

**Minutes of the June 21, 2018
Daviness County Fiscal Court Meeting
Held at the Daviness County, Kentucky Courthouse**

**Present elected court officials included
Judge/Executive Al Mattingly and County Commissioners Mike Koger,
George Wathen and Charlie Castlen**

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

The meeting opened with a prayer and the Pledge of Allegiance to the Flag.

Minutes of the June 7, 2018 meeting were submitted to fiscal court members for review prior to today's meeting and on a motion of Commissioner Koger, seconded by Commissioner Castlen with all the Court concurring said Minutes were approved and signed.

By a motion of Commissioner Koger, seconded by Commissioner Wathen, the court considered for approval 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.

By a motion of Commissioner Wathen, seconded by Commissioner Castlen, the court considered for approval; Budget Transfers for Fiscal Year Ending June 30, 2018.

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 Wathen, the court considered for approval; Order of Allowance to the Board of Assessment Appeals.

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 Koger, seconded by Commissioner Wathen, the court considered for approval; Salary Schedule effective July 1, 2018.

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 Wathen, the court considered for approval; Parking Lease Agreements with the City of Owensboro for 212-216 Allen Street and Daviess Street Parking Garage.

This agreement increases the current rate of \$30 to \$40 per parking place. Administrative Offices of the Courts (AOC) reimburses the county for all but one of these parking places. Treasurer Hendrix reviewed these agreements and recommended the court's approval.

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 Wathen, the court considered for approval; Resolution No. 9-2018 – Supporting the Transfer of Ownership and Maintenance of Sections of Right-of-Way on Worthington Road and Old Calhoun Road from the Kentucky Transportation Cabinet.

County Engineer Mark Brasher explained, the state highway department is asking the county to accept ownership of right-of-ways following the completion of the state's road construction projects in western Daviess County.

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

The court discussed Petitions to Discontinue a Section of Pleasant Valley Road beginning at the City Limits of Owensboro and ending at a dead end for a distance of 0.103 miles and a Section of Old Lee Rudy Road beginning at GRADD Way and ending at a dead end for a distance of 0.161 miles.

County Engineer Mark Brasher noted, "These sections of Pleasant Valley Road and Old Lee Rudy Road were cutoff following road construction and serves no public purpose."

"If the county approves to discontinue, they are agreeing to discontinue the maintenance of that portion of road only, but the road remains open to the public", stated County Attorney Claud Porter.

Charles Evans of Pleasant Valley Road asked, "Ownership of the road is not changing; only the maintenance of the road will stop, correct? In addition, will the adjoining landowners have an opportunity to purchase the land?"

County Attorney Porter stated, "The County does not own the land and the discontinuance of the road will not change the land's ownership. The law reads, "If the only existing condition is necessary access to a private person, by a petition of all parties entitled to access, the road can be discontinued and possession reverts to the owner(s) of the tract of land to which it originally belonged.""

He further stated, "Again, the county does not own the property under the road nor holds a deed to the subject land. The county only has rights to the right-of-way (road). Once the county discontinues maintenance, the road does not disappear. It simply removes the county's obligation to maintain it. If the current, adjacent landowners wish to obtain ownership or have the property deeded to them, they must go through an attorney."

Both the Judge and County Attorney agreed to do whatever they are able to assist Mr. Evans in his attempt at obtaining a deed to that land.

Regarding Old Lee Rudy Road, adjacent property owner Tony Clark stated, "David Reynolds is my attorney, but unable to be here tonight. This portion of Old Lee Rudy Road was, for many years, on record as a county road. When the current by-pass was constructed, it divided Old Lee Rudy Road."

The court approved the first ed. County Road & Street index. Engineer Brasher said, "The western portion of Lee Rudy Road was included in that first index, but not the eastern portion, nor has it since."

County Attorney Porter stated, "All county maintained roads must have been on that 1st ed. index in order for it to be legal for the county to preform maintenance of said road(s). The eastern portion of the road has never been a county road."

Mr. Clark stated, "This road has never been closed, nor has any formal action been taken regarding it." He accused the court of being close-minded, and believes a "behind closed doors" decision has already been made. With court members taking great offense to this comment, Judge Mattingly said, no decisions of this body have nor will be made "behind closed doors".

Mr. Clark continued, "You are taking current marketable and developable property and making it less attractive."

By a motion of Commissioner Koger, seconded by Commissioner Wathen, the court considered for approval; Appoint Gary Montgomery and Carl Raymond as Viewers to View Section of Pleasant Valley.

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 Wathen, seconded by Commissioner Castlen, the court considered for approval; Appoint Vince Wink and David "Smokey" Millay as Viewers to View a Section of Old Lee Rudy Road.

By a motion of Commissioner Castlen, seconded by Commissioner Wathen, the court considered for approval; Purchase 4, 30-cubic yard open top, roll off containers from Municipal Equipment, per state bid.

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 Wathen, seconded by Commissioner Castlen, the court considered for approval; Award Bid No. 13-2018: Yellow Creek Pedestrian Bridge Replacement to Scott & Murphy, Inc.

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 Koger, seconded by Commissioner Castlen, the court considered for approval; Advertise Bid No. 15-2008; a new Compact Track Loader and Bid No. 16-2018: a new Wheel Tractor Scraper.

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 Koger, seconded by Commissioner Wathen, the court considered for approval; Surety Bond Releases for Unit 1 of Whispering Meadows and Section 3 of Whispering Meadows's, Meadow Run.

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 Wathen, seconded by Commissioner Castlen, the court considered for approval; Hire Kevin Payne as a Transfer Station Truck Drive effective June 18, 2018.

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 Wathen, the court considered for approval; Appoint Brooklyn Maple and Brian Smith to the O-DC CVB – Term 6/30/18 to 6/30/2021.

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 Wathen, the court considered for approval; Appoint Randy Jones to the O-DC Dental Clinic Board – Term 7/1/18 to 7/1/2020.1 Without further discussion, Judge/Executive Mattingly called for a vote on the motion. All members of the court voted in favor; motion passed.

Comments:



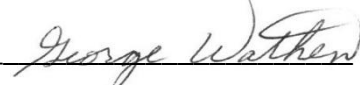

Commissioner Wathen recognized DCFC employees for their commitment to safety. Because of their commitment, our workers comp. insurance rates continue to decrease.

Judge Mattingly recognized Sheriff Keith Cain for being selected as Kentucky’s Sheriff of the Year.

Judge Mattingly announced the June 26, 11:30 am Special Court Meeting to approve FYE Budget Transfers and the rescheduled July court dates as July 12 at 5:00 pm & July 24 at 10:00.

Without objection, Judge/Executive Mattingly adjourned the meeting.

SO ORDERED THAT COURT STAND ADJOURNED.

Judge/Executive:  Commissioner: 
Commissioner:  Commissioner: 

I, duly appointed Clerk of the Daviess County Fiscal Court, do hereby certify that the above Minutes for the corresponding Order Book were approved by the members of the Daviess County Fiscal Court at the regular session of said Court on this July 12, 2018.

Jennifer Warren
Daviess County Fiscal Court Clerk