

MINUTES OF MEETING HELD JUNE 13, 2011

The Common Council of the City of Somerset, Kentucky met in a regular session on Monday, June 13, 2011 at 7:00 p.m. with the following present: Council Members: Mike New, Donna Hunley, John Minton, Jim Mitchell, Jerry Burnett, Tom Eastham, Jim Rutherford, Linda Stringer, Jerry Wheeldon, Mark Beasley, and Jerry Girdler. City Attorney Carrie Wiese, and City Clerk David Godsey. Absent: Mayor Eddie Girdler and Council Member Pat Bourne.

Mr. Wheeldon moved to approve the minutes of the regular meeting held on May 23, 2011, along with the reports as mailed. Mr. Burnett seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Burnett, Mr. Eastham, Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. Beasley, and Mr. Girdler.

First reading was given the following Ordinance # 11-08:

ORDINANCE NUMBER 11-08

AN ORDINANCE ADOPTING THE CITY OF SOMERSET, KENTUCKY ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2011 AND ENDING JUNE 30, 2012 ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS OF THE CITY OF SOMERSET, KENTUCKY; AND AMENDING THE WATER AND WASTEWATER RATE STRUCTURE ADOPTED WITH THE 2010-2011 ANNUAL BUDGET, ALL WHICH SHALL BE IN EFFECT JULY 1, 2011;

Mr. Beasley moved to approve the following Municipal Order objecting to the City of Burnside’s intent and desire to annex. Mr. Mitchell seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Burnett, Mr. Eastham, Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. Beasley, and Mr. Girdler.

MUNICIPAL ORDER

A MUNICIPAL ORDER, ENACTED IN ACCORDANCE TO KRS 83A.060, AND PURSUANT TO KRS 81A.427, SETTING FORTH THE OBJECTIONS OF THE CITY OF SOMERSET, BY AND THROUGH THE CITY COUNCIL, REGARDING THE CITY OF BURNSIDE’S INTENT AND DESIRE TO ANNEX A CORRIDOR OF HIGHWAY BELONGING TO THE KENTUCKY DEPARTMENT OF TRANSPORTATION (KYDOT) AND/OR PULASKI COUNTY, AND LOCATED IN PULASKI COUNTY, KENTUCKY;

WHEREAS, pursuant to KRS 81A.427, the City of Somerset has the right to object and prevent annexation by enacting a municipal order according to KRS 83A.060; and

WHEREAS, the City of Somerset owns utility infrastructure as defined in KRS 81A.427(1), and that said infrastructure is located within all, or part, of the area which the City of Burnside has indicated and/or proposed that it intends to annex; and

WHEREAS, the City of Somerset herein incorporates by reference in full all attachments marked in its entirety as Exhibit “A”, including but not limited to maps and/or drawings, attached hereto as permitted under KRS 81A.427(5), and describing in detail the referred to infrastructure owned by the City of Somerset so that said infrastructure is clearly identified within the subject area;

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

That the City of Somerset, Kentucky does hereby object for the purpose of preventing annexation of property containing infrastructure utilities owned by the City of Somerset, as well as to fulfill the requirements of KRS 81A.427, to the City of Burnside’s intent and proposal to annex to the City of Burnside the area as set forth and shown in Exhibit “B”, attached hereto and incorporated in full herein, which was provided to the City of Somerset by the City of Burnside.

This Municipal Order was enacted by vote of the Somerset City Council on the ___ day of ____, 2011.

Approved:

Mayor

ATTEST:

City Clerk

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First reading was given the following Ordinance # 11-07:

ORDINANCE NO. 11-07

AN ORDINANCE TO THE CITY OF SOMERSET, KENTUCKY, OFFICIALLY REPEALING, IN ITS ENTIRETY, THE FORMER SOMERSET POLICE DEPARTMENT POLICY AND PROCEDURES MANUAL AS ADOPTED AND/OR AMENDED BY THE COUNCIL OF THE CITY OF SOMERSET IN ORDINANCES.

Mr. Burnett moved to approve the following Resolution adopting and approving the execution of a Municipal Aid Co-op Program. Mr. New seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Burnett, Mr. Eastham, Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. Beasley, and Mr. Girdler.

