

MINUTES OF MEETING HELD JULY 25, 2011

The Common Council of the City of Somerset, Kentucky met in a regular session on Monday, July 25, 2011 at 7:00 p.m. with the following present: Council Members: Donna Hunley, John Minton, Jim Mitchell, Pat Bourne, Jerry Burnett, Tom Eastham, Jim Rutherford, Jerry Wheeldon, Mark Beasley, Jerry Girdler, and Mike New. City Clerk David Godsey. Absent: City Attorney Carrie Wiese and Council Member Linda Stringer.

Mr. Mitchell moved to approve the minutes of the regular meeting held on July 7, 2011, along with the reports as mailed. Mr. Wheeldon seconded the motion. Upon roll call the following Council Members voted "Aye": Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. Eastham, Mr. Rutherford, Mr. Wheeldon, Mr. Beasley, Mr. Girdler, and Mr. New.

Mr. Wheeldon moved to approve the appointment of Mike West to the Board of Adjustments. Mr. New seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Eastham, Mr. Wheeldon, and Mr. New. Voting "Nay": Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. Rutherford, Mr. Beasley, and Mr. Girdler. Motion Failed.

Mr. Burnett moved to approve the appointment of James Ramsey to the Board of Adjustments. The term expiring 06/2014. Mr. New seconded the motion. Upon roll call the following Council Members voted "Aye": Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. Eastham, Mr. Rutherford, Mr. Wheeldon, Mr. Beasley, Mr. Girdler, and Mr. New.

Mr. Mitchell moved to approve the appointment of Mark Vaught to the Board of Adjustments. The term expiring 06/2015. Mr. Burnett seconded the motion. Upon roll call the following Council Members voted "Aye": Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. Eastham, Mr. Rutherford, Mr. Wheeldon, Mr. Beasley, Mr. Girdler, and Mr. New.

Mr. Wheeldon moved to approve the appointment of Mark Vaught to the Planning and Zoning Board. The term expiring 06/2013. Mr. Burnett seconded the motion. Upon roll call the following Council Members voted "Aye": Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. Eastham, Mr. Rutherford, Mr. Wheeldon, Mr. Beasley, Mr. Girdler, and Mr. New.

Mr. Bourne moved to approve the appointment of James Buchanan to the Planning and Zoning Board. The term expiring 06/2014. Mr. Mitchell seconded the motion. Upon roll call the following Council Members voted "Aye": Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. Eastham, Mr. Rutherford, Mr. Wheeldon, Mr. Beasley, Mr. Girdler, and Mr. New.

Mr. Beasley moved to approve the appointment of Bob Newby to the Planning and Zoning Board. The term expiring 06/2015. Mr. Rutherford seconded the motion. Upon roll call the following Council Members voted "Aye": Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. Eastham, Mr. Rutherford, Mr. Wheeldon, Mr. Beasley, Mr. Girdler, and Mr. New.

Mr. Beasley moved to approve the Interlocal Cooperation Agreement with the KLC (Kentucky League of Cities) Insurance Services. Mr. Burnett seconded the motion. Upon roll call the following Council Members voted "Aye": Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. Eastham, Mr. Rutherford, Mr. Wheeldon, Mr. Beasley, Mr. Girdler, and Mr. New.

- Agreement to large to include in minutes. A copy is on file in the City Clerks Office.

Mr. Mitchell moved to approve the following USDA Rural Development Legal Services Agreement for the Water System Improvements. Mr. Burnett seconded the motion. Upon roll call the following Council Members voted “Aye”: Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. Eastham, Mr. Rutherford, Mr. Wheeldon, Mr. Beasley, Mr. Girdler, and Mr. New.

