

**Minutes of the April 25, 2024, 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**

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**DOCUMENTS RELATED TO TODAY'S DISCUSSIONS ARE FILED IN THE CORRESPONDING FISCAL COURT FILE.**

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The meeting opened in Prayer and the Pledge of Allegiance to the Flag by Commissioner Conder.

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**1. Consideration for Presentation:**

**A. Treasurer's Report for March 2024.**

*County Treasurer Jordan Johnson:* As of March 31, 2024 total cash balance was \$73,044,380 for all funds, minus operating reserve and restricted funds, cash for General Fund operations was \$28,626,312.

**2. Consideration for Approval:**

A. By a motion of Commissioner Marksberry, seconded by Commissioner Castlen, the court considered for approval; **Minutes of the April 11, 2024, 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; **Minutes of the April 17, 2024, Daviess County Fiscal Court Special Called Meeting.**

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; **All Claims for all Departments.**

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

D. By a motion of Commissioner Marksberry, seconded by Commissioner Castlen, the court considered for approval; **Resolution 07-2024: Transportation of Non-Public School Students.**

*County Treasurer Johnson:* The Daviess County Public School System will invoice Daviess County Fiscal Court to provide bus transportation for non-public school students in the county per KRS 158.115 which the State will reimburse. He noted that the court has participated in this program for over 20 years. He recommended approval.

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

E. By a motion of Commissioner Conder, seconded by Commissioner Castlen, the court considered for approval; **Resolution 08-2024: Designation of Applicant's Agent.**

*County Treasurer Johnson:* FEMA and KYEMA require that Fiscal Court to annually name an applicant agent that would sign and submit applications for any grant funding from Federal disaster assistance

through FEMA and the Disaster Relief Act. He had completed the required training and has served as the applicant agent for roughly nine years. He recommended approval.

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

**F.** By a motion of Commissioner Marksberry, seconded by Commissioner Castlen, the court considered for approval; **Second Reading of KOC A.104.02 (2024) 04-2024 – Budget Amendment No. 2.**

County Treasurer Johnson: Informed the Court that the first reading was held in Fiscal Court session dated April 11, 2024. The State approved it April 17, 2024. This is to amend the budget to reflect a FEMA Hazard Mitigation Grant in the amount of \$60,000.00 for the GRADD Risk Assessment Add-On. He recommended approval.

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

**G.** By a motion of Commissioner Conder, seconded by Commissioner Castlen, the court considered for approval; **Second Reading of KOC 921.683 (2024) 03-2024 – An Ordinance Amending a Zoning Classification Set Forth in the County Zoning Ordinance of February 5, 2004.**

County Attorney John Burlew: Read the clauses of the ordinance for the record. The finding of facts was accepted. However, Daviess County Fiscal Court wanted to add four conditions to the ordinance.

Judge/Executive Castlen: Asked the Court if anyone wanted to speak on the item.

Commissioner Castlen: **Made a motion to include the additional conditions to the ordinance** which was seconded by Commissioner Conder.

County Attorney Burlew: Read the four new conditions into the record.

Commissioner Castlen: Stated he felt that the additional conditions would help compromise and make sure that the business was accepted by Planning and Zoning. He noted the conditions would also be beneficial to the neighbors.

Commissioner Marksberry: **Made a motion to strike condition number five.** She did not support adding trees and/or shrubs because it would block the view of the drivers going around the curves. She thought the falling leaves would affect the drainage and she stated that her only concern was the drainage in that area. She did not believe that Fiscal Court or Planning and Zoning should have the right to pick and choose what can be placed in approved B4 zones and that the City and County should have a different set of rules. She stated she would always vote for private property rights.

Commissioner Conder: Asked Commissioner Marksberry if her motion to strike was for condition number five only.

Commissioner Marksberry: Confirmed that her motion to strike was for condition number five only.

Commissioner Conder: **Seconded Commissioner Marksberry's motion to strike condition number five.**

Judge/Executive Castlen: Stated that the reason we had Planning and Zoning in the community was to protect the rights of those who were already there and to make sure that developments do not harm a neighbor. He stated that there were a different set of rules for the City and the County. He stated that he believed that Planning and Zoning got it wrong this time and that he wanted to create an environment where businesses that are listed in the B4 zoning had restrictions. **He called for a roll call vote on the motion to strike item number five.** Judge/Executive Castlen and Commissioner Castlen voted no on the motion to strike number five. Commissioners Conder and Marksberry voted yes.

