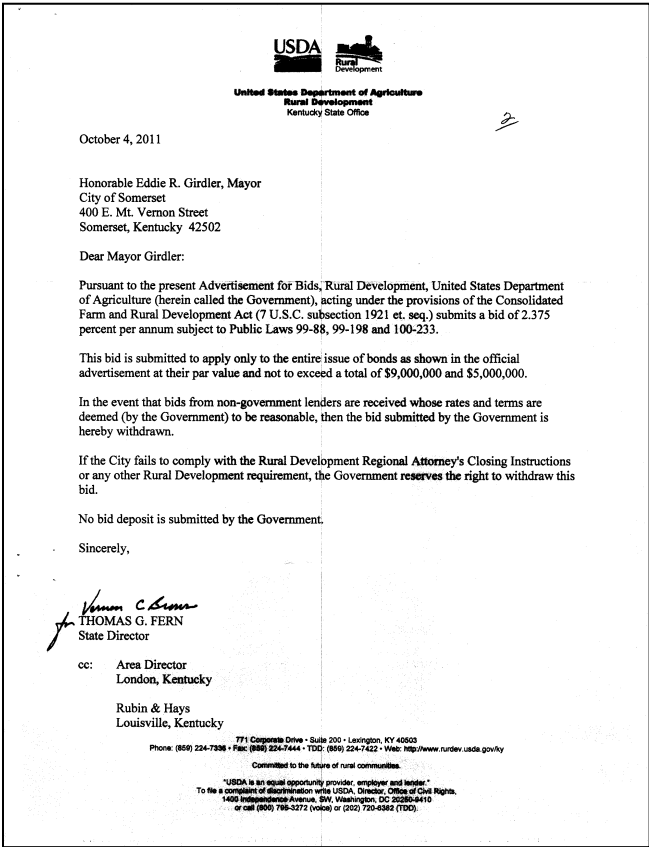


MINUTES OF MEETING HELD OCTOBER 10, 2011

The Common Council of the City of Somerset, Kentucky met in a regular session on Monday, October 10, 2011 at 7:00 p.m. with the following present: Mayor Eddie Girdler. Council Members: Pat Bourne, Jerry Burnett, Tom Eastham, Jim Rutherford, Linda Stringer, Jerry Wheeldon, Mark Beasley, Jerry Girdler, Mike New, Donna Hunley, and John Minton. City Attorney Carrie Wiese and City Clerk David Godsey. Absent: Council Member Jim Mitchell.

Mr. Beasley moved to approve the minutes of the regular meeting held on September 26, 2011 and the special called meeting October 3, 2011, along with the reports as mailed. Mr. Wheeldon seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Bourne, Mr. Burnett, Mr. Eastham, Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, and Mr. Minton.

Mr. Wheeldon moved to approve the bid of bond sale with the USDA. Mr. Eastham seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Bourne, Mr. Burnett, Mr. Eastham, Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, and Mr. Minton.



Mr. Beasley moved to approve the following Resolution authorizing the Mayor to negotiate with the KY Hwy Department allowing the city to perform certain landscaping of the medians. Mr. Bourne seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Bourne, Mr. Burnett, Mr. Eastham, Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, and Mr. Minton.

RESOLUTION

US 27 Median Landscaping

The Somerset City Council authorizes the Mayor to negotiate with the Commonwealth of Kentucky, Transportation Cabinet, Department of Highways for contracts and permits that will allow the City to perform certain landscaping in the medians of US 27, within the city limits. Said agreements and permits will entail the City performing landscaping work and maintenance on state rights of way, and the assumption of responsibility and liability by the City for the landscaping work and maintenance thereof.

The Mayor is authorized to sign all landscaping permits and agreements with the Commonwealth of Kentucky, Transportation Cabinet, Department of Highways, on behalf of and in the stead of the City Council.

Adopted and Approved this 10th day of October, 2011.

