MINUTES OF MEETING HELD FEBRUARY 26, 2007

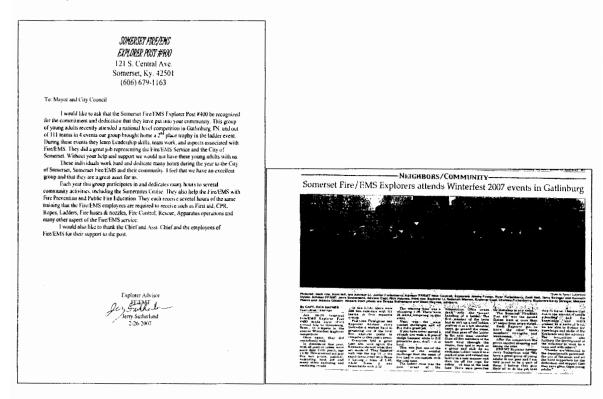
The Common Council of the City of Somerset, Kentucky met in regular session on Monday, February 26, 2007 at 7:00 p.m. with the following present: Mayor Eddie Girdler. Council Members: Linda Stringer, James Eastham, Steve Kelley, Jerry Girdler, Charlie New, Donna Hunley, John Minton, Jim Mitchell, Pat Bourne, Jerry Burnett, Tim Rutherford and Jim Rutherford. City Clerk David Godsey.

Mr. Bourne moved to approve the minutes of the last regular meeting held on February 12, 2007, and special called meeting February 19, 2007 along with the reports to be approved as delivered. Mr. J. Rutherford seconded the motion. Upon roll call the following Council Members voted "Aye": Mrs. Stringer, Mr. Eastham, Mr. Kelley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Rutherford and Mr. J. Rutherford.

Jim Drake along with his Boy Scout Troop 79 was present to observe the meeting in order to earn their first Leadership and Citizenship badges.

St. Mildred's Catholic Church Boy Scout Troop 170 was present to observe the meeting in order to earn their Communication Badges.

Jerry Sutherland and the Somerset Fire/EMS Explorers Post #400 were present. They recently competed in the annual Winterfest events in Gatlinburg where they brought home a second place trophy. Mr. J. Rutherford moved to have a letter submitted by Mr. Sutherland as made part of the official minutes. Mr. Burnett seconded the motion. Upon roll call the following Council Members voted "Aye": Mrs. Stringer, Mr. Eastham, Mr. Kelley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Rutherford and Mr. J. Rutherford.



Mr. Burnett moved to have council approve hiring Carrie Wiese as a full time City Attorney subject to the council reviewing her job description at the next meeting. Mr. Eastham seconded the motion. Upon roll call the following Council Members voted "Aye": Mrs. Stringer, Mr. Eastham, Mr. Kelley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Rutherford and Mr. J. Rutherford.

Mr. Bourne moved to allow the water company to begin a water intake project at the approximate cost of \$1.2 million and to allow Mayor Girdler to sign any documentation to obtain available financial assistance. Mr. T. Rutherford seconded the motion. Upon roll call the following Council Members voted "Aye": Mrs. Stringer, Mr. Eastham, Mr. Kelley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Rutherford and Mr. J. Rutherford.

Mr. Burnett moved to approve a renewal of a five (5) year solid waste disposal and landfill contract with Scott County Solid Waste. Mr. New seconded the motion. Upon roll call the following Council Members voted "Aye": Mrs. Stringer, Mr. Eastham, Mr. Kelley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Rutherford and Mr. J. Rutherford.

