

MINUTES OF SPECIAL CALLED MEETING HELD JANUARY 10, 2008


The Common Council of the City of Somerset, Kentucky met in special called session on Thursday, January 10, 2008 at 6:00 p.m. with the following present: Mayor Eddie Girdler. Council Members: Jim Rutherford, James Eastham, Steve Kelley, Jerry Girdler, David Childers, Donna Hunley, John Minton, Pat Bourne, Jerry Burnett, and Tim Rutherford. City Clerk David Godsey and City Attorney Carrie Wiese. Absent: Council Members Linda Stringer and Jim Mitchell.

Eddie R. Girdler
Mayor

David Godsey
City Clerk

City of Somerset

400 East Mt. Vernon Street
P.O. Box 5803
SOMERSET, KENTUCKY 42502
(606)679-4200
(606)679-2481 (FAX)



JANUARY 10, 2008

NOTICE OF SPECIAL MEETING OF THE COMMON COUNCIL OF THE CITY OF SOMERSET

The undersigned, as Mayor of the City of Somerset, Kentucky hereby gives notice to each member of the Common Council as said City, that a Special Meeting of said Common Council is hereby called and will convene at the usual meeting place of the Common Council in the City of Somerset, Kentucky, on the 10th day of January 2008, at 6:00 P.M. Said meeting is called for the purpose of:

1. CALL TO ORDER

2. 2ND READING/CORRIDOR ANNEXATION/US 27/SLATE BRANCH


3. RESOLUTION/SEWER GRANT/\$3 MILLION PRIOR YEAR

4. RESOLUTION/SEWER GRANT/LOAN/STATE OF KENTUCKY

5. 1ST READING/STREET CLOSING/PART OF MARKET ST AND ZACHARY WAY

6. ADJOURNMENT

Respectfully Submitted,


Eddie Girdler, Mayor
City of Somerset

ACCEPTANCE AND WAIVER OF NOTICE

The Undersigned, being all the members of the Common Council of the said City of Somerset, Kentucky accept the foregoing Notice, waive any possible informalities or irregularities in the time and manner of service upon the same or each of us an agree that a Special Meeting of said Council may be held at the time and for the purpose set forth in said notice.

JIM RUTHERFORD

DONNA HUNLEY

LINDA STRINGER

JOHN MINTON

JIMMY EASTHAM

JIMMY MITCHELL

STEVE KELLEY

PAT BOURNE

JERRY GIRDLER

JERRY BURNETT

DAVID CHILDERS

TIM RUTHERFORD

COMMONWEALTH JOURNAL

WTLO

WSFC

CARRIE WIESE, CITY ATTORNEY

Equal Opportunity Employer M/F/D (506)678-5176 (TDD)

Second reading was given the following Ordinance:

ORDINANCE NO. 07-17

AN ORDINANCE STATING THE CITY OF SOMERSET'S INTENT AND DESIRE TO ANNEX A CORRIDOR OF HIGHWAY KNOWN AS KENTUCKY STATE HWY 27 SOUTH, PULASKI COUNTY, KENTUCKY, TO THE CITY OF SOMERSET, KENTUCKY,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY:

That the City of Somerset, Kentucky does hereby state its intent and desire to annex to the City of Somerset, Kentucky, pursuant to KRS 81A.420, the following boundary of unincorporated territory which is a corridor known as Kentucky State Hwy 27 South, which is contiguous to current boundaries of the City Limits, and is territory that is urban in character or is suitable for urban development without unreasonable delay, and which contains water mains and/or sewer lines which belong to the City of Somerset which currently serve customers throughout the area:

A certain corridor located and being in Pulaski County, State of Kentucky, known as Kentucky State Hwy. 27 South, and more fully described as follows, to wit:

(See Exhibit "A" attached hereto and incorporated herein in full by reference.)

FIRST READING 8/13/2007

SECOND READING 1/10/2008

Approved:

Mayor

ATTEST:

City Clerk

1

Mr. Burnett approved the above ordinance on its second reading regarding annexing a corridor of Highway 27 South. Mr. Kelly seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Eastham, Mr. Kelley, Mr. Girdler, Mr. Childers, Mrs. Hunley, and Mr. Burnett. Voting “Nay”: Mr. J. Rutherford, Mr. Minton, Mr. Bourne, and Mr. T. Rutherford. Motion Passed.

