

## MINUTES OF MEETING HELD SEPTEMBER 12, 2011

The Common Council of the City of Somerset, Kentucky met in a regular session on Monday, September 12, 2011 at 7:00 p.m. with the following present: Council Members: Jim Mitchell, Pat Bourne, Jerry Burnett, Tom Eastham, Jim Rutherford, Linda Stringer, Jerry Wheeldon, Mark Beasley, Mike New, Donna Hunley, and John Minton. City Attorney Carrie Wiese and City Clerk David Godsey. Absent: Council Member Jerry Girdler.

Mr. New moved to approve the minutes of the regular meeting held on August 22, 2011, along with the reports as mailed. Mr. Mitchell seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. Eastham, Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. Beasley, Mr. New, Mrs. Hunley, and Mr. Minton.

Second reading was given the following Ordinance # 11-09:

<p><b>ORDINANCE NO. 11-09</b></p> <p><b>THIS ORDINANCE NUMBER 11-09 FIXING THE TAX LEVY, AD VALOREM, FRANCHISE TAX, AND TAX FOR THE CITY OF SOMERSET, KENTUCKY, FOR THE FISCAL YEAR BEGINNING JULY 1, 2011 AND ENDING JUNE 30, 2012 PROVIDING PENALTY AND INTEREST FOR NON-PAYMENT.</b></p> <p><b>BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY:</b></p> <p><b>SECTION 1.</b> That for the purpose of providing income for general municipal expenses for the City of Somerset, Kentucky, for the fiscal year beginning July 1, 2011 and ending June 30, 2012 is hereby levied an ad valorem of thirteen cents (.130) on each hundred dollars (\$100.00) of taxable property within the city limits of Somerset, Kentucky.</p> <p><b>SECTION 2.</b> That the thirteen cents (.130) ad valorem on each one hundred dollars (\$100.00) of taxable property within the city limits of Somerset, Kentucky, levied shall be deposited in the general fund account and shall be used to pay on general expenses incidental to the operation of the city government.</p> <p><b>SECTION 3.</b> That for the purpose of providing income for general municipal expenses for the City of Somerset, Kentucky for the fiscal year beginning July 1, 2011 and ending June 30, 2012 there is hereby levied a tax of thirteen cents (.130) on each hundred dollars (\$100.00) on personal property, tangible and intangible of franchise holders as determined by the Department of Revenue within the city limits of Somerset, Kentucky.</p> <p><b>SECTION 4.</b> The thirteen cents (.130) on each one hundred dollars (\$100.00) for franchise property within the city limits of Somerset, Kentucky, shall be deposited in the general fund account and is to be used to pay on expenses incidental to the operation of city government.</p> <p><b>SECTION 5.</b> That a one percent (.01%) discount shall be allowed on each one dollar (\$1.00) collected before November 1, 2011.</p> <p><b>SECTION 6.</b> That there shall be added to and collected a penalty of twenty percent (.20%) and interest of six percent (.06%) per annum upon each one dollar (\$1.00) of all taxes herein provided for and unpaid after January 1, 2012 until such time that said taxes are paid.</p> <p><b>SECTION 7.</b> This Ordinance is to become in full force and effect on and after its approval and passage according to law.</p> <p>FIRST READING <u>Aug 22</u> 2011 SECOND READING _____ 2011</p> <p>ATTEST:</p> <p>_____ CITY CLERK</p> <p>_____ MAYOR</p>
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Mr. Wheeldon moved to approve the above Ordinance # 11-09 setting the tax rate for 2011. Mr. Bourne seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. Eastham, Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. Beasley, Mr. New, Mrs. Hunley, and Mr. Minton.

Second reading was given the following Ordinance #11-10:

**ORDINANCE NO. 11-10**

**AN ORDINANCE IMPOSING A BANK FRANCHISE AND LOCAL DEPOSIT TAX; SETTING FORTH TIME TABLES FOR THE COLLECTION OF SUCH TAX FOR THE YEAR 2011 AND ALL SUBSEQUENT YEARS; AND SETTING FORTH ENFORCEMENT PROCEDURES, INCLUDING PENALTIES FOR THE COLLECTION OF DELINQUENT TAXES.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERSET, KENTUCKY AS FOLLOWS:**

**SECTION 1:** There is hereby imposed on all "financial institutions" as defined in KRS Chapter 136, located within the corporate limits of the City of Somerset, Kentucky, for the 2011 tax year and all subsequent years, a franchise tax at the rate of 0.025% on all deposits, as defined in KRS Chapter 136, maintained by such financial institutions.

**SECTION 2:** The City of Somerset, Kentucky will issue tax bills to financial institutions no later than December 1 of each year. Payment of the tax shall be due with a two percent (.2%) discount by December 31 of each year, or without discount by January 31 of each year.

**SECTION 3:** The City of Somerset, Kentucky, shall have a lien for taxes on the property assessed for taxes to the extent allowed under KRS 134-420.

**SECTION 4:** All taxes due in accordance with these sections which are not paid before June 30, 2012 for the tax year 2011, or which are not paid before January 31, for all subsequent tax years shall be deemed delinquent and shall be subject to a penalty of .20% and shall bear interest at the rate of .6% per annum.

**SECTION 5:** All moneys collected pursuant to these sections shall be paid into the General Fund of the City to be used for the payment of proper expenditures as determined by the City Council.

**SECTION 6:** The City Clerk is hereby directed to send a copy of their Ordinance to the Commissioner of the Kentucky Department of Revenue, Frankfort, Kentucky.

