

**Minutes of the December 7, 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 Chris Castlen

\*\*\*\*\*

**1. Consideration for Presentation:**

**A. Recognize Volunteer Firefighters with 50 or More Years of Service**

Fire Chief Jeremy Smith: He announced what an honor it was to be able to speak about the following gentlemen. The individuals have served 50 years or more at the Volunteer Fire Department and they sacrificed everything to be able to help those who are having a bad day. The men are responsible for what our Fire Department is today. In 1973, 1974, and 1975, construction began on seven new Volunteer Fire Stations. The individuals dedicated their lives to helping citizens in their time of need. As a token of appreciation, he presented certificates to the individuals who have served 50 or more years. Those individuals were:

**William Daniel "Rooster" Thompson**

**Jim Edelen**

**Mike Mullican**

**David "DF" Gray**

**Mark Lockett (60 years in January 2024)**

**Bob Purviance**

**Jimmy Settles**

**Tony Kelly**

**Phil Fogle**

**Danny Matthews**

Mark Lockett: Thanked the Court for being there for the community over the past years. Thanked the firefighter's families who missed out on time with their firefighter due to emergency calls that came in.

Judge/Executive Castlen: Thanked all the firefighters for their service, especially their continued service.

Commissioner Marksberry: Thanked all for their service.

Commissioner Conder: Thanked everyone for their service. He called the firefighters local heroes.

**2. Consideration for Approval:**

**A.** By a motion of Commissioner Marksberry, seconded by Commissioner Castlen, the court considered for approval; **Minutes of the November 14, 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 Conder, 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.**

**C.** By a motion of Commissioner Castlen, seconded by Commissioner Marksberry, the court considered for approval; **Daviess County Detention Center's Policy and Procedure Manuals.**

Jailer Art Maglinger: The Kentucky Administrative Regulations require annual approval for their policies.  
Judge/Executive Castlen: Thanked the Jailer for his professionalism, leadership at the Detention Center, and being easy to work with.

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 Marksberry, the court considered for approval; **Memorandum of Agreement with the City of Owensboro and Daniel Pitino Shelter for the 2023/2024 White Flag Events.**

Andy Ball (EMA): On 10/19/23, the original white flag agreement was approved. There has been discussion about changing the criteria from 15 degrees to 32 degrees. It has been agreed to try the 32 degrees for a year and will re-evaluate the temperatures next year.

Commissioner Conder: Asked if there has been any thought given about when the temperature is in the high nineties.

Andy Ball: The issue was discussed with the previous Judge/Executive and it was agreed that it was not necessary to have a cooling station as people have places to go to cool down during the hottest parts of the day.

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

E. By a motion of Commissioner Castlen, seconded by Judge/Executive Castlen, the court considered for approval; **Memorandum of Agreement between the Commonwealth of Kentucky, the Kentucky Office of Homeland Security, and Daviess County Fiscal Court for Law Enforcement Mobile Access Forensic Tool System.**

County Treasurer Johnson: This is the MOA from the application to the Kentucky Office of Homeland Security regarding a grant for the Sheriff's Office to obtain a mobile access forensic tool system which was approved in Fiscal Court session 4/20/2023 by resolution 13-2023. This equipment will allow the Sheriff's Office to perform the extraction in-house, and potentially serve as a regional hub for most law enforcement agencies across the western half of the State of Kentucky for mobile data extractions. This is in the FY 23/24 budget, the expense is covered in full by the grant, he saw no issues, and he recommended approval.

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

F. By a motion of Commissioner Conder, seconded by Judge/Executive Castlen, the court considered for approval; **Sheriff's Quietus for 2021 Oil, 2022 Oil, and 2022 Limestone, Sand & Gravel (LSG) Tax Settlements.**

County Treasurer Johnson: The Sheriff's Quietus for 2021/2022 Oil and 2022 Limestone, Sand & Gravel tax bill settlements was received and reviewed. The data is consistent with our records. He found no issues to report and recommended approval.

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

G. By a motion of Commissioner Marksberry, seconded by Commissioner Castlen, the court considered for approval; **County Clerk's Claim for Preparing Tax Bills for 2023.**

County Treasurer Johnson: This is a funding mechanism set by KRS for the County Clerk's Office to receive payment for preparing the 2023 property tax bills. 48,312 bills were prepared at \$0.30 each for a total claim of \$14,493.60, of which Fiscal Court pays half in the amount of \$7,246.80. He reviewed the claim and recommended approval.

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; **Memorandum of Understanding Between the Daviess County Fiscal Court, Kentucky Office of Homeland Security, and the State Board of Elections for Elections Security Carts.**

County Treasurer Johnson: Daviess County Fiscal Court was requested to be the sponsor County this year for a Homeland Security Grant for the State Board of Elections to purchase truck security carts for Kentucky's 120 counties. The carts are locked steel cages that allow the counties to transport machines, ballots, and other supplies to and from polling locations keeping all products secure. No funds will pass through Daviess County Fiscal Court as they will go directly to the State Board of Elections from the office of Homeland Security. Clerk McCarty, legal, and himself reviewed the agreement, found it was in order, and he recommended approval.