**Motion to strike failed. He called for a roll call vote on the motion to include the additional conditions to the ordinance.** The vote was called and with all present members voting in favor, **said motion passed.** **He called for a roll call vote on the ordinance, as amended, to amend zoning classification set forth in the county zoning ordinance of February 5, 2004.**

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



H. By a motion of Commissioner Conder, seconded by Commissioner Castlen, the court considered for approval; **Release of Surety – 6419 Ridge Brook Cove – Sidewalks – Public Improvement Surety.** Assistant County Engineer Dirk Dooper: Reported that the Engineer office received a release of surety request from the property owners who were to install a sidewalk on their property at 6419 Ridge Brook Cove. The Engineering department had inspected the sidewalks and determined they met the requirements. He recommended approval.

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

I. By a motion of Commissioner Marksberry, seconded by Commissioner Castlen, the court considered for approval; **Accept Proposal of Ted Lolley & Associates, LLC for Engineering Services at the Grimes Avenue Transfer Station.**

Staff Accountant Kandace Sturgeon: The proposal was in the amount of \$18,700.00 which would provide the Court a structural design for additional personnel safety devices for the Grimes Avenue Transfer Station. She recommended approval.

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

J. By a motion of Commissioner Castlen, seconded by Commissioner Marksberry, the court considered for approval; **Award Bid No. 2324-61: Bulk Delivered Fuel (Annual).**

Staff Accountant Sturgeon: Recommend award to the lowest and best evaluated bid submitted by Valor Oil bulk for fuel service for vehicles and equipment.

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

K. By a motion of Commissioner Castlen, seconded by Commissioner Marksberry, the court considered for approval; **Award Bid No. 2324-62: Tire Repair & Maintenance Services (Annual).**

Staff Accountant Sturgeon: Recommended award to the lowest and best evaluated bid submitted by Best One Tire for inspections, scheduled maintenance, and repairs for all 5th wheel road tractor tires in the Solid Waste Department.

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; **Award Bid No. 2324-63: Recycling Services (Annual).**

Staff Accountant Sturgeon: Recommended award to only responsive bid submitted by Dahl & Groezinger for recycling of scrap metals and white goods on an 'as needed' basis.

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

M. By a motion of Commissioner Marksberry, seconded by Commissioner Castlen, the court considered for approval; **Award Bid No. 2324-64: Buildings 3 & 4 Roof Replacement (Detention Center).**

Staff Accountant Sturgeon: Recommended award to the only responsive bid submitted by Bruce's Tri-State Roofing for the replacement of the roofs of buildings 3 and 4 at the Daviess County Detention Center in the amount of \$62,340.00.

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

N. By a motion of Commissioner Castlen, seconded by Commissioner Marksberry, the court considered for approval; **Award RFP No. 05-2324: Solid Waste Operations/Waste Transportation (Solid Waste).**

Staff Accountant Sturgeon: Recommended award to Ricky H. Moore Trucking in the amount of \$42,000.00 per month and \$13.50 per ton as well as a schedule to cover variable fuel costs. She noted that the lowest proposal was not recommended based on the recommended proposers years of experience and familiarity with operations at the Henderson Transfer Station since it's opening in the

late 1990's and both the City of Henderson and Daviess County have been satisfied with their operations.

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

**O.** By a motion of Commissioner Conder, seconded by Commissioner Marksberry, the court considered for approval; **Renew Purchase Agreement with Aramark Uniform Services.**

Staff Accountant Sturgeon: All service contracts have a provision to where if both parties agree, the contract can be renewed for an additional contract term, up to a maximum of four renewals. The contract is available for renewal for July 1, 2024 - June 30, 2025. She recommended renewal for the contract as services have been rendered to satisfaction and re-bidding the service would likely result in a price increase.

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

**P.** By a motion of Commissioner Castlen, seconded by Commissioner Marksberry, the court considered for approval; **Accept Renewal of City Bid No. 4230: Bulk Sodium Chloride (Rock Salt).**

Staff Accountant Sturgeon: Renewal of the cooperative bid conducted by the City of Owensboro that includes County rates and volumes. The bid rate was \$93.13 per ton (up 2.25% from last year's rate of \$91.08 per ton). The City of Owensboro has approved their rate increase, and County Engineer Brasher and Road Department management believed Fiscal Court's increase to be reasonable and within the expected range. She recommended approval.

