

MINUTES OF MEETING HELD JANUARY 9, 2012

The Common Council of the City of Somerset, Kentucky met in a regular session on Monday, January 9, 2012 at 7:00 p.m. with the following present: Mayor Eddie Girdler. Council Members: Jim Rutherford, Linda Stringer, Jerry Wheeldon, Mark Beasley, Mike New, John Minton, Jim Mitchell, Pat Bourne, Jerry Burnett, Tom Eastham. City Attorney Carrie Wiese and City Clerk David Godsey. Absent: Council Members Jerry Girdler, and Donna Hunley.

Mr. Beasley moved to approve the minutes of the regular meeting held on December 12, 2011 along with the reports as mailed. Mr. Minton seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. Beasley, Mr. New, Mr. Minton, Jim Mitchell, Pat Bourne, Jerry Burnett, and Mr. Eastham.

Mr. Burnett moved to approve the following Resolution #12-01 entering into an agreement with the Kentucky Office of Homeland Security (KOHS). Mr. Eastham seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. Beasley, Mr. New, Mr. Minton, Jim Mitchell, Pat Bourne, Jerry Burnett, and Mr. Eastham.

<p style="text-align: center;">RESOLUTION <u>12-01</u></p> <p>A RESOLUTION OF THE CITY OF SOMERSET, KENTUCKY AUTHORIZING THE MAYOR TO MAKE APPLICATION FOR, AND UPON APPROVAL, TO ENTER INTO AN AGREEMENT WITH THE KENTUCKY OFFICE OF HOMELAND SECURITY (KOHS) REGARDING ITEMS INCLUDING, BUT NOT LIMITED TO, PROTECTIVE EQUIPMENT AND GEAR FOR POLICE OFFICERS OF THE CITY; TO EXECUTE ANY DOCUMENTS WHICH ARE DEEMED NECESSARY BY KOHS TO FACILITATE AND ADMINISTER ANY GRANT(S)/PROGRAM(S) IN REGARDS TO THE ABOVE STATED ITEMS; AND TO ACT AS THE AUTHORIZED CORRESPONDENT FOR ANY SUCH GRANT(S)/PROGRAM(S).</p> <p>WHEREAS, the City of Somerset, Kentucky desires to make an application for U.S. and/or Kentucky Homeland Security Funds for items including, but not limited to, Protective Equipment and Gear for Police Officers of the City of Somerset to be administered by Kentucky Office of Homeland Security;</p> <p>WHEREAS, it is recognized that an application for and approval of Kentucky Office of Homeland Security funds impose certain obligations and responsibilities upon the city;</p> <p>NOW, THEREFORE, be it resolved this 9th day of January 2012, 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 KOHS for the furtherance of the above-referenced Grant(s) Program(s), and further to act as the authorized correspondent for such.</p> <p>Done this the 9th day of January, 2012 on a Motion made by <u>Mr. Burnett</u> and seconded by <u>Mr. Eastham</u>.</p> <p>Members present voting in Favor: <u>10</u> Members Present voting against: <u>0</u></p> <p>BY: <u>Eddie Girdler</u> Mayor Edward Girdler</p> <p>ATTEST: <u>David Godsey</u> City Clerk, City of Somerset</p>
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Mr. Wheeldon moved to approve the following Resolution #12-02 authorizing the submission of a grant/loan application to the U.S. Department of Agriculture, Rural Development. Mr. Eastham seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. Beasley, Mr. New, Mr. Minton, Jim Mitchell, Pat Bourne, Jerry Burnett, and Mr. Eastham.

Eddie R. Girdler


Mayor

David Godsey

City Clerk

City of Somerset

400 East Mt. Vernon Street
P.O. Box 989
SOMERSET, KENTUCKY 42502
(606)679-6366
(606)679-2481 (FAX)



RESOLUTION 12-02

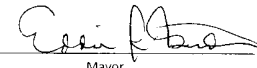
SOMERSET ENERGY AND MUNICIPAL SERVICES CENTER

CITY OF SOMERSET, KENTUCKY


JANUARY, 2012

The City Council of the City of Somerset, Kentucky hereby authorizes the submission of a grant/loan application to the U.S. Department of Agriculture, Rural Development.

The purpose of the application is to construct the Somerset Energy and Municipal Services Center. The application will request approximately \$8,500,000 in assistance under Rural Development's Community Facilities Program. The Mayor is authorized to sign documents, forms, and other necessary assurances for the submission of the application and financial acceptance from Rural Development if approved.



