

MINUTES OF MEETING HELD MARCH 23, 2009

The Common Council of the City of Somerset, Kentucky met in a regular session on Monday March 23, 2009 at 7:00 p.m. with the following present: Mayor Eddie Girdler. Council Members: Jerry Wheeldon, Steve Kelley, Jerry Girdler, Mike New, Donna Hunley, John Minton, Jim Mitchell, Pat Bourne, Jerry Burnett, Tim Rutherford, Jim Rutherford, and Linda Stringer. City Attorney Carrie Wiese and Deputy City Clerk Sharon Stevenson.

Mr. Wheeldon moved to approve the minutes of the last regular meeting held on March 9, 2009, along with the reports to be approved as mailed. Mr. Kelley seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Wheeldon, Mr. Kelley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Rutherford, Mr. J. Rutherford, and Mrs. Stringer.

Mr. New moved to approve the request of Kaitlyn Mullins, a junior at Southwestern High School to organizing a 5K run to benefit the Harmony Hospitality House. The run will be held downtown on May 9, 2009. Mr. Burnett seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Wheeldon, Mr. Kelley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Rutherford, Mr. J. Rutherford, and Mrs. Stringer.

Mr. Burnett moved to approve the following Resolution authorizing the city to file an application with U.S.D.A. Rural Utility Service for grant funding under the water and wastewater program for fiscal year 2009. Mr. Kelley seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Wheeldon, Mr. Kelley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Rutherford, Mr. J. Rutherford, and Mrs. Stringer.

RESOLUTION

A RESOLUTION OF THE CITY OF SOMERSET, KENTUCKY, AUTHORIZING THE CITY BY AND THROUGH THE MAYOR TO FILE AN APPLICATION WITH U.S.D.A. RURAL UTILITY SERVICE (RUS);

WHEREAS, the City of Somerset, Kentucky wishes to file an application with the U.S.D.A. Rural Utility Service (RUS) for funding under the Water and Wastewater Program for fiscal year 2009;

NOW THEREFORE, be it resolved by the Common Council of the City of Somerset, Kentucky this ____ day of _____, 2009, that:

I. The Mayor is hereby authorized to execute and furnish all required documentation as may be required by RUS in order to file an application with RUS for funding under the Water and Wastewater Program for fiscal year 2009, specifically an application for the following project:

SOMERSET – WATER TREATMENT PLANT EXPANSION

II. The Mayor is hereby authorized to review and sign the necessary documents that may be required for payment and completion of the project stated above.

III. This resolution shall be in full force and effect upon passage by the common council and according to law.

Approved by the Common Council of the City of Somerset on this the ____ day of _____, 2009.

Mayor, Eddie Girdler

ATTEST:

City Clerk, David Godsey

Second reading was given of the following Ordinance # 09-03:

AN ORDINANCE OF THE CITY OF SOMERSET, KENTUCKY (“LESSEE”) AUTHORIZING AND APPROVING A GENERAL OBLIGATION LEASE AGREEMENT (“LEASE”) FOR THE FINANCING OF A PUBLIC PROJECT; AUTHORIZING AND APPROVING A MASTER TRUST INDENTURE, DATED FEBRUARY 1, 2007, BY AND AMONG, LESSEE, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE (“TRUSTEE”), AND ROSS SINCLAIRE & ASSOCIATES, LLC, AS TRUSTOR AND PROGRAM ADMINISTRATOR (“RSA”), ESTABLISHING THE KENTUCKY PUBLIC AGENCY DEVELOPMENT TRUST AND LEASE ACQUISITION PROGRAM (“MASTER TRUST INDENTURE”); AUTHORIZING AND APPROVING A CERTIFICATE OF ISSUANCE AMENDING THE MASTER TRUST INDENTURE AND AUTHORIZING THE ISSUANCE OF CERTIFICATES OF PARTICIPATION; AUTHORIZING THE LEVY OF A DIRECT ANNUAL TAX ON ALL TAXABLE PROPERTY WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE LESSEE, IN ADDITION TO ALL OTHER TAXES, IN AN AMOUNT SUFFICIENT TO PAY THE LEASE RENTAL PAYMENTS DUE UNDER THE LEASE, TO INCLUDE THE PRINCIPAL OF AND INTEREST ON THE CERTIFICATES OF PARTICIPATION WHEN AND AS THE SAME BECOME DUE; AUTHORIZING THE ESTABLISHMENT OF CERTAIN FUNDS, TO INCLUDE A SINKING FUND, TO PROVIDE FOR THE COLLECTION AND DEPOSIT OF REVENUES FROM THE LEASE, AND, TO THE EXTENT REQUIRED, THE PROCEEDS OF A TAX; AND AUTHORIZING THE EXECUTION OF VARIOUS DOCUMENTS AND CERTIFICATES, INCLUDING A SUBLEASE AGREEMENT BY AND BETWEEN LESSEE AND BLAKLEY FAMILY YOUNG MEN’S CHRISTIAN ASSOCIATION, INC. (“SUBLEASE”), AND SUPPORTING DOCUMENTS, RELATING TO THE LEASE, THE SUBLEASE, THE ISSUANCE OF THE CERTIFICATES OF PARTICIPATION, AND OTHER ACTIONS WITH REGARD TO THE LEASE, THE SUBLEASE, AND THE FINANCING OF THE PROJECT GENERALLY.

