

MINUTES OF MEETING HELD JUNE 26, 2023

The Common Council of the City of Somerset, Kentucky met in a regular meeting on Monday June 26, 2023, at 6:00 p.m. with the following present: Council Members; David Burdine, Brian Dalton, Jerry Wheeldon, Jimmy Eastham, Robin Daughetee, Patrick Hunley, John Minton, Jim Mitchell, David Godsey, Amanda Bullock, Mayor Alan Keck, City Attorney John Adams, and City Clerk Nick Bradley. Absent: Tom Eastham and Jerry Girdler.

Mr. Dalton moved to approve the minutes of the regular meeting held on June 12, 2023, along with reports as mailed. Mr. Godsey seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Daughetee, Mr. Hunley, Mr. Minton, Mr. Mitchell, Mr. Godsey, and Ms. Bullock.

First reading was given the following Ordinance Number 23-09: **AUTHORIZING THE FORMAL CLOSING, DECLARING SURPLUS, AND DISPOSAL TO THE SURROUNDING PROPERTY OWNER THE PART OF THE UNDEVELOPED CITY STREET CALLED "TARTER AVENUE" IN THE AREA OF WEST HIGHWAY 80, MARION DRIVE, AND THURMAN ROAD.**

ORDINANCE 23-09

AN ORDINANCE AUTHORIZING THE FORMAL CLOSING, DECLARING SURPLUS, AND DISPOSAL TO THE SURROUNDING PROPERTY OWNER THE PART OF THE UNDEVELOPED CITY STREET CALLED "TARTER AVENUE" IN THE AREA OF WEST HIGHWAY 80, MARION DRIVE, AND THURMAN ROAD.

WHEREAS, the following described street bed has been dedicated as a public street by reference to same in Plat Cabinet A, Slide 29 and possibly other records filed and of record in the Pulaski County Court Clerk's Office, but having never been developed and constituting a real estate encumbrance,

WHEREAS, the City of Somerset desires to acknowledge the dedication of said street so that same may be legally closed, declared surplus, and disposal by conveyance to the surrounding property owner as herein provided; and,

WHEREAS, all property owners who abut the public street, alley or way have consented in writing to the proposed closing of the street; and,

NOW, THEREFORE, BE IT ORDAINED, by the City of Somerset, Kentucky, the following findings of fact are made with reference thereto:

1. The street to be closed is and described as follows: The undeveloped "Tarter Avenue" (See Exhibit A) if dedicated property to the City of Somerset is deemed and found to be surplus;
2. Written notice of the proposed closing was given by the property owner in or abutting the public street (See Exhibit B); and,
3. The property owners abutting the public street, being closed has given their written consent to the closing and a copy of the written consent is attached hereto (See Exhibit B); and,

ORD. 23 09

Accordingly, based upon the findings of fact herein, it is hereby **ORDERED** and **ORDAINED** the public street, alley or way described is hereby **CLOSED, FOUND TO BE SURPLUS PROPERTY WITH NO USE TO THE CITY OF SOMERSET, AND MAY BE DISPOSED OF BY CONVEYANCE TO THE SURROUNDING PROPERTY OWNER. A copy of this Ordinance shall be filed of record in the Pulaski County Clerk's Office as required by KRS 82.405(2).**

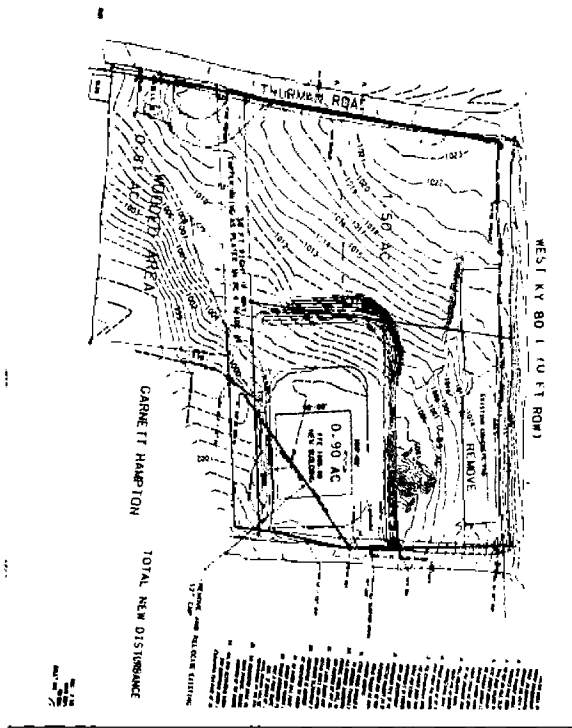
The foregoing Ordinance was read and presented to a regular meeting of the City Council of Somerset, Kentucky for the first reading on the 26th day of June 2023.

