

MINUTES OF MEETING HELD NOVEMBER 9, 2009

The Common Council of the City of Somerset, Kentucky met in a regular session on Monday, November 9, 2009, at 7:00 p.m. with the following present: Mayor Eddie Girdler. Council Members: Jerry Burnett, Tim Rutherford, Jim Rutherford, Linda Stringer, Steve Kelley, Jerry Girdler, Mike New, Donna Hunley, John Minton, Jim Mitchell, and Pat Bourne. City Attorney Carrie Wiese and City Clerk David Godsey. Absent: Council Member Jerry Wheeldon.

Mr. T. Rutherford moved to approve the minutes of the regular meeting held on October 26, 2009, along with the reports as mailed. Mr. Burnett seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Burnett, Mr. T. Rutherford, Mr. J. Rutherford, Mrs. Stringer, Mr. Kelley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, and Mr. Bourne.

Special recognition was made to Scott Deboard and the Weeblos Boy Scout Troop 184 who was in attendance to earn merit badges.

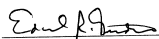
Special recognition was made to Meece Middle School Football Team for winning the State Championship. Somerset High School Football Team for going 11-0 this season. Somerset Christian School Soccer Team for winning the State Championship. Mr. J. Rutherford moved to have recognitions made part of the official minutes. Mr. Bourne seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Burnett, Mr. T. Rutherford, Mr. J. Rutherford, Mrs. Stringer, Mr. Kelley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, and Mr. Bourne.

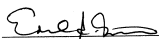
First reading was given the following Ordinance # 09-16:

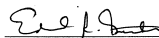
City of Somerset, KY. Annexation Ordinance No. 09-16
Description
A certain tract or parcel of land located on the south side of KY Hwy 1642 (169 Slate Branch Road) to include the lands of Allen Mayfield and a part of the existing road right-of-way of KY Highway 1642, said parcel of land beginning on a point adjacent to the City limits of Somerset, KY. Per Ordinance No. 09-12, and more particularly described as follows:

Mr. New moved to approve the following four (4) Resolutions for the upcoming Scattered Site Housing Project. Mr. Burnett seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Burnett, Mr. T. Rutherford, Mr. J. Rutherford, Mrs. Stringer, Mr. Kelley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, and Mr. Bourne.

