

**Minutes of the June 1, 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 led by Commissioner Conder

By a motion of Commissioner Conder, seconded by Commissioner Castlen, the court considered for approval; Minutes of the May 18, 2023, 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 Marksberry, 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 Conder, seconded by Commissioner Marksberry, the court considered for approval; Budget Transfers for the Fiscal Year Ending June 30, 2023.

County Treasurer Jordan Johnson: Under our fund accounting rules and regulations, we are prohibited from ending the fiscal year having any account line where the actual expense is greater than the budgeted expense. We do not inflate budget estimates to guard against this, instead we budget reasonably and adjust the budget during the June meetings of any fiscal year with budget transfers. This is the first round of transfers, all of which are either offset by revenue, another expense reduction, are an approved result of normal operations, or are a special item or project approved by the Court. As a note, budget transfers do not increase the budget. We are simply moving money around within the budget. I request your approval to make the following budget transfers: \$1,876,650 in the General Fund, \$296,500 in the Road Fund, \$229,000 in the Jail Fund, \$344,000 in the Solid Waste Construction Fund and \$1,317,500 in the Solid Waste Operating Fund.

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

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

David Smith: The state law in fact KRS 133.020 requires that we have a board of assessment appeals for people and KRS 133.030 requires that we pay them a hundred dollars per day and so this is to fulfill state law.

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

By a motion of Commissioner Conder, seconded by Commissioner Marksberry, the court considered for approval; Contract with DC Public Schools for the Transportation for Non-Public School Students.

Treasurer Johnson: The Daviess County Public School System invoices Daviess County Fiscal Court to provide bus transport for non-public school students in the County per KRS 158.115, which the State will reimburse once all costs have been reconciled and billed accordingly. This contract is for the school system to provide the transport services and invoice Fiscal Court throughout FY 23/24. We will apply for reimbursement in the fourth quarter of 23/24 as is routine. The Court has participated in this program for over 20 years, the contract is standard, I see no issues and I would 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 Marksberry, the court considered for approval; Contract with Axiom Architecture for Clerk's Office Election Area Renovation Design Services.

Treasurer Johnson: Included in the FY 23/24 budget is the renovation to the election area of the Clerk's Office as requested by Clerk Leslie McCarty. The renovation is to improve public service and security for elections, as well as better allocate space for the finance and administration offices. This is the contract for Axiom Architecture to produce the drawings and specifications for us to bid the project. We only require service items 1-6 in the amount of \$13,900. This proposal is being considered for approval now in order to preserve the intended timeline of the project so that it is completed prior to this year's general election and well ahead of next year's presidential election. We will not incur the expense for the design services until FY 23/24. Legal, public works management and myself have reviewed it, it is in order, and I would 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 Conder, the court considered for approval; Waste Tire Grant Agreement.

David Smith: This is an annual grant that we receive, it's a reimbursable grant for up to four thousand dollars. We use this grant mainly to cover the disposal costs for waste tires that the road department and other cleanups find alongside roads or open dumps. I will note, that this is not the Waste Tire Amnesty program that's run by the state, it's done every three years. We are due to have that program take place next spring.

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

By a motion of Commissioner Conder, seconded by Commissioner Marksberry, the court considered for approval; Award (Annual) **Bid No's. 2223-55 – 2223-59:**

Treasurer Johnson:

Award Bid No. 2223-55: Janitorial Services for Morton J. Holbrook Judicial Center (Annual)

For this annual budgeted expense, we received four bids and recommend award to the lowest and best evaluated bid, without exceptions, submitted by Purus Clean for the presented schedule of rates for the contract period of July 1, 2023 to June 30, 2024. We currently utilize Purus Clean without issue and this bid does not include a rate increase. The Administrative Office of the Courts (AOC) shall reimburse the county for this expense.

Award Bid No. 2223-56: Janitorial Services for County Administrative Facilities (Annual)

This annual budgeted expense includes Operations Center, Solid Waste, Courthouse, Schertzinger, and Kirtley Annex. We received two bids and recommend award to the lowest and best evaluated bid submitted by Purus Clean for the presented schedule of rates for the contract period of July 1, 2023, to June 30, 2024. Purus Clean, our current provider, only increased the annual glass cleaning by \$100/year. All other rates stayed the same. As a note, janitorial services for the Child Support Division in the Kirtley Annex are reimbursed by the Kentucky Cabinet for Health and Family Services.

