

## MINUTES OF MEETING HELD JUNE 22, 2009

The Common Council of the City of Somerset, Kentucky met in a regular session on Monday, June 22, 2009, at 7:00 p.m. with the following present: Mayor Eddie Girdler. Council Members: Mike New, Donna Hunley, John Minton, Jim Mitchell, Pat Bourne, Jerry Burnett, Tim Rutherford, Jim Rutherford, Jerry Wheeldon, Steve Kelley, and Jerry Girdler. City Attorney Carrie Wiese and City Clerk David Godsey. Absent: Council Member Linda Stringer.

Mr. Bourne moved to approve the minutes of the regular meetings held on May 11, 2009, and June 8, 2009 and the special called meeting on May 7, 2009 along with the reports as delivered. Mr. Wheeldon seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Rutherford, Mr. J. Rutherford, Mr. Wheeldon, Mr. Kelley, and Mr. Girdler.

Second reading was given the following Ordinance 09-08:

ORDINANCE NUMBER 09-08

AN ORDINANCE ADOPTING THE CITY OF SOMERSET, KENTUCKY ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2009 AND ENDING JUNE 30, 2010 ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS OF THE CITY OF SOMERSET, KENTUCKY; AND ADOPTING A WATER AND WASTEWATER RATE STRUCTURE WHICH SHALL BE IN EFFECT JULY 1, 2009;

WHEREAS, AN ANNUAL BUDGET PROPOSAL AND MESSAGE HAVE BEEN PREPARED AND DELIVERED TO THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY; AND WHEREAS A REVISED WATER AND WASTEWATER RATE STRUCTURE HAS BEEN DETERMINED BY THE CITY TO BE NECESSARY; AND

WHEREAS, THE COMMON COUNCIL HAS RECEIVED THE PROPOSED BUDGET AND MADE NECESSARY MODIFICATIONS; AND FURTHER HAS RECEIVED THE WATER AND WASTEWATER RATE STRUCTURE AS SET FORTH IN THIS ORDINANCE; NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SOMERSET, KENTUCKY:

SECTION 1.

THAT THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2009 AND ENDING JUNE 30, 2010 IS HEREBY ADOPTED AS FOLLOWS:

	REVENUE	EXPENDITURES
GENERAL FUND	\$13,459,849.00	\$13,459,849.00
SANITATION SERVICE	\$2,346,000.00	\$2,346,000.00
GAS SERVICE	\$18,648,375.00	\$18,648,375.00
WATER SERVICE	\$7,001,000.00	\$7,001,000.00
WASTEWATER	\$17,740,300.00	\$17,740,300.00
WATER PARK	\$2,490,550.00	\$2,490,550.00
PARKS AND REC	\$1,125,850.00	\$1,125,850.00
FMS	\$3,924,850.00	\$3,924,850.00
TOTAL ALL FUNDS	\$66,736,774.00	\$66,736,774.00

SECTION 2.

THE CITY OF SOMERSET HEREBY ADOPTS A WATER AND WASTEWATER RATE STRUCTURE FOR THE PERIOD BEGINNING JULY 1, 2009, WHICH SHALL REMAIN IN EFFECT UNTIL SUCH TIME AS IT IS AMENDED OR REPEALED BY PROPER ACTION OF THE COUNCIL. BY ADOPTING THE RATE STRUCTURE AS SET FORTH IN EXHIBIT "A", ATTACHED HERETO AND INCORPORATED IN FULL HEREIN BY REFERENCE, THE CITY HEREBY REPEALS THE FOLLOWING ORDINANCES: 00-13, 00-04, AND ALL OTHER ORDINANCES THAT MAY EXIST THAT SET RATES FOR WATER OR WASTEWATER, WITH THE EXCEPTION OF ANY PROVISIONS OF SAID ORDINANCES WHICH MAY HAVE BOND PROVISIONS.

SECTION 3.

THIS ORDINANCE SHALL TAKE EFFECT AFTER ITS PASSAGE AND UPON PUBLICATION.

FIRST READING June 8, 2009

SECOND READING June 23, 2009

APPROVED

EDWARD R. GIRDLER, MAYOR  
CITY OF SOMERSET, KENTUCKY

ATTEST:

DAVID GODSEY, CITY CLERK

Mr. Wheeldon moved to approve the above Ordinance 09-08 on its second reading approving the budget. Mr. Bourne seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. New, Mrs. Hunley, Mr. Bourne, Mr. Burnett, Mr. Wheeldon, Mr. Kelley, and Mr. Girdler. Voting “Nay”: Mr. Minton, Mr. Mitchell, Mr. T. Rutherford, and Mr. J. Rutherford. Motion Passed.

Second reading was given the following Ordinance 09-09:

ORDINANCE NO. 09-09

AN ORDINANCE TO THE CITY OF SOMERSET, KENTUCKY, ADOPTING A PERSONNEL PAY AND CLASSIFICATION PLAN PURSUANT TO KRS 83A.070 REQUIRING THAT SUCH A PLAN BE ADOPTED,

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

(A) The purpose of this section is to comply with the requirements of KRS 83A.070(4), providing 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.

(B) There is hereby adopted a Pay and Classification Plan attached hereto as Exhibit "A", and made part hereof, and incorporated in full, said plan hereby establishing authorized positions of employment with the city each position having a corresponding range of compensation as set forth in said document.

(C) If any 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.

