

MINUTES OF MEETING HELD MAY 14, 2007

The Common Council of the City of Somerset, Kentucky met in regular session on Monday, May 14, 2007 at 7:00 p.m. with the following present: Mayor Eddie Girdler. Council Members: Jerry Girdler, Charlie New, Donna Hunley, John Minton, Jim Mitchell, Pat Bourne, Tim Rutherford, Jim Rutherford, Linda Stringer, James Eastham and Steve Kelley. City Clerk David Godsey. Absent: City Attorney Carrie Wiese and Council Member Jerry Burnett.

Mr. J. Rutherford moved to approve the minutes of the last regular meeting held on April 23, 2007 along with the reports to be approved as delivered. Mr. New seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. T. Rutherford, Mr. J. Rutherford, Ms. Stringer, Mr. Eastham and Mr. Kelley.

Mr. Bourne moved to refund the following amounts paid on 2006 taxes: Donnie Miller 105 Jarvis Ave. Somerset, KY in the amount of \$59.67 for a homestead exemption. James Bowles 415 E. Mt. Vernon Somerset, KY in the amount of \$59.67 for a homestead exemption. Mr. Mitchell seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. T. Rutherford, Mr. J. Rutherford, Ms. Stringer, Mr. Eastham and Mr. Kelley.

City of Somerset 400 East Mt. Vernon Street P.O. Box 600 SOMERSET, KENTUCKY 40381 (606)775-0401 FAX May 2, 2007 Somerset City Council City Hall 400 E. Mt. Vernon Street Somerset, Kentucky 42501 Dear Councilman: I am writing in behalf of <u>Donnie Miller, 105 Jarvis Ave. Somerset, KY 42501</u> who is requesting a refund on their previously paid 2006 City taxes. Mr. T.W. Todd, Property Valuation Administrator, has issued a credit city for a homestead exemption in the amount of <u>\$59.67</u>. The amount of refund due is <u>\$59.67</u>. Thank you. Sincerely, David Godsey City Clerk 61-7-19-19 (Refund) To: DAVID GODSEY, David Godsey From: <u>Donnie Miller</u> Address: <u>105 Jarvis Ave. Somerset, KY 42501</u> City: <u>Somerset</u> State: <u>KY</u> Zip: <u>42501</u> Who has been assessed for Somerset City School Taxes for the year 2006: <u>Donnie Miller</u> The reason for this credit is: <u>Homestead Exemption</u> Date: <u>7-5-19</u> By: <u>Donnie Miller</u> Equal Opportunity Employer M/F/H/V (504)	City of Somerset 400 East Mt. Vernon Street P.O. Box 600 SOMERSET, KENTUCKY 40381 (606)775-0401 FAX May 2, 2007 Somerset City Council City Hall 400 E. Mt. Vernon Street Somerset, Kentucky 42501 Dear Councilman: I am writing in behalf of <u>James W. Bowles 415 E. Mt. Vernon Somerset, KY 42501</u> who is requesting a refund on their previously paid 2006 City taxes. Mr. T.W. Todd, Property Valuation Administrator, has issued a credit city for a homestead exemption in the amount of <u>\$59.67</u>. The amount of refund due is <u>\$59.67</u>. Thank you. Sincerely, David Godsey City Clerk 61-7-19-19 (Refund) To: DAVID GODSEY, David Godsey From: <u>James W. Bowles</u> Address: <u>415 E. Mt. Vernon Ave. Somerset</u> City: <u>Somerset</u> State: <u>KY</u> Zip: <u>42501</u> Who has been assessed for Somerset City School Taxes for the year 2006: <u>James W. Bowles</u> The reason for this credit is: <u>Homestead Exemption</u> Date: <u>7-5-19</u> By: <u>James W. Bowles</u> Equal Opportunity Employer M/F/H/V (504)
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Mr. New moved to approve the following resolution establishing water emergency funding. Mr. Girdler seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. T. Rutherford, Mr. J. Rutherford, Ms. Stringer, Mr. Eastham and Mr. Kelley.

RESOLUTION # 02-02

RESOLUTION
CITY OF SOMERSET

A RESOLUTION OF THE CITY OF SOMERSET, KENTUCKY ESTABLISHING A WATER EMERGENCY AND AUTHORIZING THE CITY MAYOR TO ENTER INTO NECESSARY AGREEMENTS FOR FUNDING.

IN ACCORDANCE WITH EXECUTIVE ORDER 1007-549 DATED APRIL 13, 2007 BY THE GOVERNOR OF THE COMMONWEALTH OF KENTUCKY:

The City of Somerset, Kentucky, has declared that a water emergency exists in Somerset, Kentucky, as a result of the U.S. Army Corps of Engineers lowering Lake Cumberland to an elevation of 620 and possibly lowering said lake further, thereby resulting in a lack of new water supply, and

WHEREAS, The City of Somerset, Kentucky owns and operates the water system in Somerset, Kentucky, and

WHEREAS, The Kentucky Revised Statutes, requires that a written declaration be made regarding the emergency situation.

