

**Minutes of the September 1, 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.

Judge Mattingly proclaimed Sept. 1, 2022 as Elizabeth Moseley-Zimmerman Day in celebration of her 100th Birthday.

The court received into record the 2022 Tax Rates for the DC Library and DC Extension District.

By a motion of Commissioner Koger, seconded by Commissioner Castlen, the court considered for approval; Minutes of the August 16, 2022 Court Meeting.
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; 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 Wathen, seconded by Commissioner Castlen, the court considered for approval; **Resolution No. 17-2022** and Rural Secondary Program Agreement regarding Lyddane Bridge Road Drainage Structure Replacement and Supplemental Agreement Change No. 1.

County Engineer Mark Brasher: Last December, we entered into an agreement with Rural Secondary in regard to the design and construction of the Lyddane Bridge Road South Bridge. Since then the highway department has taken over that task and added it to their programming. This agreement changes the bridge replacement from the Lyddane Bridge Road South to Indian Hill Road. Since we flipped over into a new fiscal year, we've also requested the additional 80/20 for this year. This agreement changes the bridge location and the addition of that money. I recommend approval.

Judge Mattingly: I want to thank our state delegation for their help getting this done. This allows us to do one more bridge that we wouldn't have otherwise been able to do. I also thank KYTC for their help.

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

By a motion of Commissioner Castlen, seconded by Commissioner Koger, the court considered for approval; Professional Services Agreement with AEI regarding Indian Hill Road Bridge over Pup Creek.

Engineer Brasher: This is for the contracting and design work for this project. The cost of this project will be based on the results of their hydraulic analysis, which will determine if we will be able to replace it with a (less costly) pipe or arch or if the project will require a full bridge structure replacement.

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; Contract with AXIOM Architecture for Conceptual Design Services for the Yellow Creek Park Baseball/Softball Fields Project.

Engineer Brasher: The staff was tasked with approaching some firms in regard to Request for Proposals (RFP) for conceptual design work for Yellow Creek Park ballfields. After reviewing those RFPs, we recommend contracting with Axiom Architecture whose cost is not to exceed \$3,600 for a concept and probable cost report.

Commissioner Wathen: We've talked about this for a long time and we'll probably pass this on to the next court, but it'll be really nice to see what designs they come up with.

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; Contract with Clements Wimsatt Architects PLLC for Conceptual Design Services for the Yellow Creek Park Amphitheater Project.

County Engineer Brasher: We were tasked with approaching architects in regard to a conceptual plan for an amphitheater at Yellow Creek Park. After receiving RFPs, we recommend going with Clements Wimsatt Architects PLLC. They will provide a conceptual design with a probable cost report for an amount not to exceed \$10,000. However, if topo survey work is required, that cost will be an additional expense.

Judge Mattingly: The topographical survey work would only be for the amphitheater itself. This firm designed the Beaver Dam amphitheater. Regarding both this item and the one just approved, they're going give us a conceptual design that we can place on areas in the park and move it around to see how it would fit and look.

Commissioner Wathen: The general vicinity is where ROMP currently performs, correct?

Engineer Brasher: That has been selected as a preliminary location, but other locations may be considered.

Judge Mattingly: We're going to do this and then hand it off to the next court. However, it would be important to involve the International Bluegrass Music and Museum as they are one of the reasons we're doing this. Every year they have to rent a stage to put on ROMP. Also, to involve RiverPark Center for outdoor concerts and outdoor plays, and to involve anybody that wants to be involved. It will be necessary to get their input so we can have the best amphitheater possible.

Commissioner Castlen: Who are the stakeholders this references?

Judge Mattingly: Anybody that wants to show up and maybe put money in it.

Commissioner Castlen: Is the projected budget strictly for construction, not including operational costs?

Judge Mattingly: Not operational, but it might be fixtures, fittings, and equipment. I mean we have no idea. I think this guy probably could put together some kind of an estimate. If he comes back and says it's going to cost \$20 million. I don't think we're going to go to bid on it. We do need to know somewhere. Stakeholders are the taxpaying citizens of Daviess County. I would hope that we would have a public forum, as we did 10-years ago.

