

MINUTES OF MEETING HELD FEBRUARY 12, 2001

The Common Council of the City of Somerset, Kentucky met in regular session on Monday, February 12, 2001 at 7:00 p.m. with the following present: Mayor JP Wiles, Council Members David Burdine, Clarence Floyd, Jerry Wheeldon, Mark Beasley, Robin Daughettee, Charles New, John R. Minton, William Earl Owens, Jerry Burnett, Peggy Dugger, City Attorney Joe Travis and City Clerk David Godsey. Absent: Richard Denham and Pat Bourne.

Mr. Wheeldon moved all departmental bills for the month of January be approved. Mr. Daughettee seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Floyd, Mr. Wheeldon, Mr. Beasley, Mr. Daughettee, Mr. New, Mr. Minton, Mr. Owens, Mr. Burnett, Mrs. Dugger and Mr. Burdine.

Mr. Burdine moved the minutes of the last regular meeting held on January 22, 2001 and the reports be approved as delivered. Mr. New seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Floyd, Mr. Wheeldon, Mr. Beasley, Mr. Daughettee, Mr. New, Mr. Minton, Mr. Owens, Mr. Burnett, Mrs. Dugger and Mr. Burdine.

Upon the recommendation of Police Chief Larry Wesley, Mr. Floyd moved to appoint Officer Terry Jackson, Officer Barry Erp and Officer Todd Wood to the position of Detective. Mr. Daughettee seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Floyd, Mr. Wheeldon, Mr. Beasley, Mr. Daughettee, Mr. New, Mr. Minton, Mr. Owens, Mr. Burnett, Mrs. Dugger and Mr. Burdine. Chief Wesley presented each Detective with a plaque and gold badge.

Second reading was given the following Ordinance:

ORDINANCE NO. 01 01

ORDINANCE AMENDING ORDINANCE NO. 93-11 (AS AMENDED), KNOWN AS THE ORDINANCE FOR IMPLEMENTING CLASSIFICATION PLANS, COMPENSATION PLAN, AND POLICIES AND PROCEDURES.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY:

That Ordinance No. 93-11 (as amended), known as the Policies and Procedures Ordinance, Somerset, Kentucky, be and the same is hereby amended by adding the following under Conditions of Employment as follows:

TARDINESS:

Employees of the City of Somerset, Kentucky are assigned duty times. These times reflect when an employee should report for work, when lunch breaks are given and the end of duty time.

Each employee is expected to be at his/her post at their scheduled time. Infractions of this policy will not be tolerated unless circumstances beyond the employee's control factor into the situation.

Factors which determine tardiness by an employee will be considered by the department head or the designated supervisor.

Employees must understand the discipline process for tardiness. The following criteria will be utilized for assigning discipline for unexcused tardiness.

FIRST OFFENSE	-	WRITTEN OCCURRENCE REPORT
SECOND OFFENSE	-	VERBAL REPRIMAND (DOCUMENTED)
THIRD OFFENSE	-	WRITTEN REPRIMAND
FOURTH OFFENSE	-	SUSPENSION (24 WORKING HOURS)
FIFTH OFFENSE	-	TERMINATION OF EMPLOYMENT

Each offense for tardiness shall stay on the employee's record for a period of twelve months from the time of the offense. Disciplinary action shall be based upon the number of offenses in any given twelve month period.

EMPLOYEE TIME CARDS:

1. All hourly employees are required to clock in and out on their time cards. This is their record that they reported for work, ended work or worked overtime. This will also help to answer any questions which may arise concerning the employees time worked. If there is a question concerning hours worked, the time card will be the determining factor in what the employee is paid. If an employee is prevented from clocking in or out at the appropriate time, the employee shall inform the department head or the designated supervisor, who will write in the correct time on the time card and initial the entry. Time which is written in on an employee's time card that is not initialed by the department head or designated supervisor, won't be considered for payment.
2. No employee is permitted to clock another employee in or out. Any employee who clocks another employee in or out shall face termination of employment.
3. All employees are required to report for duty at their assigned times. An employee may clock in earlier than assigned duty time, however, no compensation will be given unless the employee who clocks in early has reported for duty and the time has been authorized by the department head or designated supervisor. The authorization will be reflected by the initials of the authorizing official.

