

REGULAR SESSION  
of the Daviess County Fiscal Court  
held at the Courthouse in the City of Owensboro,  
County of Daviess, Commonwealth of Kentucky  
on this 2<sup>nd</sup> day of August 2012  
Present were Judge/Executive Al Mattingly and  
County Commissioners Jim Lambert,  
George Wathen and Charlie Castlen

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DOCUMENTS RELATED TO TODAY'S DISCUSSION  
ARE FILED IN AUGUST 2, 2012 FISCAL COURT FILE

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Judge/Executive Al Mattingly opened the meeting in prayer and led the court in the Pledge of Allegiance to the flag.

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The following Special District Budgets were submitted to the court:

- Daviess County Health Dept.
- Daviess County Public Library
- Owensboro-DC Regional Airport
- Owensboro Riverport Authority
- Regional Water Resource Agency

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**By a motion of Commissioner Lambert, seconded by Commissioner Castlen, the court considered approval of all Claims for all Departments. Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.**

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**By a motion of Commissioner Castlen, seconded by Commissioner Lambert, the court considered for approval the Treasurer's Settlement for Fiscal Year 2011/2012.**

Treasurer Hendrix stated, "I report to you that Daviess County's financial position is healthy."

**Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.**

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Mr. Hendrix stated, "Yesterday, we had a bond sale. This is a refinancing, not new debt nor new bonds. We refinanced \$8,215,000. We are refinancing two issues – 2003A at 6.5 million dollars, which built the detention center and operations center and 2003B at 1.7 million dollars, which was for capital projects including the RiverPark Center and the Museum of Fine Arts that are paid for through the proceeds from the hotel tax. When fiscal court approved the decision to proceed with this refinancing, indications were that the rate would drop from 4.2% to approximately 2.5% with a savings of \$970,000. Bond rates continued to drop during the three weeks it took us to get the approvals and yesterday, we sold the bonds at a surprising rate of 1.9%. That will yield a savings of 1.4 million dollars."

Judge Mattingly was very pleased with this news and thanked Mr. Hendrix for his work on this refinancing.

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By a motion of Commissioner Castlen, seconded by Commissioner Lambert, the court considered for approval the Memorandum of Understanding between Daviess County and McLean County Fiscal Courts Relating to Fire Alarm Response Services.

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.

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By a motion of Commissioner Castlen, seconded by Commissioner Lambert, the court considered for approval the Personal Services Contract and Business Associate Agreement with the Green River District Health Department for Hepatitis B, TB shots, and Rabies Pre-Exposure vaccinations and to authorize the Judge/Executive to sign said documents - effective July 1, 2012 - June 30, 2013.

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.

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By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court the court considered for approval to Award Bid No. 15-2012 - new 2012 Caterpillar D8T Waste Handling Arrangement Dozer for the Daviess County Landfill to Wayne Supply for \$535,919 with trade-in.

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.

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By a motion of Commissioner Lambert, seconded by Commissioner Castlen, the court considered for approval to Advertise for Bid No. 17-2012 – Courthouse Restroom Renovations.

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.

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By a motion of Commissioner Wathen, seconded by Commissioner Lambert, the court considered for approval to Appoint Julie Hawes-Gordon (17-2012) to the DC Animal Control Commission (Local Attorney appointee) TERM: 8/7/2012 – 8/7/2016.

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.

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By a motion of Commissioner Castlen, seconded by Commissioner Lambert, the court considered for approval the Second Reading of KOC A.83(2012) - An Ordinance Relating to the Adoption of the 2012 Daviess County Tax Rates.

Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.

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By a motion of Judge/Executive Mattingly, seconded by Commissioner Castlen, the court considered upholding the Planning Commission's approval of this rezoning and approval of the Second Reading of KOC 921.665(2012) - An Ordinance Relating to a Zoning Classification Amendment for a 692.303 acre tract of land located at 3100, 3570, 3574, 3580 Girl Scout Rd; 2895, 3031, 3035, 3139, 3300, 3484, 3515 Russell Rd; 11300, 11440 US Highway 231 from A-U Urban Agriculture, A-R Rural Agriculture to EX-1 Coal Mining, application filed by Western Kentucky Minerals, Inc. et. al.

By a motion of Judge/Executive Mattingly, seconded by Commissioner Castlen, the court considered for approval to amend the before mentioned rezoning to include the following conditions:

1. Applicant shall use strobe lights during all working hours as permitted by the Mining Health and Safety Administration.
2. Applicant shall not conduct mining operations on Sundays, New Year's Day, Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving and Christmas. Applicant may operate all other non-mining functions such as security, maintenance and dust control on these days.
3. Applicant shall not conduct mining operations on Saturdays from April 1<sup>st</sup> through October 31<sup>st</sup> of any year it operates the proposed mine except Applicant may conduct mining operations on Saturdays: (1) when inclement weather shuts down operations for a full day and Applicant must mine on Saturday to meet a production quota; or (2) to comply with a state or federal government regulation. Applicant may operate all other non-mining functions such as security, maintenance and dust control on Saturdays from April to October.
4. Applicant shall limit its mining operations to inside the pit areas after 6PM on all days it may conduct mining operations if mining within 1,000 feet of an occupied Daviess County dwelling; unless granted a written waiver by the resident.
5. Applicant shall limit its mining operations to inside the pit areas after 6PM on all days it may conduct mining operations if mining within the areas of the property originally zoned A-U Urban Agriculture.
6. Applicant shall not conduct mining operations within 2,000 feet of the main lodge of the Girl Scouts of Kentuckiana Camp Pennyroyal unless granted a written waiver by the Girls Scouts of Kentuckiana.
7. Applicant shall offer the Girl Scouts of Kentuckiana members an education program about the risks inherent in surface mining and educate the staff on the safety barriers, signs and blasting signals that it will use to provide for the safety of the public, and specifically for the Girl Scouts of Kentuckiana staff and visitors.
8. Applicant shall offer to pay an independent laboratory to test and monitor the water quality of the Girl Scouts of Kentuckiana lake at least one time before mining activities begin and two (2) times per year while Applicant conducts its mining operation in the rezoned area. Applicant shall offer to pay an independent Professional Engineer to inspect annually the dam on the Girl Scouts of Kentuckiana lake to monitor the stability of the lake and dam.
9. The Applicant shall pay an independent consultant or company to monitor seismographic activity on the Girl Scouts of Kentuckiana property near the lake or the "Hitchcock" property within 200 feet of Girl Scout Road.

**Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor of the amendment; motion passed.**

**Judge/Executive Mattingly called for a vote on the motion to approve the second reading, as amended. All members of the court voted in favor; motion passed.**

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**Other business to be brought before the Daviess County Fiscal Court:**

**By a motion of Commissioner Lambert, seconded by Commissioner Castlen, the court considered for approval to Accept the Retirement Resignation of Lotus Stogner of the Public Works Department.**

**Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.**

**By a motion of Commissioner Castlen, seconded by Commissioner Lambert, the court considered for approval to Hire Chandler J. Christian and Joseph H. Richling as seasonal Park Attendants at Yellow Creek Park commencing August 3, 2012.**

**Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.**

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

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Al Mattingly  
Daviess County Judge/Executive