Now, therefore, we, the Council of the City of Somerset and BIRLO Office, in his capacity as Mayor of the City of Somerset, Kentucky, pursuant to the authority vested in us and pursuant to KRS 41A.200 do hereby declare that:

An emergency presently exists in the City of Somerset, Kentucky due to the lowering of Lake Cumberland to an elevation of 620, with the possibility of further lowering, and

Competition is not feasible and would drastically delay efforts to alleviate said emergency.

Accordingly, noncompetitive negotiation shall be utilized for contracting with one or more engineering firms and construction companies in order to expedite relief to the residents of Somerset. Such contracts to be issued for the project designated as the Somerset Emergency Raw Water Intake Modification Project, WRB Project Number W22110070.

FURTHER, WHEREAS, the City of Somerset, Kentucky has applied for, and been awarded, the following 250 Fund project to be administered by the Kentucky Governor's Office for Land Development:

Somerset Emergency Raw Water Intake Modification Project

AND, WHEREAS, it is recognized that the 250 Fund monies available to the City for the purposes stated herein impose certain obligations and responsibilities upon the City.

NOW, THEREFORE, be it enacted this 15th day of May, 2007, by the City of Somerset:

The Mayor is hereby authorized to execute and sign any and all documents, including a memorandum of agreement, as may be required by OGLD for the advancement of the above-mentioned project(s) and to act as the authorized representative for said project(s).

Date this 15th day of May, 2007. Motion by Mr. New
and seconded by Mr. Girdler, resolution passed voting Aye, to Read.

By: David Girdler

ATTEST: David Girdler City Clerk

Mr. New moved to approve the following resolution adopting and approving a Municipal Aid Coop Program Contract. Mr. Bourne seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. T. Rutherford, Mr. J. Rutherford, Ms. Stringer, Mr. Eastham and Mr. Kelley.

RESOLUTION

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 Governmental Relations for the fiscal year beginning July 1, 2007, 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

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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 Somerset, Pulaski County, and the City Clerk of Somerset is hereby authorized and directed to certify the same.

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

AYE	NAI
<u>Mr. Girdler</u>	
<u>Mr. New</u>	
<u>Mrs. Hunley</u>	
<u>Mr. Mitchell</u>	
<u>Mr. Bourne</u>	
<u>Mr. T. Rutherford</u>	
<u>Mr. J. Rutherford</u>	
<u>Ms. Stringer</u>	
<u>Mr. Eastham</u>	
<u>Mr. Kelley</u>	

COMMONWEALTH OF KENTUCKY) ss:
INCORPORATED AREA OF Somerset

I, David Girdler, City Clerk of City of Somerset certify that the foregoing is a true copy of the Ordinance above. Given under my hand and seal of office this the 15th day of May, 2007.

David Girdler
Clerk of City of Somerset

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CONTRACT

THIS CONTRACT is made between the Commonwealth of Kentucky, Transportation Cabinet, Department of Governmental Relations, 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, 2007, this amount is one hundred seven thousand five hundred ninety-six and NO-CENT HUNDREDTHS DOLLARS (\$107,596.00). This amount, when added to any subsequent apportionments and any unexpended balance of prior apportionments to the said Incorporated Area will be expended by the Kentucky Department of Governmental Relations 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 2007-2008.

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.

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SPECIAL PROVISIONS

The Department of Governmental Relations will disburse funds to 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 Governmental Relations may assist the Incorporated Area in fulfilling its road maintenance, repairs, and improvement needs by the following methods:

- (a) Disburse funds to the Incorporated Area for materials and work performed by contract.
- (b) Disburse funds to the Incorporated Area for materials obtained by contract.
- (c) Disburse funds to 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.

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- (d) Disburse funds to the Incorporated Area for the hourly rate for personnel who perform the work. This rate may include employee fringe benefits such as leave overlying, retirement, social security, insurance, etc.

SPECIAL PROVISIONS

The Chief Executive Officer of the Legislative Body of Incorporated Areas certifies 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 assume 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

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this Contract.

The Legislative Body will reimburse the Department of Governmental Relations for any loss it may sustain arising out of performance of this Contract by the Department. Such loss as sustained by the Department of Governmental Relations 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 Governmental Relations.

It is agreed that any materials purchased by the Department of Governmental Relations 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 Governmental Relations.