Award Bid No. 2223-57: Crushed Limestone (Annual)

This annual budgeted expense includes crushed limestone, river gravel, coarse river sand, dense-grade aggregate, and riprap for the Daviess County Road Department and Landfill. We received two bids and recommend award to the best evaluated bid submitted by Yager Materials for the presented schedule of rates for the contract period of July 1, 2023, to June 30, 2024. Price increases over current rates were within the expected range. We currently utilize Yager Materials without issues. There were no exceptions to our bid specifications.

Commissioner Conder: Jordan, this item has a significant rate increase compared to everything else. Is this normal?

Treasurer Johnson: Prior to COVID the rates would increase every year, between 7 and 15%. After COVID, this is expected range, 15-25%.

Award Bid No. 2223-58: Coated Corrugated Culvert Pipe (Annual)

For the Daviess County Road Department, this annual budgeted expense, we received three bids and recommend award to the lowest and best evaluated bid, without exceptions, submitted by Contech Engineered Solutions for the presented schedule of rates for the contract period of July 1, 2023, to June 30, 2024. Price decreases compared to current rates for all measurements ranged from 30% - 50%, explained mostly by the market rates of aluminum and steel. Polymer coating will be 1.3x scheduled rates, and bituminous coating will be 1.4x scheduled rates, both of which are within the expected range. No exceptions and I recommend approval.

Award Bid No. 2223-59: Ready-Mix Concrete (Annual)

This annual budgeted expense includes ready-mix concrete, fibrous concrete reinforcement, and excavatable flowable fill for the Daviess County Road Department. We received two bids and recommend award to the lowest and best evaluated bid, without exceptions, submitted by Yager Materials for the presented schedule of rates for the contract period of July 1, 2023 to June 30, 2024. We have utilized Yager Materials in the past with no issues when material was available, this is a budgeted expense, and their exceptions to our bid specifications were ruled as minor. I recommend approval.

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

By a motion of Commissioner Marksberry, seconded by Commissioner Castlen, the court considered for approval; Hire Dennis Fisher as part-time Landfill Scale Operator Eff. 6/3/23.

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

By a motion of Commissioner Castlen, seconded by Commissioner Conder, the court considered for approval; Hire Jake Westerman as Transfer Station Laborer Eff. 6/19/23.

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

By a motion of Commissioner Castlen, seconded by Commissioner Marksberry, the court considered for approval; Hire James Thomson as Transfer Station Laborer Eff. 6/15/23.

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

By a motion of Commissioner Conder, seconded by Commissioner Castlen, the court considered for approval; Hire Patrick Sowders as Landfill Laborer Eff. upon successful completion of pre-employment screenings.

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

By a motion of Commissioner Castlen, seconded by Judge/Executive Castlen, the court considered for approval; Reappoint Jordan Johnson as the Daviess County Treasurer (4-Yr. Term) Eff. 6/30/23.

Judge/Executive Castlen: Thanked Jordan for his service and agreeing to continue with Daviess County Fiscal Court.

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

By a motion of Commissioner Conder, seconded by Commissioner Marksberry, the court considered for approval; Appoint Bill Weikel (Becky Whitehead S3+T) to the RWRA Board (4 Yr. Term) Eff. 7/1/2023.

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

By a motion of Commissioner Conder, seconded by Commissioner Marksberry, the court considered for approval; **Second Reading of KOC A.104 (2023) 07-2023** - Fiscal Year 2023/2024 Annual Budget.

Comments:

Treasurer Johnson: This budget assumes a COLA of 6.5%, the retirement contribution rates published by the Kentucky Public Pensions Authority for FY 23/24, that the currently adopted taxes and tax rates will be held constant with no new taxes levied, and that no additional debt will be issued. The first reading of this budget ordinance was presented on May 4, 2023. The following are appropriations by fund. Note, there is offsetting revenue in the same amount per fund as the budget is balanced.