Mayor, City of Somerset

Attest:

Somerset City Clerk

Second reading was given the following Ordinance # 11-16:

ORDINANCE NO. 11-16

AN ORDINANCE TO THE CITY OF SOMERSET AMENDING ORDINANCE NO. 81-3 (WHICH EXPRESSLY REPEALED ORD. 365, THE ORIGINAL CITY ORDINANCE ADOPTING THE WARD SYSTEM AS SET FORTH IN KRS), AND AMENDING ORDINANCE NO. 85-2 (WHICH EXPRESSLY AMENDED PORTIONS OF ORD. 81-3 AS WELL AS ORD. 82-6 REGARDING THE NUMBERING OF WARDS) PURSUANT TO KRS 83A.100 AND ALL OTHER APPLICABLE LAW;

Whereas, KRS 83A.100 allows a legislative body to divide a city into wards by ordinance; and

Whereas, such a division into wards was done originally in city Ordinance No. 365, and thereafter repealed and replaced by Ordinance No. 81-3; and

Whereas, the wards were most recently *properly* amended in Ordinance No. 85-2 (which amended both Ordinance No. 81-3 and 82-6, both described above); and

Whereas, KRS 83A.100 requires that wards created by ordinance(s), such as those described above, be reviewed as *necessary* to ensure that populations are as *nearly equal as practicable*; and

Whereas, KRS 83A.100 further states that such a review *shall* be performed to ensure equalization in the wards *at least as often as each regular federal census*; and

Whereas, according to official records of the City, such a review has not been performed by the legislative body since 2001, and an amendment to the official Wards has not been *properly* enacted since 1985, and that a Federal Census was completed in 2000 and released in 2001, and further a second Federal Census has been completed in 2010 and released in 2011; and

Whereas, per KRS 83A.100, there is no designation or provision as to who should perform the required review of wards for equalization and therefore the task was taken on by the city itself, through the City Planner and the City Attorney, at the request of the Executive Authority of the City, the Mayor; and

Whereas it is the City Planner and the City Attorney's official position that current wards are *not* as equal in population as practicable; and

Whereas it is the City Attorney's official legal opinion that the council has a duty by law to amend said wards by ordinance to comply with KRS 83A.100 either by adopting the city prepared map, or by completing a map of their choosing, so long as such complies with all applicable law and is based on population set forth in the most recent federal census;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SOMERSET, PULASKI COUNTY, KENTUCKY, AS FOLLOWS:

Section I: That Ordinance No. 85-2 is hereby amended in order to comply with local, state, and federal law, in order to ensure the City is in compliance with KRS 83A.100, and all other applicable law.

Section II: Council hereby adopts the attached exhibit, attached hereto as Exhibit "A" and incorporated in full by reference herein, which brings the City into compliance with local, state, and federal law, including but not limited to KRS 83A.100.

Section III: If any section or provision of this Ordinance is declared invalid by a court of competent jurisdiction for any reason, such declaration shall not invalidate, or adversely affect, the remainder of this Ordinance.

Section IV: This Ordinance expressly repeals and/or amends previous ordinances and actions of the legislative body as set forth in the introduction of this Ordinance, referred to and incorporated in this section in full by reference.

Section V: This Ordinance shall be in full force and effect from and after its passage, publication and recording, according to law.

First Reading: _____

Second Reading: _____

Attest: _____

Approved by: _____, Mayor

Clerk, City of Somerset

Mr. Wheeldon moved to approve the above Ordinance # 11-16 on its second reading regarding redistricting the council wards. Mr. Eastham seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Burnett, Mr. Eastham, Mr. Wheeldon, Mr. Girdler, Mr. New, and Mrs. Hunley. Voting “Nay”: Mr. Bourne, Mr. Rutherford, Mrs. Stringer, Mr. Beasley and Mr. Minton. Motion Passed.

Mr. Burnett moved to approve the following Municipal Sale Order. Mr. Eastham seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Bourne, Mr. Burnett, Mr. Eastham, Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, and Mr. Minton.