Mayor



City Clerk

Equal Opportunity Employer M/F/D (606)678-5176 (TDD)

First reading was given the following Ordinance # 12-01:

ORDINANCE NO. 12-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOMERSET, KENTUCKY, AUTHORIZING AND APPROVING THE ISSUANCE OF ITS GENERAL OBLIGATION REFUNDING BONDS, SERIES OF 2012 IN THE APPROXIMATE AMOUNT OF \$2,640,000 (WHICH AMOUNT MAY BE INCREASED OR DECREASED BY UP TO \$260,000) FOR THE PURPOSE OF REFUNDING ALL OR A PORTION OF CERTAIN OUTSTANDING INDEBTEDNESS; AUTHORIZING THE LEVY OF A DIRECT ANNUAL TAX ON ALL TAXABLE PROPERTY WITHIN THE CITY, IN ADDITION TO ALL OTHER TAXES, IN AN AMOUNT SUFFIEICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS WHEN AND AS THE SAME BECOME DUE; ANUTHORIZING THE ESTABLISHMENT OF CERTAIN FUNDS TO PROVIDE FOR THE COLLECTION OF THE PROCEEDS OF THE TAX AND THE PAYMENT OF THE BONDS; AUTHORIZING THE PUBLICLY ADVERTISED, COMPETITIVE SALE OF SAID BONDS AND THE DISBURSEMENT OF THE PROCEEDS THEREOF; AND TAKING OTHER RELATED ACTION.

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First reading was given the following Ordinance # 12-02:

ORDINANCE NO. 12-02

AN ORDINANCE TO THE CITY OF SOMERSET, KENTUCKY, REGULATING SMOKING IN ALL WORKPLACES AND PUBLIC PLACES, APPLICABLE TO ALL SUCH PLACES WITHIN THE CORPORATE LIMITS OF THE CITY OF SOMERSET, KENTUCKY;

First reading was given the following Ordinance # 12-03:

ORDINANCE NO. 12-03

AN ORDINANCE ANNEXING WITH THE CONSENT OF THE PROPERTY OWNER, THE CITY OF SOMERSET, A BOUNDARY OF REAL ESTATE TO THE CITY KNOWN AS THE SOMERSET WATER TREATMENT PLANT LOCATED AT THE OLD MONTICELLO ROAD, KENTUCKY HIGHWAY 2031, WAITSBORO DRIVE, AND SOUTH US 27 FROM THE STATE RIGHT OF WAY;

Second reading was given the following Ordinance # 11-19:

ORDINANCE NO. 11-19

AN ORDINANCE PURSUANT TO KRS 81A.420, STATING THE CITY OF SOMERSET'S INTENT TO ANNEX TERRITORY BELONGING TO THE KENTUCKY DEPARTMENT OF TRANSPORTATION (KYDOT), TO THE CITY OF SOMERSET, KENTUCKY, AND HEREIN DECLARES SAID TERRITORY AS DESIRABLE TO ANNEX BY THE CITY:

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

I. INTENT AND DESIRE/PURPOSE OF ORDINANCE

This Ordinance sets forth that the City of Somerset, Kentucky does hereby expressly state its intent to annex, and declares the territory as described herein as *desirable to annex* to the City of Somerset, Kentucky, pursuant to KRS 81A.420 and all other applicable law.

The subject unincorporated territory is contiguous to current boundaries of the City Limits, is territory that is urban in character or is suitable for urban development without unreasonable delay, some of which currently contains water mains and/or sewer lines and/or natural gas lines which belong to the City of Somerset that provide services for customers throughout the County and currently outside of the City's corporate boundaries, and further, the included and described territory that does not already contain such infrastructure is part of the City's future development and growth plans, much of which is contained in the City's approved Comprehensive Plan required by law to be adopted and reviewed on a periodic basis. Therefore the growth of the City's corporate boundaries and infrastructure into the subject territory is not a mere speculation that services may be provided in the future, but a solid and existing plan of which the City is financially capable of providing which will benefit the entire County and all communities within its boundaries, and which benefits the Lake Cumberland watershed which serves and affects the entire South Eastern Region of the United States.

II. CURRENT MUNICIPAL VALUE OR PURPOSE

Pursuant to applicable case law interpreting Kentucky Annexation Laws, the City of Somerset may annex territory in strips, otherwise known as, and hereafter described as, "corridors", if said territory has a concrete and tangible municipal value or purpose existing at the time annexation is sought. The City of Somerset, by and through the City Council, herein states and declares that the City of Somerset has the required concrete and tangible municipal value or purpose for annexing the subject territory.

