

**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 15<sup>th</sup> day of December 2011.  
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 DECEMBER 15, 2011 FISCAL COURT FILE**

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

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The Southeast and West Daviess County Water Special District Budgets were presented to the court.

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Minutes of the December 1, 2011 meeting were submitted to fiscal court members for review prior to today's meeting and on a motion of Commissioner Castlen, seconded by Commissioner Wathen with all the Court concurring said Minutes were approved and signed.

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**By a motion of Commissioner Castlen, seconded by Commissioner Wathen, 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 approval of the Fund Transfer from the General Fund to the Jail Fund.  
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 to approve to award Bid No. 01-2012 - engine oils & lubricants to Busler Enterprises.**

Purchasing Agent Dale Boyle stated, "We had three bidders. Two of the three bids were with exceptions and one was not. The bid of Busler Enterprises is the best evaluated bid submitted, meeting all specifications without exception. It is our recommendation that we award the bid to Busler Enterprises."

**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 to approve to award **Bid No. 02-2012 – asphalt seal coat.**

Mr. Boyle stated, "No bids were received and since the Asphalt Seal Coat needs (aka Chip and Seal) have diminished, as most roadways have been paved, we recommend that any project deemed necessary being less than \$20,000 be contracted by obtaining quotes (3 if possible)."

**No bids were received. Therefore, no approval was required.**

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**By a motion of Commissioner Castlen, seconded by Commissioner Wathen,** the court considered to approve to award **Bid No. 03-2012 - bituminous hot mix & pavement milling** to Yager Materials.

Mr. Boyle stated, "The bid of Yager Materials was the only bid submitted, meeting all specifications with the noted exception that contrary to the bid specification, asphalt prices are subject to monthly price adjustment, as specified by Kentucky's Asphalt Index. It is our recommendation that we award the bid to Yager Materials."

**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 to approve to award **Bid No. 04-2012 - mowing county road right-of-ways** to Wally Murphy for sections A, B, and C and to B. J. Ward Contracting for sections D, E, F, and G.

Mr. Boyle stated, "It is our recommendation that we award the bid to Wally Murphy for sections A, B, and C and to B. J. Ward Contracting for sections D, E, F, and G."

**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 Castlen,** the court considered to approve the Memorandum of Understanding between Daviess and McLean Counties concerning Animal Control, Shelter and Adoption Services for Domesticated Cats and Dogs and to House McLean County Inmates.

Commissioner Lambert stated, "I am concerned about item No. 8 in this agreement. It reads McLean County shall transport substantially all inmates to the Daviess County detention center. I do not know how you would determine what "substantially all" means. I would hope McLean County would not use this clause as an advantage to not sending their inmates to Daviess County."

Judge Mattingly stated, "That was added into that clause after meeting with McLean County earlier this week. Their concern was if they signed this contract and an arrest is made in Sacramento in the middle of the night or in the early morning hours, they would have to transport the inmate immediately to Daviess County. Situations such as this, McLean County officials would like the flexibility to drop the inmate off at the Muhlenberg County jail as it is much closer and then the next day, transport that inmate to the Daviess County jail."

Commissioner Castlen thanked Judge Mattingly for his efforts in making this arrangement on behalf of the citizens of Daviess County.

Judge Mattingly thanked Judge Thurman for his effort. He also said that he would like to arrange other mutually beneficial agreements such as this with other GRADD counties.

**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 considered to approve the Graystone Estates, Section 2 – fire hydrants Bond Release.

**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 considered to approve to Amend the Economic Development Advisory Group Agreement.

This amendment changes the ex-officio board member from “Daviness County Treasurer” to “Daviness County designee”.

**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 to approve to reappoint **Commissioner George Wathen (64-2011)** to the **Chamber Board** - Term: 12/31/11 – 12/31/12.

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

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**By a motion of Commissioner Lambert, seconded by Commissioner Wathen,** the court considered to approve the following:

- Appoint **Ross Leigh (72-2011)** to the **MidAmerica Development Review Board** - Term: 12/31/11 – 12/31/14. Mr. Leigh is replacing outgoing member Jennifer Warren.
- Reappoint **Joan Hayden (73-2011)** to the **Daviness County Extension District Board** - Term: 12/31/11 – 12/31/14.
- Appoint **Nathan Grant (74-2011)** to the **Daviness County Extension District Board** - Term: 12/31/11 – 12/31/14. Mr. Grant is replacing outgoing board member Wesley Yeiser.
- Reappoint **Cindy Fiorella (71-2011)** to the **Green River Area Development District Board** - Term: 12/31/11 – 12/31/14. This is a joint city/county Appointment.
- Reappoint **Mattie Jones (70-2011)** to the **Green River Area Council on Aging** -Term: 12/31/11 – 12/31/14.
- Appoint **Jason Stode (75-2011)** to the **Owensboro Metropolitan Planning Commission** -Term: 12/31/11 – 12/31/15. Mr. Stode is replacing outgoing member Martin Hayden.
- Reappoint **C.A. “Ottie” Pantle, Jr. (76-2011)** to the **Owensboro Metropolitan Planning Commission** - Term: 12/31/11 – 12/31/15.

- Appoint **George Ballard (78-2011)** to the **Daviess County Drainage Commission** - Term: 12/15/11 – 6/2/15. Mr. Ballard is replacing the unexpired term of Mattie Boarman.
- Appoint **Richard Stallings (79-2011)** to the **Daviess County Drainage Commission** as an ex-officio member and representing the Homebuilders Association of Owensboro - Term: 12/15/11 – 6/2/14. Mr. Stallings is replacing the unexpired term of George Ballard.
- Reappoint **Janet Murphy (77-2011)** to the **West Daviess County Water District** - Term: 1/17/12 – 1/17/16.

**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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**Comments:**

Barry Sparks requested the court amend the Daviess County Animal Control ordinance to include that if someone finds a lost dog they must report said dog to the Daviess County Animal Shelter. Mr. Sparks held up a picture of his lost dog and asked if anyone in the community has knowledge of his dog's whereabouts, please contact him at 315-8056.

Judge Mattingly recognized two members of Boy Scout Troop 120, Blake Daugherty and Mike Lewis, for attending today's meeting. These scouts are here in effort to obtain their citizenship merit badge.

Commissioner Wathen made a motion to change the time of court meetings from 5:00 p.m. to 4:00 p.m. He noted that since the time changed to 5:00 p.m. meeting, he has not seen an increase in citizen attendance. Commissioner Lambert seconded the motion. Judge Mattingly called for a vote and without support from Commissioner Castlen and Judge Mattingly, said motion failed.

Joseph Martin agreed with the Judge and Commissioner Castlen regarding retaining the 5:00 p.m. meeting time.

Commissioner Lambert reminded the public about Christmas at Panther Creek.

All the court wished the public a Merry Christmas and Happy New Year.

Judge Mattingly thanked the staff and county commissioners for a great first year. He also expressed a sincere thank you to the Whitesville City staff and Owensboro City staff for what they do.

Judge Mattingly announced receipt of two anonymous letters. He stated, "This is how much credit I give to anonymous letters". He then publically ripped up the letters.

Judge Mattingly announced, "A new cell has been approved for operation at the landfill."

Judge Mattingly announced that a wet/dry election will take place for the Graham precinct on Feb. 21, 2012.

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

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Al Mattingly  
Daviess County Judge/Executive