

**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 15th day of March 2012
Present were Judge/Executive Al Mattingly and
County Commissioners Jim Lambert,
George Wathen and Charlie Castlen**

**DOCUMENTS RELATED TO TODAY'S DISCUSSION
ARE FILED IN MARCH 15, 2012 FISCAL COURT FILE**

Commissioner Lambert opened the meeting in prayer and led the court in the Pledge of Allegiance to the flag.

Judge Mattingly introduced Judge/Executive Kelly Thurman of McLean County.

Judge Thurman stated, "I want to express my appreciation for the level of cooperation we have had since coming into office a year ago. As you all know, we have entered into a couple of interlocal agreements with you concerning our animal shelter and our county inmates. We have had some glitches in that, as we all anticipated, and we have worked through those. I think it has been a very positive thing for both courts. I just appreciate the spirit in which all of those things have been entered into and your willingness to cooperate with us. I think this agreement is one of the premier agreements in the state as far as two counties coming together and cooperating to provide government services. We stand committed to helping you with any endeavor that comes in the future."

Judge Mattingly stated, "Judge, I too appreciate the way we have come together. As you have said, there are always obstacles to overcome. When you have the spirit of cooperation as we have had with McLean County, it makes it easier to work through those obstacles."

Commissioner Castlen thanked the McLean County Fiscal Court for their willingness to cooperate with us.

Commissioner Wathen said it is working well, and he would like it to continue.

Commissioner Lambert stated, "Judge, I appreciate your cooperation."

Judge Mattingly proclaimed March 30, 2012 as Doctor's Day.

Minutes of the March 1, 2012 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.

By a motion of Commissioner Castlen, seconded by Commissioner Lambert, 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.

By a motion of Commissioner Lambert, seconded by Commissioner Castlen, the court considered the approval of an Engagement Letter from Mountjoy, Chilton, and Medley to perform the Daviess County Fiscal Court Audit.

County Treasurer Hendrix stated, "This is a standard engagement letter for an annual audit. It is for the fiscal year 2012/2013. We have used this firm before. The state auditor's office cannot do all of the audits, so they contract some out, and they allow the courts to contract out, as well. I have received approval from their office for us to use this firm. The fee in this agreement is an amount not to exceed \$24,500. They will bill us on actual hours worked. It will not go over that amount of money. That money is in-line with what we have seen in prior audits, and I recommend 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 Lambert, seconded by Commissioner Wathen, the court considered the approval to Award **Bid No. 06-2012** - Construction of a Gas Collection System at the Landfill, Unit 5 to Landmarc Environmental Systems, LLC for \$117,058.50.

Robbie Hocker, Landfill Manager stated, "Landmarc Environmental Systems, LLC is the lowest and best-evaluated bid submitted meeting all specifications without exception. They have a good reputation, and I recommend that we award the bid to Landmarc Environmental Systems, LLC for \$117,058.50."

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 the approval to Accept the City of Owensboro Sodium Chloride (Rock Salt) **Bid No. 2784** renewal for the period 2012 through March 31, 2013.

Purchasing Agent Dale Boyle stated, "Last year, the City of Owensboro bid a joint cooperative bid with us for rock salt and it is up for approval to renew for another annual period. This is a 1.5% fuel increase, and the city has accepted it. What we are doing here is just piggybacking the city's bid. The price for road salt picked up by Daviess County trucks at the Rockport terminal is \$63.34/ton, which includes the 1.5% fuel adjustment. Last year, the cost was \$62.40/ton."

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 Lambert, seconded by Commissioner Castlen, the court considered the approval to Advertise for **Bid No. 07-2012** – Daniels Lane Widening Project.

Mark Brasher stated, "We have completed the design of widening Daniels Lane from where the hospital will stop their work to Hayden Road. The typical section we are widening is two 12-foot lanes, two 2-foot paved shoulders, and a 1-foot grass shoulder on each side, and then a 3 to 1 slope for roadside ditches. I have met with the residents on Daniels Lane. We have easements, and we are at the point now where we would like to advertise and get a contractor on-board."

James Lacey-Kamuf asked if provisions could be made to incorporate sidewalks for bicycles.

Mr. Brasher stated, "We actually are putting in the structure over Yellow Creek, and we are getting so that we will have some room potentially to put in a sidewalk or a shared-use path. I think the county, through the parks department, is also looking at a shared-use path from Yellow Creek towards the Meadow Lands Elementary School, and maybe even connecting that to the hospital. Basically, we are still in the planning stages."

Judge Mattingly stated, "Another thing we have to think about is right-of-ways. Some of those roads are limited in the amount of right-of-way that the county has, so in expanding, we have to take that into consideration."

Commissioner Lambert stated, "I think that the hospital has 4-foot wide sidewalks from Highway 60 to the point where they are expanding and improving the roads."

James Mattingly asked if widening will include the section of Pleasant Valley Road from the by-pass off-ramp to the sharp right-hand turn back on to Pleasant Valley Road.

Mr. Brasher stated, "It is difficult to explain. However, I have the plans from the Highway Department and an aerial view of the entire project. So, Mr. Mattingly, if you would like to call me, we can schedule a time where I could sit down and go over the project with you."

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 Lambert, seconded by Commissioner Wathen, the court considered the approval of a Deed to 0.680 acres on Daniels Lane from Gary M. Boswell and Margaret L. Boswell, his wife, et al and Daviess County in the sum of \$8,495.00 and authorization for the Judge/Executive to execute said deed.

Mr. Brasher stated, "This has to do with the widening of Daniels Lane. His piece of property is the only property on Daniels Lane that has an older agricultural deed. So, according to their deed, they actually own to the middle of the road. We are able to maintain Daniels Lane by prescriptive rights, but once we try to widen or modify the road, there becomes an issue with regard to that property. This will allow us to purchase the 30-foot right-of-way that we typically get on county roads. This also includes a 15-foot temporary construction easement for this job."

Commissioner Castlen asked, "Once this acquisition is made, that agricultural easement you are talking about won't exist anymore – they will not own to the center line anymore, correct?"

Mr. Brasher stated, "That is correct. We are buying that 30-foot right-of-way that we typically have on county roads."

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 the approval of the Retirement Resignation of Robert Bennett, Mechanic, effective April 1, 2012.

Mr. Bennet has been with the county for 10-years, and the court thanked him for his years of service.

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 mentioned that the Drainage Commission will soon be submitting to us for approval a maintenance plan for our ditches and creeks. He stated, "The plan has pretty much been established. We just want to make sure we get all of the language right. What this plan will do is it will establish different categories for the ditches, and based on some specific criteria; the ditches will be placed into those categories. This plan will be consistent throughout the county. Prior to the court's consideration for approval of this plan, there will be public forums which will give citizens a chance to comment."

Judge Mattingly expressed appreciation to those involved in developing the plan.

Judge/Executive Mattingly stated, "We all participated in the ground breaking of the new convention center, yesterday. That was a historic moment for this community. We look forward to the opening of the center and new hotel."

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

Al Mattingly
Daviness County Judge/Executive