<p style="text-align: center;">LEGAL SERVICES AGREEMENT - BOND COUNSEL</p> <p style="text-align: center;">Water System Improvements Project</p> <p>THIS AGREEMENT, made and entered into as of _____, 2011, between the City of Somerset, Kentucky, party of the first part (the "City"), and Rubin & Hays, Municipal Bond Attorneys, Kentucky Home Trust Building, 450 South Third Street, Louisville, Kentucky 40202, parties of the second part, (the "Attorneys").</p> <p style="text-align: center;">WITNESSETH:</p> <p>WHEREAS, the Attorneys agree to perform all customary bond counsel legal services necessary to accomplish the financing of construction of extensions, additions and/or improvements to the existing water system of the City (the "System").</p> <p>NOW, THEREFORE, for and in consideration of the mutual covenants and promises between the parties hereto, it is hereby agreed:</p> <p>Section A - Legal Services. That the Attorneys will perform such services as are necessary to accomplish the above recited objectives, including, but not limited to, the following:</p> <p>1. Furnish advice and assistance to the governing body of the City in connection with (a) the notices for and conduct of meetings; (b) the preparation of minutes of meetings; (c) the preparation and enactment of such ordinances, orders and/or resolutions as may be necessary in connection with the authorization, financing and construction of the project; (d) the preparation and completion of such revenue bonds or other obligations as may be necessary to finance the project; (e) the completion and execution of documents for obtaining a loan made or insured and/or grant made by the United States of America, acting through Rural Development ("RD"), U. S. Department of Agriculture, and/or other appropriate Federal and/or State agency or agencies; (f) preparation and adoption of Rules and Regulations, and rate and connection ordinances; (g) preparation of various closing documents, including the necessary final approval legal opinion; (h) supervision of the closing of the transaction and (i) such other appropriate action as may be necessary in connection with the financing and construction of the project.</p> <p>2. If and to the extent that a contract is necessary for an alternate source of water supply and/or sewage disposal services, this Agreement will include services in connection with the preparation and/or review of any such contract.</p> <p>3. If the project requires any approval of the Public Service Commission of Kentucky (the "PSC"), the services of the Attorneys will include the preparation of proceedings for approval of the PSC and personal appearance and representation of the City by the Attorneys at the hearing before the PSC in Frankfort, Kentucky.</p> <p>4. Preparation of the appropriate Preliminary Legal Opinion, Interim Financing Ordinance and other related documents, if and when required in connection with interim financing provided by</p>	<p>a bank or by the RD (secured by the proceeds of the Bonds and/or grant) if it is desired that the City begin construction prior to the delivery of the City's Bonds. If interim financing is represented by a public offering of notes or bonds, a separate arrangement will be made in accordance with the attached Schedule of Charges.</p> <p>5. Supervision of and physical attendance by the Attorneys at the closing of the transaction at which time the Bonds of the City will be paid for and delivered.</p> <p>6. Preparation of appropriate legal opinion as to valid creation and/or existence of the City.</p> <p>7. Perform all customary Bond Counsel services in connection with such financing and assume the responsibility for the preparation and approval of those documents pertaining to the issuance of the Bonds.</p> <p>Section B - Compensation. (a) The City will pay to the Attorneys for professional services rendered in accordance herewith a fee based on the attached Schedule of Charges.</p> <p>(b) The Schedule of Charges shall contain the signatures and dates signed of both the Attorneys and the City.</p> <p>IN TESTIMONY WHEREOF, witness the signature of the Attorneys and the signature of the City, acting by and through its duly authorized officers, with the Seal of the City affixed hereto, pursuant to authorization of its governing body, duly adopted on _____, 2011, as of the date first hereinabove written.</p> <p style="text-align: center;">CITY OF SOMERSET, KENTUCKY</p> <p>By _____ Mayor</p> <p>Attest:</p> <p>_____ City Clerk</p> <p>(Seal of City)</p> <p>RD Concurrence:</p> <p>By _____ Title _____ Date _____</p> <p style="text-align: right;">RUBIN & HAYS</p> <p style="text-align: right;">By <i>[Signature]</i></p>
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Mr. Wheeldon moved to go into executive session to discuss Legal, Personnel, and Land Acquisition. Mr. Beasley seconded the motion. Upon roll call the following Council Members voted “Aye”: Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. Eastham, Mr. Rutherford, Mr. Wheeldon, Mr. Beasley, Mr. Girdler, and Mr. New.

No action taken in executive session.

There being no further business the meeting adjourned.

APPROVED: _____

MAYOR

ATTEST: _____

CITY CLERK