

MINUTES OF MEETING HELD SEPTEMBER 23, 2013

The Common Council of the City of Somerset, Kentucky met in a regular meeting on Monday September 23, 2013, at 7:00 p.m. with the following present: Mayor Eddie Girdler. Council Members: Jim Mitchell, Pat Bourne, Jerry Burnett, Tom Eastham, Jim Rutherford, Linda Stringer, Jerry Wheeldon, Jimmy Eastham, Jerry Girdler, Mike New, Donna Hunley, and John Minton. City Attorney Carrie Wiese and City Clerk David Godsey.

Judge Tapp was present to swear in 4 new fire fighters: Phillip Rogers, Tyler Crabtree, Nathan Thayer, and Zeke Reynolds. Fire Chief Tyler Jasper also announced the promotions of Lt. David Volz to Captain effective 9/25/13 and Lt. Doug Burns to Captain effective 9/25/13.

Mr. Wheeldon moved to approve the minutes of the regular meeting held on September 9, 2013 along with reports as mailed. Mr. T. Eastham seconded the motion. Upon roll call the following Council Members voted “Aye”: Jim Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Eastham, Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. New, Mrs. Hunley, and Mr. Minton.

Mr. Bourne moved to approve the following Resolution No. 13-17 authorizing the Mayor to negotiate and enter into a "water, sewer, and natural gas agreement" between the City of Ferguson and the City of Somerset. Mr. J. Eastham seconded the motion. Upon roll call the following Council Members voted “Aye”: Jim Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Eastham, Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. New, Mrs. Hunley, and Mr. Minton.

RESOLUTION 13-17
CITY OF SOMERSET, KENTUCKY

A RESOLUTION TO THE CITY OF SOMERSET, KENTUCKY APPROVING AND AUTHORIZING THE CITY, SPECIFICALLY THE MAYOR OF THE CITY OF SOMERSET, TO NEGOTIATE AND ENTER INTO A "WATER, SEWER AND NATURAL GAS AGREEMENT" (HEREINAFTER REFERRED TO AS "AGREEMENT"), BY AND BETWEEN THE CITY OF FERGUSON, KENTUCKY, AND THE CITY OF SOMERSET, KENTUCKY;

WHEREAS, Ferguson now owns sanitary sewer facilities that provide service to inhabitants of Ferguson, and said City collects sewage through its sanitary sewer facilities and transmits the sewage to Somerset's sanitary sewer facilities where the sewage is treated, with Somerset providing all billing services for Ferguson's sewer operations; and

WHEREAS, Ferguson now owns facilities for the distribution of natural gas to its inhabitants and currently purchases its entire supply of natural gas for distribution from the City of Somerset, with Somerset providing all billing services for Ferguson's natural gas operations; and

WHEREAS, Somerset currently owns and operates the water facilities that provide potable water service to inhabitants of Ferguson; and

WHEREAS, the City of Ferguson recognizes the need to access quality technical expertise, managerial and financial abilities which is necessary to operate and maintain and operate its water, sanitary sewer and natural gas systems, and Ferguson agrees that the City of Somerset has the technical, managerial, and financial abilities to provide water, sanitary sewer and natural gas services to the inhabitants of Ferguson; and

WHEREAS, Somerset's technical, managerial, and financial abilities would further provide confidence from potential funding sources for extensions of service and both Cities recognize that a consolidation of service providers for water, sanitary sewer and natural gas facilities may result in efficiencies through economies of scale; and

WHEREAS, Ferguson has considered its alternatives and has concluded that the transfer of ownership of its water, sanitary sewer and natural gas assets, to the extent not already so transferred, to the City of Somerset is in the best interests of the City of Ferguson and therefore both Cities wish to enter into an written Agreement of mutual consent; and

WHEREAS, KRS 82.083 authorizes the transfer of real and/or personal property of a municipality, such as the City of Ferguson, to another municipality, such as the City of Somerset, with or without compensation, by and through an Agreement between the City of Somerset and the City of Ferguson;

NOW THEREFORE, be it resolved and ordained by the Common Council of the City of Somerset that the Mayor of the City of Somerset is hereby given full authority by the City Council to negotiate and enter into an agreement with the City of Ferguson for the purposes described above.

