

**Minutes of the November 14, 2023, Daviess County Fiscal Court Meeting**  
**Held at the Daviess County, Kentucky Courthouse**  
**Present elected court officials: Judge/Executive Charlie Castlen and County Commissioners**  
**Janie Marksberry, Christopher Castlen, and Larry Conder**

\*\*\*\*\*

**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 Commissioner Janie Marksberry

\*\*\*\*\*

**1. Consideration for Presentation:**

**A. Proclaim November as Diabetes Awareness Month.**

Proclamation was read by Commissioner Marksberry.

**B. Proclaim November 12 – 18, 2023 as Nurse Practitioner Week.**

Proclamation was read by Commissioner Castlen.

Anessa Holman: She accepted the proclamation. She is a County Psychiatric Nurse Practitioner specializing in the care of children and adolescents who have mental health conditions. She is one of the people who fills the gaps in the medical care system for community members. She thanked the court for the proclamation as it acknowledges the importance of Nurse Practitioners.

**C. Treasurer's Report for October 2023.**

County Treasurer Johnson: As of October 31, 2023, the total cash balance is \$67,322,648 for all funds. General Fund balance is \$28,116,540, minus operating reserve and restricted funds, cash for General Fund operations is \$19,290,887. All variances within the report are normal, expected, and explainable in all departmental activities and are within the expected ranges.

**2. Consideration for Approval:**

**A.** By a motion of Commissioner Conder, seconded by Commissioner Marksberry, the court considered for approval; **Minutes of the November 2, 2023, Daviess County Fiscal Court Meeting.**

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

**B.** By a motion of Commissioner Castlen, seconded by Commissioner Conder, 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.**

**C.** By a motion of Commissioner Marksberry, seconded by Commissioner Castlen, the court considered for approval; **Amendment to the Salary Schedule for FY 23/24 Effective 11/12/2023.**

County Treasurer Johnson: The amendment has a single change whereby a position is moved from one grade to another now that the position has been slightly enhanced and fully trained. He recommended approval.

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

D. By a motion of Commissioner Conder, seconded by Commissioner Castlen, the court considered for approval; **Accept Professional Services Proposal of Gardner Engineering & Consulting, PLLC for Structural Assessment of Courthouse Roof for Solar Panels.**

County Treasurer Johnson: The proposal in the amount of \$2,750 will provide a structural assessment and analysis of the Courthouse's TPO membrane roof and whether or not it could sustain solar panels and the mounting equipment and if so, how many in total.

Commissioner Marksberry: "While I appreciate Commissioner Conder and Commissioner Castlen's enthusiasm for this, I am not a fan of solar panels. The main problem is the return on investment that can take years, if not decades. The payback historically had not been there. The new tax credits may have changed that which means we are getting more money for "free" from the government, but that ultimately could come from the backs of taxpayers. The maintenance can be very expensive and the possibility of damaging the roof with the installation is also a concern. I need to see the payback figures on it and I will want a second opinion to the study. I believe we really need to take a hard look at this. So, I am voting no for now. My preference would be to consider moving the entire courthouse rather than remodeling and all the departments to another more central location with easier access for the public and our first responders. My hope is that will become a consideration of the court while I am in office as I believe this to be a huge benefit to the community."

The vote was called (Commissioner Marksberry voted no) and with all other present members voting in favor, **said motion passed.**

E. By a motion of Commissioner Castlen, seconded by Commissioner Marksberry, the court considered for approval; **Accept Professional Services Proposal of Gardner Engineering & Consulting, PLLC for Structural Design of Transfer Station Floor Replacement.**

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

F. By a motion of Commissioner Castlen, seconded by Commissioner Marksberry, the court considered for approval; **Reject Bid No. 2324-24: One (1) New Surface Soil Compactor (Landfill).**

County Treasurer Johnson: Recommended to reject all bids and rebidding the item for one *used* surface soil compactor. It was brought to the attention of Landfill Management that a used unit would be more cost-effective and appropriate.