_____ Councilperson _____ seconded by
Councilperson _____, that the Ordinance be adopted as the law of the City of Somerset, Kentucky, to be effective immediately upon publication thereof as required by law.

RESOLUTION: _____ 2023
SECOND READING: _____ 2023

APPROVED: _____
ALAN C. KECK, MAYOR
CITY OF SOMERSET, KY

ATTEST: _____
NICK BRADLEY, CITY CLERK



Mr. J. Eastham made a motion to approve the following Ordinance Number 23-06: ADOPTING THE CITY OF SOMERSET, KENTUCKY ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2023 AND ENDING JUNE 30, 2024 ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS OF THE CITY OF SOMERSET, KENTUCKY; ALL OF WHICH SHALL BE IN EFFECT AFTER ADOPTION OF THIS ORDINANCE AND PUBLICATION ACCORDING TO LAW. Ms. Bullock seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Daughetee, Mr. Hunley, Mr. Godsey, and Ms. Bullock. "No" Mr. Minton and Mr. Mitchell. Motion passed.

ORDINANCE NUMBER 23-06

AN ORDINANCE ADOPTING THE CITY OF SOMERSET, KENTUCKY ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2023 AND ENDING JUNE 30, 2024 ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS OF THE CITY OF SOMERSET, KENTUCKY, ALL WHICH SHALL BE IN EFFECT AFTER ADOPTION OF THIS ORDINANCE AND PUBLICATION ACCORDING TO LAW.

WHEREAS, AN ANNUAL BUDGET PROPOSAL AND MESSAGE HAVE BEEN PREPARED AND DELIVERED TO THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY, AND

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

SECTION 1. THAT THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2023 AND ENDING JUNE 30, 2024 IS HEREBY ADOPTED AS FOLLOWS:

	REVENUE:	EXPENDITURES
GENERAL FUND	\$28,560,030.00	\$28,560,030.00
SANITATION SERVICE	\$6,893,350.00	\$6,893,350.00
GAS SERVICE	\$13,033,950.00	\$13,033,950.00
WATER SERVICE	\$25,112,425.00	\$25,112,425.00
WASTEWATER	\$12,813,800.00	\$12,813,800.00
WATER PARK	\$2,562,000.00	\$2,562,000.00
FUEL CENTER	\$1,339,700.00	\$1,339,700.00
TRAVEL AND TOURISM	\$483,900.00	\$483,900.00
FMS	\$9,481,500.00	\$9,481,500.00
THE VIRGINIA	\$1,208,100.00	\$1,208,100.00
MUNICIPAL AID (MAP)	\$251,150.00	\$251,150.00
TOTAL ALL FUNDS	\$101,739,905.00	\$101,739,905.00

SECTION 2. THE CITY OF SOMERSET HEREBY REVIEWS AS REQUIRED BY LAW AND AMENDS THE CITY'S PAY AND CLASSIFICATION PLAN AS SET FORTH IN EXHIBIT "A", ATTACHED HERETO AND INCORPORATED IN FULL HEREBY BY REFERENCE, BEGINNING ON THE EFFECTIVE DATE OF THIS ORDINANCE, WHICH SHALL REMAIN IN EFFECT UNTIL THE SECTION AS IT IS AMENDED OR REPEALED BY PROPER ACTION OF THE COUNCIL.

SECTION 3. EXHIBIT "B" SET FORTH RATES AND SERVICE FEES FOR UTILITY AND SERVICES SET BY THE CITY. THE RATES AND SERVICE FEES SET FORTH IN THE EXHIBIT INCLUDE THE REQUIRED RATE ADJUSTATIONS FOUND IN ORDINANCE 21-18.


SECTION 4. IF ANY PART OF THIS ORDINANCE, INCLUDING BUT NOT LIMITED TO REVIEWS, AMENDMENTS, AND APPROVALS, IS DEEMED BY A COURT OF COMPETENT JURISDICTION TO BE UNENFORCEABLE OR UNCONSTITUTIONAL, THE REMAINING PROVISIONS OF THIS ORDINANCE SHALL CONTINUE IN FULL FORCE AND EFFECT.

