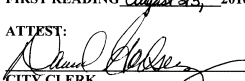
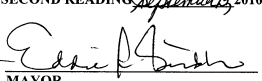
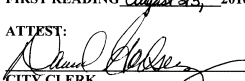
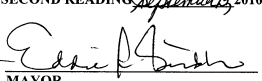
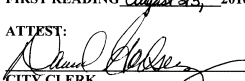
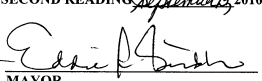


MINUTES OF MEETING HELD SEPTEMBER 13, 2010

The Common Council of the City of Somerset, Kentucky met in a regular session on Monday, September 13, 2010, at 7:00 p.m. with the following present: Mayor Eddie Girdler. Council Members: Jim Mitchell, Pat Bourne, Jerry Burnett, Tim Rutherford, Jim Rutherford, Linda Stringer, Jerry Wheeldon, Steve Kelley, Jerry Girdler, Mike New, Donna Hunley, and John Minton. City Attorney Carrie Wiese and City Clerk David Godsey.

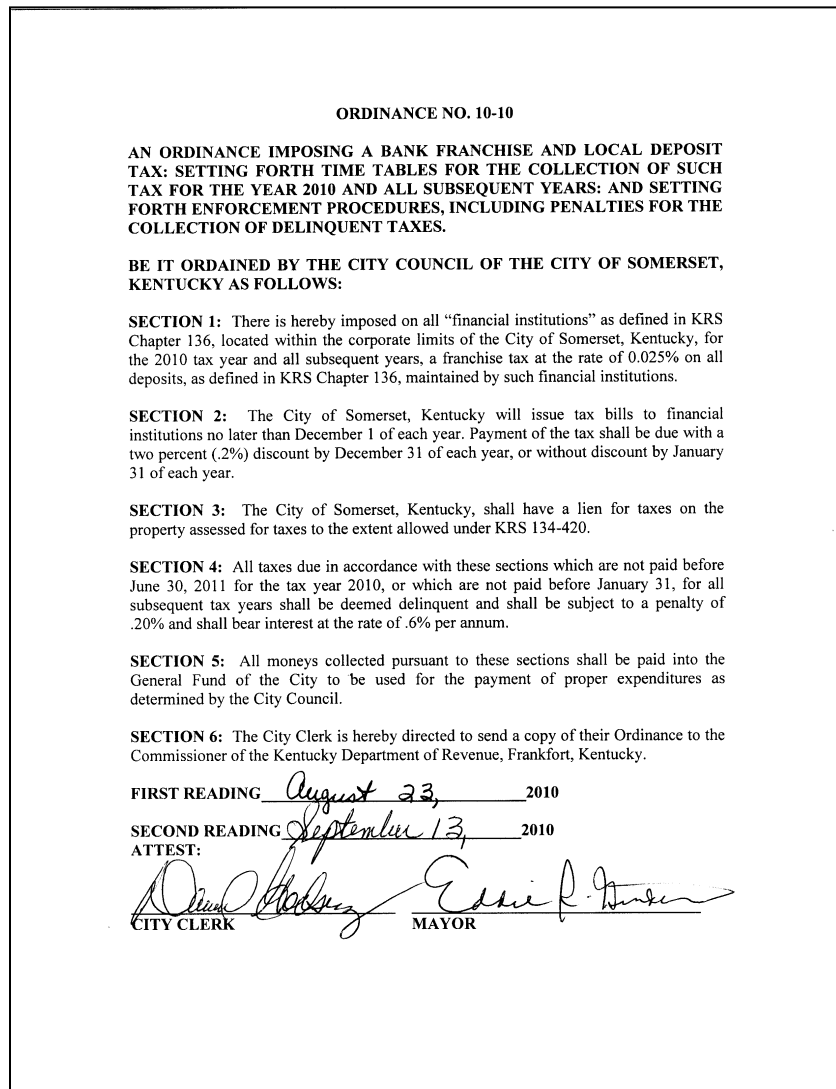
Mr. Wheeldon moved to approve the minutes of the regular meeting held on August 23, 2010, along with the reports as mailed. Mr. J. Rutherford seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Rutherford, Mr. J. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. Kelley, Mr. Girdler, Mr. New, Mrs. Hunley, and Mr. Minton.