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

G. By a motion of Commissioner Conder, seconded by Judge/Executive Castlen, the court considered for approval; **Award Bid No. 2324-23: Building 3 HVAC Replacement Project (Detention Center).**

County Treasurer Johnson: Recommended award to the lowest and best-evaluated bid submitted by Schwartz Heating and Cooling in the amount of \$49,995.

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

H. By a motion of Commissioner Castlen, seconded by Commissioner Marksberry, the court considered for approval; **Award Bid No. 2324-27: One (1) New Single Axle Dump Truck (Road Department).**

County Treasurer Johnson: Recommended award to the best-evaluated bid submitted by VoMac Truck Sales and Service in the amount of \$187,426. The lowest bid was not recommended as the unit was not compatible with the County's existing snow plow equipment.

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

I. By a motion of Commissioner Conder, seconded by Judge/Executive Castlen, the court considered for approval; **Approve Release of Millers Mill Plaza – Unit 1 – Public Improvements Surety.**

County Engineer Brasher: The work has been completed and he recommended approval.



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

J. By a motion of Commissioner Conder, seconded by Commissioner Marksberry, the court considered for approval; **Second Reading of KOC 310.5 (2023) 12-2023 - An Ordinance Repealing Section 30.31(C) of Daviess County Kentucky Code of Ordinances Pertaining to Membership Fees for Certified Volunteer Fire Departments and Permitting the Sheriff to Charge and Retain a Fee of 1.5% of the Membership Charges or Subscriber Fees Collected, as Amended By KOC 310.2, KOC 310.3 AND KOC 310.4**

County Attorney Burlew: Read the Ordinance out loud for the public.

County Treasurer Johnson: The ordinance removes the dues from the property tax bills effective January 1, 2024, meaning they would not be present on the property tax bills that are mailed in November of 2024.

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

K. By a motion of Commissioner Conder, seconded by Commissioner Castlen, the court considered for approval; **Second Reading of KOC 220.37 (2023) 13-2023 - An Ordinance Relating to Imposing and Collecting an Insurance Premium License Fee on Insurance Companies for the Privilege of Doing Business in the County of Daviess Outside of the City of Owensboro and the City of Whitesville Effective July 1, 2024.**

County Attorney Burlew: Read the Ordinance out loud for the public.

County Treasurer Johnson: The ordinance implements the additional 1.1% insurance premium license fee effective July 1, 2024. Which will bring the total rate to 6.0%. The license fee imposed will be collected from insurance companies for certain insurance categories including fire, casualty liability, vehicle, inland marine, and health. All categories represent property or events that are serviced by the fire system, whether it be a structure fire, a car wreck, a car fire, a health emergency, a boat rescue, etc. These categories are assessed currently as funding for the County's paid fire departments, which is the existing 4.9%, as the Court in the 1970s saw it as an equitable and natural revenue stream for the service considering what is covered and protected. The 1.1% additional insurance premium license fee is applied to those same categories and has the same exemptions as those in the current 4.9%. These can be found in Sections 1 and 2 of the ordinance, which he read for the record. The tax shall not apply to premiums received on: Life Insurance; Rain and Hail on Crops Insurance; Policies of Group Health Insurance provided for state employees under KRS 18A.225; Policies insuring Employers Against Liability for Personal Injuries to their employees or death of their employees caused thereby, under the provisions of KRS Chapter 342; Health Insurance Policies issued to Groups and Individuals; Policies issued through Kentucky Access created in Subtitle 17B of KRS Chapter 304; Policies for High Deductible Health Plans as defined in Chapter 26 U.S.C. Sec. 223(c)(2).

Commissioner Castlen: Informed the public that this form may be found on Daviess County's website under the documents tab.

Commissioner Conder: Acknowledged the members of the fire department who were in attendance and thanked them for their participation.

Judge/Executive Castlen: Informed the public that this issue was brought up 13 years ago. Immediately, conversations began about the issue. He explained the way the dues system works and what the money may be applied to. The change will allow the funds to be distributed to the places that need the money. He thanked Commissioner Conder, County Treasurer Johnson, the fire department volunteers, and the fire chiefs for all of the help and support.