<p style="text-align: center;">MUNICIPAL SALE ORDER</p> <p>MUNICIPAL ORDER OF THE CITY COUNCIL OF THE CITY OF SOMERSET, KENTUCKY, ACCEPTING THE SUCCESSFUL BID FOR THE PURCHASE OF \$14,000,000 PRINCIPAL AMOUNT OF CITY OF SOMERSET WATER SYSTEM REVENUE BONDS, SERIES 2012.</p> <p>WHEREAS, Notice of Sale of \$14,000,000 of City of Somerset Water System Revenue Bonds, Series 2012, consisting of \$9,000,000 of Series A Bonds and \$5,000,000 of Series B Bonds (the "Bonds") has heretofore been given in strict compliance with the proceedings of this City Council of the City of Somerset, Kentucky (the "City") and with the provisions of the publication laws applicable thereto, thus enabling everyone interested in said Bonds to present a proposal in connection therewith, and</p> <p>WHEREAS, the only bid received for the purchase of said Bonds was the bid of the United States of America, acting through Rural Development ("RD"), which bid was a bid of par for all of the Bonds at a single interest rate not to exceed 2.375% per annum for both series of Bonds, subject to the right of the City to request that such Bonds shall bear interest at such lower interest rate as may be in effect for RD loans at the time of delivery of the Bonds, and</p> <p>WHEREAS, it is deemed advisable that the City Council adopt a Municipal Order accepting said bid,</p> <p>NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF SOMERSET, KENTUCKY, AS FOLLOWS:</p> <p>SECTION 1. That it is hereby determined that the bid of RD for the purchase of the Bonds, scheduled to mature on January 1 in each of the respective years, 2014 through 2051, inclusive, as advertised, and as authorized by the Bond Ordinance (the "Bond Ordinance") heretofore enacted on September 26, 2011, at a price of par (\$14,000,000) for Bonds bearing interest at an interest rate not to exceed 2.375% per annum for both series of Bonds (or at such lower interest rate as may be in effect for RD loans at the time of delivery of the Bonds), is the best bid received, with the most favorable net interest cost to the City; and that said Bonds be and they are hereby awarded to RD as being a sale of said Bonds on the best terms and for the best interests of the City.</p> <p>SECTION 2. That the interest rate on said Bonds is hereby fixed at said rate of 2.375% per annum for both series of Bonds (or at such lower interest rate as may be applicable, as aforesaid) as set out in such accepted bid.</p> <p>SECTION 3. That in accordance with the terms of the commitment of RD, approved by the City and RD, and as provided in the Official Notice of Sale of Bonds, said Bonds shall be issued to RD as a Series A Bond and a Series B Bond, in fully registered form.</p> <p>SECTION 4. That said Bonds shall be delivered by the City Treasurer and/or other proper City officials to RD as soon as said Bonds are ready for delivery in accordance with the Bond</p>	<p>Ordinance, and that all of the proceeds of the sale of said Bonds shall be used only as provided in the Bond Ordinance.</p> <p>SECTION 5. That the acceptance of said bid subjects the City to no obligation to deliver the Bonds if for any reason the City is unable to obtain the final approving legal opinion of Rubin & Hays, Louisville, Kentucky, as to said Bonds, or if said Bonds should be subject to ad valorem taxation by the Commonwealth of Kentucky or by any political subdivision thereof, or if the receipt of interest on said Bond should be includable in gross income for Federal income tax purposes, or subject to income taxation by the Commonwealth of Kentucky, prior to or on the delivery date of said Bonds, and RD shall not be required to accept delivery of said Bonds without the final approving opinion of Rubin & Hays accompanying said Bonds, or if said Bonds or the interest thereon shall become includable in gross income for Federal income tax purposes or subject to ad valorem or income taxation of the Commonwealth of Kentucky prior to or on such delivery date.</p> <p>SECTION 6. That the Mayor is hereby authorized to request, at the appropriate time prior to the delivery of the Bonds, that RD reduce the interest rate on the Bonds to such lower interest rate as may be in effect for RD loans at the time of delivery of the Bonds, without any further action by this City Council.</p> <p>SECTION 7. That all motions, orders and resolutions, or parts thereof, in conflict herewith, be and the same are hereby amended or repealed to the extent of such conflict, and this Municipal Order shall be in force immediately upon its adoption.</p> <p>Adopted on October 11, 2011.</p> <p style="text-align: right;">CITY OF SOMERSET, KENTUCKY</p> <p style="text-align: right;">By _____ Mayor</p> <p>Attest:</p> <p style="text-align: center;">_____ City Clerk</p> <p style="text-align: center;">2</p>
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Second reading was given the following Ordinance # 11-14:

ORDINANCE NO. 11-14

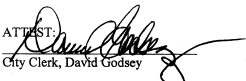
AN ORDINANCE TO THE CITY OF SOMERSET, KENTUCKY, OFFICIALLY REPEALING, IN THEIR ENTIRETY, ALL FORMER SOMERSET POLICE DEPARTMENT POLICY AND PROCEDURES AS ADOPTED AND/OR AMENDED BY THE COUNCIL OF THE CITY OF SOMERSET IN ORDINANCE(S) 88-11, 91-8, 98-34, 99-20, 99-36, 99-37, 01-19, and 06-02; ALL OTHER ORDINANCES NOT SPECIFICALLY LISTED ARE NOT AFFECTED BY THIS PRESENT REPEALING ORDINANCE;

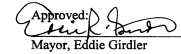
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY:

