

**MINUTES OF MEETING HELD MAY 22, 2017**

The Common Council of the City of Somerset, Kentucky met in a regular meeting on Monday May 22, 2017, at 7:00 p.m. with the following present: Council Members; Jerry Girdler, Mike New, Donna Hunley, John Minton, Jim Mitchell, John Adams, Amanda Bullock, Tom Eastham, Brian Dalton, Jerry Wheeldon and Jimmy Eastham and Mayor Eddie Girdler, City Attorney Carrie Weise and City Clerk Nick Bradley. Absent David Burdine.

Mr. Wheeldon moved to approve the minutes of the regular meeting held on May 8, 2017 along with reports as mailed. Mr. New seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Adams, Mrs. Bullock, Mr. T. Eastham, Mr. Dalton, Mr. Wheeldon and Mr. J. Eastham.

Mr. Mitchell moved to approve a bid for the Sinking Creek WWTP Geomembrane Liner Repairs by Weddle Enterprises, Inc of Somerset, KY in the amount of \$101,378.00. Mr. New seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Adams, Mrs. Bullock, Mr. T. Eastham, Mr. Dalton, Mr. Wheeldon and Mr. J. Eastham.

First reading was given the following Ordinance No. 17-11:

ORDINANCE NUMBER 17- <u>11</u>		<table border="0"> <tr> <td>PARKS AND REC</td> <td align="right">\$1,554,000.00</td> <td align="right">\$1,554,000.00</td> </tr> <tr> <td>EMS</td> <td align="right">\$5,207,100.00</td> <td align="right">\$5,207,100.00</td> </tr> <tr> <td>TOTAL ALL FUNDS</td> <td align="right">\$61,749,553.00</td> <td align="right">\$61,749,553.00</td> </tr> </table>	PARKS AND REC	\$1,554,000.00	\$1,554,000.00	EMS	\$5,207,100.00	\$5,207,100.00	TOTAL ALL FUNDS	\$61,749,553.00	\$61,749,553.00																					
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<p>AN ORDINANCE ADOPTING THE CITY OF SOMERSET, KENTUCKY ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2017 AND ENDING JUNE 30, 2018 ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS OF THE CITY OF SOMERSET, KENTUCKY; AND ADOPTING THE 2017-2018 FISCAL YEAR WATER AND WASTEWATER RATE STRUCTURE; ALL WHICH SHALL BE IN EFFECT AFTER ADOPTION OF THIS ORDINANCE AND PUBLICATION ACCORDING TO LAW;</p> <p>WHEREAS, AN ANNUAL BUDGET PROPOSAL AND MESSAGE HAVE BEEN PREPARED AND DELIVERED TO THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY; AND</p> <p>WHEREAS, ANY NECESSARY AMENDMENTS TO THE CITY'S ANNUAL BUDGET HAVE BEEN MADE, AND NECESSARY AMENDMENTS TO THE WATER/WASTEWATER RATE STRUCTURES HAVE BEEN MADE BY THE COUNCIL AS ATTACHED HERETO, SPECIFICALLY IN EXHIBIT "A", INCORPORATED IN FULL HEREIN BY REFERENCE;</p> <p>NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SOMERSET, KENTUCKY:</p> <p>SECTION 1. THAT THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2017 AND ENDING JUNE 30, 2018 IS HEREBY ADOPTED AS FOLLOWS:</p> <table border="0" style="width: 100%;"> <thead> <tr> <th></th> <th align="right">REVENUE</th> <th align="right">EXPENDITURES</th> </tr> </thead> <tbody> <tr> <td>GENERAL FUND</td> <td align="right">\$15,493,532.00</td> <td align="right">\$15,493,532.00</td> </tr> <tr> <td>CEMETERY FUND</td> <td align="right">\$91,890.00</td> <td align="right">\$91,890.00</td> </tr> <tr> <td>SANITATION SERVICE</td> <td align="right">\$3,708,500.00</td> <td align="right">\$3,708,500.00</td> </tr> <tr> <td>GAS SERVICE</td> <td align="right">\$16,733,500.00</td> <td align="right">\$16,733,500.00</td> </tr> <tr> <td>WATER SERVICE</td> <td align="right">\$8,796,000.00</td> <td align="right">\$8,796,000.00</td> </tr> <tr> <td>WASTEWATER</td> <td align="right">\$7,792,731.00</td> <td align="right">\$7,792,731.00</td> </tr> <tr> <td>WATER PARK</td> <td align="right">\$1,401,850.00</td> <td align="right">\$1,401,850.00</td> </tr> <tr> <td>FUEL CENTER</td> <td align="right">\$608,300.00</td> <td align="right">\$608,300.00</td> </tr> <tr> <td>TRAVEL AND TOURISM</td> <td align="right">\$262,150.00</td> <td align="right">\$262,150.00</td> </tr> </tbody> </table>			REVENUE	EXPENDITURES	GENERAL FUND	\$15,493,532.00	\$15,493,532.00	CEMETERY FUND	\$91,890.00	\$91,890.00	SANITATION SERVICE	\$3,708,500.00	\$3,708,500.00	GAS SERVICE	\$16,733,500.00	\$16,733,500.00	WATER SERVICE	\$8,796,000.00	\$8,796,000.00	WASTEWATER	\$7,792,731.00	\$7,792,731.00	WATER PARK	\$1,401,850.00	\$1,401,850.00	FUEL CENTER	\$608,300.00	\$608,300.00	TRAVEL AND TOURISM	\$262,150.00	\$262,150.00	<p>SECTION 2. THE CITY OF SOMERSET HEREBY AMENDS THE WATER AND WASTEWATER RATE STRUCTURE AS SET FORTH IN EXHIBIT "A", ATTACHED HERETO AND INCORPORATED IN FULL HEREIN BY REFERENCE, BEGINNING JULY 1, 2017, AND SAME SHALL REMAIN IN EFFECT UNTIL SUCH TIME AS THEY ARE AMENDED OR REPEALED BY PROPER ACTION OF THE COUNCIL.</p> <p>SECTION 3. IF ANY PART OF THIS ORDINANCE, INCLUDING BUT NOT LIMITED TO REVIEWS, AMENDMENTS, AND APPROVALS, IS CHALLENGED BY A COURT OF COMPETENT JURISDICTION TO BE UNENFORCEABLE OR UNCONSTITUTIONAL, THE REMAINING PROVISIONS OF THIS ORDINANCE SHALL CONTINUE IN FULL FORCE AND EFFECT.</p> <p>SECTION 4. 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.</p> <p>SECTION 5. THIS ORDINANCE SHALL TAKE EFFECT UPON ITS APPROVAL AND UPON PUBLICATION ACCORDING TO LAW.</p> <p>FIRST READING <u>May 22, 2017</u></p> <p>SECOND READING _____</p> <p>APPROVED _____ EDWARD K. GIRDLER, MAYOR CITY OF SOMERSET, KENTUCKY</p> <p>ATTEST: _____ NICK BRADLEY, CITY CLERK</p>
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Second reading was given the following Ordinance No. 17-08:

