

MINUTES OF MEETING HELD JUNE 12, 2006

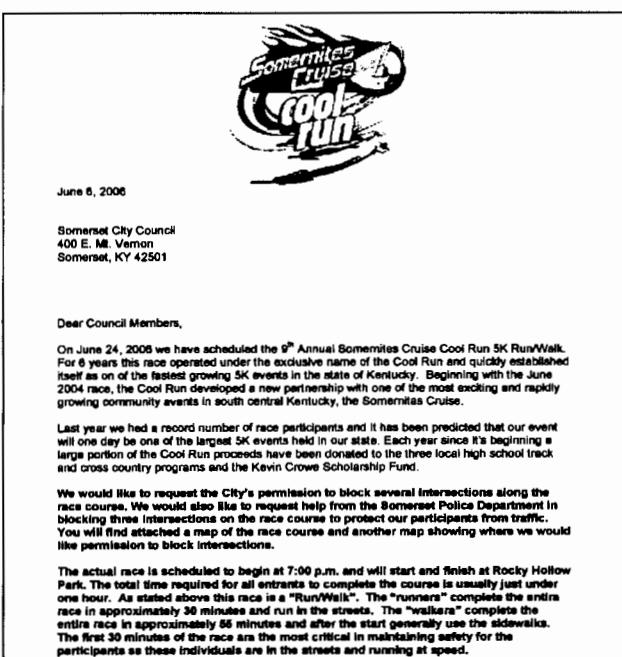
The Common Council of the City of Somerset, Kentucky met in regular session on Monday, June 12, 2006 at 7:00 p.m. with the following present: Mayor JP Wiles. Council Members: Charlie New, Donna Hunley, John Minton, Jim Mitchell, Fonda Crawford, Jerry Burnett, Tim Rutherford, Clarence Floyd, Jerry Wheeldon, Mark Beasley, and Jerry Girdler. City Attorney Joe Travis and City Clerk David Godsey. Absent: Council Member Joann Norfleet.

Mayor Wiles acknowledged that Friday June 16, 2006 was the city employee's blood drive and those who participate will receive ½ day off with pay.

Mr. Wheeldon moved to approve the minutes of the last regular meeting held on May 22, 2006 and the reports be approved as delivered. Mr. Beasley seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mrs. Crawford, Mr. Burnett, Mr. Rutherford, Mr. Floyd, Mr. Wheeldon, Mr. Beasley, and Mr. Girdler.

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

Mr. Floyd moved to approve Joel Zimmer's request regarding a 5K "Cool Run" to be held June 24, 2006 prior to the Somernites Cruise. Mr. Zimmer requested permission to block several intersections along the race course. Permission was also requested for police help in blocking three intersections on the race course to protect participants. Mrs. Crawford seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mrs. Crawford, Mr. Burnett, Mr. Rutherford, Mr. Floyd, Mr. Wheeldon, Mr. Beasley, and Mr. Girdler.





Mr. Beasley moved to approve Sandi Simpson, the owner of Lynn's Lunchbox request to close S. Maple for a block party to be held July 1, 2006 from 1pm to 7pm. Mrs. Crawford seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mrs. Crawford, Mr. Burnett, Mr. Rutherford, Mr. Floyd, Mr. Wheeldon, Mr. Beasley, and Mr. Girdler.

First reading was given the following Ordinance:

ORDINANCE NUMBER 06-06 AN ORDINANCE ADOPTING THE CITY OF SOMERSET, KENTUCKY ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2006 AND ENDING JUNE 30, 2007 ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS OF THE CITY OF SOMERSET, KENTUCKY.

Mr. Beasley moved to approve the above ordinance on its first reading regarding the annual budget for fiscal year 2006 - 2007. Mrs. Crawford seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mrs. Crawford, Mr. Burnett, Mr. Rutherford, Mr. Floyd, Mr. Wheeldon, Mr. Beasley, and Mr. Girdler.