Second reading was given the following Ordinance:

ORDINANCE NO. 07-18

AN ORDINANCE STATING THE CITY OF SOMERSET'S INTENT AND DESIRE TO ANNEX A CORRIDOR OF HIGHWAY, SPECIFICALLY KENTUCKY STATE HWY 1642, MORE COMMONLY KNOWN AS SLATE BRANCH ROAD, PULASKI COUNTY, KENTUCKY, TO THE CITY OF SOMERSET, KENTUCKY.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY:

That the City of Somerset, Kentucky does hereby state its intent and desire to annex to the City of Somerset, Kentucky, pursuant to KRS 84A.420, the following boundary of unincorporated territory which is a corridor known as Kentucky State Hwy 1642/Slate Branch Road, which is contiguous to current boundaries of the City Limits, and is territory that is urban in character or is suitable for urban development without unreasonable delay, and which contains water mains and/or sewer lines which belong to the City of Somerset which currently serve customers throughout the area:

A certain corridor located and being in Pulaski County, State of Kentucky, known as Kentucky State Hwy. 1642/Slate Branch Road, and more fully described as follows, to wit:

(See Exhibit "A" attached hereto and incorporated herein in full by reference.)

FIRST READING 8/13/2007

SECOND READING 1/10/2008

Approved:

Mayor

ATTEST:

City Clerk

1

Mr. Girdler approved the above ordinance on its second reading regarding annexing a corridor of Highway 1642 South/Slate Branch Road. Mr. Kelly seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Eastham, Mr. Kelley, Mr. Girdler, Mr. Childers, Mrs. Hunley, and Mr. Burnett. Voting “Nay”: Mr. J. Rutherford, Mr. Minton, Mr. Bourne, and Mr. T. Rutherford. Motion Passed.

Mr. J. Rutherford moved to approve the following Resolution authorizing the filing of a US Environmental Protection Agency Grant Application. Mr. Eastham seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. J. Rutherford, Mr. Eastham, Mr. Kelley, Mr. Girdler, Mr. Childers, Mrs. Hunley, Mr. Minton, Mr. Bourne, Mr. Burnett, and Mr. T. Rutherford.

WHEREAS, it is necessary and in the public interest that the City of Somerset avail itself of the financial assistance provided by the U.S. Environmental Protection Agency, and

WHEREAS, it is necessary and in the public interest that the City of Somerset avail itself of the financial assistance provided by the U.S. Environmental Protection Agency, and

WHEREAS, it is recognized that the Federal/State contract for such financial assistance pursuant to said U.S. Environmental Protection Agency regulations will impose certain obligations and responsibilities upon the City of Somerset and will require among other things;

- (1) approval of a satisfactory application transmitted to the Kentucky Division of Water;
- (2) certification by the City of Somerset relating to activities such as civil rights, citizen participation, relocation payments, acquisition of properties, national environmental policies, and accounting practices; and,
- (3) other local obligations and responsibilities in connection with the undertaking and carrying out of the U.S. Environmental Protection Agency Grant Program; and,

WHEREAS, in those areas where acquisition and clearance is proposed, the objectives of the program cannot be achieved through more extensive rehabilitation and a displacement strategy has been formulated;

NOW, THEREFORE, be it RESOLVED by the City Council;

- (1) that the United States of America and the Commonwealth of Kentucky be, and hereby are, assured of full compliance by the City of Somerset with certification relating to all regulations and administration of Civil Rights Act, citizen participation, relocation payments, acquisition processes, accounting procedures, the Hatch Act, minimum wage and minimum hour provisions of the Fair Labor Standards Act, and all requirements of the National Environmental Policy Act of 1969;
- (2) that the Mayor is authorized and directed to prepare such certification and to assure full compliance with all certifications as outlined in (1) above, and all other pertinent regulations;
- (3) that an application on behalf of the City of Somerset for a grant up to \$3,058,400 of said U.S. Environmental Protection Agency grant funds is hereby approved and that the Mayor is authorized to execute and file such application with the U.S. Environmental Protection Agency, to prepare and submit additional information and to furnish such documentation as may be required, and to act as the authorized correspondent of the City of Somerset relating to the U.S. Environmental Protection Agency Grant Program.


EDDIE R. GIRDLER, MAYOR

ATTEST - CITY CLERK

January 10, 2008
DATE

Authorizing Resolution of the City of Somerset, Kentucky for Filing of Loan Application and Appointing Appropriate Local Government Official and Successors-in-Title as Official Project Representative of Federally Assisted Wastewater Revolving Fund (State Revolving Loan Program) Project.