ORDINANCE NUMBER 17-08

AN ORDINANCE TO THE CITY OF SOMERSET, KENTUCKY, ANNEXING BY CONSENT PROPERTY HAVING A LEGAL ADDRESS OF 2520 SOUTH HIGHWAY 27, SOMERSET, KY, AND AS DESCRIBED BELOW AND IN THE ATTACHMENTS TO THIS ORDINANCE, SAID ATTACHMENTS INCORPORATED IN FULL HEREIN BY REFERENCE; AND

WHEREAS, ANNEXATION REQUEST FORM(S) HAVE BEEN SUBMITTED BY THE PROPERTY OWNER(S), AND THE FORMS HAVE BEEN ACCEPTED BY THE CITY AS COMPLETE; AND THE PROPERTY OWNER(S) HAVING WAIVED THE 60 DAY WAITING PERIOD, BY AND THROUGH THE ANNEXATION REQUEST FORM SIGNED BY AN AUTHORIZED AGENT OF THE OWNER(S), SAID FORM ATTACHED HERETO AND INCORPORATED IN FULL HEREIN BY REFERENCE; AND

WHEREAS, ANY OTHER DOCUMENTS AND/OR RECORDS NEEDED TO PROCEED WITH CONSENT ANNEXATION OF THE SUBJECT PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF SOMERSET HAVE BEEN PROVIDED TO THE CITY; AND

