

**MINUTES OF MEETING HELD FEBRUARY 28, 2011**

The Common Council of the City of Somerset, Kentucky met in a regular session on Monday, February 28, 2011 at 7:00 p.m. with the following present: Mayor Eddie Girdler. Council Members: Linda Stringer, Jerry Wheeldon, Mark Beasley, Jerry Girdler, Mike New, Donna Hunley, John Minton, Jim Mitchell, Pat Bourne, Jerry Burnett, Tom Eastham, and Jim Rutherford. City Attorney Carrie Wiese, and City Clerk David Godsey.

Mr. Wheeldon moved to approve the minutes of the regular meeting held on February 14, 2011, along with the reports as mailed. Mr. Beasley seconded the motion. Upon roll call the following Council Members voted "Aye": Mrs. Stringer, Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. Eastham, and Mr. Rutherford.

Second reading was given the following Ordinance # 11-01:

ORDINANCE NUMBER 11-01

AN ORDINANCE AMENDING THE CITY OF SOMERSET, KENTUCKY PAY & CLASSIFICATION PLAN, SAID ORDINANCE BEING AFFIRMED AND MADE EFFECTIVE JULY 1, 2010, AND WHICH SHALL REMAIN IN EFFECT WITH THE AMENDMENTS CONTAINED HEREIN UNTIL SUCH TIME AS THE PLAN IS REVIEWED AND/OR AMENDED BY THE COMMON COUNCIL;

WHEREAS, KRS 83A.070(4) REQUIRES THAT EACH CITY SHALL FIX THE COMPENSATION OF CITY EMPLOYEES IN ACCORDANCE WITH A PERSONNEL AND PAY CLASSIFICATION PLAN, WHICH PLAN SHALL BE ADOPTED BY ORDINANCE AND REVIEWED EACH YEAR ALONG WITH THE BUDGET; AND

WHEREAS, A PAY AND CLASSIFICATION PLAN WAS PREPARED/UPDATED AND DELIVERED TO THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY IN JULY 2010; AND

WHEREAS, THE COMMON COUNCIL REVIEWED THE REVISED PAY AND CLASSIFICATION PLAN IN JULY 2010 AND APPROVED CHANGES AS THEY APPEARED ON THE PLAN ATTACHED THERETO AS EXHIBIT "A"; AND

WHEREAS, THE COMMON COUNCIL HAS REVIEWED THE CURRENT AMENDMENTS MADE HEREIN, SPECIFICALLY ADDING A SECOND ENGINEER POSITION;

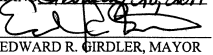
NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SOMERSET, KENTUCKY:

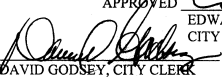
SECTION 1. THERE IS HEREBY ADOPTED AN AMENDED PAY AND CLASSIFICATION PLAN ATTACHED HERETO AS EXHIBIT "A", AND MADE PART HEREOF, AND INCORPORATED IN FULL WITH AN AMENDMENT ADDING AN ADDITIONAL POSITION OF "ENGINEER"; HEREBY ESTABLISHING A SECOND ENGINEER POSITION AS AN AUTHORIZED POSITION OF EMPLOYMENT.

SECTION 2. THIS ORDINANCE SHALL TAKE EFFECT AND SHALL BE APPLIED RETROACTIVELY UPON ITS PASSAGE AND UPON PUBLICATION ACCORDING TO LAW.

FIRST READING February 14, 2011

SECOND READING February 28, 2011

APPROVED  EDWARD R. GIRDLER, MAYOR  
CITY OF SOMERSET, KENTUCKY

ATTEST:  DAVID GODSEY, CITY CLERK

Mr. Beasley moved to approve the above Ordinance # 11-01 amending the pay and classification plan. Mr. Wheeldon seconded the motion. Upon roll call the following Council Members voted "Aye": Mrs. Stringer, Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. Eastham, and Mr. Rutherford.