SECTION 5. ANY ORDINANCE IN CONFLICT WITH THIS ORDINANCE OR ANY PROVISIONS IN CONFLICT WITH THE PROVISIONS ENACTED HEREIN, ARE HEREBY REPEALED IN SO FAR AS THE SAME ARE IN CONFLICT HERewith.

SECTION 6. THIS ORDINANCE SHALL TAKE EFFECT AFTER ITS APPROVAL AND PUBLICATION ACCORDING TO LAW.

FIRST READING: JUNE 17, 2023

SECOND READING: JUNE 26, 2023

APPROVED:  ALAN KRICK, MAYOR
CITY OF SOMERSET, KENTUCKY


ATTEST:  NICK TRAHAN, CITY CLERK

EXHIBIT A

PAY AND CLASSIFICATION PLAN 2023-2024
CITY OF SOMERSET
EFFECTIVE JULY 2023

TITLE/CLASSIFICATION	NO	MINIMUM	MAXIMUM
EXECUTIVE			
CITY CLERK	1	50000	84500
ASST CITY CLERK	2	28000	47000
EXEC ASSISTANT/CHIEF OF STAFF	1	45000	79500
MAYOR'S OFFICE SECRETARY	1	27500	50000
CLERK/LEGAL/FILET	1	25000	45000
CLERK/COMMUNICATIONS	1	30000	60000
CLERK/FRONT DESK	1	25000	45000
CHIEF FINANCIAL OFFICER	1	65000	99500
ACCOUNTING SUPERVISOR	1	37500	70000
ACCOUNTING CLERKS	3	27000	55000
PURCHASING AGENT	1	37500	75000
PAYROLL CLERKS	2	27000	52000
BILLING SUPERVISOR	1	30000	59000
CLERKS/COLLECTIONS	4	25000	45000
CLERKS/CUSTOMER SERVICE	2	25000	45000
CITY ATTORNEY	1	65000	98500
CITY ENGINEER	1	60000	90000
HR DIRECTOR	1	45000	70000
HR/HOUSING/CD	1	43000	67000
CITY PLANNER	1	38000	60000
ASSISTANT	1	25000	45000
BUILDING INSPECTOR	1	40000	70000
CODE ENFORCEMENT/SAFETY	1	40000	64500
INFORMATION TECHNOLOGY	2	45000	77000
COMMUNITY DEVELOPMENT	1	30000	58500
TOURISM	1	35000	65000
ABC ADMINISTRATOR	1	40000	65000
ABC ASSISTANT	1	30000	48500

THE VIRGINIA			
EVENT/VEHICLE DIRECTOR	1	35000	55000
TECH DIRECTOR	2	35000	55000
FACILITY OPERATIONS	1	27500	50000
ASSISTANT	1	27500	50000
STREET DEPARTMENT			
STREET DEPT. MANAGER	1	40000	67500
STREET DEPT. CLERK	1	20000	40000
STREET DEPT. FOREMAN	1	28000	50000
TRUCK/EQUIPMENT DRIVER	3	24000	52000
MECHANICS	2	31800	55000
SERVICE WORKERS	7	25000	55000
SANITATION			
SANITATION MANAGER	1	40000	67500
SANITATION FOREMAN	1	35000	55000
SANITATION CLERK	2	25000	47000
TRUCK/EQUIPMENT DRIVER	9	27000	52000
TRUCK DRIVER/MECHANIC	1	32000	55000
SERVICE WORKERS	9	24000	48000
WATER/SEWER DEPARTMENT			
WATER/SEWER MANAGER	1	45000	73000
PLANT SUPERVISOR - WATER	1	40000	70000
PLANT SUPERVISOR - SEWER	2	40000	70000
DISTRIBUTION SUPERVISOR	1	40000	70000
FOREMEN	4	30000	62500
CROSS CONNECTION SPECIALIST	1	29000	52500
EQUIPMENT OPERATORS	3	27000	57500
METER READING/GENERAL	3	25000	45000
PRETREATMENT CLERK	1	22500	50000
OPERATIONS CLERK	2	22500	50000
LIFT STATION TECHNICIANS	2	25000	54000
FACILITY OPERATIONS	1	27500	50000
TECHNICIANS	21	23000	52000
GENERAL LABOR	3	23000	42000
SPECIAL OPERATIONS	2	27500	50000
NATURAL GAS DEPARTMENT			
DIRECTOR	1	55000	87500
ENGINEER	1	55000	80000