WHEREAS, THE PROPERTY MEETS ALL REQUIREMENTS FOR ANNEXATION AS SET FORTH IN KRS AND ALL OTHER APPLICABLE LAW;


NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SOMERSET, KENTUCKY:

SECTION 1. THAT THE PROPERTY, HAVING A LEGAL ADDRESS OF 2520 SOUTH HIGHWAY 27, SOMERSET, KY, MORE FULLY DESCRIBED IN THE ATTACHMENTS TO THIS ORDINANCE, HAVING A LEGAL OWNER KNOWN AS DANNY A BARBARA PROPERTIES, INC., A KENTUCKY CORPORATION REGISTERED WITH THE KENTUCKY SECRETARY OF STATE, IS FOUND BY THE CITY COUNCIL TO MEET ALL REQUIREMENTS OF ANNEXATION SET FORTH IN KRS, AND ALL OTHER APPLICABLE LAW, AND THEREFORE IS HEREBY ANNEXED INTO THE CITY'S CORPORATE LIMITS.

SECTION 2. THIS ORDINANCE SHALL TAKE EFFECT AFTER ITS PASSAGE AND UPON PUBLICATION BY LAW.

FIRST READING: May 8, 2017  
 SECOND READING: May 22, 2017

APPROVED \_\_\_\_\_  
 EDWARD R. GIRDLER, MAYOR

ATTEST:   
 NICK BRADLEY, CITY CLERK

Mr. Wheeldon moved to approve the above Ordinance No. 17-08: Annexing 2520 South Highway 27. Mr. Girdler seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Adams, Mrs. Bullock, Mr. T. Eastham, Mr. Dalton, Mr. Wheeldon and Mr. J. Eastham.

Second reading was given the following Ordinance No. 17-09:

ORDINANCE NO. 17-09

AN ORDINANCE TO THE CITY OF SOMERSET AMENDING ORDINANCE 586, SPECIFICALLY PROVISIONS REGARDING "TAPPING FEES AND CONNECTION FEES INCIDENT TO THE USE AND SERVICES RENDERED BY THE CITY'S SANITARY SEWER SYSTEM" FOR THE CITY OF SOMERSET.

WHEREAS, ORDINANCE 586 HAS BEEN AMENDED TO ALLOW CHANGES TO FEES AND CHARGES FOR ALL OTHER ASPECTS OF SEWER SERVICE, SPECIFICALLY IN ORDINANCES 85-8, 87-11, 91-20, 98-9, 00-04, 00-07, AND 00-13, AS WELL AS UPDATED ANNUAL RATE SCHEDULES ADOPTED WITH THE CITY'S ANNUAL BUDGET ORDINANCES; AND

WHEREAS, OTHER TYPES OF RATES/RATES HAVE BEEN ADJUSTED OVER THE DECADES FOR THE SANITARY SEWER SYSTEM, FEES AND CHARGES FOR INITIAL TAPPING/CONNECTION FEES FOR SEWER SERVICE HAVE NOT BEEN UPDATED OR AMENDED SINCE SAID FEES WERE SET IN ORDINANCE 586, SPECIFICALLY SECTION 3, WHICH WAS ORIGINALLY ENACTED IN MAY 1978; AND

WHEREAS, THE CITY HAS DETERMINED THAT SAID SERVICES CAN NO LONGER BE PROVIDED FOR THE RATES ORIGINALLY SET IN ORDINANCE 586, SECTION 3, AND THEREFORE WISHES TO AMEND SAID RATES PURSUANT TO KRS CHAPTER 91A, AND ALL OTHER APPLICABLE LAW;

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

(I) Ordinance 586, Section 3, adopted on May 17, 1976, is hereby repealed and replaced in full with the following:

Effective July 1, 2017, a schedule of tapping/connection fees for each tap/connection to the Sanitary Sewer System of the City of Somerset, Kentucky is hereby established, and from and after said date, payment pursuant to said schedule of tapping/connection fees shall be paid to the City within ninety (90) days of notice given to the owner or occupant of any premises where sanitary sewer service is made available by the City\*. Said notice shall include a statement that the City of Somerset, and/or any other governmental agency required to approve said tap/connection, has approved, or has provided written confirmation of any such needed approval(s). Said schedule of tapping/connection fees is set as follows:

Residential	\$600.00
Apartment/Townhouse	\$500.00 per unit
Storage Buildings	\$500.00, plus \$1.10 per sq ft
Commercial Facility	\$2.20 per sq ft, with a minimum charge of \$500.00**

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Industrial Facility	\$1.10 per sq ft, with a minimum charge of \$1,000.00**
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\* This schedule is intended to cover any and all tap/connections that are considered new to the City's Sanitary Sewer System as determined by the City of Somerset, and shall not apply to "re-connections" as defined by the City.