First reading was given the following Ordinance:

<p>APPLICATION FOR ZONING AMENDMENT/DEVELOPMENT PLAN APPROVAL TO THE SOMERSET PLANNING COMMISSION APPLICATION NO. 06-02</p> <p>THE UNDERSIGNED OWNER(S) OF THE FOLLOWING LEGALLY DESCRIBED PROPERTY REQUEST THE CONSIDERATION OF CHANGE IN ZONING DISTRICT CLASSIFICATION APPROVAL OF DEVELOPMENT PLAN AS SPECIFIED BELOW:</p> <p>1. NAME OF APPLICANT: <u>Jerry Ham</u> MAILING ADDRESS: <u>118 Ham Street</u> PHONE NUMBER (HOME): <u>606-255-4748</u> (BUSINESS): <u></u> PROPERTY OWNER: <u>Jerry Ham</u> LOCATION DESCRIPTION: <u>Same as above</u> EXISTING USE: <u>Horse Barn & Vacant Land</u> (24 acres) PROPOSED USE: <u>Commercial Building</u> PRESENT ZONING DISTRICT: <u>R-1</u> PROPOSED ZONING DISTRICT: <u>B-2</u></p> <p>SUPPORT INFORMATION: ATTACH THE FOLLOWING ITEMS TO THE APPLICATION: A. A VACIENCY MAP SHOWING PROPERTY LINES, STREETS, AND EXISTING PROPOSED ZONING B. LIST OF ALL PROPERTY OWNERS AND THEIR MAILING ADDRESSES WITHIN, CONTIGUOUS TO, AND DIRECTLY ACROSS THE STREET FROM THE PROPOSED RE-ZONING. C. FEES AS REQUIRED D. LEGAL DESCRIPTION.</p> <p>DATE: <u>May 1, 06</u> APPLICANT SIGNATURE: <u>Jerry Ham</u></p> <p>FOR OFFICIAL USE ONLY PLANNING COMMISSION</p> <p>DATE FILED <u>5-1-06</u> DATE OF NOTICE IN NEWSPAPER <u></u> FEE PAID <u>\$ 400.00</u> DATE OF NOTICE TO PROPERTY OWNER <u>5-9-06</u> DATE OF PUBLIC HEARING <u>5-23-06</u> RECOMMENDATION OF PLANNING COMMISSION: APPROVAL <input checked="" type="checkbox"/> DENIAL <input type="checkbox"/> REASON FOR RECOMMENDATION:</p> <p>DATE <u>5-23-06</u> PLANNING COMMISSION CHAIRMAN <u>Bob S.</u></p> <p>FOR OFFICIAL USE ONLY (LEGISLATIVE AUTHORITY)</p> <p>DATE OF RECOMMENDATION RECEIVED ACTION BY LEGISLATIVE AUTHORITY APPROVED <input type="checkbox"/> DENIAL <input checked="" type="checkbox"/> IF DENIED, REASON FOR DENIAL:</p> <p>NOTE: THREE COPIES OF THIS FORM AND SUPPORTING INFORMATION MUST BE FILED WITH THE SOMERSET PLANNING COMMISSION. APPLICATION MUST BE RETURNED TO THE OFFICE OF CODE ENFORCEMENT 4 WEEKS PRIOR TO MEETING DATE</p>	<p>PUBLIC HEARING SOMERSET PLANNING COMMISSION ZONE CHANGE</p> <p>AT THE REQUEST OF <u>JERRY HAM</u>, A PUBLIC HEARING WILL BE HELD AT THE SOMERSET CITY HALL, 400 EAST MT VERNON STREET, SOMERSET, KENTUCKY (COUNCIL CHAMBERS) ON <u>MAY 23, 2006</u> AT <u>6:30 P.M.</u> FOR THE PURPOSE OF RE-ZONING <u>118 HAM STREET</u> FROM THE PRESENT <u>R-1</u> TO <u>B-2</u></p> <p>A LEGAL DESCRIPTION IS AS FOLLOWS:</p> <p>A certain tract or parcel of land, lying and being known and designated as lots 40,41,42,43,44,45,46,47,48,51,52,53,54,55,56 in Block "F" of what is known as the Weddle Addition. Also, lots 4,5,6,7,8,9,10 and 11 as shown on map. Also lots 49 and 50 in Block "A"; lots 51 and 52 in Block "C"; lots 90 and 91, also known as 5,6,7, and 8 containing 13 1/2 acres. All of these lots and tracts being shown on the plat of the Weddle Addition to Somerset, Kentucky and being recorded in Deed Book 90, page 450, Pulaski County Court Clerk's Office, Kentucky. Being the same property conveyed to first parties by E.W. Cain, etc May 17, 1994 and deed of the same is recorded in Deed Book 434, page 82, Pulaski County Court Clerk's office, Kentucky.</p> <p>A certain tract or parcel of land, lying and being in West Somerset, Pulaski County, Kentucky, and more particularly described as follows: Tract No. Eleven (11) of the Weddle Addition to Somerset, Kentucky, as evidence by plat of said Weddle Addition of record in Deed Book 90, Page 450, to which tract is hereby made for a more particular description of the same. THERE IS EXCLUDED from the foregoing a narrow strip therefrom which is occupied as the Bogletown Branch. Being a part of the same property conveyed to Lola Tarter Jaiper of first parties and her former husband Finley Tarter, who deceased, on January 20, 1930, by deed of conveyance of record in Deed Book 11, page 10, Pulaski County Court Clerk's Office, Kentucky, the said Finley Tarter having devised his interest in the same to said grantor by his Last Will and Testament of record in Will Book 11, Page 76, Clerk's Office aforesaid. The said Lola Tarter Jaiper above mentioned being on and the same person as Lola Tarter and Lola Tarter, the said Finley Tarter having also been one and the same person Finley Tarter.</p>
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Mrs. Hunley moved to approve the above ordinance on its first reading regarding a zone change from R-1 to B-2 for property located at 118 Ham Street. Mr. Floyd seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mrs. Crawford, Mr. Burnett, Mr. Rutherford, Mr. Floyd, Mr. Wheeldon, Mr. Beasley, and Mr. Girdler.