- General Fund \$48,006,163
- Road Fund \$6,972,750
- Detention Center Fund \$11,760,937
- Local Gov't. Economic Assist. Fund \$135,500
- Bond Service Fund \$3,386,200
- Solid Waste Funds \$24,826,925
- Economic Development Fund \$1,688,000
- American Rescue Plan Act Fund \$10,250,000
- Co. Clerk Perm. Storage Fees Fund \$381,000

TOTAL (All Funds) \$107,407,475

It should be noted the budget is unchanged since the first reading. Upon passage and publication, the budget will be effective beginning July 1, 2024. It will be posted on our website tomorrow and be available for examination in the office of the County Judge/Executive. This is the second reading.

Judge Castlen: Before we proceed, I would like to ask each of you to think about what we are and what we are not doing tonight. We are about to vote on 107 million dollar budget, we are not about to vote on a single issue. We are required by state law to have an approved budget by July 1, or we cannot operate. The budget cannot be changed overnight. We must have two readings and as Mr. Johnson just said, publicly we must advertise the second reading to receive approval from the Department of Local Government as to form and classification and all that takes a minimum of three weeks. To make certain that we do have an approved budget by July 1, we have all worked together to reach an acceptable document. None of us got everything we wanted. We all gave up something, but we all got something; as I said at the first reading on any particular issue everyone up here does not agree with each other, just as each of our citizens that we represent do not agree with one another. There are Court members up here that do agree with you and there are Court members up here that do not agree with you. I understand that some people will dislike certain aspects of this budget, well each of us dislike certain aspects also. Finally, I want to emphasize that there is no end tonight. We are voting on a budget which is merely a financial plan that we use to operate. We are not deciding a social issue-whatever issue you represent is not going away tonight, the discussions around the social issues will continue. At this point we would have the Commissioners who wish to make any statements.

Commissioner Conder: To make sure that everyone understands that our new County Treasurer is not killing a whole lot of trees here, he actually did this for the first time electronically, kudos to you Mr. Johnson. Thank you Mr. Johnson.

Commissioner Castlen: At this point we would ask if anyone wishes to make a statement on the budget you're welcome too. I see no takers.

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

No Other Business was discussed.

Public Comments:

Judge Castlen: At this point we welcome anyone who's here that wishes come to the podium to speak to any issue that is not on the agenda, you're welcome to come up, please state your name and address for the record.

Timothy Smith: I'm a resident of Owensboro. This was reported on Channel 25. Scholaroo has identified the happiest states in the US and Kentucky ranks 47th so considering some aspects of the budget you're considering, consider the possibility of the some of the younger generation that might take their talents to be nurtured elsewhere only to return possibly to take care of aging parents and what kind of message does this send to the younger generations who are particularly certain sub-components of the group are more susceptible to societal (inaudible) alienations. I am a current volunteer with the Tri-State Alliance youth group and the director. The person in charge of that, passed away. There are two other people trying to take over the organization, now this is for middle and high school students LGBTQ plus students; so just consider certain aspects of what you mentioned earlier in general, thank you.

Email: I work with an organization called The Collective. I just wanted to ask for clarification, if the fiscal budget for this quarter defunds the River Park Center?

Judge Castlen: This is our budget for the coming fiscal year from July 1 to June 30th. Keep in mind the River Park Center has much funding that comes from other sources, all they got from us previously was \$12, 500 and to answer your question specifically, the answer is no, the \$12, 500 is not in the budget.

Email: I am wondering how many LGBTQ community are going to feel more marginalized by their local government with this ruling? Now I know you said this isn't going into effect right now and there's no chance it will change?

Judge Castlen: No. We just voted on it, just a moment ago.

Email: I was just asking for clarification that's all I have thank you.

Lydia Wethington: From what I understand defunding was because of the drag shows that you all apparently some of you objected to, but my question is more practical. I want to start coming to these meetings so that I know what you all are doing in advance, so when do you hold them? Is it publicly announced? Is it on a regular basis?

Judge Castlen: Generally, our meetings are held the first Thursday and the third Thursday of every month.