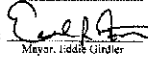
\*\* This fee may be adjusted by the City of Somerset for commercial, industrial and manufacturing development in order to promote the growth of economic development, so long as the fee charged is not less than the actual costs incurred by the City of Somerset.

(II) If any part of this ordinance amending Section 3 of Ordinance 586 is deemed by a Court of competent jurisdiction to be unenforceable or unconstitutional, the remaining provisions of this amending ordinance shall continue in full force and effect.

(III) Any Ordinance in conflict with this Amending Ordinance, or any policies in conflict with the ones enacted herein, are hereby repealed and replaced with the Amendments contained herein in so far as the same are in conflict herewith.

(IV) This ordinance shall be in full force and effect upon passage, approval, and publication according to law. The new rates adopted in this Ordinance shall be applied beginning July 1, 2017.

FIRST READING: May 8, 2017  
 SECOND READING: May 22, 2017

ATTEST:  City Clerk  
 Approved:  Mayor, Edward R. Girdler

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Mr. Girdler moved to approve the above Ordinance No. 17-09: Amending Ordinance 586 Regarding Tapping Fees and Connection Fees Incident to the Use and Services Tendered by the City's Sanitary Sewer System. Mr. T. Eastham seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Adams, Mrs. Bullock, Mr. T. Eastham, Mr. Dalton, Mr. Wheeldon and Mr. J. Eastham.

Second reading was given the following Ordinance No. 17-10:

**ORDINANCE NO. 17-10**

AN ORDINANCE TO THE CITY OF SOMERSET AMENDING ORDINANCE 01-15 AND 10-03, SPECIFICALLY PROVISIONS IN SAID ORDINANCES REGARDING TAP ON FEES AND CONNECT FEES INCIDENT TO THE USE, SERVICES AND FACILITIES OF THE CITY'S WATER DEPARTMENT FOR THE CITY OF SOMERSET;

WHEREAS, ORDINANCE 01-15 HAS BEEN AMENDED TO ALLOW CHANGES TO FEES AND CHARGES FOR ALL OTHER ASPECTS OF WATER SERVICE, INCLUDING, BUT NOT LIMITED TO, ORDINANCE 10-03, AS WELL AS UPDATED ANNUAL RATE SCHEDULES ADOPTED WITH THE CITY'S ANNUAL BUDGET ORDINANCES; AND

WHEREAS, OTHER TYPES OF FEES/RATES HAVE BEEN ADJUSTED OVER THE DECADES FOR THE WATER SYSTEM, FEES AND CHARGES FOR INITIAL TAP ON FEES FOR WATER SERVICE HAVE NOT BEEN UPDATED OR AMENDED SINCE THE ENACTMENT OF ORDINANCE 01-15, SPECIFICALLY SECTION 3 (D), WHICH WAS ORIGINALLY ENACTED IN JUNE 2001; AND

WHEREAS, THE CITY HAS DETERMINED THAT SAID SERVICES CAN NO LONGER BE PROVIDED FOR THE RATES SET IN ORDINANCE 01-15, SECTION 3(D), AND THEREFORE WISHES TO AMEND SAID RATES PURSUANT TO KRS CHAPTER 91A, AND ALL OTHER APPLICABLE LAW; AND

WHEREAS, THE CITY HAS ALSO DETERMINED THAT THE CHARGES FOR OTHER TYPES OF CONNECTIONS TO THE CITY'S WATER SYSTEM AS SET FORTH IN ORDINANCE 10-03, SPECIFICALLY SECTION 3(B), SUBSECTIONS (A) AND (B), NEED TO BE ADJUSTED, AND THEREFORE WISHES TO AMEND SAID RATES PURSUANT TO KRS CHAPTER 91A, AND ALL OTHER APPLICABLE LAW;