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

I. By a motion of Commissioner Conder, seconded by Commissioner Castlen, the court considered for approval; **Amendment to Termination Notice; City of Owensboro, Kentucky and Daviess County, Kentucky Memorandum of Agreement Concerning Consolidated 911 Operations.**

County Treasurer Johnson: Discussions are ongoing regarding consolidated 911 operations between officials and related agencies. This amendment only changes the termination date to June 20, 2025 (previously June 22, 2024) to give all parties sufficient time to fully assess the operation. He recommended approval.

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

J. By a motion of Commissioner Marksberry, seconded by Judge/Executive Castlen, the court considered for approval; **Contract with Inspection, Testing & Maintenance, Inc. (ITM) for Fire Hydrant Testing.**

County Treasurer Johnson: This is an annual exercise where the Court contracts with an entity to conduct flow testing for approximately 1,600 fire hydrants in Daviess County on behalf of the Daviess County Fire Department. ITM, Inc. has been our vendor for several years and has performed its duties to the Fire Department's satisfaction. The only change is the rate, which was increased \$1.00 per hydrant from the prior agreement to a total of \$9.50 per hydrant. Fire Chief Jeremy Smith believes the rate change to be reasonable in comparison to what peer municipalities are incurring. Legal, Fire Department management, and himself reviewed the contract and recommended approval.

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 Marksberry, the court considered for approval; **Fire Hydrant Testing and Repair Agreement with the City of Whitesville.**

County Treasurer Johnson: This agreement with the City of Whitesville simply states that our existing flow test agreement will cover those hydrants within their corporate limits as well. Our rate of \$9.50 per hydrant test is negotiated with the full volume of the County, so it would be economically unfeasible for Whitesville to contract separately for this service. Legal, Fire Department management, and himself reviewed the contract and recommended approval.

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

L. By a motion of Commissioner Conder, seconded by Commissioner Castlen, the court considered for approval; **Contract with Axiom Architecture for Courthouse (Second Floor) Renovation Design Services.**

County Treasurer Johnson: This is the contract for Axiom Architecture to produce drawings and specifications necessary to bid the renovation of the second floor of the Daviess County Courthouse, including the hallway restrooms, Fiscal Court and County Attorney offices. The space has not been significantly altered since the 1960's, only having false walls erected and light work done to accommodate additional personnel over the years. This renovation would primarily provide ADA



compliant bathrooms on the second floor hall and correct inefficient space allocation, adding 2-3 additional offices from more efficiently allocated space to allow for future growth since all offices and storage are currently at capacity. We only require service items 1-6 in the amount of \$24,300.00, which is within the expected range. This is being presented now because of the timing of the Courthouse's HVAC replacement which will require finalized building layouts for zoning purposes and displace Fiscal Court physically regardless. Both projects would be accomplished concurrently if approved. Legal, Public Works management, and himself reviewed the contract and he recommended approval. The vote was called (Commissioner Marksberry voted no) and with all other present members voting in favor, **said motion passed.**

**M.** By a motion of Commissioner Conder, seconded by Judge/Executive Castlen, the court considered for approval; **Engineering Services Agreement with WBW Engineering, Inc. for HVAC Design Replacement at the Daviess County Courthouse.**

County Treasurer Johnson: This is the agreement for WBW Engineering, Inc to produce drawings and specifications necessary to bid replacement of the current two-pipe hydronic HVAC system with a variable refrigerant flow system. In March 2023, the Court awarded a bid to upgrade the electrical capacity of the building to accommodate the HVAC upgrade, which will be complete by April 2024. The existing HVAC system is at the end of its lifespan, and Maintenance is seeking a solution that will address current condensation and economizing issues. The proposed fee is \$37,790.00 which is within the expected range. Legal, Public Works management, and himself reviewed the agreement and recommended approval. The vote was called (Commissioner Marksberry voted no) and with all other present members voting in favor, **said motion passed.**

**N.** By a motion of Commissioner Castlen, seconded by Commissioner Marksberry, the court considered for approval; **Apply for the FY 2024/2025 Kentucky Ambulance Block Grant Program.**

County Treasurer Johnson: Daviess County Fiscal Court has applied for and received this grant on behalf of the County's ambulance provider for nearly 15 years or so. A government entity must apply for this grant because the ambulance provider cannot apply for, nor receive, this grant themselves. Fiscal Court applied for them. If awarded and received, the Court will forward the funds to AMR. The application is for \$10,000 which is the same amount from prior years. This is a budgeted item and he recommended approval.