This Ordinance shall be in full force and effect from and after adoption.

FIRST READING: January 22, 2001

SECOND READING: February 12, 2001

Mr. Wheeldon moved the above Ordinance be adopted on its second reading. Mr. New seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Floyd, Mr. Wheeldon, Mr. Beasley, Mr. Daughetee, Mr. New, Mr. Minton, Mr. Owens, Mr. Burnett, Mrs. Dugger and Mr. Burdine.

BUDGET LINE ITEM ADJUSTMENTS

PRESENTED TO COUNCIL FOR APPROVAL FEBRUARY 12, 2001

PLANNING AND ZONING		CURRENT BUDGET	EXPENSES AS OF DEC 2000	LINE ITEM CHANGE	NEW BUDGET
17-32210	VEHICLE MAINTENANCE	\$3,000.00	\$3.00	(\$500.00)	\$2,500.00
17-32232	COMPUTERS NEW	\$2,000.00	\$0.00	(\$500.00)	\$1,500.00
17-33520	OFFICE EXPENSE	\$1,000.00	\$1,251.85	\$1,000.00	\$2,000.00

Office expense higher due to initial cost of new employee and mailings to board members

POLICE		CURRENT BUDGET	EXPENSES AS OF DEC 2000	LINE ITEM CHANGE	NEW BUDGET
21-31050	SALARIES	\$925,000.00	\$423,417.27	(\$20,000.00)	\$905,000.00
21-31220	RETIREMENT	\$180,000.00	\$76,933.49	(\$10,000.00)	\$170,000.00
21-32210	VEHICLE MAINTENANCE	\$40,000.00	\$23,759.43	\$10,000.00	\$50,000.00
21-33060	NEW EQUIPMENT	\$18,000.00	\$13,814.50	\$20,000.00	\$38,000.00

High maintenance of older vehicles and new equipment for OSHA and Accreditation programs.

GAS		CURRENT BUDGET	EXPENSES AS OF DEC 2000	LINE ITEM CHANGE	NEW BUDGET
52-32051	ENGINEERING	\$50,000.00	\$84,889.42	\$100,000.00	\$150,000.00
52-33152	LINES/LATERALS NEW	\$250,000.00	\$28,214.55	(\$100,000.00)	\$150,000.00

Mapping costs. Also adding \$6,000,000.00 to gas purchases and gas sales in budget amendment ordinance.

WASTEWATER		CURRENT BUDGET	EXPENSES AS OF DEC 2000	LINE ITEM CHANGE	NEW BUDGET
53-32203	MACHINERY MAINTENANCE	\$22,000.00	\$25,668.78	\$6,000.00	\$28,000.00
53-33154	CAPITAL IMPROVEMENTS	\$334,000.00	\$101,554.50	(\$4,000.00)	\$330,000.00
53-34401	PRETREATMENT EXPENSE	\$10,000.00	\$1,781.60	(\$2,000.00)	\$8,000.00

Costs associated with the aerator problems.

