

MINUTES OF MEETING HELD APRIL 11, 2005

The Common Council of the City of Somerset, Kentucky met in regular session on Monday, April 11, 2005 at 7:00 p.m. with the following present: Presiding in the absence of the Mayor was Donna Hunley. Council Members: Mark Beasley, Jerry Girdler, Charlie New, Donna Hunley, John Minton, Jim Mitchell, Fonda Crawford, Jerry Burnett, Tim Rutherford, Joanne Norfleet, Clarence Floyd, and Jerry Wheeldon. City Attorney Joe Travis and City Clerk David Godsey. Absent: Mayor JP Wiles.

Council Member Donna Hunley recognized Boy Scout Troop 79 who was present to observe the council meeting as part of a merit badge project.

Mr. Wheeldon moved to approve the minutes of the last regular meeting held on March 28, 2005 and the reports be approved as delivered. Mr. Burnett seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mrs. Crawford, Mr. Burnett, Mr. Rutherford, Mrs. Norfleet, Mr. Floyd, and Mr. Wheeldon.

Mr. Beasley moved to approve all department bills. Mr. New seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mrs. Crawford, Mr. Burnett, Mr. Rutherford, Mrs. Norfleet, Mr. Floyd, and Mr. Wheeldon.

Mr. Floyd moved to approve the following Resolution entering into a Municipal Aid Program Cooperative Contract, ensuring that the city will receive funding for street repairs for the fiscal year beginning July 1. Mrs. Norfleet seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mrs. Crawford, Mr. Burnett, Mr. Rutherford, Mrs. Norfleet, Mr. Floyd, and Mr. Wheeldon.

<u>RESOLUTION</u> County of Pulaski Incorporated Area of Somerset Resolution adopting and approving the execution of a Municipal Aid Coop Program Contract between the Incorporated Area and the Commonwealth of Kentucky, Transportation Cabinet, Department of Intergovernmental Programs for the fiscal year beginning July 1, 2005, 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: 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; and Page 1 of 2	The Chief Executive Officer of the said Incorporated Area is hereby authorized and directed to sign said Contract as set forth on behalf of the Legislative Body of <u>Somerset</u>, <u>Pulaski</u> County, and the City Clerk of <u>Somerset</u> is hereby authorized and directed to certify thereto. The vote taken on said Resolution, the result being as follows: <table><tr><td><u>AYES</u></td><td><u>NAYS</u></td></tr><tr><td>_____</td><td>_____</td></tr><tr><td>_____</td><td>_____</td></tr><tr><td>_____</td><td>_____</td></tr><tr><td>_____</td><td>_____</td></tr><tr><td>_____</td><td>_____</td></tr></table> COMMONWEALTH OF KENTUCKY) SS: INCORPORATED AREA OF _____ I, _____, City Clerk of _____ certify that the foregoing is a true copy of the Order above. Given under my hand and seal of office this the _____ day of _____, 2005. SIGNED _____ CLERK OF _____ Page 2 of 2	<u>AYES</u>	<u>NAYS</u>	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
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KA 0009 CONTRACT BETWEEN KYTC AND INCORPORATED AREA OF SOMERSET (\$105,870). <u>CONTRACT</u> THIS CONTRACT is made between the Commonwealth of Kentucky, Transportation Cabinet, Department of Intergovernmental Programs, and the Legislative Body of the Incorporated Area of Somerset, Pulaski County, Kentucky. The initial apportionment to the Incorporated Area is 60% of its total allocation based on revenue estimates supplied by the Office of State Budget Director, less three (3) percent set aside for an emergency fund. For the Fiscal Year beginning July 1, 2005, this amount is one hundred five thousand eight hundred seventy AND NO ONE HUNDRETHS DOLLARS----(\$105,870). 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 Intergovernmental Programs 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 2005-2006. 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. Page 1 of 6	KA 0009 CONTRACT BETWEEN KYTC AND INCORPORATED AREA OF SOMERSET (\$105,870). <u>SPECIAL PROVISIONS</u> The Department of Intergovernmental Programs 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 Intergovernmental Programs 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. Page 2 of 6
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KA 0009 CONTRACT BETWEEN KYTC AND INCORPORATED AREA OF SOMERSET (\$105,870). (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. <u>GENERAL PROVISIONS</u> 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 Page 3 of 6	KA 0009 CONTRACT BETWEEN KYTC AND INCORPORATED AREA OF SOMERSET (\$105,870). this Contract. The Legislative Body will reimburse the Department of Intergovernmental Programs for any loss it may sustain arising out of performance of this Contract by the Department. Such loss as sustained by the Department of Intergovernmental Programs 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 Intergovernmental Programs. It is agreed that any materials purchased by the Department of Intergovernmental Programs 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 Intergovernmental Programs. Should conditions arise which, in the judgment of the Commissioner of Intergovernmental Programs, render it burdensome Page 4 of 6
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WA COOP CONTRACT BETWEEN KYTC AND INCORPORATED AREA OF BOWEN (8105,870). 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 Intergovernmental Programs, or their authorized representatives, insofar as their actions are in accord with the laws of the Commonwealth of Kentucky, shall not 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. Page 5 of 6	WA COOP CONTRACT BETWEEN KYTC AND INCORPORATED AREA OF BOWEN (8105,870). The Legislative Body will pass the attached resolution. A copy of that resolution shall be attached to and made a part of this Contract. IN TESTIMONY WHEREOF, the parties hereto have caused these presents to be executed by their officers thereunto duly authorized. Incorporated Area of <u>Bowen</u>, <u>Pulaski</u> County BY: _____ Date: _____ Chief Executive Officer DEPARTMENT OF INTERGOVERNMENTAL PROGRAMS Date: _____ BY: _____ Commissioner APPROVED AS TO FORM AND LEGALITY: BY: _____ Date: _____ Office of Legal Services COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET BY: _____ Secretary Page 6 of 6
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First reading was given the following Ordinance:

ORDINANCE NO. 05-04

AN ORDINANCE AMENDING ORDINANCE NO 00-18, KNOWN AS THE ZONING ORDINANCE AND ALTERING THE ZONING MAP, BY CHANGING A BOUNDARY OF LAND NOW ZONED R-2 TO B-2. ELROD AND SECOND STREET.

Mr. Floyd moved to table the Letter of Commitment to accept the Renaissance District. Mr. New seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mrs. Crawford, Mr. Burnett, Mr. Rutherford, Mrs. Norfleet, Mr. Floyd, and Mr. Wheeldon. Voting "Nay": Mr. Beasley, and Mr. Mitchell.

Council Member New complimented the Police Department for their quick action in solving the Cumberland Security Bank robbery.

Mr. New moved to include his appreciation to the Police Department in the official minutes. Mrs. Norfleet seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mrs. Crawford, Mr. Burnett, Mr. Rutherford, Mrs. Norfleet, Mr. Floyd, and Mr. Wheeldon.

There being no further business the meeting adjourned.

APPROVED *J. P. Wiles*
MAYOR

ATTEST: *David E. [Signature]*
CITY CLERK