Lydia Wethington: Okay. I just want to know what you're doing because I've wanted for a long time to come to these meetings and wasn't sure when they were. This budget has me fairly upset and I know I'm not the only one, so I would like to be able to give a little input; my views, you may ignore it I guess, but I still want to be able to say what I think and to let you all know maybe what some of the population of Owensboro thinks too. We are voters you know. When we're a small group of people who, there's many of us that feel the same way but not that many of us came today and that's all I have to say.

Andrew Gillum: I don't really have a question for you, but as a concerned youthful member of our community born here, lived here my whole life, most of my generation doesn't feel very efficiently represented by you guys and I understand that there is not intensity to the budget shift but what it does is continue a trend that people like me are saying across the country and it shows a willingness to kick down a community you are not a member of you are not involved with and is simply shameful.

Madeline Howell: I live at 424 Locust Court in Owensboro, Kentucky 42301 and I'm a taxpayer and a voter and I really enjoy River Park Center. I enjoy the activities that they have and I have been very glad that they have been inclusive of everyone, including the LGBTQ community, which I hate to tell y'all, until all this started I didn't even know they had drag shows down there and I don't think they've really hurt anybody. From what I've heard, I've never seen one, I think I'll try and go to one to see what it's all about. I've heard that they're a lot of fun and I'm sorry if that such a small amount of money could not be allocated to them to continue to serve our community and all the people in our community with all the different activities that they have. Including young people and including people that don't necessarily, aren't necessarily straight like me and old in my 60s but you know like we say "With Liberty and Justice for All."

Kathy Wethington: I would just like to say Ted Nugent came here either last year or the year before. Ted Nugent is nothing but a bag of obscenity and nobody said cut the budget for the River Park Center over that. I think this is shameful. I really do. I think it's shameful. Nobody is forced to go to a drag show, nobody's forced to go anywhere that they have to see something that they don't want to. Adult people should be allowed to choose for themselves what they go see and some small group of bigots shouldn't be interfering with that.

Brian Blair: I live at 5260 Hillview Drive. I'm a Christian. I'm a follower of Christ and I try to have a biblical world view for everything. I consider you folks, a blessing. Civil government is a blessing from God. According to Romans 13, God also defines civil government's role and that is to reward righteousness, so it flourishes and punish evil. I was reminded with Commissioner Marksberry's prayer in April from Isaiah 5. "Woe to those who call good evil, evil good, down up, sour sweet" and along those lines. So I am glad you made the decision you did for whatever reason. Promotion endorsement of public sexual perversion is an affront to the Living God and people who make those decisions are accountable not just to us as voters but you're accountable to the Living God. The idea of an age-appropriate drag show is a red herring and a canard. The idea that adult behavior does not flow downstream and affect our youth is laughable. It is an indefensible position and the rot and the degeneracy we see across this nation on a regular basis is downstream from decisions that go the opposite way that yours did, capitulations to the mob. Winston Churchill said that appeasers appease the alligators because they think they'll eat him last, sometimes sooner or later the alligator shows up. Daviess County is the better for this decision and I look forward to more.

Judge Castlen: Anyone else? I'm sorry you've already had your turn. We only do one. Unless you are speaking, I'll allow it, because I didn't stop the first gentleman that spoke but unless you are speaking to something that is not on the agenda and the budget was on the agenda you'll be the last one allowed to speak, but go ahead.

Carolyn Davidson: I live at 3119 Frank Gray Trace and I've been here a year and I tell everybody how much I love Owensboro. I just moved here from out of state and I personally was shocked when I heard this was happening. I just didn't think that something like this would happen in Owensboro. I see Owensboro as very progressive, just a great place to live and when I think, what happened to the separation of church and state. It is not the state's business to do what the church does. God might say one thing but that's not your job, so in the future, I hope that you base your decisions on freedom and on the Constitution and people's rights and adults have rights and yes, we set what values are our society says but if we start marching down that road, where you know, you can't do that well then you can't do that, and you can't do that and then one day nobody can do anything and I don't want to go on that slippery slope to Fascism and that's kind of where I see us moving, so please remember separation of church and state.

Judge Castlen: I will reiterate, is there anyone that wishes to speak to any item that was not on the agenda. Did you come to say anything sir? I just I want to make you feel welcome. This is Mr. John Kovich and he's with KACO, who's our county, Kentucky Association of Counties and he just stopped in to visit and to participate in one of our meetings or at least take it in, so thank you for being here.