PARKS		CURRENT BUDGET	EXPENSES AS OF DEC 2000	LINE ITEM CHANGE	NEW BUDGET
70-31050	SALARIES	\$211,000.00	\$102,608.82	(\$3,000.00)	\$208,000.00
70-31053	OFFICIALS	\$19,000.00	\$12,080.50	\$5,000.00	\$24,000.00
70-32151	ADVERTISING	\$4,500.00	\$1,871.92	(\$1,000.00)	\$3,500.00
70-32202	BUILDING & PROPERTY MAINT.	\$4,000.00	\$4,549.89	\$2,000.00	\$6,000.00
70-32210	VEHICLE MAINTENANCE	\$1,200.00	\$2,459.49	\$3,000.00	\$4,200.00
70-32300	UTILITIES	\$40,000.00	\$14,141.08	(\$5,000.00)	\$35,000.00
70-32350	TELEPHONE	\$5,500.00	\$1,820.27	(\$1,000.00)	\$4,500.00
70-32410	EQUIPMENT RENTAL	\$500.00	\$797.50	\$600.00	\$1,100.00
70-33050	CONCESSION SUPPLIES	\$20,000.00	\$14,872.98	\$10,000.00	\$30,000.00
70-33055	AWARDS	\$4,000.00	\$684.00	(\$1,600.00)	\$2,400.00
70-33058	SHIRTS	\$17,500.00	\$12,713.95	\$2,000.00	\$19,500.00
70-33060	NEW EQUIPMENT	\$10,000.00	\$991.30	(\$6,000.00)	\$4,000.00
70-33063	OFFICE EQUIPMENT NEW	\$2,000.00	\$0.00	(\$1,000.00)	\$1,000.00
70-33069	PARK EQUIPMENT	\$2,000.00	\$7.96	(\$1,000.00)	\$1,000.00
70-33070	PARK IMPROVEMENT	\$10,000.00	\$1,389.89	(\$2,000.00)	\$8,000.00
70-33071	NEW BUILDING	\$10,000.00	\$0.00	(\$2,000.00)	\$8,000.00
70-33300	UNIFORMS	\$2,000.00	\$338.00	(\$1,000.00)	\$1,000.00
70-33400	FUEL	\$2,000.00	\$1,758.75	\$1,000.00	\$3,000.00
70-33520	OFFICE EXPENSE	\$5,000.00	\$4,188.00	\$1,000.00	\$6,000.00

Many changes due to higher program volume and learning new building expenses.

Mr. Wheeldon moved to approve the above Budget Line Item Adjustments. Mr. Daughetee seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Floyd, Mr.

Wheeldon, Mr. Beasley, Mr. Daughetee, Mr. New, Mr. Minton, Mr. Owens, Mr. Burnett, Mrs. Dugger and Mr. Burdine.

First reading was given the following Ordinance:

ORDINANCE NUMBER 01-02

AN ORDINANCE AMENDING THE CITY OF SOMERSET, KENTUCKY ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2000 AND ENDING JUNE 30, 2001 ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS OF THE CITY OF SOMERSET, KENTUCKY.

WHEREAS, AN ANNUAL BUDGET HAS BEEN ADOPTED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY; AND

WHEREAS, THE COMMON COUNCIL HAS REVIEWED SIX MONTHS OF BUDGET ACTIVITY AND MADE NECESSARY MODIFICATIONS.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SOMERSET, KENTUCKY:

SECTION 1. THAT THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2000 AND ENDING JUNE 30, 2001 IS HEREBY AMENDED AS FOLLOWS:

	REVENUE	EXPENDITURES
GENERAL FUND	\$7,594,630.00	\$7,594,630.00
GAS SERVICE	\$5,577,700.00	\$5,577,700.00
	\$11,577,700.00	\$11,577,700.00
WATER SERVICE	\$4,141,000.00	\$4,141,000.00
WASTEWATER	\$2,083,300.00	\$2,083,300.00
PARKS AND REC	\$470,300.00	\$470,300.00
EMS	\$2,023,000.00	\$2,023,000.00
TOTAL ALL FUNDS	\$21,889,930.00	\$21,889,930.00
	\$27,889,930.00	\$27,889,930.00

SECTION 2. THIS ORDINANCE SHALL TAKE EFFECT AFTER ITS PASSAGE AND UPON PUBLICATION.

FIRST READING February 12, 2001

Mr. New moved the above Ordinance be approved on its first reading. Mr. Burnett seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Floyd, Mr. Wheeldon, Mr. Beasley, Mr. Daughetee, Mr. New, Mr. Minton, Mr. Owens, Mr. Burnett, Mrs. Dugger and Mr. Burdine.

First reading was given the following Ordinance:

ORDINANCE NO. 01-03

AN ORDINANCE CLOSING A CERTAIN UNDEVELOPED 20' ALLEY AND A CERTAIN UNDEVELOPED STREET IN THE HIGHLAND PARK ADDITION IN THE CITY OF SOMERSET, KENTUCKY.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY.

Whereas, the City of Somerset, Kentucky, having determined that the undeveloped 20' alley and undeveloped street in the Highland Park Addition should be closed;

IT IS THEREFORE ORDAINED by the Common Council of the City of Somerset, Kentucky that the undeveloped 20' alley and undeveloped street as described on the attached Legal Description in the Highland Park Addition shall be closed and abandoned.