<p style="text-align: center;"><u>R E S O L U T I O N</u></p> <p>Incorporated City of Somerset</p> <p>Resolution adopting and approving the execution of a Municipal Aid Co-op Program Contract between the Incorporated City and the Commonwealth of Kentucky, Transportation Cabinet, Department of Rural and Municipal Aid for the fiscal year beginning July 1, 2011, as provided in the Kentucky Revised Statutes and accepting all streets referred to therein as being streets which are a part of the Incorporated City.</p> <p>Be it resolved by the Legislative Body of the Incorporated City that:</p> <p>The Legislative Body of the Incorporated City does hereby accept all streets referred to in said Contract as being city streets which are a part of the Incorporated City; and</p> <p>The Legislative Body of the Incorporated City 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</p> <p style="text-align: center;">Page 1 of 2</p>	<p>The Chief Executive Officer of the said Incorporated City is hereby authorized and directed to sign said Contract as set forth on behalf of the Legislative Body of Somerset, and the City Clerk of Somerset is hereby authorized and directed to certify thereto.</p> <p>The vote taken on said Resolution, the result being as follows:</p> <table style="width: 100%;"><thead><tr><th style="text-align: center;"><u>AYES</u></th><th style="text-align: center;"><u>NAYS</u></th></tr></thead><tbody><tr><td>_____</td><td>_____</td></tr><tr><td>_____</td><td>_____</td></tr><tr><td>_____</td><td>_____</td></tr><tr><td>_____</td><td>_____</td></tr><tr><td>_____</td><td>_____</td></tr></tbody></table> <p>COMMONWEALTH OF KENTUCKY) SS: INCORPORATED CITY OF Somerset</p> <p>I, _____, City Clerk of Somerset certify that the foregoing is a true copy of the Order above. Given under my hand and seal of office this the _____ day of _____, 2011.</p> <p style="text-align: right;">SIGNED _____ CLERK OF Somerset</p> <p style="text-align: center;">Page 2 of 2</p>	<u>AYES</u>	<u>NAYS</u>	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
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* Contract on file in City Clerk’s office or online at cityofsomerset.com

Second reading was given the following Ordinance # 11-06:

<p>ORDINANCE NO. <u>11-06</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 R-2 TO R-3. 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 R-2 to land being zoned R-3, more particularly described as follows:</p> <p>A certain tract or parcel of land located on the south east side of Monticello Street in Pulaski County, Kentucky, approximately 0.1 mile from the junction of Langdon Street and Monticello Street.</p> <p>Beginning on an iron pin set on the south east right of way of Monticello Street, said pin being a corner to Norman Marcum and David Vanhook (Deed Book 718, Page 402); thence with the right of way of Monticello Street North 34 degrees 46 minutes 49 seconds East for a distance of 125.30 feet to an iron pin found (PLS #1253), said pin being a corner to Timothy Davis (Deed Book 639, Page 507); thence with the line of Davis South 47 degrees 00 minutes 27 seconds East for a distance of 141.33 feet to an iron pin found (PLS #1253), said pin being in the line of Benton Hale (Deed Book 729, Page 419); thence with the line of Hale south 34 degrees 51 minutes 31 seconds West for a distance of 108 feet to an iron pin set in said line, said pin being a corner to Marcum and Vanhook (Deed Book 718, Page 402); thence with the line of Marcum and Vanhook North 54 degrees 02 minutes 12 seconds West for a distance of 139.76 feet to an iron pin set on the south east right of way of Monticello Street, which is the point of beginning and having an area of 0.3744 acres as surveyed by Bobby Hudson, LPLS 1253 on 07/19/2004.</p> <p>BEING THE SAME PROPERTY conveyed to Stewart Development, Inc., a Kentucky corporation, by Deed of Conveyance dated the 27th of August, 2004, from Marvin Coomer and Barbara Coomer, husband and wife, of Record in Deed Book 744, Page 443, Pulaski County Clerk's Office, Kentucky.</p> <p>All corners or witness monuments referred to herein as iron pins set are marked one-half inch rebar 18 inches long and capped with an orange cap marked LS 1253, except as otherwise noted. All bearings are referenced to the meridian.</p> <p>This conveyance is made SUBJECT TO all covenants, conditions, restrictions and easements apparent or of record.</p> <p>It is hereby agreed between the Parties that the 2011 taxes will be paid the Second Party and the Second Party shall receive possession of said property upon the execution of this Deed of Conveyance.</p>	<p>TO HAVE AND TO HOLD the same, together with all the appurtenances, thereunto belonging, unto the Second Party, its successors and assigns, forever, with covenant of GENERAL WARRANTY.</p> <p>II. This Ordinance shall be in full force and effect from and after adoption.</p> <p>FIRST READING _____</p> <p>SECOND READING _____</p> <p>Approved: _____</p> <p>Mayor</p> <p>ATTEST: _____</p> <p>City Clerk</p>
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Mr. Wheeldon moved to approve the above Ordinance # 11-06 altering the zoning map, Monticello Street. Mr. Burnett seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Burnett, Mr. Eastham, Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. Beasley, and Mr. Girdler.

There being no further business the meeting adjourned.

APPROVED _____

MAYOR

ATTEST: _____

CITY CLERK