Approved by the Common Council of the City of Somerset on this the 23rd day of September, 2013. Motion by: Pat Bourne, and seconded by: Mr. Burnett Members present: 13 Members voting in favor: 13

ATTEST: Eddie Girdler
City Clerk, David Godsey
Date: 9/23/13
Mayor, Eddie Girdler

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Mr. Wheeldon moved to approve setting the hours for Halloween from 6-8pm on Thursday October 31st. Mr. Mitchell seconded the motion. Upon roll call the following Council Members voted “Aye”: Jim Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Eastham, Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. New, Mrs. Hunley, and Mr. Minton.

First reading was given the following Ordinance No. 13-18:

ORDINANCE NO. 13-18

AN ORDINANCE TO THE CITY OF SOMERSET, KENTUCKY AMENDING ORDINANCE NO 05-01, RELATING TO KRS 190.030 WHICH ALLOWS A VEHICLE LICENSEE, AS DEFINED IN KRS 190.030, TO OBTAIN A TEMPORARY SALE AND/OR DISPLAY OFF PREMISE LICENSE/PERMIT FROM THE COMMONWEALTH OF KENTUCKY PURSUANT TO KRS CHAPTER 190, AND ALL OTHER APPLICABLE LAW;

First reading was given the following Ordinance No. 13-19:

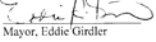

ORDINANCE NO. 13-19

AMENDMENT OF ORDINANCE 12-09, PER THE UPDATED 2012-2013 ABC KENTUCKY REVISED STATUTES ADOPTED BY THE KENTUCKY GENERAL ASSEMBLY, AND ALL ACCOMPANYING REVISED APPLICABLE LOCAL, STATE, AND FEDERAL LAW.

Mr. Wheeldon made a motion to go into executive session to discuss potential real property purchase/pending litigation for which publicity at present stage might or would likely affect the value, per KRS 61.810(1)(b)(c). Mr. T. Eastham seconded the motion. . Upon roll call the following Council Members voted “Aye”: Jim Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Eastham, Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. New, Mrs. Hunley, and Mr. Minton.

No action taken in executive session.

Mr. Bourne moved to approve the following Resolution No. 13-16 declaring property at 422 Monticello Street (Economy Inn) as property desirable for purchase in lieu of condemnatory action. Mr. New seconded the motion. Upon roll call the following Council Members voted “Aye”: Jim Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Eastham, Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. New, Mrs. Hunley, and Mr. Minton.