Second reading was given the following Ordinance # 10-09:

<p style="text-align: center;">ORDINANCE NO. 10-09</p> <p>THIS ORDINANCE NUMBER 10-09 FIXING THE TAX LEVY, AD VALOREM, FRANCHISE TAX, AND TAX FOR THE CITY OF SOMERSET, KENTUCKY, FOR THE FISCAL YEAR BEGINNING JULY 1, 2010 AND ENDING JUNE 30, 2011 PROVIDING PENALTY AND INTEREST FOR NON-PAYMENT.</p> <p>BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY:</p> <p>SECTION 1. That for the purpose of providing income for general municipal expenses for the City of Somerset, Kentucky, for the fiscal year beginning July 1, 2010 and ending June 30, 2011 is hereby levied an ad valorem of fourteen point four cents (.144) on each hundred dollars (\$100.00) of taxable property within the city limits of Somerset, Kentucky.</p> <p>SECTION 2. That the fourteen point four cents (.144) 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>SECTION 3. That for the purpose of providing income for general municipal expenses for the City of Somerset, Kentucky for the fiscal year beginning July 1, 2010 and ending June 30, 2011 there is hereby levied a tax of fourteen point four cents (.144) 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>SECTION 4. The fourteen point four cents (.144) 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>SECTION 5. That a one percent (.01%) discount shall be allowed on each one dollar (\$1.00) collected before November 1, 2010.</p> <p>SECTION 6. 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, 2011 until such time that said taxes are paid.</p> <p>SECTION 7. 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>August 23, 2010</u> SECOND READING <u>September 13, 2010</u></p> <p>ATTEST:</p> <table><tr><td> CITY CLERK</td><td> MAYOR</td></tr></table>	 CITY CLERK	 MAYOR
 CITY CLERK	 MAYOR	

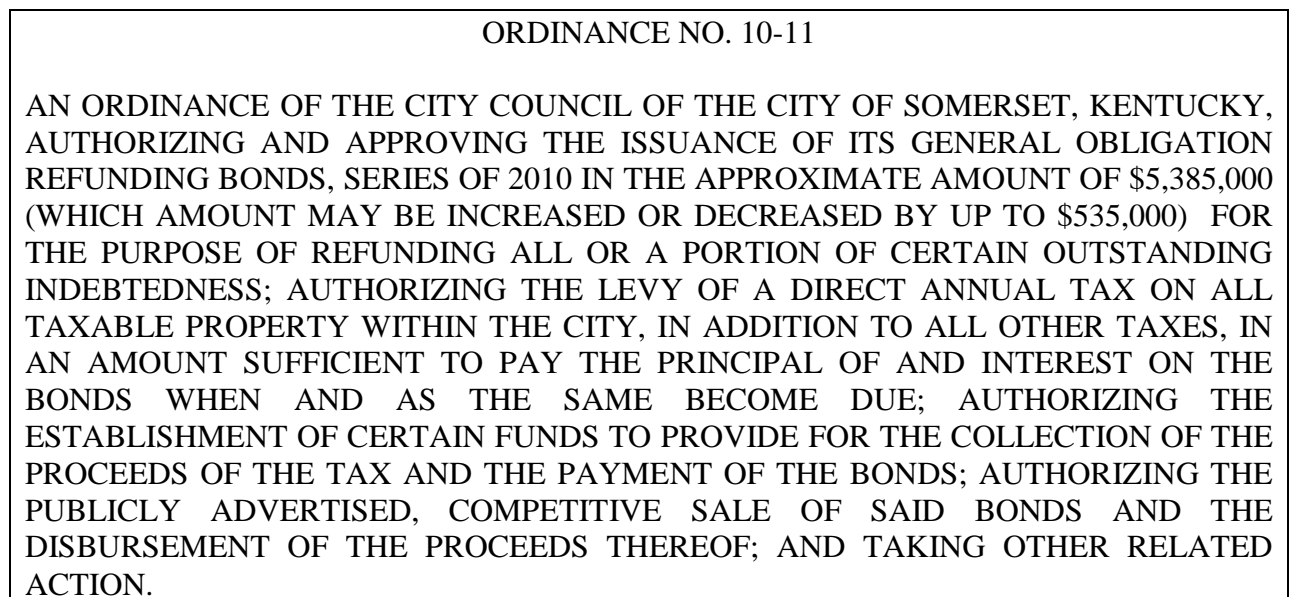
Mr. Bourne moved to approve the above Ordinance # 10-09 on its second reading setting the 2010 property tax rate. Mr. New seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Rutherford, Mr. J. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. Kelley, Mr. Girdler, Mr. New, Mrs. Hunley, and Mr. Minton.

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



Mr. Wheeldon moved to approve the above Ordinance # 10-10 on its second reading setting the 2010 bank franchise tax rate. Mr. Mitchell seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Rutherford, Mr. J. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. Kelley, Mr. Girdler, Mr. New, Mrs. Hunley, and Mr. Minton.

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



*Ordinance to large to include in minutes. A complete copy is available in the City Clerk's Office.