First reading was given the following Ordinance:

<p>APPLICATION FOR ZONING AMENDMENT/DEVELOPMENT PLAN APPROVAL TO THE SOMERSET PLANNING COMMISSION APPLICATION NO. 06-01</p> <p>THE UNDERSIGNED OWNER(S) OF THE FOLLOWING LEGALLY DESCRIBED PROPERTY REQUEST THE CONSIDERATION OF CHANGE IN ZONING DISTRICT CLASSIFICATION APPROVAL OF DEVELOPMENT PLAN AS SPECIFIED BELOW:</p> <p>1. NAME OF APPLICANT: <u>City Properties LLC</u> MAILING ADDRESS: <u>118 Hwy 27 Somerset Ky</u> PHONE NUMBER (HOME): <u></u> (BUSINESS): <u></u> PROPERTY OWNER: <u></u> LOCATION DESCRIPTION: <u>Same as above</u> EXISTING USE: <u>South Hwy 27 (Dave Hall Carr located on property)</u> PROPOSED USE: <u>Commercial</u> PRESENT ZONING DISTRICT: <u>R-1</u> PROPOSED ZONING DISTRICT: <u>B-2</u></p> <p>SUPPORT INFORMATION: ATTACH THE FOLLOWING ITEMS TO THE APPLICATION: A. A VACIENCY MAP SHOWING PROPERTY LINES, STREETS, AND EXISTING PROPOSED ZONING</p>	<p>PUBLIC HEARING SOMERSET PLANNING COMMISSION ZONE CHANGE</p> <p>AT THE REQUEST OF <u>CLIFFY PROPERTIES LLC</u>, A PUBLIC HEARING WILL BE HELD AT THE SOMERSET CITY HALL, 400 EAST MT VERNON STREET, SOMERSET, KENTUCKY (COUNCIL CHAMBERS) ON <u>MAY 23, 2006</u> AT <u>6:30PM</u> FOR THE PURPOSE OF RE-ZONING <u>441 N Hwy 27</u> FROM THE PRESENT <u>R-1</u> TO <u>B-2</u></p> <p>A LEGAL DESCRIPTION IS AS FOLLOWS:</p> <p>BEGINNING on a Kentucky right of way marker, said marker being a corner with Pines and Worley (Deed Book 616, Page 116); THENCE with the West right of way</p>
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Mr. Wheeldon moved to approve the above ordinance on its first reading regarding a zone change from R-1 to B-2 for property located at 441 N. Hwy 27. Mr. Burnett seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mrs. Crawford, Mr. Burnett, Mr. Rutherford, Mr. Floyd, Mr. Wheeldon, Mr. Beasley, and Mr. Girdler.