First Reading February 12, 2001

LEGAL DESCRIPTION

A certain undeveloped 20' alley and a certain undeveloped street lying and being in the City of Somerset, State of Kentucky on the north side of Pulaski Street, said alley and street being shown on the plat of the Highland Park Addition per Deed Book 62 Page 530, said alley and street being located between Reservation F, Block K, and Block H, and being more fully described as follows;

All called for set rebars are 1/2" x 18" rebars with a 1" orange plastic cap stamped BURGIN LS 3167, and were set this survey. All bearings are referenced to the centerline of Pulaski Street and a previous survey by myself. This bearing is South 64 degrees 27 minutes 14 seconds west.

Beginning at a set rebar, said rebar being a corner to Baptist Care Homes (Deed Book 549 Page 538), said rebar also being in the north right of way of Pulaski Street 15 feet from the centerline; Thence leaving Pulaski Street and running with Baptist Care Homes North 14 degrees 47 minutes 12 seconds East for a distance of 176.69 feet to a set rebar a corner to Reservation E on the above mentioned plat; Thence crossing said alley and running with the north right of way of the said street and lot 2 of Block K South 71 degrees 19 minutes 07 seconds East for a distance of 176.50 feet to a set rebar at the right of way of Circle Street; Thence with Circle Street South 14 degrees 47 minutes 12 seconds West for a distance of 33.00 feet to a set rebar at the corner of lot 10 Block H; Thence with lot 10 North 71 degrees 19 minutes 07 seconds West for a distance of 156.45 feet to a set rebar at the corner of lot 10; Thence with the alley South 14 degrees 47 minutes 12 seconds West for a distance of 125.35 feet to a set rebar in the line of lot 8 of Block H; Thence crossing the alley South 64 degrees 27 minutes 14 seconds West for a distance of 26.24 feet to the point of beginning, together with and subject to covenants, easements, and restrictions of record, said property contains 0.1952 acres, more or less, as surveyed by Donald R. Burgin Ky. P.L.S. #3167 on 1-4-2001.

Mr. Wheeldon moved the above Ordinance be approved on its first reading. Mr. Daughetee seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Floyd, Mr. Wheeldon, Mr. Beasley, Mr. Daughetee, Mr. New, Mr. Minton, Mr. Owens, Mr. Burnett, Mrs. Dugger and Mr. Burdine.

The following resolution was read:

MA COOP AGREEMENT BETWEEN KYTC AND INCORPORATED AREA OF Somerset (\$143,504).

RESOLUTION

**County of Pulaski
Incorporated Area of Somerset**

Resolution adopting and approving the execution of a Contract between the Incorporated Area and the Department of Rural and Municipal Aid, Commonwealth of Kentucky, for the fiscal year beginning July 1, 2001, as provided in the Kentucky Revised Statutes and accepting all streets referred to therein as being streets which are a part of the Incorporated Area.

Be it resolved by the Legislative Body of the Incorporated Area that:

Section 1:

The Legislative Body of the Incorporated Area does hereby accept all streets referred to in said Contract as being city streets which are a part of the Incorporated Area; and

The Legislative Body of the Incorporated Area does hereby ratify and adopt all statements, representations, warranties, covenants, and agreements contained in said Contract and does hereby accept said Contract and by such acceptance agrees to all the terms and conditions therein stated.

Said Contract reads as follows:

THIS CONTRACT is made between the Department of Rural and Municipal Aid, Commonwealth of Kentucky, and the Legislative Body of the Incorporated Area of Somerset, Pulaski County, Kentucky.

The initial apportionment to the Incorporated Area for the Fiscal Year beginning July 1, 2001, less three (3) percent set aside for an emergency fund, is one hundred forty-three thousand five hundred four and no-one hundredths dollars (\$143,504). This amount, when added to any subsequent apportionments and any unencumbered balance of prior apportionments to the said Incorporated Area will be expended by the Kentucky Department of Rural and Municipal Aid to aid the Incorporated Area in the maintenance, reconstruction, or construction of city streets in said Incorporated Area.