FIRST READING August 22, 2011

SECOND READING \_\_\_\_\_ 2011

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

Mr. Beasley moved to approve the above Ordinance # 11-10 imposing a bank franchise and local deposit tax. Mr. Burnett seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. Eastham, Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. Beasley, Mr. New, Mrs. Hunley, and Mr. Minton.

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

**ORDINANCE NO. 11-11**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOMERSET, KENTUCKY, AUTHORIZING AND APPROVING THE ISSUANCE OF ITS GENERAL OBLIGATION BONDS, SERIES OF 2011 IN THE APPROXIMATE AMOUNT OF \$8,810,000 (WHICH AMOUNT MAY BE DECREASED BY UP TO \$880,000) FOR THE PURPOSE OF FINANCING CERTAIN PUBLIC PROJECTS AS DESCRIBED BELOW, FOR THE USE AND BENEFIT OF THE CITIZENS OF THE CITY; AUTHORIZING THE LEVY OF A DIRECT ANNUAL TAX ON ALL TAXABLE PROPERTY WITHIN THE CITY, IN ADDITION TO ALL OTHER TAXES, IN AN AMOUNT SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS WHEN AND AS THE SAME BECOME DUE; AUTHORIZING THE ESTABLISHMENT OF CERTAIN FUNDS TO PROVIDE FOR THE COLLECTION OF THE PROCEEDS OF THE TAX AND THE PAYMENT OF THE BONDS; AUTHORIZING THE PUBLICLY ADVERTISED, COMPETITIVE SALE OF SAID BONDS AND THE DISBURSEMENT OF THE PROCEEDS THEREOF; AUTHORIZING CERTAIN OTHER ACTIONS WITH REGARD TO THE FINANCING AND THE ACQUISITION, CONSTRUCTION, AND EQUIPPING OF THE PROJECTS GENERALLY; AND TAKING OTHER RELATED ACTION.**

\*Ordinance too large to include in minutes. A complete copy is on file in the City Clerk's Office.

Mr. Burnett moved to approve the above Ordinance #11-11 regarding the issuance of general obligation bonds. Mr. Eastham seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. Eastham, Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. Beasley, Mr. New, Mrs. Hunley, and Mr. Minton.

Second reading was given the following Ordinance #11-12:

**ORDINANCE NO. 11-12**

**AN ORDINANCE TO THE CITY OF SOMERSET SETTING THE MAXIMUM SPEED LIMIT ON A CERTAIN CITY STREET KNOWN AS "BARNETT STREET", WHICH IS WITHIN THE CORPORATE LIMITS OF THE CITY OF SOMERSET, PULASKI COUNTY, KENTUCKY AND THEREFORE UNDER THE CITY'S JURISDICTION;**

**WHEREAS, THE COMMON COUNCIL FOR THE CITY OF SOMERSET HAS DETERMINED THAT SAID CITY STREET SHOULD HAVE A LOWER MAXIMUM SPEED LIMIT DURING SCHOOL HOURS IN ORDER TO PROTECT THE SAFETY AND WELL BEING OF THE COMMUNITY AND PARENTS, CHILDREN, AND STAFF OF MEECE MIDDLE SCHOOL AND THE SURROUNDING NEIGHBORHOODS AND SCHOOLS DURING SCHOOL HOURS AS SET FORTH BELOW;**

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

**Section I:** That the speed limit on Barnett Street be changed, or enforced effectively if already set by previous Ordinance(s), at a maximum of Twenty-Five (25) miles per hour during school hours which will be set by the Council as "7:30 AM to 3:30 PM, Monday through Friday"; and that the Council herein authorizes signage or lights to be placed on said street in order to caution and enforce the speed limit during school said hours.

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

First Reading- August 22, 2011

Second Reading- \_\_\_\_\_

Attest: \_\_\_\_\_

Approved by: [Signature] Mayor

\_\_\_\_\_  
Clerk, City of Somerset

Mr. Wheeldon moved to approve the above Ordinance # 11-12 setting the speed limit on Barnett Street during school hours. Mr. Beasley seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. Eastham, Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. Beasley, Mr. New, Mrs. Hunley, and Mr. Minton.

First reading was given the following Ordinance # 11-13

**NOTICE OF ENACTMENT AND SUMMARY OF ORDINANCE NO. 11-13**

**ORDINANCE OF THE CITY OF SOMERSET, KENTUCKY, AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF \$14,000,000 PRINCIPAL AMOUNT 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, FOR THE PURPOSE OF FINANCING THE COST (NOT OTHERWISE PROVIDED) OF THE CONSTRUCTION OF EXTENSION, ADDITIONS AND IMPROVEMENT TO THE EXISTING WATER SYSTEM OF SAID CITY; SETTING FORTH TERMS AND CONDITIONS UPON WHICH SAID BONDS MAY BE ISSUED AND OUTSTANDING; PROVIDING FOR THE COLLECTION, SEGREGATION AND DISTRIBUTION OF THE REVENUES OF SAID WATER SYSTEM; AND PROVIDING FOR AN ADVERTISED, PUBLIC, COMPETITIVE SALE OF SAID BONDS.**

First 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 ORDINANCES(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;

First reading was given the following Ordinance # 11-15:

**ORDINANCE NO. 11-15**

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 B-2. BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY.

Mr. Wheeldon moved to approve the “Gas Line Directional Bore Under Brush Creek” bid. The bid was awarded to Boca Enterprise in the amount of \$122, 500. Mr. Eastham seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. Eastham, Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. Beasley, Mr. New, Mrs. Hunley, and Mr. Minton.

There being no further business the meeting adjourned.

**APPROVED:** \_\_\_\_\_  
**MAYOR**

**ATTEST:** \_\_\_\_\_  
**CITY CLERK**