(D) Any Ordinance in conflict with this Ordinance or any policies in conflict with the ones enacted herein are hereby repealed in so far as the same are in conflict herewith. This Pay and Classification Plan repeals in full Ordinance No. \_\_\_\_\_

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

FIRST READING June 8, 2009

SECOND READING June 23, 2009

Approved: Eddie Girdler  
Mayor, Eddie Girdler

ATTEST: David Godsey  
City Clerk, David Godsey

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Mr. Bourne moved to approve the above Ordinance 09-09 on its second reading approving the pay and classification plan. Mr. Burnett seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. New, Mrs. Hunley, Mr. Minton, Mr. Bourne, Mr. Burnett, Mr. T. Rutherford, Mr. J. Rutherford, Mr. Wheeldon, Mr. Kelley, and Mr. Girdler. Voting “Nay”: Mr. Mitchell. Motion Passed.

Second reading was given the following Ordinance 09-10:

ORDINANCE NO. 09-10

AN ORDINANCE TO THE CITY OF SOMERSET CREATING A FRANCHISE FOR THE ERECTION, LAVING, AND MAINTENANCE OF ELECTRIC FACILITIES, AND APPURTENANT FACILITIES AND EQUIPMENT IN, ALONG, AND ACROSS THE PUBLIC WAYS, ROADS, STREETS, ALLEYS, AND OTHER PUBLIC PLACES IN THE CITY OF SOMERSET, KENTUCKY; FOR FURNISHING AND SELLING ELECTRICITY BY MEANS OF SAID FACILITIES; AND PROVIDING FOR THE SALE OF SAID FRANCHISE.

WHEREAS, the City of Somerset ("City") wishes to ensure that electric service continues to be furnished to its citizens in a reliable and efficient manner;

WHEREAS, the City is aware that the provision of such service requires the continued use of public streets, ways, alleys and other public places;

WHEREAS, the franchise granted to and acquired by Kentucky Utilities on \_\_\_\_\_, under which that utility provided such service, has expired by its terms;

WHEREAS, the City wishes to provide for the sale of a new franchise for the benefit of its citizenry, giving effect to Section 96.010 of the Kentucky Revised Statutes;

NOW, THEREFORE, BE IT ORDAINED as follows:

Section 1. An exclusive franchise ("Franchise") to use the City's public rights-of-way, as described in the Franchise Agreement attached to this Ordinance, is hereby created.

Section 2. The Franchise created by this Ordinance shall be bid in accordance with the applicable requirements of the Constitution of the Commonwealth of Kentucky and Chapter 424 of the Kentucky Revised Statutes, as well as any applicable City ordinances.

Section 3. The Franchise created by this Ordinance shall be awarded to the highest and best bidder as shall be determined by the City in its sole discretion. In awarding the Franchise, the City shall consider the technical, managerial, and financial qualifications of the bidder to perform its obligations under the Franchise.

Section 4. The winning bidder and the City shall negotiate, execute and be bound by a Franchise Agreement with terms identical to, or substantially identical to, the Franchise Agreement referenced in Section 1 above and attached hereto, such Agreement to contain terms "that are fair and reasonable to the [C]ity, to the purchaser of the [F]ranchise and to the patrons of the utility" (KRS Section 96.010). Such Franchise Agreement shall take effect no earlier than 90 days after its execution, to allow the City and the winner bidder to develop appropriate procedures for identifying and reviewing the electric-consuming entities within the City's corporate limits.

Section 5. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 6. Should any section, clause, line, paragraph, or part of this Ordinance or the attached Agreement be held unconstitutional or invalid for any reason, the same not affect the remainder of this Ordinance or the attached Agreement, as applicable.

Section 7. Time is of the essence in carrying out the terms and the provisions of this Ordinance and the Franchise created herein.

Section 8. This Ordinance shall become effective from and after its passage and publication.

FIRST READING June 8, 2009

SECOND READING June 23, 2009

Approved: Eddie Girdler  
Mayor, Eddie Girdler

ATTEST: David Godsey  
City Clerk, David Godsey

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Mr. Wheeldon moved to approve the above Ordinance 09-10 on its second reading approving electrical franchise agreement. Mr. J. Rutherford seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Rutherford, Mr. J. Rutherford, Mr. Wheeldon, Mr. Kelley, and Mr. Girdler.

Mr. Burnett moved to approve the following Resolution authorizing the Mayor to enter into an agreement with KOHS, and execute necessary documents to enable the City of Somerset Police Department to submit a grant application for tasers. Mr. Bourne seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Rutherford, Mr. J. Rutherford, Mr. Wheeldon, Mr. Kelley, and Mr. Girdler.

RESOLUTION \_\_\_\_\_

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), TO EXECUTE ANY DOCUMENTS WHICH ARE DEEMED NECESSARY BY KOHS TO FACILITATE AND ADMINISTER THE PROJECT AND TO ACT AS THE AUTHORIZED CORRESPONDENT FOR THIS PROJECT.

WHEREAS, the City of Somerset, Kentucky desires to make an application for Law Enforcement Protection Program funds for a project to be administered by Kentucky Office of Homeland Security;

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;

NOW, THEREFORE, be it resolved this 22<sup>nd</sup> day of June, 2009, 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 project and to act as the authorized correspondent for said project.

Done this 22<sup>nd</sup> day of June, 2009 on a Motion made by Mr. Burnett and seconded by Mr. Bourne.

Members present voting in Favor: 11

Members Present voting against: 0

BY: \_\_\_\_\_  
Mayor Edward Girdler

ATTEST: [Signature]  
City Clerk, City of Somerset

There being no further business the meeting adjourned.

APPROVED \_\_\_\_\_

MAYOR

ATTEST: \_\_\_\_\_

CITY CLERK