<p>CITY OF SOMERSET, KENTUCKY</p> <p>RESOLUTION NO. _____</p> <p>OPTIONAL RELOCATION ASSISTANCE POLICY CITY OF SOMERSET SCATTERED SITE HOUSING PROJECT IV</p> <p>WHEREAS, The City of Somerset, Kentucky, herein referred to as the City, is requesting Community Development Block Grant Funds (CDBG) program funds for the purpose of providing temporary relocation payments and moving expenses for the City of Somerset Scattered Site Housing Project IV located in the City of Somerset, Kentucky, and</p> <p>WHEREAS, such activities are within the City's jurisdiction and are in compliance with the eligible activity requirements of the CDBG Program rules and regulations, and</p> <p>WHEREAS, any low income owner-occupant whose structure will be reconstructed with CDBG program funds, and</p> <p>WHEREAS, such residential structures are deteriorated beyond repair to the extent that the owner has to move awaiting the construction of the replacement structure on the existing site, and</p> <p>WHEREAS, under Section 5305(a)(11) of the Housing and Community Development Act of 1974, as amended (the Act), a grantee may use CDBG funds to provide relocation payments and other relocation assistance to persons displaced by activities that are not subject to the Uniform Relocation Assistance and Real Property Acquisition policies Act of 1974, as amended, (URA or Uniform Act) or in excess of URA requirements, and</p> <p>WHEREAS, the Agency deems it in the best interest of these owner occupants to develop a written Optional Relocation Assistance Policy (Policy) to provide the same level of moving and replacement housing assistance to each household being assisted, and</p> <p>WHEREAS, because this assistance is not required by State or local law, this written Policy will make available to the public a description of the relocation assistance that the City has elected to make available, and</p> <p>WHEREAS, the City does make assurance that it will provide this assistance in an equal and fair manner for those who qualify, and</p>	<p>WHEREAS, the City defines and sets forth the eligibility requirements that will be considered for providing this assistance in the Policy as follows:</p> <p>TEMPORARY RELOCATION ASSISTANCE</p> <p>Whenever possible, those residents being relocated or whose homes are being rehabilitated will be encouraged to remain in their existing structure while rehabilitation or new construction work is being done. If the Agency staff makes a determination that the occupant cannot remain in the structure, the Agency will pay the actual cost of moving and establishing another residence for a period to be determined by the Agency in accordance with this temporary relocation policy. This temporary relocation policy is voluntary on the part of the Agency and may not cover all temporary relocation costs.</p> <p>ELIGIBILITY</p> <p>Temporary relocation assistance is available only upon notification by the Agency that it is necessary for an occupant to move during new construction or rehabilitation activities. Temporary relocation costs must be reasonable and approved prior to the occupant entering into a lease or rental agreement. Expenditures without prior approval of the project manager may be incurred at the risk of the occupant. Temporary relocations must be approved by the project manager. Families that move of their own accord without prior approval for a temporary relocation will not be eligible for reimbursement of costs.</p> <p>MOVING EXPENSE PAYMENT</p> <p>An occupant who must relocate temporarily while their house is being rehabilitated or reconstructed who is not eligible for moving expenses under the Uniform Act will receive a lump sum payment of \$1000. One half of the lump sum payment will be made when the occupant moves out of the house and the remaining one half will be paid when they move back into their reconstructed home. If an occupant stays in temporary housing on their own property while their house is reconstructed, only \$500 will be paid for one move.</p> <p>RENTAL PAYMENTS</p> <p>Occupants will be encouraged to stay with friends or relatives especially when the temporary relocation is for a short period of time (30 days or less). Relatives and friends may charge the relocated family rent for providing shelter according to the schedule below. Such agreements must be in writing and approved by the project manager.</p> <p>1 or 2 persons staying with friends or relatives - \$200 3 or 4 persons staying with friends or relatives - \$250 More than 4 persons staying with friends or relatives - \$300</p> <p>For longer relocations, the temporarily relocated family will first be given the option of renting any available housing the City may have acquired that would be suitable for temporary housing. Next, the City will work with the local public housing authority to provide temporary housing. If these sources are not available the family can rent other available rental properties. All rental</p>
--	---

<p>agreements must be in writing.</p> <p>Rents must be reasonable for the area and generally should not exceed the HUD fair market rent for the locality. For owner-occupants, the City will pay the monthly rent. The occupants will be responsible for all utilities at the temporary site. The utilities included in the rent shall be considered when determining if the occupant shall pay a portion of the rent.</p> <p>The maximum temporary relocation payment per household for each month of temporary relocation:</p> <p>One Bedroom Unit - \$350</p> <p>Two Bedroom Unit - \$450</p> <p>Three Bedroom Unit - \$550</p> <p>Four Bedroom Unit - \$600</p> <p>Five Bedroom Unit - \$650</p> <p>For a rental unit, the number of bedrooms is based on the number of bedrooms of the unit the household is moving out of unless additional bedrooms are needed due to overcrowding.</p> <p><b>DEPOSITS</b></p> <p>The occupant shall be responsible for any deposits or lock purchases. The Agency shall not pay any refundable deposits. It is the occupants responsibility to meet all lease or rental requirements to obtain refunds of deposits including notifying the owner or rental agent of when the will be moving out of the unit.</p> <p><b>STORAGE</b></p> <p>If new construction or rehabilitation work cannot be completed with the occupant's household goods in place, the Agency may provide insured storage space. Temporary storage costs must be reasonable and approved by the Agency prior to the occupant entering into a rental agreement for temporary storage. Expenditures without prior approval of the Agency shall be the responsibility of the occupant.</p> <p><b>LENGTH OF TEMPORARY RELOCATION</b></p> <p>For reconstructed houses, the length of the approved temporary relocation shall generally be six months. For rehabilitated houses, the length will be based on the expected time to complete the work. This will allow time for the occupant to move out, a four month construction period and time for the occupant to move into the new house. Temporary relocations beyond six months must be approved by the project manager. Once a certificate of occupancy is issued for the house and the project manager has notified the family that they can now occupy the house, the family will be given a reasonable amount of time to move into the reconstructed /rehabilitated house. This will generally be 14 to 30 days depending on coordination with the rental agreement. It is the occupant's responsibility to move within the allotted time, clean the vacated temporary residence or storage building and return the key to the owner. The owner must provide proof that they have obtained their homeowners insurance prior to occupying the new house.</p>	<p>Participants must understand that if the house is completed in the winter or during other periods of wet or adverse weather, the yard work may not be completed at the same time as the house. The Agency will not be responsible for rental payments once the house itself is complete. If the occupants fail to vacate the temporary rental property in the time allotted, they shall be responsible for any additional rental payments or loss of deposits. If the temporary relocation is extended due to the failure of the contractor to complete the work on time, the Agency shall deduct the cost of any required additional rent or storage payments from the contract amount as liquidated damages.</p> <p>APPROVED THIS _____ DAY OF _____, 2009, BY THE SOMERSET CITY COUNCIL, PULASKI COUNTY, KENTUCKY.</p> <p> Edward R. Girdler, Mayor</p> <p>ATTEST:</p> <p>_____</p>
--	--