First reading was given the following Ordinance:

ORDINANCE NO. 07-01

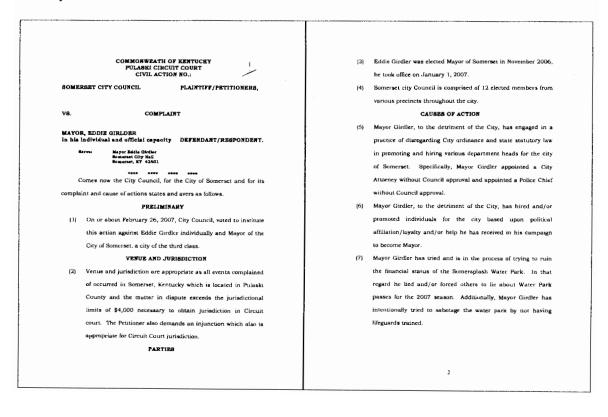
AN ORDINANCE TO THE CITY OF SOMERSET, KY, ACCEPTING DEDICATION OF STREETS WITHIN SADDLEBROOK ESTATES.

Mr. Mitchell moved to approve the above ordinance to accept dedication of streets in Saddlebrook Estates on its first reading. Mr. Rutherford seconded the motion. Upon roll call the following Council Members voted "Aye": Mrs. Stringer, Mr. Eastham, Mr. Kelley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Rutherford and Mr. J. Rutherford.

Mr. J. Rutherford made a motion to go into executive session for possible litigation. Mr. Kelley seconded the motion. Upon roll call the following Council Members voted "Aye": Mrs. Stringer, Mr. Eastham, Mr. Kelley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Rutherford and Mr. J. Rutherford.

No action taken in executive session.

Mr. Girdler moved to accept a complaint filed with the Circuit Court by Attorney Dan Yeast on behalf of the Council Members against Mayor Girdler. Mr. Mitchell seconded the motion. Upon roll call the following Council Members voted "Aye": Mrs. Stringer, Mr. Eastham, Mr. Kelley, Mr. Girdler, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Rutherford and Mr. J. Rutherford. Voting "Nay": Mr. New and Mrs. Hunley. Motion Passed.



- (8) Mayor Girdler has created positions of employment within the Somerset Police Department not recognized by the policy and procedure manual nor by ordinance.
- (9) Mayor Girdler has created positions for and promoted police officers within the Somerset Police Department based upon their political loyalty (helping him in his campaign) rather than be merit.
- [10] Mayor Girdler removed the time clock from the Somerset Police Department without Council approval which was provided for by ordinance.
- (11) Mayor Girdler removed Scott Whitaker (Somerset Police Officer) from the drug task force funded by a federal grant from HIDTA. Mayor Girdler did this without sound basis. Mayor Girdler attempted to place another officer in this position whom the task force did not want. Due to Mayor Girdler's action, HIDTA pulled their grant of \$50,970.
- (12) Mayor Girdler had and is in the process of splitting up the merged Fire/EMS Departments provided for and by the state Fire commission. The City collects 3,100 per EMS employee as incentive money for their training. If the Fire and EMS Departmenta are split, the City will no longer receive the incentive money.

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(13) Mayor Girdler has shown a general and flagrant disregard for the ordinances of the City, the laws of the Commonwealth of Kentucky, and as such has caused damage to the city, city employees, and the citizens of Somerset.

WHEREFORE, the plaintiff/petitioner requests the following relief:

- An injunction against the Mayor from hiring and employing anyone as a city employee that is required to be approved by counsel and has not been so approved;
- An injunction prohibiting the Mayor from dividing the Fire Department and EMS Department;
- [3] Judgment in the form of money damages for the salaries paid to those employees that were hired and employed contrary to ordinance and/or state law;
- (4) Judgment in the form of money damages for lost state and federal money (incentives) lost due to the Mayor's actions done contrary to state and federal law;
- (5) Trial by jury on all issues so triable;
- (b) Costs and fees incurred herein;
- (7) Atropper feet
- (8) Ability to amend this pleading and/or join additional parties if necessary and
- (9) Any and all other relief to which this plaintiff/petitioner may be entitled.

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	Respectfully Submitted,
	Daniel G. Yeast TRAVIS, PRUITT, POWERS & YEAST P.O. Drawer 30 Somerset, Kentucky 42502 (606) 678-8171
BY:	DANIEL G. YEAST

There being no further business the meeting adjourned.

	APPROVI	ED
		MAYOR
TTECT.		
TTEST:	CITY CLERK	