The Legislative Body of the Incorporated Area hereby agrees and directs that their pro rata share of the Municipal Aid Fund, due monthly from the Finance Cabinet, be assigned to the Transportation Cabinet's Division of Accounts for Fiscal Year 2001-2002.

Unless specifically excluded within this Contract, all city streets are a part of this Contract. This includes all structures lying within the limits of the project.

SPECIAL PROVISIONS

The Department of Rural and Municipal Aid will reimburse the Incorporated Area of Somerset for materials, labor and equipment necessary for the Incorporated Area to accomplish maintenance, repairs and improvements on Incorporated Area streets. This assistance is extended insofar as funds are available from the Incorporated Area's share of the Municipal Aid Program allocation reflected by this Contract. The Incorporated Area will be responsible for all costs in excess of the Municipal Aid funds.

The Department of Rural and Municipal Aid may assist the Incorporated Area in fulfilling its road maintenance, repairs, and improvement needs by the following methods

- (a) Reimburse the Incorporated Area for materials and work performed by contract.
- (b) Reimburse the Incorporated Area for materials obtained by contract.
- (c) Reimburse the Incorporated Area for rental or purchase of road maintenance and construction equipment. Rental rates shall be based on current edition of the "Blue Book for Rental of Equipment" or the Transportation Cabinet's official rental rates.
- (d) Reimburse the Incorporated Area for the hourly rate for personnel who perform the work. This rate may include employee fringe benefits such as leave overlay, retirement, social security, insurance, etc.

GENERAL PROVISIONS

The Chief Executive Officer of the Legislative Body of Incorporated Areas stipulates and hereby certifies that all Municipal Aid funds will be expended within the right-of-way limits of city streets and their appurtenances. This Contract does not relieve Governing Body of its responsibility for city streets and bridges.

The Legislative Body will acquire any rights-of-way contemplated under this Contract. The Legislative Body also assumes responsibility for any claims for damages arising from such acquisitions.

The Legislative Body will hold harmless and save the Commonwealth of Kentucky Transportation Cabinet and its officials and employees free from all claims or liability for damages of any nature whatsoever due to or arising from the performance of this Contract.

The Legislative Body will reimburse the Department of Rural and Municipal Aid for any loss it may sustain arising out of performance of this Contract by the Department. Such loss as sustained by the Department of Rural and Municipal Aid may be charged to this Incorporated Area's apportionment in this or future fiscal years.

Should any balance of the Incorporated Area's apportionment remain after performance of this Contract, such balance will remain to the credit of the Incorporated Area for performance of future Contracts by the Department of Rural and Municipal Aid.

It is agreed that any materials purchased by the Department of Rural and Municipal Aid and delivered to the Incorporated Area shall be used by the appropriate governmental agency only on city streets and bridges lying within the Incorporated Area.

The general administration of the program herein designated shall be under the jurisdiction of the Department of Rural and Municipal Aid.

Should conditions arise which, in the judgment of the Commissioner of Rural and Municipal Aid, render it burdensome to the general welfare of the Commonwealth to continue any work commenced under terms of this Contract, the Department may suspend or curtail such work.

It is further agreed between the parties hereto that all obligations incurred under this Contract are subject to any law or regulations now existing or hereafter enacted or promulgated. The Legislative Body acknowledges its total responsibility for city streets.

The Chief Executive Officer of the said Incorporated Area, and the Commissioner of Rural and Municipal Aid, or their authorized representatives, insofar as their actions are in accord with the laws of the Commonwealth of Kentucky, shall act for their respective parties on all matters arising under this Contract.

The Department reserves the right to cancel this Contract at any time deemed to be in the best interest of the Department by giving thirty (30) days written notice of such cancellation to the Legislative Body. If the Contract is canceled under this provision, the Department shall reimburse the Legislative Body according to the terms hereof to the date of such cancellation.

IN TESTIMONY WHEREOF, the parties hereto have executed this Contract on this the _____, 2001. Incorporated Area of _____ County.