WHEREAS, the City of Somerset, Kentucky proposes to provide wastewater collection and treatment system for residential, commercial, industrial, and institutional customers in the City of Somerset and surrounding Pulaski County, and


WHEREAS, the City of Somerset endorses said proposed service, and,

WHEREAS, under the terms of Title VI of the Water and Air Quality Act of 1987 (Public Law 100-4) and amendments to KRS 224.0, the State is authorized to render financial assistance to eligible project applicants by the State to provide for the construction of wastewater treatment facilities and certain related facilities with the use of capitalization grants from the U. S. Environmental Protection Agency and State match funds comprising the Federally Assisted Wastewater Revolving Fund (State Revolving Loan Program) established to aid in the construction of wastewater treatment facilities improvements and certain related facilities with consideration for approval to be based on applicants submitted through the Kentucky Environmental and Public Protection Cabinet and the Kentucky Infrastructure Authority, and,

WHEREAS, the improvements proposed for construction by the City of Somerset are considered eligible for such loan assistance.

NOW THEREFORE, BE IT RESOLVED by the City Council that the Mayor and Successors-in-Title are hereby authorized to execute and submit an application through the Kentucky Environmental and Public Protection Cabinet and the Kentucky Infrastructure Authority with such assurances and required supporting data as is necessary to obtain loan assistance from the Federally Assisted Wastewater Revolving Fund (State Revolving Loan Program) for the proposed wastewater collection and conveyance system, and are hereby authorized as the City of Somerset's Official Project Representative to carry out necessary negotiations for and administer the loan assistance the applicant may obtain from the Federally Assisted Wastewater Revolving Fund (State Revolving Loan Program).

Adopted this 10th day of January, 2008.


Eddie R. Girdler, Mayor

ATTEST: _____
City Clerk

First reading was given the following Ordinance:

ORDINANCE NO. 08-01

AN ORDINANCE TO THE CITY OF SOMERSET, KENTUCKY, CLOSING A PORTION OF MARKET STREET LOCATED WITHIN THE CITY'S CORPORATE LIMITS; AND CLOSING ZACHARY'S WAY LOCATED WITHIN THE CITY'S CORPORATE LIMITS; AND SETTING FORTH THE MEETS AND BOUNDS OF SAID STREETS WITH THE INTENTION THAT SAID PROPERTY WILL BE DEEDED OVER TO THE PULASKI COUNTY FISCAL COURT FOR THE CONSTRUCTION AND USE OF THE FUTURE PULASKI COUNTY JUDICIAL BUILDING,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY:

I.

That a portion of Market Street located within the City of Somerset, specifically beginning at the intersection of South Main Street and Market Street, running East to West to the intersection of Market Street and South Maple Street, shall be closed by the City of Somerset in order to allow for the construction and use of said property by the future Pulaski County Judicial Center.

II.

That Zachary's Way located within the City of Somerset, shall be closed in its entirety by the City of Somerset in order to allow for the construction and use of said property by the future Pulaski County Judicial Center.

III.

That the Exhibit attached hereto be incorporated by reference in full and shall serve as the legal descriptions of the streets stated above for all future purposes.

IV.

That the Council herein agrees that said streets/right-of-ways shall be conveyed by the Mayor to the Pulaski County Fiscal Court, or other authorized body, if needed in order to allow for the construction and use of said property by the future Pulaski County Judicial Center.

V.

That all ordinances or parts thereof in conflict herewith are hereby repealed and the Clerk is hereby granted authority to make necessary changes to the city street system so that the official map shall reflect the changes set forth herein.

VI.

This ordinance closing the above stated streets shall be in full force and effect upon passage, approval, and publication according to law.

FIRST READING January 10, 2008

SECOND READING _____

Approved: _____
Mayor, Eddie Girdler

ATTEST: _____
City Clerk, David Godsey

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Mr. T. Rutherford approved the above ordinance on its first reading regarding closing Zachary Way and Market Street from Maple to Main Street. Mr. Childers seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. J. Rutherford, Mr. Eastham, Mr. Kelley, Mr. Girdler, Mr. Childers, Mrs. Hunley, Mr. Minton, Mr. Bourne, Mr. Burnett, and Mr. T. Rutherford.

There being no further business the meeting adjourned.

APPROVED _____

MAYOR

ATTEST: _____

CITY CLERK