Second reading was given the following Ordinance # 11-02:

ORDINANCE NO. 11-02

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 B-2 TO R-3. BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY:

That Ordinance No. 00-18, known as the Zoning Ordinance, Somerset, Kentucky, and the same is hereby amended by altering the Zoning Map in the following manner:

I. By changing a boundary of land being zoned B-2 to land being zoned R-3, more particularly described as follows:

A certain tract or parcel of land located, lying and being in Pulaski County, Kentucky, in what is known as Reed Addition to the City of Somerset, Kentucky in Block "A" of said Addition as shown by plat of the same recorded in Deed Book 97 Page 224 Pulaski County Court Clerk's Office, Kentucky, and bounded and described as follows, to-wit:

Beginning at the Northeast corner of Rachel Ramsey property on south side of Todd Street, thence with South side of Todd Street N 79 ° 08' E 98 feet to a fence post; thence S 16 ° 20' E 100 feet to a stake; thence S 12 ° 19' E 73.2 feet to an iron pin; thence westward 107 feet to a corner post, southeast corner of Rachel Ramsey property; thence N 11 ° 41' W 173.2 feet with the fence and east side of Ramsey property to the beginning.

BEING A PART OF THE SAME PROPERTY conveyed to the parties of the first part on the 10<sup>th</sup> day of February, 1971 by Herbert Wilson and Christene Wilson, his wife, as the same appears of record in Deed Book, 310 Page127 Pulaski County Court Clerk's Office, Kentucky.

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

FIRST READING February 14, 2011

SECOND READING February 28, 2011

ATTEST:

City Clerk

Approved:

Mayor

Mr. Burnett moved to approve the above Ordinance # 11-02 altering the zoning map, Reed Addition. Mr. Mitchell seconded the motion. Upon roll call the following Council Members voted “Aye”: Mrs. Stringer, Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. Eastham, and Mr. Rutherford.

Second was given the following Ordinance # 11-03:

ORDINANCE NO. 11-03

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 B-2 TO R1. BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY:

That Ordinance No. 00-18, 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 a boundary of land being zoned B2 to land being zoned R1 more particularly described as follows:

A certain lot or parcel of ground located, lying and being in what is known as Weddle Addition to Somerset and in Pulaski County, Kentucky same being more particularly bounded and described as follows to-wit:

Beginning at a stake on the South side of Highway West 80, also the owner of J.M. Rexroat; running thence Westwardly with the margin of said Highway West 80, 96 feet to a stake, also the corner of Lola Tarter property; running thence with Lola Tarter property line Southwardly 166 feet to a stake, also the corner of Lola Tarter; running thence Westwardly 26 feet to a stake, also a corner to Lola Tarter property; running thence Southwardly 334 feet to a stake in the line of Lola Tarter property, also the corner to the lands owned by Edward M. Bennett and wife; running thence Eastwardly with the Bennett line 122 feet to a stake in the J.M. Rexroat line; running thence with said J.M. Rexroat line Northwardly 200 feet to a stake in the South side of Highway West 80, the point of beginning.

BEING THE SAME PROPERTY conveyed to Muriel Haney and Ruby D. Haney, his wife, jointly, from Mildred D. Gilliam, widow, by Deed of Conveyance dated the 12th day of January, 1972, and of record in Deed Book 322, Page 12, Pulaski County Court Clerk's Office, Kentucky.

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

FIRST READING February 14, 2011

SECOND READING February 28, 2011

ATTEST:

City Clerk

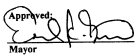

Approved:

Mayor

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Minutes of February 28, 2011

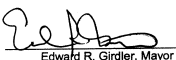

Mr. Wheeldon moved to approve the above Ordinance # 11-03 altering the zoning map, Weddle Addition. Mr. New seconded the motion. Upon roll call the following Council Members voted “Aye”: Mrs. Stringer, Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. Eastham, and Mr. Rutherford.