Mosleyville Fire Chief Scott Smith: He thinks this will fix the financial problem. He thinks the fire chief should not have to worry about the financial issues. He thanked everyone involved for accomplishing this.

Jimmy Gilles: He thanked everyone involved in this process. He says that agricultural people have questions about which part of insurance this will affect.

County Treasurer Johnson: Informed the public that this will be extremely individual in calculating the particular tax of the premiums. Most farm operations have a single policy that includes their farm structures, homes, and auto. The Department of Insurance governs how this is allocated.

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

### **3. Consideration for Discussion:**

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

#### **B. Public Comments**

Ryan Estrada: Reported he traveled 7,000 miles from Busan, South Korea to attend the meeting so he could thank the Daviess County Public Library staff and thank the Court for all of the support that has been given to the Library. He is the author of the book, "Banned Book Club", which was on the list of books to be removed from the library by the Citizens for Decency. He explained that his wife, Kim Hyum Sook, grew up without the freedom to read. His book is the story of his wife's journey as a South Korean student in the 1980s who defied state censorship through the rebellion of reading. She was punished for reading the books, but her efforts helped make Korea a free country. He challenged the Citizens for Decency to show him where the pornography in his book was located. He also mentioned the book "Are You My Mother" which is a children's board book about a lost baby bird that the Citizens for Decency provided as an example of a book with supposed adult content. He thinks they confused it with "Are You My Mother", a comedic drama memoir available in the Daviess County Public Library. He believes the Citizens for Decency did not read the books that they listed to be removed. They did not verify that they listed the correct books. Some of the books that the Citizens for Decency listed, show kids that they are not alone and that it's okay to be proud of themselves and to question the dangerous situations others put them in. Telling a kid that a book they see themselves in is unfit for the public library, tells them they are unfit for the public.

#### **C. Comments by Daviess County Fiscal Court**

Commissioner Marksberry: She attended the Veteran's event at Whitesville Elementary School and reported that it was awesome. Sheriff Youngman's father spoke at the event and Kathy Mullins, the music teacher, led the music.

Commissioner Conder: Informed the Public of the Candy Cane Hunt & Open House on December 2, 2023, from 12 p.m. to 3 p.m. located at Yellow Creek Park at the Jim Lambert Pioneer Village. Announced that Warren Goetz will be graduating from the Fire Academy on November 17, 2023. He asked Fire Chief Jeremy Smith to inform the public of the event. He also recommended that the County place a weekly event list for the public to be aware of events happening each week.

Fire Chief Jeremy Smith: Warren, a volunteer firefighter with the Stanley Fire Department, will be the first Daviess County Fire Fighter to graduate from the Fire Academy. The new training is 13 weeks long, fully funded by the Fire Commission, and there is no cost to the County. Also graduating is Kendall Lashbrook, a volunteer firefighter with the Thurston Fire Department, who will go to the Owensboro Fire Department, and Jared Lanham, a volunteer firefighter with the Airport Sorgho Fire Department, who will go to the Henderson Fire Department.

Judge/Executive Castlen: The Veteran's Day Parade that was held on Saturday, November 11<sup>th</sup> went very well. He attended West Louisville Elementary and Sorgho Elementary Schools for their Veteran's Day programs. They were well done and the children are learning the importance of Veterans and what they have done for our Country and defending our freedoms. He wished everyone a Happy Thanksgiving.

Commissioner Marksberry: Announced the Christmas Parade is Saturday, November 18, 2023.

### **4. Adjournment**

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



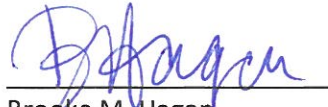
  
Judge-Executive Charlie Castlen

  
Commissioner Janie Marksberry

  
Commissioner Christopher Castlen

  
Commissioner Larry Conder

I, duly appointed Daviess County Fiscal Court Clerk Brooke M. Hagan, hereby certify that the above corresponding Order Book minutes were approved by the court on December 7, 2023.

  
Brooke M. Hagan  
Daviess County Fiscal Court Clerk