<p style="text-align: center;">RESOLUTION NO. 13-16</p> <p>A RESOLUTION DECLARING PROPERTY AS DESIRABLE FOR PURCHASE IN LIEU OF CONDEMNATORY ACTION; AND DECLARING SAID PROPERTY AS "SURPLUS PROPERTY" TO BE SOLD AND USED FOR ECONOMIC DEVELOPMENT PURPOSES IN THE CITY OF SOMERSET'S CORPORATE LIMITS.</p> <p>WHEREAS, the City of Somerset, Kentucky wishes to obtain through monetary purchase a parcel of land, commonly known as the "Economy Inn, Monticello Street, Somerset, KY", and the City has found that said parcel currently contains a hazardous and dilapidated commercial structure which the City believes must be immediately removed, cleared, and cleaned for the public's benefit, safety, and welfare; and</p> <p>WHEREAS, the City considers the parcel as a whole, or a part of, a blighted area which once cleared and cleaned will help to increase not only the safety and welfare of the public at large, but also will positively affect economic activity and development and provide an increase in the property values both on, and near, the subject parcel site and surrounding areas of the City of Somerset; and</p> <p>WHEREAS, the City has successfully negotiated with the current land owner of said dilapidated property and therefore has avoided the necessity of filing a Condemnation Proceeding in the Courts of the Commonwealth in order to obtain legal title to the dilapidated structure/parcel and to remove the dilapidated structure(s); and</p> <p>WHEREAS, the City has further learned that the parcel described above, once cleared of the hazardous and dilapidated structure, will be strongly considered by a third party as a potential location for an Assisted Living Residential Structure to be newly constructed on the parcel which will serve the City's large elderly and/or disabled population as well as those in the surrounding County(s);</p> <p>NOW THEREFORE, be it resolved and ordained by the Common Council of the City of Somerset that the above described parcel, identified and described in detail in "Exhibit A" attached hereto and incorporated in full herein by reference, is:</p> <p>I. Declared by the City to be a desirable purchase under the negotiated purchase terms for the safety and welfare of the public; and further, that the purchase of said parcel at the negotiated amount avoids the cost and time of filing a Condemnation Proceeding in the Courts of the Commonwealth in order to enter onto the property and remove the dilapidated structure(s); and</p> <p>II. That the City declares it to be in its best interests that said parcel, once cleared and cleaned, shall thereafter be considered <i>Surplus Property</i> for purposes of the Model Procurement Code and all other Procurement Policies and Procedures as set forth in the Kentucky Revised Statutes and all other applicable law; and thereafter said Surplus Property is herein approved for sale <i>with compensation</i> to a third party buyer for an</p>	<p>amount which shall be comparable to the amount expended on the purchase, and pursuant to the comments and discussion at the time of motion and vote of this Resolution, the City will clean-up said property prior to the sale at no cost to the buyer, <i>without</i> public auction or sealed bids, with the understanding that any buyer shall maintain the parcel at their own expense, make any improvements or construction to the parcel for the welfare and benefit of the public, and such will be done in a manner that will positively affect economic activity and development in the area thereby increasing the value of the surrounding properties; and</p> <p>III. Finally, that the City hereby declares that said sale and use of the above described Surplus Property is found to meet all express or implied requirements of "Economic Development" purposes set forth in the Procurement Laws of the Commonwealth, including but not limited to, as follows: said property is located in a blighted area of the City, the purchase and clean up, and thereafter improvement of which, shall aid in the beautification of said blighted area; the sale and use shall also help in the reimbursement to the City for the cost of removal of hazardous and dilapidated structures from the public's access and view without the cost of a court action; and the sale and use shall aid in increasing property values of parcels surrounding the Surplus Property by making them more valuable and ripe for both residential and commercial economic development and investment.</p> <p>IV. This Resolution and Declaration by the City Council, based on the findings in this Resolution and Declaration, shall hereby allow the City by and through the Mayor to sale said Surplus Property in a transaction <i>exempt</i> from public auction or sealed bids pursuant to the all applicable local, state, and federal law, and pursuant to the use and purposes as set forth herein.</p> <p>This Resolution/Declaration was hereby approved by a majority of the Common Council of the City of Somerset on this the <u>23rd</u> day of <u>Sept</u>, 20<u>13</u>.</p> <p style="text-align: right;"> Mayor, Eddie Girdler</p> <p>ATTEST:  City Clerk, David Goldsey Date: <u>10/14/13</u></p> <p style="text-align: center;">2</p>
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*exhibit "a" on file in the City Clerk's Office or online at www.cityofsomerset.com

Mr. Burnett moved to approve the request from Elaine Wilson to donate \$5,000. to Somerset Community College for Black History Month. Mr. T. Eastham seconded the motion. Upon roll call the following Council Members voted “Aye”: Jim Mitchell, Mr. Bourne, Mr. Burnett, Mr. T. Eastham, Mr. Rutherford, Mrs. Stringer, Mr. Wheeldon, Mr. J. Eastham, Mr. Girdler, Mr. New, Mrs. Hunley, and Mr. Minton.

There being no further business the meeting adjourned.

APPROVED: _____
MAYOR

ATTEST: _____
CITY CLERK