Second reading was given the following Ordinance # 11-04:

<p>ORDINANCE NO. <u>11-04</u></p> <p>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 I-1 TO B-2. BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY:</p> <p>That Ordinance No. 00-18, known as the Zoning Ordinance, Somerset, Kentucky, and the same is hereby amended by altering the Zoning Map in the following manner:</p> <p>I. By changing a boundary of land being zoned I-1 to land being zoned B-2, more particularly described as follows:</p> <p>A tract of land in Pulaski County, Kentucky, on the south side of Highway No. 80 about two miles west of Somerset, Ky. and bounded and described as follows, to-wit:</p> <p>Beginning on a stone on the Smith and Thurman Road, Stephens and Tucker corner, their line S 86-30' W 24 poles and 24 links to a stone; thence S 11 W 39.4 poles to a stone; thence S 80-30' E 35 poles to a stone at the road; thence with same N 2 W 31 poles to a stone on the same; thence N 2-45' E 15 poles to the beginning.</p> <p>There is excepted from the foregoing tract that parcel of land conveyed to Winifred A. Collingsworth, et ux, by deed of conveyance of record in Deed Book 191, Page 245, Pulaski County Court Clerk's Office, Kentucky, and more particularly bounded and described as follows, to-wit:</p> <p>Beginning at a stone on the west side of the Smith and Thurman Road, Stephens and Tucker's corner; thence with Stephens and Tucker's line westward a straight line 212 feet to a stake, corner to Stephens and Tucker; thence with Tucker's line S 125 feet to a stake, corner to O. C. Tucker; thence with Tucker's line Eastward 212 feet to a stake at the Smith and Thurman Road; thence with the Smith and Thurman Road northward 125 feet to the beginning corner and being a rectangular shaped lot 212 feet and comprising ¼ acre, be the same more or less.</p> <p>BEING THE SAME PROPERTY conveyed to Daniel C. Coomer and Macky P. Coomer, a/k/a Malcome Paul Coomer, d/b/a West Somerset Wrecking Company, a partnership, by Deed of Conveyance from O.C. Tucker and Mae B. Tucker, his wife, dated October 1, 1986, of record in Deed Book 452, Page 169, Pulaski County Court Clerk's Office, Kentucky. Daniel C. Coomer and Ellen Coomer, his wife, conveyed all their right, title and interest in the above described property to Malcome (aka Macky) Paul Coomer and Pamela Coomer, his wife, by Deed dated October 22, 1999, of record in Deed Book 646, Page 027, Pulaski County Court Clerk's Office, Kentucky.</p>	<p>II. This Ordinance shall be in full force and effect from and after adoption.</p> <p>FIRST READING <u>February 14, 2011</u></p> <p>SECOND READING <u>February 28, 2011</u></p> <p>Approved:  Mayor</p> <p>ATTEST:  City Clerk</p>
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Mr. New moved to approve the above Ordinance # 11-04 altering the zoning map, Thurman Road. Mr. Wheeldon seconded the motion. Upon roll call the following Council Members voted “Aye”: Mrs. Stringer, Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. Eastham, and Mr. Rutherford.

Mr. Beasley moved to approve the following Resolution “Paint the Town” recognizing the Downtown Somerset Development Corporation (DSDC) as a management agency for funding. Mr. Burnett seconded the motion. Upon roll call the following Council Members voted “Aye”: Mrs. Stringer, Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. Eastham, and Mr. Rutherford.