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

**O.** By a motion of Commissioner Marksberry, seconded by Commissioner Castlen, the court considered for approval; **Award Bid No. 2324-30: D6T Undercarriage Replacement (Landfill).**

County Treasurer Johnson: He recommended the award to the lowest and best-evaluated bid submitted by Boyd & Sons Machinery for \$20,812.64. There were no exceptions to the specifications.

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

**P.** By a motion of Commissioner Conder, seconded by Judge/Executive Castlen, the court considered for approval; **Award Bid No. 2324-31: One (1) New 1/2 Ton 4WD Crew Cab Pickup Truck (Landfill).**

County Treasurer Johnson: He recommended the award to the lowest and best-evaluated bid submitted by Freeland Chevrolet for the 2023 RAM 1500 Tradesman unit for \$46,250.00. This is a budgeted replacement and there were no exceptions to the specifications.

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

**Q.** By a motion of Commissioner Castlen, seconded by Commissioner Marksberry, the court considered for approval; **Award Bid No. 2324-32: Bituminous Asphalt Hot Mix & Pavement Milling (Annual).**

County Treasurer Johnson: He recommended the award to the best-evaluated bid submitted by Yager Materials for the attached rate schedule. The rate for asphalt delivered (the majority of our orders and activity) has gone down 5.08% from \$98.50 per ton to \$93.50 per ton. Yager Materials is the current vendor for this material and their location allows for convenient material pick-up. There were no exceptions to the bid specifications.

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

R. By a motion of Commissioner Castlen, seconded by Commissioner Marksberry, the court considered for approval; **Award RFQ 2324-37: Walking Trailer Floor Repair (Transfer Station).**

County Treasurer Johnson: He recommended the award to the only responsive quote submitted by Moore & Moore Browns Valley Truck Equipment for the amount of \$14,299.95. There were no exceptions to the specifications.

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

S. By a motion of Commissioner Marksberry, seconded by Commissioner Castlen, the court considered for approval; **Hire Danielle Fulkerson as Administrative Assistant effective November 27, 2023.**

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

T. By a motion of Commissioner Castlen, seconded by Commissioner Conder, the court considered for approval; **Reorganize the Daviess County Parks Department with the following actions effective December 11, 2023:**

1. **Promote Jordan Rowe to Director of Parks and Public Information**
2. **Promote Jerry Ambs to Parks' Building and Grounds Supervisor**
3. **Reclassify Kelly Wathen to Parks Administrator**
4. **Reclassify Ross Leigh to Recreation Outreach**

Judge/Executive Castlen: These changes are being made to spread out the job responsibilities of Joe Paul Bickett and Mark Brasher as they both plan on retiring soon. He thanked Jordan Rowe and Jerry Ambs for accepting the positions.

Commissioner Conder: Thanked Jordan Rowe and Jerry Ambs for their work. He and other individuals are highly supportive of what is happening and excited for what is to come.

Commissioner Castlen: Last weekend there was a candy cane hunt event at Yellow Creek Park is a great example of what the Parks Department can do to involve the public. There has been positive feedback supporting the changes.

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

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

**A. There was no other business was brought before the Daviess County Fiscal Court**

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

Sam Sauer: Resident from Stanley who resides at 8104 Sauer Lane. He has requested that signs be posted near Kimberly Clark informing them not to take Sauer Lane when they leave work. Big trucks coming from Kimberly Clark take Sauer Lane rather than taking Highway 1554. He has stopped drivers to tell them not to take Sauer Lane. When new poles were being installed on his road, some trucks tried to get around the service trucks. They try to use his driveway to get around farm equipment and they are tearing up his private property. He wants the Kimberly Clark traffic to take Highway 1554 rather than taking his road.

Judge/Executive Castlen: Informed Mr. Sauer that this has been an issue for years. GPS has been routing trucks to take roads that are not wide enough for them to drive.



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

Commissioner Marksberry: Whitesville Christmas Parade is on Saturday at 10 a.m. in Whitesville.

Commissioner Conder: December 7<sup>th</sup> is a day that led the United States into World War II to combat Nazism. This opened our country's eyes to what our soldiers had to endure. He thanked all WWII veterans and their families.

Judge/Executive Castlen: World War II was started on December 7, 1941. He informed the court that his father was a WWII veteran. Those of us who have never served or been in a war event, cannot begin to comprehend what they lived through. God Bless their souls.

#### **4. Adjournment**

Without objection, Judge/Executive Castlen adjourned the meeting.

SO ORDERED THAT COURT STAND ADJOURNED.

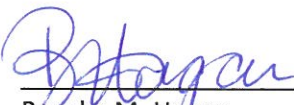
  
\_\_\_\_\_  
Judge-Executive Charlie Castlen

  
\_\_\_\_\_  
Commissioner Christopher Castlen

  
\_\_\_\_\_  
Commissioner Janie Marksberry

  
\_\_\_\_\_  
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 21, 2023.

  
\_\_\_\_\_  
Brooke M. Hagan  
Daviess County Fiscal Court Clerk