will prepare a site for the base to sit. UDC will contract with all the folks that they need to lift the base, to get it out to the site, and set it on the site. If that site becomes untenable, and I'll leave it up to you to decide what that means, in their opinion, and we don't get a say in that, then UDC has the right to remove the base, as long as they remove it outside of the County of Daviess, the court and UDC again will enter into an agreed order dismissing with prejudice the current appeal and the Kentucky Court of Appeals, County Attorney, and Mr. Phillips will get that done. This agreement requires me to sign it and get it back to the UDC. Without exception by this court, I am going to sign it and give it to Claud. The UDC will send someone in to consult with our engineer. They will go to their site and specify where they would like the base to sit and we will prepare the space for it.

Commissioner Wathen: To clarify, everything you just said is only about the base, correct?

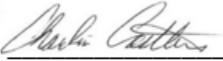
Judge Mattingly: It's only about the base. We still have the statue in our...

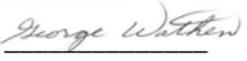
County Attorney Claud Porter: The statue is part of the deal, but they are only getting the base.

Judge Mattingly called for questions or comments by the Commissioners and then from the public. He stated, "I heard no exception, so I'll sign this".

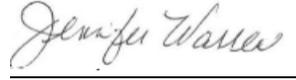
Without objection, Judge/Executive Mattingly adjourned the meeting.

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 August 16, 2022.



Jennifer Warren
Daviess County Fiscal Court Clerk