Comments by Daviess County Fiscal Court

Commissioner Marksberry: Since this is a new court, with a first budget to pass, we all had to give and take on some items and as the Judge said previously, no one got everything they wanted, but in the spirit of cooperation we did move forward.

Commissioner Castlen: I just want to say as well, sorry I didn't mention it during the budget part, but I appreciate everybody that that contacted me and the other Commissioners with their opinions and their perspectives of what they wanted for our community regardless of which side somebody had spoken of and reached out to me or any others. I appreciate people actually taking an active role in your community and standing up for what he or she thinks is right.

Commissioner Conder: Just to bring to light this past weekend with Memorial Day, I believe the count was about 12 events that occurred this past weekend and many of them well attended but some not necessarily but that's good. It was a good day or good days of those events. A couple of other things of note, at Yellow Creek Park this weekend there will be a civil war encampment on Saturday from 12 to 4. If you want to bring your kids out and just really see what some of the uniforms and everything else look like, it would be a great event and then maybe go fish. The other piece, Horse Fork. Finally. The parking lot was paved and I know that several families were just excited. Mr. Brasher, well done on both aspects. Finally, if you notice around the courthouse, placed earlier this week, you see the Walk of Honor, which is to recognize all those individuals who gave all and please, I ask you to read the tags. Who are they for? My son is on there as a first responder, as a firefighter but I also had two others that were recognizing all of our First Responders, so it's a great thing to do to walk around and see those little tags of who is being remembered and for what.

Commissioner Castlen: I forgot to mention that June 14th is Flag Day. We have a drop box here if you have torn or tattered flags. Bring it here to the courthouse. On the Third Street side of the building is the

dropbox for anybody that has one to bring up and then we'll dispose of it properly. That is June 14th, Panther Creek South at 4:00 p.m. The Veterans Organizations in Daviess County.

Judge Castlen: I just have a couple of things. Number one, I wanted to say a public thank you to the River City Pickleball Club who has generously pledged two thousand dollars towards the lighting of the pickleball courts out at Stanley. That's been a frustration for those who enjoy that sport. That there's no part of the year at least there's no lit pickleball courts to use. We've applied for a grant, for that and I'm not sure what the timetable is to hear back on that, but we'll decide what to do when we hear back from whether we've got that grant. At our last Fiscal Court meeting we appointed members, three people to serve on the reapportionment committee for States and Federal level positions. They do what they call redistricting. State law refer to it as reapportionment and that will be done this year. Because of COVID, the census was late getting released to us and so we were told to hold off until the new census numbers come out, so that meeting is June 8th, 5 p.m. here in this room.

By a motion of Judge Castlen, seconded by Commissioner Marksberry, the court considered for approval; Enter into Closed Session per **KRS 61.810 (1)(f)** and **KRS 61.810 (1)(b)**:

- **KRS 61.810 (1)(f)**: Discussions or hearings which might lead to the appointment, discipline, or dismissal of an individual employee, member, or student without restricting that employee's, member's, or student's right to a public hearing, if requested. This exception shall not be interpreted to permit discussion of general personnel matters in secret.
 - Action is expected to be taken on **KRS 61.810 (1)(f)**

- **KRS 61.810 (1)(b)**: Deliberations on the future acquisition or sale of real property by a public agency, but only when publicity would be likely to affect the value of a specific piece of property to be acquired for public use or sold by a public agency.
 - No action is expected to be taken on **KRS 61.810 (1)(b)**

Closed Session concluded with Fiscal Court members returning to the courtroom and Judge Castlen resuming today's regular meeting.

By a motion of Judge/Executive Castlen, seconded by Commissioner Conder, the court reconvened in regular session.

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

By a motion of Judge/Executive Castlen, seconded by Commissioner Castlen the court considered for approval; Promote Joe Paul Bickett to County Project Manager and Reclassify Kelci Calhoun to Assistant Animal Control Director

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

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 Clerk Leslie A. McCarty, hereby certify that the above corresponding Order Book minutes were approved by the court on June 22, 2023.

Leslie A. McCarty
Daviess County Clerk