SYSTEMS MANAGER	1	45000	70000
FOREMEN	4	45000	70000
OPERATORS/SPECIALIST	6	28000	60000
SERVICE TECHNICIANS	4	27500	50000
COMPOSITION TECHNICIANS	2	30000	50000
METER READERS/GENERAL	3	25000	40000
CLERK/ACCOUNTING	1	25000	49500

PARKS AND RECREATION

DIRECTOR	1	45000	64000
ASST DIRECTOR	1	40000	53500
MAINTENANCE SUPERVISOR	1	30000	53500
PROGRAM SPECIALIST	4	27000	47500
PROGRAMS/HEALTHY SOMERSET	1	27000	47500
MAINTENANCE	3	22500	45000
GENERAL	3	22500	40000
CEMETERY MANAGER	1	28500	47000

WATER PARS

MANAGER	1	45000	67500
OPERATIONS SPECIALIST	1	25000	43000
MAINTENANCE	2	22000	45000

FIRE CENTERS

MANAGER	1	23000	39500
CLERK	1	18200	28000

FIRE DEPARTMENT

FIRE CHIEF	1	45000	70000
BATTALION CHIEF/MAJOR	4	40000	65000
TRAINING OFFICER/Fire Marshal	1	40000	60000
CAPTAIN	3	40000	58500
LIEUTENANT	7	31500	57000
FIREFIGHTERS	18	26000	48000

POLICE DEPARTMENT

POLICE CHIEF	1	55000	91500
MAJOR	3	50000	85000
CAPTAINS	4	45000	80000
LEUTENANTS	4	42500	77500

SERGEANTS	4	39500	73500
DETECTIVES	4	37400	65000
POLICE OFFICERS/SRO'S/NARCOTICS	12	37400	65000
RECRUITS	3	37400	40000
PROPERTY OFFICER	1	28000	50000
CLERK/DATA ENTRY	3	20800	53500
SAFETY OFFICER	1	35500	37500

EMS DEPARTMENT

EMS CHIEF	1	45000	72000
MAJOR	3	44000	68000
CAPTAIN	4	41000	66500
LIEUTENANT	4	35000	64000
PARAMEDICS**	26	33800	63500
EMT**	13	27500	55000
TRAINING DIRECTOR	1	26000	62500
OFFICE/CLERICAL	2	20800	55000

**PARAMEDICS AND EMT POSITION INTERCHANGEABLE BY MGT

**Exhibit B - Service Rates
Supporting the 2023-2024
City of Somerset Budget Ordinance**

Natural Gas

CITY RESIDENTIAL CUSTOMERS

FACILITIES CHARGE	\$6.43 (*LESS THAN ONE UNIT)
ALL VOLUMES	\$7.08/DTH

CITY COMMERCIAL CUSTOMERS

FACILITIES CHARGE	\$7.98
ALL VOLUMES	\$7.98/DTH

CITY INDUSTRIAL CUSTOMERS

FACILITIES CHARGE	\$8.93
ALL VOLUMES	\$8.93/DTH

COUNTY RESIDENTIAL CUSTOMERS including FRINGELAND

FACILITIES CHARGE	\$12.54
ALL VOLUMES	\$12.54/DTH

COUNTY COMMERCIAL/HEAVY INDUSTRIAL CUSTOMERS including FRINGELAND

FACILITIES CHARGE	\$12.54
ALL VOLUMES	\$12.54/DTH

ADULTS ONLY SERVICE

FACILITIES CHARGE	\$7.08
ALL VOLUMES	\$7.08/DTH

HEAVY INDUSTRIAL - NEGOTIATED RATES AND CONTRACTS

Emergency Market Surcharge: Should spot gas purchase or immediate delivery gas prices as measured by the New York Mercantile Exchange's Henry Hub Price Chart or Index go over the trigger price of \$5.00 (Dollars per Million BTU); Somerset Gas may charge to its customers the short-term additional cost of gas incurred in the purchased of immediate delivery or spot gas while that gas is above the trigger price.