Mr. Wheeldon moved to approve the above ordinance # 09-03 on its second reading regarding bond ordinance for the YMCA. Mr. New seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Wheeldon, Mr. Kelley Mr. New, Mrs. Hunley, and Mr. Bourne. Voting “Nay”: Mr. Girdler, Mr. Minton, Mr. Mitchell, Mr. Burnett, Mr. T. Rutherford, Mr. J. Rutherford, and Mrs. Stringer. Motion Failed.

Second reading was given of the following Ordinance # 09-04:

ORDINANCE NO. 09-04

AN ORDINANCE TO THE CITY OF SOMERSET, KENTUCKY, GIVING PUBLIC NOTICE AND APPROVING THE CITY OF SOMERSET'S PRETREATMENT PROGRAM MODIFICATIONS IN REGARDS TO LOCAL LIMITS.

WHEREAS, THE KENTUCKY DIVISION OF WATER CONSIDERS THE CITY'S MODIFICATIONS TO THE PRETREATMENT PROGRAM TO BE COMPLETE AND READY FOR PUBLIC NOTICE AND APPROVAL BY THE CITY COUNCIL, AND;

WHEREAS, TITLE 40 OF THE CODE OF FEDERAL REGULATIONS (40 CFR 403) REQUIRES THAT PUBLIC NOTICE BE GIVEN BY THE CITY AS TO SAID MODIFICATIONS PURSUANT TO KRS 83A AND KRS 424, BY AND THROUGH ORDINANCE;

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

(I) That the attached modifications to the City's pretreatment program as set forth in Exhibit "A", attached hereto and incorporated in full herein by reference, is hereby approved and adopted by the City of Somerset by and through the Common Council.

(II) That said modifications were approved by the Kentucky Division of Water upon a review by said agency of the modified limits submitted by Bell Engineering and the City of Somerset. Further, the Division of Water states in their approval letter of October 28, 2008, attached hereto as Exhibit "B" and incorporated in full herein by reference, that the modifications will provide adequate protection of water quality, wastewater treatment plant operations, and sludge quality for the City of Somerset as defined in 401 KAR 45:100.

(III) 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.

(IV) 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.

(V) This ordinance shall be in full force and effect upon passage, approval, and publication according to law and upon the expiration of the public notice period provided that the Division of Water, nor the City of Somerset, receive comments from the public.

FIRST READING _____

SECOND READING _____

Approved: _____

Attest: Mayor, Eddie Girdler _____

City Clerk, David Godsey _____

Exhibit "A"

RECOMMENDED SEWER USE ORDINANCE AMENDMENT

SOMERSET, KY

SOMERSET SEWER USE ORDINANCE NO. 09-04

Effluent Discharge Limitations
Otis Chaney Wastewater Treatment Plant
City of Somerset, Kentucky

Parameter	Maximum Daily Concentration (mg/l)
Arsenic	0.05
Barium	5.00
Beryllium	0.50
Boron	10.0
Cadmium	0.033
Chloride	1000
Chromium, Hexavalent	0.17
Chromium, Total	1.00
Copper	0.87
Cyanide, Amenable	0.05
Cyanide, Total	0.09
Total Dissolved Solids	1500
Fluoride	40
Iron	40 119
Lead	0.09
Magnesium	56.7
Manganese	4.5 21
Mercury	0.0005
Molybdenum	0.21
Nickel	0.38
Phenol	0.5
Phosphates	15.0
Phosphorus, Total	31
Selenium	0.4
Silver	0.05 0.5
Sulfate	500
Sulfide	5.0
Surfactants	5-12
Zinc	1.25

Page 2 of 4
Minutes of March 23, 2009

FILE COPY




Exhibit "B"

RECEIVED

STEVEN L. BESHEAR

GOVERNOR

ENERGY AND ENVIRONMENTAL CABINET

DEPARTMENT FOR ENVIRONMENTAL PROTECTION

DIVISION OF WATER

200 FARM CIRCLE LANE

FRANKFORT, KENTUCKY 40601

www.kentucky.gov

ROBERT D. VANCE

SECRETARY

October 28, 2008

Charles Dick

Somerset Waste and Wastewater Dept

100 College Street

Somerset, KY 42501

Re: Local Limits Reevaluation

City of Somerset

KPDDES # KY0098043

AI # 3835

Pulaski County, Kentucky


Dear Mr. Dick:

The Division of Water (DOW) has reviewed the reevaluation of your pretreatment program's local limits for the city of Somerset received by this office May 16, 2008. The limits proposed by this evaluation and the DOW review will provide adequate protection of water quality, wastewater treatment plant operations, and sludge quality for city of Somerset's West Side WTP sludge as defined in 401 KAR 45:100. The following approved limitations are approved:

Pollutant	Daily Maximum (milligrams per liter)
Arsenic	0.05
Cadmium	0.033
Chromium, Total	1.00
Chromium, Hexavalent	0.17
Copper	0.87
Cyanide, Amenable	0.05
Iron	119.00
Lead	0.09
Manganese	21.00
Mercury	0.0005
Molybdenum	0.21
Nickel	0.38
Selenium	0.40
Silver	0.50
Zinc	1.25
Total Phosphorus	31.0

The city of Somerset is adding limits for Molybdenum and total Phosphorus, and raising the limits for Iron, Manganese, and Silver. Other limits remained the same.

KentuckyUnbridledSpirit.com



An Equal Opportunity Employer M/F/D

09-04

City of Somerset

Page Two

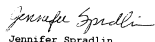
The city has requested to remove limits for Boron, Total Cyanide, Sulfide, Phosphate, Magnesium, Barium, Beryllium, Chloride, Phenol, Sulfate, and surfactants. Since these pollutants are not discharged by any SIDs, are not considered pollutants of concern by EPA, and were not detected in the influent/effluent toxic scans above domestic levels, they can be removed from the regulated pollutant list. Fluoride has been added to the drinking water by the Somerset Water Plant and is not discharged in concentrations above that already in the drinking water, it may also be removed from the regulated list.

The Division of Water considers the Somerset Pretreatment program modification complete and ready for public notice and approval procedures. The Kentucky Division of Water is required to public notice major modifications to the Somerset pretreatment program under Title 40 of the Code Federal Regulations (40 CFR 403). Your office is still responsible for public notice procedures for ordinance modifications under the Kentucky Revised Statutes (KRS 83A and KRS 424). Please submit proof of adoption into city ordinance by February 1, 2009.

The city of Somerset's pretreatment program modification will be approved following termination of the public notice period, provided that this division and your office do not receive comments from the public. The Kentucky Division of Water public notice will be arranged to be published in the largest daily newspaper. The public notice period ends on the date indicated in the notice.

If you have any questions regarding this matter, please contact me at (502) 564-3410, ext 4880.

Sincerely,



Jennifer Spradlin

Municipal Section

KPDDES Branch

Division of Water

c: Bell Engineering

Division of Water File

07-04

Mr. T. Rutherford moved to approve the above ordinance # 09-04 on its second reading regarding Sewer Pretreatment Revision. Mr. Stringer seconded the motion. Upon roll call the following Council Members voted "Aye": Upon roll call the following Council Members voted "Aye": Mr. Wheeldon, Mr. Kelley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Rutherford, Mr. J. Rutherford, and Mrs. Stringer.

Mr. New moved to refund the following amounts paid on 2008 City taxes: Robert and Beverly Gagnon in the amount of \$57.51 for a homestead exemption. Mr. T. Rutherford seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Wheeldon, Mr. Kelley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Rutherford, Mr. J. Rutherford, and Mrs. Stringer.

City of Somerset

Eddie R. Girdler

Mayor

David Godsey

City Clerk


400 East Mt. Vernon Street

P.O. Box 989

SOMERSET, KENTUCKY 42502

(606)679-6366

(606)679-2481 (FAX)



March 6, 2009

Somerset City Council

City Hall


400 E. Mt. Vernon Street

Somerset, Kentucky 42501

Dear Councilors:

I am writing on behalf of Robert & Beverly Gagnon 211 N. Brookhaven Drive, Somerset, KY 42501 who is requesting a refund on their previously paid 2008 City taxes. Mr. T.W. Todd, Property Valuation Administrator, has issued a credit slip for a homestead exemption in the amount of \$31,400. The amount of refund due is \$57.51. Thank you.

Sincerely,



David Godsey

City Clerk

To: DAVID GODSEY, School Tax Collector

Credit: 10 Robert & Beverly Gagnon

Address: 211 N. Brookhaven Dr

\$ 31,400 Real Estate Personal

VALUATION 211 N. Brookhaven Dr for 16501

who has been assessed for Somerset City School Taxes for

the year 20 08

The reasons for this credit are Qualified Low

Date 2-26-09 by Christy Reed

VA

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

Page 3 of 4
Minutes of March 23, 2009

There being no further business the meeting adjourned.

APPROVED _____
MAYOR

ATTEST: _____
CITY CLERK