<p>RESOLUTION</p> <p>WHEREAS the City of Somerset, Kentucky is located within the defined service territory of TOUR SEKY and is eligible to participate in and benefit from the programs it offers; and</p> <p>WHEREAS TOUR SEKY conducts a program known as "Paint the Town"; and</p> <p>WHEREAS grants afforded through the "Paint The Town" program would be beneficial to a number of qualifying properties in our downtown area; and</p> <p>WHEREAS more than 100 properties in the Downtown Somerset area have been invited to submit projects, resulting in 23 applications; and</p> <p>WHEREAS the Downtown Somerset Development Corporation (DSDC) is qualified and recognized as a management agency for such funding and has reviewed those 23 applications; and</p> <p>WHEREAS DSDC has recommended formal applications be submitted to TOUR SEKY for the William Thompson Law Office Building, the Hilliard and Lyons Building and the Moss Building projects.</p> <p>NOW THEREFORE BE IT RESOLVED BY THE Common Council of the City of Somerset, Kentucky that it hereby accepts and endorses the recommendations made by DSDC and that the agency be directed to further pursue the award of these "Paint The Town" funds for the recommended applicants.</p> <p>SO RESOLVED this 28<sup>th</sup> of February 2011 by a majority vote of Somerset City Council.</p> <p> Edward R. Girdler, Mayor</p> <p> David Godsey, Clerk</p>
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Mr. Wheeldon moved to approve the following Resolution “Paint the Town” recognizing the Somerset-Pulaski County Convention and Visitors Bureau (CVB) as a management agency for funding. Mr. Burnett seconded the motion. Upon roll call the following Council Members voted “Aye”: Mrs. Stringer, Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. Eastham, and Mr. Rutherford.

RESOLUTION

WHEREAS the City of Somerset, Kentucky is located within the defined service territory of TOUR SEKY and is eligible to participate in and benefit from the programs it offers; and

WHEREAS TOUR SEKY conducts a program known as "Paint the Town"; and

WHEREAS grants afforded through the "Paint The Town" program would be beneficial to a number of qualifying properties in our downtown area; and

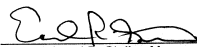
WHEREAS more than 100 properties in the Downtown Somerset area have been invited to submit projects, resulting in 23 applications; and


WHEREAS the Somerset-Pulaski County Convention and Visitors Bureau (CVB) is qualified and recognized as a management agency for such funding and has reviewed those 23 applications; and

WHEREAS the CVB has recommended formal applications be submitted to TOUR for the Life Is Sweet Café and the Neal Haney Building projects,

NOW THEREFORE BE IT RESOLVED BY THE Common Council of the City of Somerset, Kentucky that it hereby accepts and endorses the recommendations made by the CVB and that the agency be directed to further pursue the award of these "Paint The Town" funds for the recommended applicants.

SO RESOLVED this 28<sup>th</sup> of February 2011 by a majority vote of Somerset City Council.

  
Edward R. Girdler, Mayor

  
David Gousey, Clerk

Mr. Beasley moved to approve the following Grant Resolution with U.S.D.A. Rural Development authorizing Mayor Girdler to file, review, and sign necessary documents regarding the Somerset Police Vehicle Purchase Project. Mr. Mitchell seconded the motion. Upon roll call the following Council Members voted “Aye”: Mrs. Stringer, Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. Eastham, and Mr. Rutherford.

RESOLUTION \_\_\_\_\_

A RESOLUTION OF AUTHORIZATION OF THE CITY OF SOMERSET, KENTUCKY, AUTHORIZING THE MAYOR TO MAKE APPLICATION FOR AND, UPON APPROVAL, TO ENTER INTO AN AGREEMENT WITH THE USDA RURAL DEVELOPMENT, TO EXECUTE ANY DOCUMENTS WHICH ARE DEEMED NECESSARY BY USDA RURAL DEVELOPMENT TO FACILITATE AND ADMINISTER THE BELOW DESCRIBED PROJECT AND TO ACT AS THE AUTHORIZED CORRESPONDENT FOR THIS PROJECT;

WHEREAS, the City of Somerset, Kentucky desires to make an application to USDA Rural Development for funds to purchase a Police Vehicle to be used by the City of Somerset and the Somerset Police Department, specifically referred to herein as the "Somerset Police Vehicle Purchase Project"; and

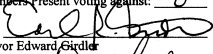
WHEREAS, it is recognized that an application for and approval of such funds will impose certain obligations and responsibilities upon the city;

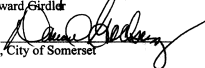
NOW, THEREFORE, be it resolved this 28<sup>th</sup> day of February, 20 11, by the City of Somerset, Kentucky, that the Mayor is hereby authorized to execute and furnish all required documentation, including a memorandum of agreement, as may be required by USDA Rural Development for the furtherance of the above-referenced project known as the "Somerset Police Vehicle Purchase Project" and to act as the authorized correspondent for said project.