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

(I) Ordinance 01-15, Section 3(D), adopted on June 11, 2001, is hereby repealed and replaced in full with the following:

Effective July 1, 2017, a schedule of tap on fees for each tap on to the Water System of the City of Somerset, Kentucky is hereby established, and from and after said date, payment pursuant to said schedule of tap on fees shall be paid to the City within ninety (90) days of notice given to the owner or occupant of any premises where water service is made available by the City\*. Said notice shall include a statement that the adjacent water facility is capable of providing service to the meter(s) in the volume and manner requested. Said notice shall also include a statement that the City of Somerset, and/or any other governmental agency

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required to approve said tap on, has approved, or has been provided written confirmation of any such needed approval(s). Said schedule of tap on fees is set as follows:

5/8 Meter	\$600.00
1 in Meter	\$1,000.00
1 1/2-2 in Meter	\$3,000.00**
Above 2 inches	Fee will be determined by the City of Somerset's Water Department, and shall be based on factors including, but not limited to, the size, the location and the estimated cost(s). At no time shall the fee be less than the actual cost(s) incurred by the City of Somerset.**

*\*This schedule is intended to cover any and all tap on connections that are considered new to the City's Water System as determined by the City of Somerset, and shall not apply to "connect or re-connect" as defined by the City and as amended below.*

*\*\*This fee may be adjusted by the City of Somerset for industrial and manufacturing developments in order to promote the growth of Economic Development, as long as the tap on fee charged is not less than the actual cost(s) incurred by the City of Somerset.*

(II) Ordinance 10-03, Section 3B, Subsections (a) and (b), adopted on April 12, 2010, is hereby repealed and replaced in full with the following:

B. Connect Fees:

(a) Effective July 1, 2017, a schedule of non-refundable connect fees\* for the Water System of the City of Somerset, Kentucky is hereby established. Said schedule of non-refundable connect fees shall apply regardless of whether the location is inside, or outside, the City's corporate limits. The schedule of non-refundable connect fees is set as follows:

Residential	\$70.00
Commercial	\$30.00-\$100.00 depending on size of meter

*\*This schedule is intended to cover any and all connections that are not considered new to the City's Water System as determined by the City of Somerset, and shall not apply to "tap on fees" as defined by the City and as amended above in Section 1 of this Amending Ordinance, nor "residential re-connect after failure to pay" which are set forth in Ordinance 10-03.*

(III) If any part of this ordinance amending Section 3(D) of Ordinance 01-15, or any part of this ordinance amending Section 3(B), Subsections (a) and (b) of Ordinance 10-03, is deemed by a Court of competent jurisdiction to be unenforceable or unconstitutional, the remaining provisions of this amending ordinance shall continue in full force and effect.

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(IV) Any Ordinance in conflict with this Amending Ordinance, or any policies in conflict with the ones enacted herein, are hereby repealed and replaced with the Amendments contained herein 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. The new rates adopted in this Ordinance shall be applied beginning July 1, 2017.

FIRST READING May 9, 2017

SECOND READING May 22, 2017

ATTEST: [Signature] City Clerk

Approved: [Signature] Mayor Eddie Girdler

3

Mr. New moved to approve the above Ordinance No. 17-10: Amending Ordinance 01-15 and 10-03 Regarding Tap on Fees and Connect Fees Incident to the Use, Services, and Facilities of the City's Water Department. Mr. Wheeldon seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Adams, Mrs. Bullock, Mr. T. Eastham, Mr. Dalton, Mr. Wheeldon and Mr. J. Eastham.

Mr. Wheeldon moved to go into Executive Session to discuss personnel matters pursuant to KRS 61.810(1)(f) and to discuss pending litigation for which disclosure of details might compromise litigation posture, pursuant to KRS 61.810(1)(c). Mr. Mitchell seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, Mr. Adams, Mrs. Bullock, Mr. T. Eastham, Mr. Dalton, Mr. Wheeldon and Mr. J. Eastham.

No action taken in executive session.

There being no further business the meeting adjourned.

APPROVED:   
MAYOR

ATTEST:   
CITY CLERK