III. DESCRIPTION OF TERRITORY

The territory which the City of Somerset herein expressly intends to annex, and expressly herein declares as desirable territory to the City, is described as follows:

1

Please see Exhibit "A" (Description and Map) which contains an accurate description of the territory to be annexed pursuant to KRS 81A.420, attached hereto and incorporated herein in full by reference.

IV. SEVERABILITY


If any part of this ordinance is deemed by a court of competent jurisdiction to be unenforceable or unconstitutional, the remaining provisions of this ordinance shall continue in full force and effect.


V. FORCE AND EFFECT

This ordinance shall be in full force and effect upon passage, approval, and publication according to law.

FIRST READING December 13, 2011

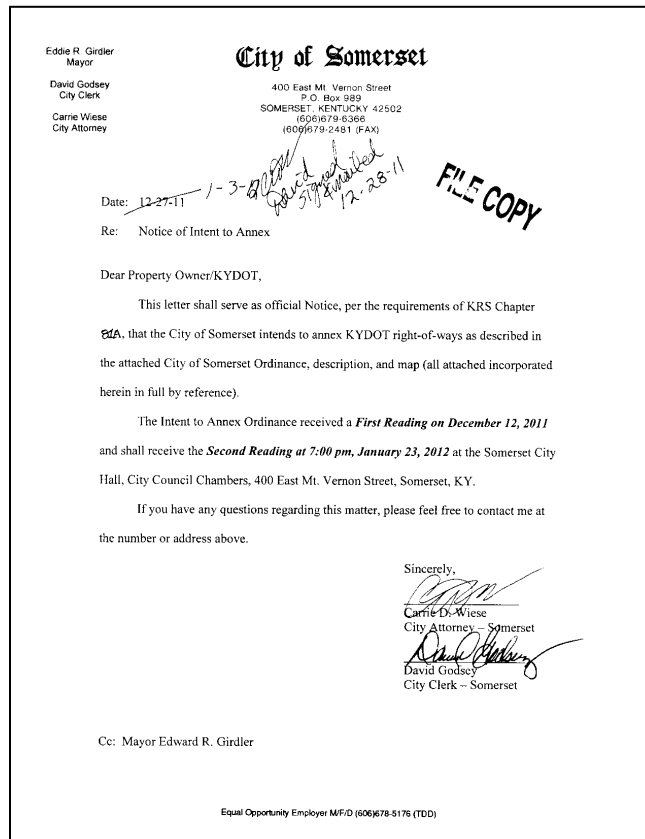
SECOND READING January 9, 2012

Approved: 
Mayor

ATTEST: 
City Clerk

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* description of annexation on file in City Clerk's Office.

Mr. Wheeldon moved to approve the above Ordinance # 11-19 on its second reading regarding the City of Somerset's intent to annex territory belonging to the KY Department of Transportation (KYDOT). Mr. Eastham seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. Beasley, Mr. New, Mr. Minton, Jim Mitchell, Pat Bourne, Jerry Burnett, and Mr. Eastham.

Mr. Bourne moved to refund the following amounts paid on 2011 City taxes to Charles Taylor in the amount of \$7.80. 2011 City taxes to Jerry Stigall in the amount of \$43.75. Mr. Mitchell seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. Beasley, Mr. New, Mr. Minton, Jim Mitchell, Pat Bourne, Jerry Burnett, and Mr. Eastham.

Mr. Wheeldon moved to go into executive session for possible property acquisition. Mr. Rutherford seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. Beasley, Mr. New, Mr. Minton, Jim Mitchell, Pat Bourne, Jerry Burnett, and Mr. Eastham.

No action taken in executive session.

Mr. Mitchell moved to approve the American Pride property acquisition on Chappels Dairy Road in the amount of \$200,000. Mr. Eastham seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. Beasley, Mr. New, Mr. Minton, Jim Mitchell, Pat Bourne, Jerry Burnett, and Mr. Eastham.

Mr. Burnett moved to approve the Somerset Home Ownership Commission lot acquisition for the lot on S. Central Avenue in the amount of \$15,000. Mr. Eastham seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. Beasley, Mr. New, Mr. Minton, Jim Mitchell, Pat Bourne, Jerry Burnett, and Mr. Eastham.

There being no further business the meeting adjourned.

APPROVED: _____
MAYOR

ATTEST: _____
CITY CLERK