Mr. Burnett moved to accept the bid from Crom Corporation in the amount of \$1,554,000. for the construction of one (1) three million gallon prestressed concrete water storage tank at Reservoir Knob. Mr. Rutherford seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mrs. Crawford, Mr. Burnett, Mr. Rutherford, Mr. Floyd, Mr. Wheeldon, Mr. Beasley, and Mr. Girdler.

<p>City of Somerset WATERWASTEWATER DEPARTMENT 105 College Street P.O. Box 989 SOMERSET, KENTUCKY 42302-0989 (606) 878-0646 • fax (606) 878-4227 E-mail: cdick@cityofsomerset.com</p> <p>CHARLES R DICK Manager</p> <p>MEMORANDUM</p> <p>TO: JIM MITCELL, CHAIRMAN WATER COMMITTEE</p> <p>FROM: CHARLES DICK, MANAGER <i>CD</i> SOMERSET WATER SERVICE</p> <p>SUBJECT: MOTION</p> <p>DATE: JUNE 12, 2006</p> <p>MOTION TO ACCEPT BID IN THE AMOUNT OF \$1,554,000.00 FROM THE CROM CORPORATION FOR THE CONSTRUCTION OF:</p> <p>1. ONE THREE MILLION GALLON PRESTRESSED CONCRETE WATER STORAGE TANK AT RESERVOIR KNOB.</p> <p>Equal Opportunity Employer M/F/H/V (606) 878-3178 (TDD)</p>	<p>BID SCHEDULE - CONTRACT 2A Reservoir Knob Ground Storage Tank</p> <table border="1"> <thead> <tr> <th>Item No.</th> <th>Description</th> <th>Unit</th> <th>Item Bid Amount</th> </tr> </thead> <tbody> <tr> <td>4</td> <td>For construction, testing, painting, and disinfection of one (1) three million-gallon prestressed concrete ground storage tank, complete with all other appurtenances, excavation, hauling, pipe fittings, valve vaults, valves, access road, parking area, slope protection, fence, site restoration, electrical, and all other appurtenances.</td> <td>Lump Sum</td> <td>\$ 1,554,000.00</td> </tr> <tr> <td>5</td> <td>Deduction amount for excluding site excavation, hauling, pipe fittings, valve vaults, valves, access road, parking area, slope protection, fence, site restoration, electrical, and all other appurtenances</td> <td>Lump Sum</td> <td>\$ 521,000.00</td> </tr> <tr> <td>6</td> <td>Allowance for relocating overhead utilities and providing site lighting</td> <td>Lump Sum</td> <td>\$7,000.00</td> </tr> </tbody> </table> <p>TOTAL AMOUNT OF BID CONTRACT 2A, COMPLETE (Item No. 4 plus Item No. 6):</p> <p><i>One million five hundred sixty-one thousand seven hundred dollars (\$1,561,061.00).</i></p> <p>TOTAL AMOUNT OF BID CONTRACT 2A, TANK ONLY (Item No. 4 less Item No. 5 and delete Item No. 6):</p> <p><i>One million thirty three thousand seven hundred dollars (\$1,033,000.00).</i></p> <p>BID SCHEDULE - CONTRACT 2B Reservoir Knob Ground Storage Tank Site Preparation</p> <table border="1"> <thead> <tr> <th>Item No.</th> <th>Description</th> <th>Unit</th> <th>Item Bid Amount</th> </tr> </thead> <tbody> <tr> <td>7</td> <td>For site excavation, hauling, pipe fittings, valve vaults, valves, access road, parking area, slope protection, fence, site restoration, electrical, and all other appurtenances</td> <td>Lump Sum</td> <td>\$ NO BID</td> </tr> <tr> <td>8</td> <td>Allowance for relocating overhead utilities and providing site lighting</td> <td>Lump Sum</td> <td>\$7,000.00</td> </tr> </tbody> </table> <p>TOTAL AMOUNT OF BID CONTRACT 2B, COMPLETE (Item No. 7 plus Item No. 8):</p> <p><i>NO BID</i></p> <p>04307/050305 00300 - 3</p>	Item No.	Description	Unit	Item Bid Amount	4	For construction, testing, painting, and disinfection of one (1) three million-gallon prestressed concrete ground storage tank, complete with all other appurtenances, excavation, hauling, pipe fittings, valve vaults, valves, access road, parking area, slope protection, fence, site restoration, electrical, and all other appurtenances.	Lump Sum	\$ 1,554,000.00	5	Deduction amount for excluding site excavation, hauling, pipe fittings, valve vaults, valves, access road, parking area, slope protection, fence, site restoration, electrical, and all other appurtenances	Lump Sum	\$ 521,000.00	6	Allowance for relocating overhead utilities and providing site lighting	Lump Sum	\$7,000.00	Item No.	Description	Unit	Item Bid Amount	7	For site excavation, hauling, pipe fittings, valve vaults, valves, access road, parking area, slope protection, fence, site restoration, electrical, and all other appurtenances	Lump Sum	\$ NO BID	8	Allowance for relocating overhead utilities and providing site lighting	Lump Sum	\$7,000.00
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Mr. Floyd moved to accept the bid from Weddle Enterprises in the amount of \$415,542. for relocation of water and wastewater for the Somerset Southwest Bypass Phase 1. Mr. Burnett seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mrs. Crawford, Mr. Burnett, Mr. Rutherford, Mr. Floyd, Mr. Wheeldon, Mr. Beasley, and Mr. Girdler.