Should conditions arise which, in the judgment of the Commissioner of Governmental Relations, render it burdensome

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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 Governmental Relations, 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 as 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.

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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 Somerset, Pulaski County

BY: Eddie G. Grier
Chief Executive Officer

Date: 5/13/07

DEPARTMENT OF GOVERNMENTAL RELATIONS
OFFICE OF REVENUE & FINANCIAL SERVICES

BY: _____
Commissioner

Date: _____

APPROVED AS TO FORM AND LEGALITY:

BY: _____
Office of Legal Services

Date: _____

COMMISSIONER OF SUMMITT
TRANSPORTATION CABINET

Date: _____

BY: _____
Secretary

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First reading was given of the following Ordinance:

ORDINANCE NO. 87-04 AN ORDINANCE ANNEXING A BOUNDARY OF REAL ESTATE (MORE COMMONLY KNOWN AS HOMER DECKER FAMILY PROJECT) TO THE CITY OF BOWLING GREEN, KENTUCKY. BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BOWLING GREEN, KENTUCKY: That the City of Bowling Green, Kentucky does hereby annex to the City of Bowling Green, Kentucky, the following boundary of unincorporated territory which is adjacent to property now contained in the City Limits: A certain tract or parcel of land located and being in Pulaski County, State of Kentucky, and more fully described as follows, to wit: A certain tract or parcel of land located on the west side of U.S. 27 in Pulaski County, Kentucky approximately 0.25 miles from the junction of University Drive. Being all of Tract 1 of a plat named Homer Decker Family Project filed in Plat Cabinet 13, Book 235 in the Pulaski County Clerk's Office at Bowling Green, Kentucky. The above described being an area of 29.6456 acres as surveyed by Kelly Holmes, L.P.L.S. 1253 on 02/24/2007. BEING A PORTION OF THE SAME property conveyed from Mann C. Decker, an unmarried widow, unto Pauline Decker, a single woman, and Homer Decker, a single man, by deed dated July 5, 1976 as the same appears of record in Deed Book 443, Page 606. BEING ALSO as a part on right-of-way U.S. 27 By-Share Colwood South County; thence with Colwood Line N 37°11' W 336.26 feet to a point thence with said property line S 61° 30' W 415.14 feet to a point thence with said property line S 76°39' W 337.63 feet to a new corner in Colwood's survey with U.S. 27; thence S 0°22' 03" E 312.71 feet to a corner point thence with said property line S 17°49' 02" W 456.70 feet to the old line; thence S 46°14' 30" E 348.66 feet to a point in the corner of Allen Beardsley thence with corner of said tract S 76° 09' 30" E 235.56 feet to a point; thence with corner of said tract N 63° 30' 40" E 548.54 feet to a point south of said tract, west side of the old Colwood's tract thence S 30° 03' 28" E 87.48 feet to a point on existing right-of-way line (U.S. 27) By-Share; thence with the existing right-of-way line (U.S. 27) By-Share with an length 1216.15 feet with a bearing of N 16° 28' 15" E to the point of beginning, containing 30.52 more or less. BEING A PART OF THE SAME PROPERTY conveyed to Pauline Decker, a single woman, and Homer Decker, a single man, by Deed of Conveyance from 1	Mann C. Decker, a widow, dated the 5th day of July 1976, and recorded in deed Book 443, Page 606, Pulaski County Court Clerk's Office, Kentucky. Homer Decker approved this deed instrument as evidenced by his Last Will and Testament filed of record in Wills Book 23, Page 265, Pulaski County Court Clerk's Office, Bowling Green, Kentucky and declared his interest in the property unto his two sisters, Pauline Decker and Helen Decker, jointly. There is EXCEPTED herefrom a certain tract of land previously conveyed unto the Commonwealth of Kentucky for the use and benefit of the Transportation Cabinet, Department of Highways, by Deed of Conveyance dated November 4, 1964 as filed of record in Deed Book 16, Page 604, Pulaski County Court Clerk's Office, Bowling Green, Kentucky. FIRST READING _____ SECOND READING _____ Approved: _____ Mayor ATTEST: _____ City Clerk 2
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Mrs. Hunley moved to approve the above ordinance on its first reading regarding annexation of property on Highway 27 near University Drive. Mr. T. Rutherford seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. T. Rutherford, Mr. J. Rutherford, Ms. Stringer, Mr. Eastham and Mr. Kelley.

Mr. New moved to approve the funding request from the Chamber of Commerce for the 4th of July Celebration in the amount of \$5,000. Mr. Eastham seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. T. Rutherford, Mr. J. Rutherford, Ms. Stringer, Mr. Eastham and Mr. Kelley.

There being no further business the meeting adjourned.

APPROVED _____
MAYOR

ATTEST: _____
CITY CLERK