Done this 28<sup>th</sup> day of February, 20 11 on a Motion made by Mr. Beasley and seconded by Mr. Mitchell

Members present voting in Favor: 12

Members Present voting against: 0

BY:   
Mayor Edward Girdler

ATTEST:   
City Clerk, City of Somerset

AMENDMENT OF WATER PURCHASE CONTRACT

This Amendment shall apply to the parties' contract and agreement for the sale and purchase of water as entered into as of the 28<sup>th</sup> day of February, 2011, between the City of Somerset, Kentucky, hereinafter referred to as the "Seller", and the Western Pulaski County Water District (WPCWD), hereinafter referred to as the "Purchaser", a copy attached hereto and incorporated in full by reference;

WITNESSETH:

Whereas, the Purchaser is organized and established under the provision of the Kentucky Revised Statutes, for purpose of construction and/or operation of a water supply distribution system serving water users within the area described below and, to accomplish this purpose, the Purchaser will require a service of treated water, and that the City of Somerset herein agrees that it is in the best interests of the Purchaser to provide water to the described area by purchasing treated water from another source, specifically from Russell County, in order to greatly minimize cost and time required to provide water to consumers located in said area; and

Whereas, the Seller owns and operates a water supply distribution system organized and established under the provisions of the Kentucky Revised Statutes, and although having a capacity currently capable of serving the additional customers of the area subject to this amendment, but agreeing that it is in the best interest of the Purchaser to provide water to the described area by purchasing treated water from another source, specifically from Russell County, in order to greatly minimize cost and time required to provide water to consumers located in said area;

Now therefore, in consideration of the foregoing and the mutual agreements hereinafter set forth, and as set forth in the original Water Purchase Agreement referred to above, the Seller herein agrees to grant an exception to the original contract mandate regarding source of water for purchase by WPCWD, specifically Section B, Part 3 which states as follows:

3. (Source of Water) That the Seller shall be the exclusive source of water.

I. Mutual Agreement

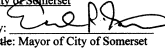
This exception to the source of water requirement is mutually agreed upon between the Seller and the Purchaser as reflected in this writing pursuant to Section 4, "Modification of Contract" contained in the original Water Purchase Agreement referred to above.


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II. Exception


The exception shall allow the Purchaser, WPCWD, to purchase water from Russell County in order to serve the current and future consumers located in the area described as follows: The Brown Ridge community located in the extreme western portion of Pulaski County. The Brown Ridge community is part of the existing WPCWD service area.


In witness whereof, the parties hereto, acting under authority of their respective governing bodies, have caused this Amendment to the Water Purchase Agreement to be duly executed.

Seller: City of Somerset  
By:   
Title: Mayor of City of Somerset

Attest:   
City Clerk

Purchaser: By:   
Title: Chairman, WPCWD Board

Attest:   
Secretary of Board

This contract amendment prepared by:  
  
Cheryl D. White, City Attorney  
City of Somerset  
400 East Mt. Vernon Street  
Somerset, KY 42501  
(606) 678-7001

3

Mr. Wheeldon moved to approve the above Water Purchase Contract Amendment between City of Somerset and Western Pulaski County Water District (WPCWD). Mr. Rutherford seconded the motion. Upon roll call the following Council Members voted "Aye": Mrs. Stringer, Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. Eastham, and Mr. Rutherford.

There being no further business the meeting adjourned.

APPROVED \_\_\_\_\_ MAYOR

ATTEST: \_\_\_\_\_ CITY CLERK