**Exhibit B - Service Rates
Supporting the 2023-2024
City of Somerset Budget Ordinance**

SANITATION RATES

Small Business (Non-Dumpster)
 1 Cub Per Week- 1 1/3 Yards (\$25)
 2 Cans Per Week- 2 2/3 Yards (\$35)
 3 Cans Per Week- 4 Yards (\$45) Same as a Hyd Dumpster (Broken Down by Cubic Yard Price Per Square Yd)

4yd, 6yd, and Hyd Dumpsters 4 Yard \$45 Each Dump*
 6 Yard \$55 Each Dump #
 Yard \$65 Each dump
 (min. 1 dump charge per month)

Roll-Off Dumpsters*
 10yd \$300 Over 4 Tons Plus 45 Extra Per Ton Over
 20yd \$450 Over 8 Tons Plus 45 Extra Per Ton Over
 30yd \$600 Over 10 Tons Plus 45 Extra Per Ton Over
 40yd \$750 Over 12 Tons Plus 45 Extra Per Ton Over
 (min. 1 dump charge per month)

Compactors (Non-Contracted Locations) *
 \$700 Each Dump

Residential Customers
 \$15.56 Per Month for 2023-24 with the following inflation "catch-up rates" for 2024-2025 - \$18.56 Per Month and 2025-2026 - \$21.56 Per Month

*Large Volume Users may contract for other rates based upon volume or other considerations.

**Exhibit B – Service Rates
Supporting the 2023-2024
City of Somerset Budget Ordinance**

WASTEWATER RATES		
CITY RESIDENTIAL		
VOLUME: 11 & OVER	MINIMUM \$10.48	RATE: \$ 0.18
CITY COMMERCIAL		
VOLUME: 11 & OVER	MINIMUM \$13.60	RATE: \$ 0.54
CITY INDUSTRIAL		
VOLUME: 11 & OVER	MINIMUM \$41.12	RATE: \$ 0.62
UNIVERSITY RESIDENCE-1154		
VOLUME: 11 & OVER	MINIMUM \$18.61	RATE: \$ 0.82
COUNTY COMMERCIAL		
VOLUME: 11 & OVER	MINIMUM \$27.86	RATE: \$ 0.96
COUNTY INDUSTRIAL		
VOLUME: 11 & OVER	MINIMUM \$47.75	RATE: \$ 0.84
GOVERNMENT/NON-PROFIT/EDUCATION		
VOLUME: 11 & OVER	MINIMUM \$13.60	RATE: \$ 0.54
FERGUSON		
VOLUME: 11 & OVER	MINIMUM \$17.24	RATE: \$ 0.66

**Exhibit B – Service Rates
Supporting the 2023-2024
City of Somerset Budget Ordinance**

WATER RATES	
CITY RESIDENTIAL & COMMERCIAL CUSTOMERS	
FIRST 1000 GALLONS USED PER MONTH	\$9.38
1001 AND ABOVE GALLONS USED PER MONTH	\$.35
CITY INDUSTRIAL CUSTOMERS	
FIRST 1000 GALLONS USED PER MONTH	\$9.38
1001 AND ABOVE GALLONS USED PER MONTH	\$.35
CITY GOVERNMENT/NON-PROFIT/EDUCATION CUSTOMERS	
FIRST 1000 GALLONS USED PER MONTH	\$9.38
1001 AND ABOVE GALLONS USED PER MONTH	\$.35
COUNTY RESIDENTIAL & COMMERCIAL CUSTOMERS	
FIRST 1000 GALLONS USED PER MONTH	\$16.28
1001 AND ABOVE GALLONS USED PER MONTH	\$.62
COUNTY INDUSTRIAL CUSTOMERS	
FIRST 1000 GALLONS USED PER MONTH	\$16.28
1001 AND ABOVE GALLONS USED PER MONTH	\$.62
COUNTY GOVERNMENT/NON-PROFIT/EDUCATION CUSTOMERS	
FIRST 1000 GALLONS USED PER MONTH	\$16.28
1001 AND ABOVE GALLONS USED PER MONTH	\$.62
FERGUSON RESIDENTIAL & COMMERCIAL CUSTOMERS	
FIRST 1000 GALLONS USED PER MONTH	\$12.80
1001 AND ABOVE GALLONS USED PER MONTH	\$.51
FERGUSON INDUSTRIAL CUSTOMERS	
FIRST 1000 GALLONS USED PER MONTH	\$12.80
1001 AND ABOVE GALLONS USED PER MONTH	\$.51
FERGUSON GOVERNMENT/NON-PROFIT/EDUCATION CUSTOMERS	
FIRST 1000 GALLONS USED PER MONTH	\$12.80
1001 AND ABOVE GALLONS USED PER MONTH	\$.5