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Mr. Charles R. Dick
May 11 2006
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The low bidder, Weddle Enterprises, Inc., of Somerset, Kentucky has been in business since 1976 and they have informed us that they are satisfied with their bid. The City of Somerset has past experience with the contractor. References for the firm indicate that they are capable of conducting the work. We believe them to be capable of completing Contract 397-05-01 and recommend contract award to them as bid.

Charlie, if the preceding is acceptable, we suggest the City pass a resolution of award contingent upon Kentucky Division of Highway approval, and advise Bell Engineering to distribute contract documents for execution. We will be happy to meet with you to discuss bid results at your convenience, if desired.

In addition, please forward a copy of the bid tabulation to Mr. Alan Edwards with a written request to use Weddle Enterprises, the low bidder, for construction of the subject project.

Should you have any questions about this or any other matter, please do not hesitate to call.

Sincerely,
BELL ENGINEERING

Kelly G. Gillespie
Kelly G. Gillespie

Project 11

c: Honorable JP Wiles, Mayor
Mr. Alan L. Edwards, KDOH, Dist. 8

Mr. Floyd moved to accept the lease agreement with Cumberland Lake Shell for a ninety-nine (99) year lease for a billboard sign located on Somersplash property in the amount of \$1.00 for the term of the lease. Mr. Wheeldon seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mrs. Crawford, Mr. Burnett, Mr. Rutherford, Mr. Floyd, Mr. Wheeldon, Mr. Beasley, and Mr. Girdler.

LEASE AGREEMENT

This lease agreement made this the 9th day of June, 2006 by and between the City of Somerset, Kentucky, "Lessor", and Cumberland Lake Shell, Inc., of 150 Railroad Drive, Somerset, KY 42501, "Lessee".

The lessor in consideration of the mutual promises and agreements hereinafter set out, do hereby lease, let and demise unto the lessee a portion of land for a billboard structure. This billboard is currently erected and is located on North Hwy 27 at the City of Somerset's Somersplash Waterpark.

The terms of this lease are as follows:

1. The term of this lease shall be 99 years from the signing of this agreement.
2. The consideration for the term of this lease shall be \$1.00 (One Dollar) and is due at the signing of this agreement.
3. Cumberland Lake Shell, Inc. is responsible for repair and maintenance of the billboard. Cumberland Lake Shell, Inc. will provide liability insurance.
4. Lessor agrees to give an access way for Lessee to get to the billboard structure.
5. This lease is contingent on approval of the KY State Highway Department.

LESSOR:

LESSEE:

S. Miller
City of Somers