Mr. Wheeldon moved to approve the above Ordinance # 10-11 on its second reading regarding bond refinancing. Mr. New seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Bourne, Mr. Burnett, Mr. Wheeldon, Mr. Girdler, Mr. New, and Mrs. Hunley. Voting "Nay": Mr. Mitchell, Mr. T. Rutherford, Mr. J. Rutherford, Mr. Kelley, and Mr. Minton. Choosing to "Pass": Mrs. Stringer. Motion Passed.

Mr. T. Rutherford moved to approve the following Municipal Order # 10-01 objecting to the City of Ferguson's intent and desire to annex. Mr. Mitchell seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Rutherford, Mr. J. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. Kelley, Mr. Girdler, Mr. New, Mrs. Hunley, and Mr. Minton.

MUNICIPAL ORDER 10-01

A MUNICIPAL ORDER, ENACTED IN ACCORDANCE TO KRS 83A.060, AND PURSUANT TO KRS 81A.427, SETTING FORTH THE OBJECTIONS OF THE CITY OF SOMERSET, BY AND THROUGH THE CITY COUNCIL, REGARDING THE CITY OF FERGUSON'S INTENT AND DESIRE TO ANNEX A CORRIDOR OF HIGHWAY BELONGING TO THE KENTUCKY DEPARTMENT OF TRANSPORTATION (KYDOT) AND/OR PULASKI COUNTY, AND LOCATED IN PULASKI COUNTY, KENTUCKY;

WHEREAS, pursuant to KRS 81A.427, the City of Somerset has the right to object and prevent annexation by enacting a municipal order according to KRS 83A.060; and

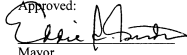
WHEREAS, the City of Somerset owns utility infrastructure as defined in KRS 81A.427(1), and that said infrastructure is located within all, or part, of the area which the City of Ferguson has indicated and/or proposed that it intends to annex; and


WHEREAS, the City of Somerset herein incorporates by reference in full all attachments marked in its entirety as Exhibit "A", including but not limited to maps and/or drawings, attached hereto as permitted under KRS 81A.427(5), and describing in detail the referred to infrastructure owned by the City of Somerset so that said infrastructure is clearly identified within the subject area;

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

That the City of Somerset, Kentucky does hereby object for the purpose of preventing annexation of property containing infrastructure utilities owned by the City of Somerset, as well as to fulfill the requirements of KRS 81A.427, to the City of Ferguson's intent and proposal to annex to the City of Ferguson the area as set forth and shown in Exhibit "B", attached hereto and incorporated in full herein, which was provided to the City of Somerset by the City of Ferguson.

This Municipal Order was enacted by vote of the Somerset City Council on the 13th day of September, 2010.

Approved: 
Mayor

ATTEST: 
City Clerk

1

Mr. Wheeldon moved to approve the following Resolution objecting to the City of Ferguson's improper intention to annex. Mr. Burnett seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Rutherford, Mr. J. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. Kelley, Mr. Girdler, Mr. New, Mrs. Hunley, and Mr. Minton.

RESOLUTION

A RESOLUTION OF THE CITY OF SOMERSET, KENTUCKY, OBJECTING TO THE IMPROPER INTENTION TO ANNEX, OR ANNEXING OF PROPERTY, BY THE CITY OF FERGUSON, SAID PROPERTY/AREA WHICH IS BELIEVED TO BE IN THE CORPORATE LIMITS OF THE CITY OF SOMERSET;

WHEREAS, the City of Somerset, Kentucky, by and through the City Council, herein wishes to state its objection on record to the intention and/or proposal of annexation by the City of Ferguson according to the attached description provided by the City of Ferguson, incorporated in full by reference and labeled as "Exhibit A"; and

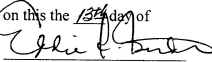
WHEREAS, KRS Chapter81A, specifically 81A.410(2), prohibits any part of an area proposed for annexation to lie within the boundary of another incorporated city; and

WHEREAS, said proposed annexation of the City of Ferguson appears to include an area of property currently within the corporate limits of the City of Somerset which is prohibited under Kentucky law;

NOW THEREFORE, be it resolved by the Common Council of the City of Somerset, Kentucky this 13th day of ~~September~~ 2010, that:

- I. That this resolution shall be considered an objection to the above described annexation by the City of Ferguson and herein reserves all rights to object and/or file suit before a Court of Competent Jurisdiction to prevent and/or void such annexation of property within the City of Somerset's corporate limits.
- II. 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 13th day of ~~September~~, 2010.


Mayor, Eddie Girdler

ATTEST:

City Clerk, David Godsey

There being no further business the meeting adjourned.

APPROVED _____
MAYOR

ATTEST: _____
CITY CLERK