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

**Q.** By a motion of Commissioner Marksberry, seconded by Commissioner Castlen, the court considered for approval; **Appoint Tony Clark (Gail Niehaus S1T) to the Assessment Appeals Board (PVA) (3-year term) effective May 4, 2024 through May 3, 2027.**

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 Conder, the court considered for approval; **Hire William Mullen as Building and Grounds Technician effective 4/29/2024.**

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

**S.** By a motion of Commissioner Conder, seconded by Commissioner Marksberry, the court considered for approval; **Hire Duncan Cain as Service Technician effective 5/6/2024.**

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

**T.** By a motion of Commissioner Marksberry, seconded by Commissioner Castlen, the court considered for approval; **Hire Anna Krampe as Senior Staff Accountant effective 6/4/2024.**

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

**U.** By a motion of Commissioner Castlen, seconded by Commissioner Conder, the court considered for approval; **Promote Aaron Rafferty to Solid Waste Heavy Equipment Operator effective 4/28/2024.**

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.**

Darrin Tapp: Stated that he represented the Daviess County Republicans and that the second district convention for the Republican Party was a historical event. He stated it was the first time in history that the citizens outnumbered the establishment and elected officials and they were successful in getting rules changed, allowing the citizens to send their own delegates to the RNC. He also stated that they presented their Return to Excellence Resolution requesting transparency in the elections. He asked that Daviess County Fiscal Court look into finding a path forward that would satisfy the citizen's concerns on elections. He informed the Court that the Nikki Hayden Memorial Race would be at Windy Hollow on June 1, 2024. He requested that going forward, the County get involved in the Nikki Hayden Memorial events.

Kathy Estes: Informed the Court that she spoke with the County Treasurer regarding accessibility issues at the Courthouse. She asked the Court to consider curb cuts, electronic doors, and the grade of the ramp outside. She requested that they do better in that area.

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

Commissioner Marksberry: Spoke about the Senior Center and how so many seniors have reached out to her saying they were disappointed with the location for the new building. She stated they were hoping for a new location in a different area. She did not understand why a survey was done when they did not listen to the results of the users of the facility. In her opinion, there was no reason why the new building would take up to two years to complete. She stated that Fiscal Court had pledged up to \$2 million for the project and proposed that Fiscal Court put a timeline on the development of the project, which she believed should begin within the next six months.

Commissioner Conder: Commented on the Touch-A-Truck event that happened the weekend before the meeting. He stated that Jordan Rowe and his staff did an excellent job with the event and that everyone he had spoken to said they had a great time. He suggested adding a farm equipment event in the future. He mentioned that ten firefighters went to the Czech Republic on an exchange program to learn new ways to fight fires and observe their techniques.

Judge/Executive Castlen: Noted that in the claims mentioned previously in the meeting, there was \$5,400 that was paid at a rate of \$600 (\$100 per mile) to the following nonprofits who raised their own teams to go out and pick up trash. The nonprofits were AG Hodges Masonic Lodge, Brushy Fork Baptist Church, Christ Gospel Church of Owensboro, Daviess County Audubon Society, Greater Owensboro Young Life, Green Valley Beekeepers Association, Knights of Columbus Council 16125, Life Community Church, and Pleasant Ridge Baptist Church. He thanked all of them for their efforts to keep the community clean. He informed the public that Kyle Aud and a group of people helped the Issac Sterett Adventure Foundation pick up trash during the "Operation Community Cleanup" event that happened last weekend. There were forty teams who came out to pick up trash and collected three hundred and sixty 45 gallon trash bags and 107 items that did not fit in a bag. He thanked everyone who came out to help. He mentioned the Touch-A-Truck event and how Jordan Rowe did a great job and thought the event was a huge success. He said he took his grandchildren and had a great time. He also suggested we do a farm equipment event in the off season for farmers.

## **4. Adjournment**

Without objection, Judge/Executive Castlen adjourned the April 25, 2024 meeting.  
SO ORDERED THAT COURT STAND ADJOURNED.

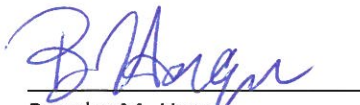
  
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Judge-Executive Charlie Castlen

  
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Commissioner Christopher Castlen

  
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Commissioner Janie Marksberry

  
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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 May 9, 2024.

  
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Brooke M. Hagan  
Daviess County Fiscal Court Clerk