<p><b>RESOLUTION NO. _____</b></p> <p><b>RESOLUTION AUTHORIZING THE FILING OF A SCATTERED SITE HOUSING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION</b></p> <p><b>NOW, THEREFORE, BE IT RESOLVED THAT:</b></p> <p>WHEREAS, it is necessary and in the public interest that the Somerset City Council avail itself of the financial assistance provided by Title I of the Housing and Community Development Act of 1974, as amended, and</p> <p>WHEREAS, it is recognized that the Federal/State contract for such financial assistance pursuant to said Title I will impose certain obligations and responsibilities upon the City of Somerset and will require among other things:</p> <ol style="list-style-type: none"><li>1. approval of a satisfactory application transmitted to the Kentucky Department for Local Government;</li><li>2. certification by the City of Somerset and the Mayor, or their designate, relating to activities such as civil rights, citizen participation, conflict of interest, relocation payments, acquisition of properties, national environmental policies and accounting practices; and</li><li>3. other local obligations and responsibilities in connection with the undertaking and carrying out of the Kentucky Community Development Block Grant, and</li><li>4. commitment of \$50,000 in cash toward project activities.</li></ol> <p>WHEREAS, in those areas where acquisition and clearance are proposed, the objectives of the program cannot be achieved through more extensive rehabilitation:</p> <p><b>NOW, THEREFORE, BE IT RESOLVED THAT:</b></p> <ol style="list-style-type: none"><li>1. That the Mayor of Somerset is authorized and directed to prepare such certifications as required to assure full compliance with all related laws and regulations;</li><li>2. That an application for a Kentucky Community Development Block Grant on the behalf of the City of Somerset for such Title I funds is hereby approved and that the Mayor of Somerset is hereby authorized to execute and file such application with the Department of Local Government and to provide such additional information and to furnish such documentation as may be required of the City of Somerset relating to the Kentucky Community Development Block Grant Program.</li><li>3. The City of Somerset is committed to providing \$50,000 in cash toward the proposed Scattered Site Housing Project.</li></ol>	<p>APPROVED THIS _____ DAY OF NOVEMBER 2009, BY THE SOMERSET CITY COUNCIL, PULASKI COUNTY, KENTUCKY.</p> <p> Edward R. Girdler, Mayor</p> <p>ATTEST:</p> <p>_____</p> <p>City Clerk</p>
---	--