- (I) The Somerset Police Department Policy and Procedures adopted and/or amended as referred to above, all of which are incorporated in full herein by reference, are hereby REPEALED.
- (II) The Executive Authority of the City of Somerset has delegated the authority and responsibility to the Police Chief of the Somerset Police Department, by and through a written Executive Order, to create and amend all internal procedures and policies of the Somerset Police Department. Said Order requires that all such internal procedures and policies must be approved by the Mayor and the City Attorney to ensure all state and federal laws are followed and that the policies/procedures do not conflict with the Employee Handbook adopted on the 10th day of November, 2008 (Ordinance # 08-15), and amended on the 11th day of May, 2009 (Ordinance # 09-05).
- (III) Council herein states that pursuant to KRS 83A.130, the Mayor, and/or his designee, may promulgate procedures and policies to ensure the orderly functioning of government and compliance with the law, but that such are subject to Council disapproval per KRS.
- (IV) This Ordinance shall take effect retroactively to May 5, 2011 once enacted and published according to law.

FIRST READING August 13, 2011

SECOND READING October 10, 2011

ATTEST: 
City Clerk, David Godsey

Approved: 
Mayor, Eddie Girdler

1

Mr. Rutherford moved to approve the above Ordinance # 11-14 regarding repealing all former Somerset Police policy and procedures manuals. Mr. Bourne seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Bourne, Mr. Burnett, Mr. Eastham, Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, and Mr. Minton.

Mr. Eastham moved to approve the following Municipal Order ensuring the Somerset Police Department will have a policy and procedure manual. Mr. New seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Bourne, Mr. Burnett, Mr. Eastham, Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, and Mr. Minton.

MUNICIPAL ORDER

A MUNICIPAL ORDER PURSUANT TO KRS 83A.010 AND KRS 83A.060, ENSURING THE *SOMERSET POLICE DEPARTMENT* WILL HAVE A MANUAL SETTING FORTH STANDARDS OF PROCEDURE AND POLICIES, SUCH TO BE PREPARED, AMENDED, AND USED INTERNALLY AT THE DIRECTION OF THE DEPARTMENT HEAD AND/OR THE MAYOR PURSUANT TO THE MAYOR-COUNCIL FORM OF GOVERNMENT, AND ALL OTHER APPLICABLE LAW;

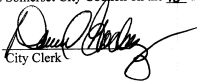
WHEREAS, pursuant to KRS Chapter 83A, the City of Somerset, by and through the City Council, may enact Municipal Orders as official acts of the City Council, binding on all City Officers and employees to the extent permitted under the Mayor-Council form of Government and as set forth in KRS and all other applicable law; and

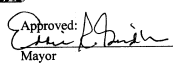
WHEREAS, the Mayor has the sole authority to delegate executive duties and responsibilities to Department Heads, including but not limited to, the authority to create and enforce internal regulations, procedures, and policies, and has done so in regards to the Police Department Policy and Procedures Manual by way of an Executive Order issued May 5, 2011; and

WHEREAS, pursuant to KRS 83A.130 the Mayor and Council herein agree that the Mayor may promulgate procedures, *subject to Council disapproval*, to ensure the orderly functioning of government and compliance with the law; and that the Executive Order referred to above will ensure that the Somerset Police Department shall not create internal regulations, procedures, and policies which are already covered or are in contradiction to those set forth in the Employee Handbook referenced above;

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

That the City of Somerset, by and through the City Council, does hereby adopt this Municipal Order requiring Somerset Police Department to establish internal regulations, procedures, and policies as stated above. This Municipal Order enacted by vote of the Somerset City Council on the 12 day of October, 2011.

ATTEST: 
City Clerk

Approved: 
Mayor

1

Mr. Wheeldon moved to approve the bid for the Water Treatment Plant Expansion. The bid being awarded to Judy Construction in the amount of \$21,501,750.00. Mr. Beasley seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Bourne, Mr. Burnett, Mr. Eastham, Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, and Mr. Minton.

Contract 397-09-02	
Water Treatment Plant expansion	
Bids Received August 26, 2011 2:00 PM Local Time	
3D Enterprises - Lexington, KY	\$22,188,000.00
Judy Construction - Cynthianna, KY	\$21,501,750.00
Shook Construction - Dayton, OH	\$22,144,000.00
Smith Contractors - Lawrenceburg, KY	\$23,591,000.00
W. Rogers Company - Lexington, KY	\$21,539,000.00
WL Hailey - Orleans, IN	\$23,678,800.00

There being no further business the meeting adjourned.

APPROVED: _____
MAYOR

ATTEST: _____
CITY CLERK