BY: _____
Chief Executive Officer

DEPARTMENT OF RURAL AND MUNICIPAL AID

BY: _____

APPROVED AS TO FORM AND LEGALITY:

OFFICE OF GENERAL COUNSEL

JAMES C. CODELL, III
SECRETARY, TRANSPORTATION CABINET

NOW THEREFORE, be it resolved by the Legislative Body of _____, _____ County that the Chief Executive Officer is hereby authorized and directed to sign said Contract, as set forth, on behalf of the Legislative Body of _____, _____ County, and the City Clerk of _____ is hereby authorized and directed to certify thereto.

The vote taken on said Resolution, the result being as follows:

AYES

NAYS

COMMONWEALTH OF KENTUCKY) SS:
INCORPORATED AREA OF _____

I, _____, City Clerk of _____ certify that the foregoing is a true copy of the Order above which is on record in my office in Book _____ Page _____. Given under my hand and seal of office this the _____ day of _____, 2001.

SIGNED _____
CLERK OF _____

Mrs. Dugger moved the above Resolution be approved. Mr. Daughetee seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Floyd, Mr. Wheeldon, Mr. Beasley, Mr. Daughetee, Mr. New, Mr. Minton, Mr. Owens, Mr. Burnett, Mrs. Dugger and Mr. Burdine.

First reading was given the following Ordinance:

ORDINANCE NO. 01-04

ORDINANCE AMENDING ORDINANCE NO. 80-13, KNOWN AS THE ZONING ORDINANCE AND ALTERING THE ZONING MAP, BY CHANGING A BOUNDARY OF LAND NOW ZONED R-2 TO B-2.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY:

That Ordinance No. 80-13, known as the Zoning Ordinance, Somerset, Kentucky, be and the same is hereby amended by altering the Zoning Map in the following manner:

- I. By changing the following boundary of land being zoned R-2 to B-2.

A certain tract of land lying in the community of Somerset, Pulaski County, Kentucky and more particularly described as follows:

POINT OF BEGINNING a 1/2" rebar found stamped M. Bidarian (yellow) cap #2876 in the right of way of North US Hwy. 27 (RDB 6 PG 93) and a corner to Carson Atwood (DB 566 PG 455); thence with the right of way of North US Hwy. 27 along a curve to the left having a radius of 1343.26 feet and an arc length of 224.59 feet, being subtended by a chord of North 29 degrees 26' 53" West for a distance of 224.33 feet to a 1/2" x 18" rebar stamped W. Daulton (red) cap #2463 and hereinafter referred to as iron pin set; South 58 degrees 51' 31" West for a distance of 20.00 feet to an iron pin set; North 31 degrees 08' 29" West for a distance of 276.00 feet to a concrete right of way monument a corner to Ralph Norfleet (DB 644 PG 155); thence with Norfleet North 80 degrees 08' 46" East for a distance of 651.60 feet to an iron pin set at a fence corner a corner to Anne Strand (DB 625 PG 505); thence with Strand South 16 degrees 33' 21" East for a distance of 439.89 feet to a 1.5" iron pipe found on the bank of Caney Fork Creek a corner to Carson Atwood; thence with Atwood and Caney Fork Creek South 77 degrees 24' 18" West for a distance of 509.45 feet to the point of beginning. Together with and subject to covenants, easements and restrictions of record. Said property contains 5.99 acres more or less as surveyed by Weylan G. Daulton, RLS #2463 by magnetic north on 11-10-00.

Being the same property conveyed to Cromer Builders, Inc. by deed dated November 22, 2000 by Evannell Daniels, a widow, as appears of record in Deed Book 667, Page 83, Pulaski County Court Clerk's Office, Kentucky.

Property Known As: _____ North Hwy. 27, Somerset, Kentucky 42503

- II. The City Clerk of the City of Somerset, Kentucky is hereby authorized to alter the Zoning Map to reflect said change.

- III. This Ordinance shall be in full force and effect from and after adoption.

First Reading February 12, 2001

Mr. Wheeldon moved the above Ordinance be approved on its first reading. Mr. Burnett seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Floyd, Mr. Wheeldon, Mr. Beasley, Mr. Daughetee, Mr. New, Mr. Minton, Mr. Owens, Mr. Burnett, Mrs. Dugger and Mr. Burdine.

The following Order was presented:

Order

Pursuant to KRS 97.035, the Common Council of the City of Somerset hereby adopts this order creating a city-county museum board in conjunction with Pulaski Fiscal Court effective upon the passage of such an order by the governing bodies of both entities.