<p><b>CITY OF SOMERSET, KENTUCKY</b></p> <p><b>RESOLUTION NO. _____</b></p> <p><b>CITY OF SOMERSET SCATTERED SITE HOUSING PROJECT IV</b></p> <p><b>CONFLICT OF INTEREST</b></p> <p>WHEREAS, The City of Somerset, Kentucky, herein referred to as the City, is requesting Community Development Block Grant Funds (CDBG) program funds for the purpose of providing financial assistance for low to moderate income homeowners to reconstruct or rehabilitate their homes as part of the City of Somerset Scattered Site Housing Project IV located in the City of Somerset, Kentucky, and</p> <p>WHEREAS, Federal, state and local conflict of interest regulations must be adhered to in order to ensure that public officers and employees are not gaining a financial and/or any other benefit in the procurement of goods and services, as well as in determining direct beneficiaries related to said project, and</p> <p>WHEREAS, except for the use of CDBG funds to pay salaries and other related administrative or personnel costs, the general rule is that no persons covered (defined below) who exercise or have exercised any functions or responsibilities with respect to CDBG activities or who are in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a CDBG-assisted activity, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds there under, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter, and,</p> <p>WHEREAS, the conflict of interest provisions apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the State, the unit of local government, or of any designated public agencies or sub-recipients that are receiving CDBG funds, and</p> <p>WHEREAS, exceptions to the conflict of interest may only be allowed when upon the written request of the recipient, the Department for Local Government reviews the provisions of this section on a case-by-case basis and determines that such an exception will serve to further the purposes of Title I and the effective and efficient administration of the program or project.</p> <p>The procedures for requesting, documenting, and submitting a request for an exception from the Conflict of Interest provisions shall include the applicable procedures delineated in 24 CFR 570.489(b)(4); KRS 99.39-50(8); KRS 61.252(1); KRS 65.003 and the local community ethics code. An exception may be considered only after the local government has provided the following:</p> <ul style="list-style-type: none"><li>- A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and</li></ul>	<p>- A certification the affected person has withdrawn from his or her functions or responsibilities, or the decision-making process with respect to the specific assisted activity in question;</p> <p>- An opinion of the local government's attorney that the interest for which the exception is sought would not violate State or local law, and</p> <p>WHEREAS, all city council members, the Mayor and city employees with responsibilities related to said project have been provided with a current list of the names and addresses of potential participants in the proposed project and advised to disclose any known potential conflict of interest to the city attorney and the project administrator, and</p> <p>NOW THEREFORE, BE IT RESOLVED THAT:</p> <p>Based on the foregoing, the Somerset City Council hereby certifies that it is aware of and will comply with the conflict of interest regulations related to the use of Federal CDBG funds in regards to the proposed Somerset Scattered Site Housing Project IV.</p> <p>APPROVED THIS _____ DAY OF _____, 2009, BY THE SOMERSET CITY COUNCIL, PULASKI COUNTY, KENTUCKY.</p> <p> Edward R. Girdler, Mayor</p> <p>ATTEST:</p> <p>_____</p> <p>I have reviewed the above requirements in regards to Conflict of Interest and will notify the project administrator of any potential conflicts of interest known to me.</p> <p>_____</p> <p>City Attorney</p>
---	--

CITY OF SOMERSET, KENTUCKY

RESOLUTION NO. \_\_\_\_\_

CITY OF SOMERSET SCATTERED SITE HOUSING PROJECT IV  
APPROVAL OF PROGRAM GUIDELINES

WHEREAS, The City of Somerset, Kentucky, herein referred to as the City, is requesting Community Development Block Grant Funds (CDBG) program funds for the purpose of providing financial assistance for low to moderate income homeowners to reconstruct or rehabilitate their homes as part of the City of Somerset Scattered Site Housing Project IV located in the City of Somerset, Kentucky, and

WHEREAS, such activities are within the City's jurisdiction and are in compliance with the eligible activity requirements of the CDBG Program rules and regulations, and

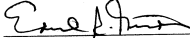
WHEREAS, the City does make assurance that it will provide this assistance in an equal and fair manner for those who qualify, and

WHEREAS, the City defines and sets forth the eligibility requirements that will be considered for providing this assistance in the Program Guidelines;

WHEREAS, after due public notice, a public hearing was held by the City of Somerset on October 13, 2009 at 6:30 P.M. at the Somerset City Hall to solicit public comment on the proposed Program Guidelines and the proposed housing project;

NOW THEREFORE, BE IT RESOLVED THAT:  
Based on the foregoing, the Somerset City Council hereby adopts and approves the Somerset Scattered Site Housing Project IV Program Guidelines dated October, 2009.