Commissioner Koger: Before we leave office, will designs be completed?

Engineer Brasher: Amphitheater design completion is on or before November 18.

Judge Mattingly: As I have talked to candidates, we're going to have all the prep work done and they will have to decide whether or not to go forward with these projects.

Steve Johnson, Vice-Chair of the International Bluegrass Music Hall of Fame and Museum came to say thanks to the court. He noted that when the court first decided to reconsider the idea of an amphitheater, the court and museum had a meeting where we were able to provide input, and we certainly appreciate that and greatly appreciate being involved moving forward. He stated, "I just want to go on record as saying thank you and that we certainly want to help provide any information that you need to make sure that it's a successful conceptual (design). Thank you."

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; Hold Harmless Agreement with Trey Whitt regarding Items Retrieval in Yellow Creek Park Lake.

Judge Mattingly: We have a disc golf course at Yellow Creek Park. Sometimes when people throw their discs, they can go awry and end up in the lake. We were approached by a certified diver, willing to sign a hold harmless agreement, who wants to retrieve the lake's discs and turn them over to us. I don't know what we'll do with them, but at least we will have them out of the lake.

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:

Assistant County Treasurer Jordan Johnson:

No. 2223-12: Moseleyville Fire Station Roof Repair (Fire Rescue)

This bid is for the replacement of the screw down metal roof of the Moseleyville Volunteer Fire Station. We received two bids and recommend award to the lowest and best evaluated bid submitted by TSG Construction, Inc. for \$44,735. This is a budgeted project. There were no exceptions.

No. 2223-13: Kirtley Annex Exterior Repair Project (County Attorney)

This bid is to replace windows and awnings and paint the exterior of the Robert M. Kirtley Judicial Annex in accordance with the project specifications. We received two bids and recommend award to the lowest and best evaluated bid submitted by Q&S Enterprises for \$49,800. This is a budgeted project. There were no exceptions.

No. 2223-15: Portable Backup Generator & Trailer (EMA)

This bid is for the provision of a 75KW generator including a D.O.T. approved tandem axle trailer to be utilized by EMA for emergency and disaster use. We received five bids and recommend award to the lowest and best evaluated bid submitted by Leete Generators for the Generac MDG100DF4 unit for \$70,553. The bid is subject to a 75% Federal, 13% Local, and 12% State grant. Fiscal Court's cost will be approximately \$9,200. The grant was pursued for this item since no facilities designated to be used as emergency shelters have back-up generators. This is a budgeted item. The grant has been approved and is being facilitated by GRADD. There were minor exceptions.

No. 2223-16: PVC Pipe for Landfill Cell Construction (Landfill)

This is the rebid of the provision of PVC pipe for cell construction at the West Daviess County Landfill. We received two bids and recommend award to the lowest and best evaluated bid submitted by ISCO Industries for \$117,995. This is a budgeted portion of the cell construction. There were no exceptions.

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; Reject **Bid No. 2223-14: Pavement Maintenance & Striping (Operations Center)**.

Mr. Johnson: This bid was for asphalt repair, seal coat, and crack sealing of all asphalt driveways and parking lots, and striping of all parking lots at the Daviess County Operations Center and the Daviess County Animal Shelter. The bids came in well over the budgeted amount, mostly due to the inclusion of repair of damage that Public Works was not aware of when budgeting the project. We recommend rejecting all bids, allowing the Road Department to perform the asphalt repairs as they have time, and resubmitting a bid including only the seal coating and striping, which I should have back before the next court meeting. Public Works management has stated that the damage will not get worse over another winter.