The purpose of the board shall be to obtain, operate and maintain facilities for the preservation, display and interpretation of artifacts, art, photographs and other material and information related to the history of Pulaski County and the surrounding area.

Said Somerset-Pulaski County Museum Board shall operate as a subdivision of Pulaski Fiscal Court and Somerset City Council and consist of seven members all jointly appointed by the Pulaski County Judge Executive and the Mayor of the City of Somerset. Five of the members shall be appointed at-large. The remaining two members shall be appointed from lists of at least three names submitted by the Pulaski County Library Board of Trustees and the Pulaski County Historical society.

Board members shall serve four year terms with the exception of the initial appointments which shall be staggered in the following manner: One (1) member for one (1) year, two (2) members for two (2) years, two (2) for three (3) and two (2) for four years. Vacancies shall be filled for unexpired terms by appointment by the Pulaski County Judge Executive and the Mayor of the City of Somerset.

Members of the board shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties.

The board shall be a body corporate for all purposes, and shall elect from its membership a chairman, secretary and treasurer. The treasurer shall execute a bond conditioned on the faithful performance of his duties sufficient in amount to cover funds coming into his/her hands. The premium on such bond shall be paid from board funds.

Mr. New moved to adopt the order to create a city-county museum board. Mr. Beasley seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Floyd, Mr. Wheeldon, Mr. Beasley, Mr. Daughetee, Mr. New, Mr. Minton, Mr. Owens, Mr. Burnett, Mrs. Dugger and Mr. Burdine.

The following Resolution was read:

**RESOLUTION
BY THE
CITY OF SOMERSET**

- WHEREAS,** The City of Somerset has need for and intends to construct water main extensions and water booster pumping station to serve the area of KY 914 Bypass and KY 80, and,
- WHEREAS,** The City of Somerset has received a grant from the Economic Development Administration for the water main extensions and water booster pumping station, and,
- WHEREAS,** The Economic Development Administration desires to limit development in Jurisdictional Freshwater wetlands;

NOW THEREFORE BE IT RESOLVED,

That the City of Somerset will prohibit sewer and/or water service tap-on for any new development established by this EDA funded infrastructure, which is within jurisdictional fresh water wetlands, federal emergency management (FEMA) designated 100-year flood plain, prime farmland or endangered or threatened species habitat, and

That the City of Somerset will adopt the definition of Jurisdictional Freshwater Wetlands as defined by the U.S. Army Corps of Engineers Manual.

Adopted this 12th day of February, 2001 at Somerset, Kentucky.

JP Wiles, Mayor

Mr. Floyd moved the above Resolution be adopted. Mr. Daughetee seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Floyd, Mr. Wheeldon, Mr. Beasley, Mr. Daughetee, Mr. New, Mr. Minton, Mr. Owens, Mr. Burnett, Mrs. Dugger and Mr. Burdine.

Upon recommendation of the Parks and Recreation Committee, Mr. Daughetee moved to re-align the present jogging hours schedule: 5:00 a.m. to 7:30 a.m.; 12:00 noon to 2:30 p.m.; 7:00 p.m. to 10:00 p.m. to the revised jogging hours schedule: 5:00 a.m. to 7:30 a.m.; 11:00 a.m. to 3:30 p.m.; 7:00 p.m. to 11:00 p.m. Mr. Wheeldon seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Floyd, Mr. Wheeldon, Mr. Beasley, Mr. Daughetee, Mr. New, Mr. Minton, Mr. Owens, Mr. Burnett, Mrs. Dugger and Mr. Burdine.

Upon recommendation of the Parks and Recreation Committee, Mr. Daughetee moved to enact a two dollar (\$2.00) per head user fee for the facilities for eighteen year olds and up during open gym time and volleyball time. Mr. Burdine seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Floyd, Mr. Wheeldon, Mr. Beasley, Mr. Daughetee, Mr. New, Mr. Minton, Mr. Owens, Mr. Burnett, Mrs. Dugger and Mr. Burdine.

There being no further business the meeting adjourned.

ATTEST:  CITY CLERK

APPROVED:  MAYOR