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009, BY THE SOMERSET CITY COUNCIL, PULASKI COUNTY, KENTUCKY.



Edward R. Girdler, Mayor

ATTEST:  
\_\_\_\_\_


Mr. Bourne moved to refund the following amounts paid on 2009 City taxes: Educational Media Foundation in the amount of \$2.96 for department of revenue declaring them exempt. Mrs. Stringer seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Burnett, Mr. T. Rutherford, Mr. J. Rutherford, Mrs. Stringer, Mr. Kelley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, and Mr. Bourne.

Eddie R. Girdler  
Mayor

David Godsey  
City Clerk

City of Somerset

400 East Mt. Vernon Street  
P.O. Box 969  
SOMERSET, KENTUCKY 42502  
(606)679-8366  
(606)679-2481 (FAX)



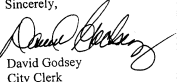
October 23, 2009

Somerset City Council  
City Hall  
400 E. Mt. Vernon Street  
Somerset, Kentucky 42501

Dear Councilors:

I am writing on behalf of Educational Media Foundation 5700 West Oaks Blvd, Rocklin, CA 95765 who is requesting a refund on their previously paid 2009 City taxes. Mr. T.W. Todd, Property Valuation Administrator, has issued a credit slip for the Dept of Revenue declaring them exempt. The amount of refund due is \$2.96 Thank you.

Sincerely,  



David Godsey  
City Clerk

To DAVID GODSEY, School Tax Collector

Credit Educational Media Found. D.A.A.K. Long

Address 5700 West Oaks Blvd, Rocklin, Ca 95765

\$ \_\_\_\_\_ Real Estate, 1955 Personal

VALUATION

who has been assessed for Somerset City School Taxes for the year 2009

The reasons for this credit are Dept of Revenue

declared them exempt - see 170

Date 10-22-09 By TW Todd FYA

Equal Opportunity Employer MFD (606)679-5176 (TDD)

Mr. J. Rutherford moved to go into executive session to discuss pending litigation. Mr. Kelley seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Burnett, Mr. T. Rutherford, Mr. J. Rutherford, Mrs. Stringer, Mr. Kelley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, and Mr. Bourne.

No action taken in executive session.

Mrs. Stringer moved to approve the following Municipal Order Authorizing the filing of a civil action against the Commonwealth of KY seeking declaratory relief from enforcement by the KY Labor Cabinet. Mr. Girdler seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Burnett, Mr. T. Rutherford, Mr. J. Rutherford, Mrs. Stringer, Mr. Kelley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Mitchell, and Mr. Bourne.

CITY OF SOMERSET  
MUNICIPAL ORDER TO FILE CIVIL ACTION

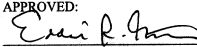
A MUNICIPAL ORDER AUTHORIZING THE FILING OF A CIVIL ACTION  
AGAINST THE COMMONWEALTH OF KENTUCKY SEEKING DECLARATORY  
RELIEF FROM ENFORCEMENT BY THE KENTUCKY LABOR CABINET


Whereas, the Kentucky Labor Cabinet has threatened enforcement against the City of Somerset regarding various pay calculations and wage payment of the City; and

Whereas, said pay calculations of the City were taken in accordance with then Kentucky Law and in accordance with a contract with the Commonwealth of Kentucky;

Now therefore, be it resolved by the Council of the City of Somerset, Kentucky that the City's legal counsel be directed to take all appropriate steps, including potential legal action, to defend against the enforcement proceedings of the Kentucky Labor Cabinet.

The foregoing Order was read for the first and only time at the City Council's meeting of November 9, 2009 and approved by a majority of the Somerset City Council.

APPROVED:  
  
By: Eddie Girdler, Mayor, City of Somerset

ATTESTED BY:  
  
By: David Godsey, City Clerk

There being no further business the meeting adjourned.

APPROVED \_\_\_\_\_  
MAYOR

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