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 Charles Ellis as a Solid Waste Heavy Equipment Operator eff. 9/6/2022.
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; Hire Rebecca Case as a Seasonal Parks Attendant eff. 9/1/2022.
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; Reappoint Shelley Newcom (S Partial T) #13.2022 and Debbie Zuerner (S4T) #14.2022 to the Alliance for a Drug-Free Owensboro-DC Steering Committee (3-Yr. Term) eff. 9/1/22.
The vote was called and with all present members voting in favor, said motion passed.

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

No public comments were received.

Comments by Daviess County Fiscal Court:

Commissioner Castlen wished everyone a good and safe Labor Day weekend.

Commissioner Wathen mentioned that this Saturday at Panther Creek Park the county will celebrate Labor Day with festivities starting at 5:00 PM and a fireworks show, hosted by Independence Bank, at 8:15 PM.

Judge Mattingly: Commissioners, I received a request for a letter of support regarding Safe Streets and Roads for a planning grant application through GRADD. The grant is for a safety study of our rural and secondary roads. We talked about this at the Regional Transportation Committee meeting yesterday. This is a letter of support from the court that says we believe the project is important to transportation safety in our community and the entire area development district and we're asking that they give the application full consideration. Without question, I'm going to sign it.

Judge Mattingly: September starts political campaign season. I am reminding folks not to place campaign signs in right-of-ways or they run the risk having those signs removed and destroyed.

Judge Mattingly: We have had an appeal of a rezoning on the Greenbrier Subdivision from R1A to Multi-Family Residential. The planning commission rezoned it and there are quite a few folks who live in that

subdivision who filed an appeal. We will have the first reading of the ordinance at our September 15 court meeting, beginning at 5:00 p.m. Immediately following that meeting, we will have a hearing. Ordinances are written in the affirmative to uphold whatever the planning commission decided. If we go along with it, a vote of yes would uphold it. If we voted no, we would have to find facts within the record that supports that decision. Historically, we have taken the record (transcript, video, all of the evidence) and reviewed it to determine if the facts supported or failed to support the finding of the commission. We base that determination on that record. The court's actions could then be 1- do nothing, 2- make a decision supporting the commission's decision, 3- make a decision in opposition to the commission's decision, throw everything out, and hold our own findings of facts. I don't think we want to do that. We have KRS 100 and a process for a reason and I think we need to follow that process. It's a process that we have followed on every hearing that we've done and so that's my decision. We will have the first reading on September 15th and the second reading on October 6th. In the past, we have had citizens come forward to tell their side, as long as they don't vary from what they said at the zoning commission meeting. My understanding is that a lot of people who filed appeals weren't at the zoning commission meeting so they would not be allowed to speak during our first or second reading of the ordinance. I don't know if they will have an attorney. I would recommend that they have an attorney speak for them, but there certainly is no need, for that. The other side has an attorney. We may give each side 5-10 minutes to make their argument for our consideration. We'll come back at our October 6th meeting for the second reading and make our decision. Claud, is what I said generally true?

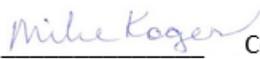
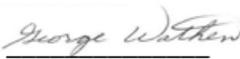
County Attorney Claud Porter: Yes, and we will go through it in more detail when we set that up. At the meeting, we usually ask each person to sign in with their name and address, say what they want to speak about, and note whether they attended and spoke at the commission meeting. If more than one person intends on speaking about the same point(s), we may try to consolidate that discussion and ask that only one person speaks to that point(s). The planning commission staff will be here. We can ask questions of them. After you all have reviewed the record, you will have a chance to ask the planning commission or any others about the hearing.

Judge Mattingly: This is mainly about zoning and will be controlled by KRS 100 and our ordinance, the Comprehensive Plan. The County Attorney's Legal Generalist Sherry Girtten will provide court members with folders, which will have copies of all the evidence that was presented by the applicant. I don't believe those who opposed it presented any evidence.

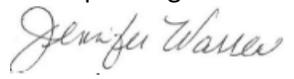
Without objection, Judge/Executive Mattingly adjourned the meeting.

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 September 15, 2022.



Jennifer Warren
Daviess County Fiscal Court Clerk