Mr. Godsey made a motion to approve the following Ordinance Number 23-07: AMENDING THE CITY OF SOMERSET, KENTUCKY ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2022, AND ENDING JUNE 30, 2023 ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS OF THE CITY OF SOMERSET, KENTUCKY. Mr. Daughetee seconded the motion. Upon roll call the following Council Members voted “Aye”: Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Daughetee, Mr. Hunley, Mr. Godsey, and Ms. Bullock. “No” Mr. Minton and Mr. Mitchell. Motion passed.

ORDINANCE NUMBER 23-07

AN ORDINANCE AMENDING THE CITY OF SOMERSET, KENTUCKY ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2022 AND ENDING JUNE 30, 2023 ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS OF THE CITY OF SOMERSET, KENTUCKY.

WHEREAS, AN ANNUAL BUDGET HAS BEEN ADOPTED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY, AND

WHEREAS, THE COMMON COUNCIL HAS RECEIVED PROPOSED BUDGET CHANGES AND HAS MADE NECESSARY MODIFICATIONS,

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

SECTION 1 THAT THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2022 AND ENDING JUNE 30, 2023 IS HEREBY AMENDED AS FOLLOWS:

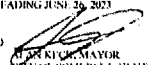
	REVENUE	EXPENDITURES
GENERAL FUND	\$27,383,830.00	\$27,383,830.00
SANITATION SERVICE	\$6,079,300.00	\$6,079,300.00
GAS SERVICE	\$12,248,400.00	\$12,248,400.00
WATER SERVICE	\$24,409,040.00	\$24,409,040.00
WASTE WATER	\$13,951,995.00	\$13,951,995.00
WATER PARK	\$2,346,800.00 \$2,346,800.00	\$2,346,800.00 \$2,346,800.00
FUEL CENTER	\$1,206,100.00	\$1,206,100.00
TRAVEL AND TOURISM	\$406,700.00	\$406,700.00
EMS	\$8,234,200.00	\$8,234,200.00
VIRGINIA	\$2,212,500.00	\$2,212,500.00
MUNICIPAL AID (MAP)	\$316,100.00 \$376,100.00	\$316,100.00 \$376,100.00

TOTAL ALL FUNDS \$98,794,965.00 \$98,794,965.00
~~\$98,544,965.00~~ ~~\$98,544,965.00~~

SECTION 2. THIS ORDINANCE SHALL TAKE EFFECT AFTER ITS APPROVAL AND UPON THE DATE OF PUBLICATION UNLESS STATED OTHERWISE IN THE BODY OF THIS ORDINANCE.

FIRST READING: JUNE 13, 2023

SECOND READING: JUNE 26, 2023

APPROVED: 
MAYOR
CITY OF SOMERSET, KENTUCKY

ATTEST: 
NICK BRADLEY, CITY CLERK

Mr. Burdine made a motion to approve the following Ordinance Number 23-08: REQUIRING A PERMIT FOR BURNING AND SETTING FIRES WITHIN THE CORPORATE LIMITS OF THE CITY OF SOMERSET KY BY FIRST OBTAINING APPROVAL AND WRITTEN PERMIT OF THE SOMERSET FIRE DEPARTMENT. Ms. Bullock seconded the motion. Mr. Daughetee asked to add the word "street" to Section (B)(2) and (C)(6) and without objection was added to the ordinance. Upon roll call the following Council Members voted "Aye": Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Daughetee, Mr. Hunley, Mr. Minton, Mr. Mitchell, Mr. Godsey, and Ms. Bullock.

ORDINANCE NO. 23-08

AN ORDINANCE REQUIRING A PERMIT FOR BURNING AND SETTING FIRES WITHIN THE CORPORATE LIMITS OF THE CITY OF SOMERSET, KY, BY FIRST OBTAINING APPROVAL AND WRITTEN PERMIT OF THE SOMERSET FIRE DEPARTMENT.

WHEREAS the City has an interest and duty to protect its citizens and property in the City, and WHEREAS the regulation of burning material in the City by the city's professional fire department provides for the health and safety of persons and property in the City.

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

Burning and setting fires within the corporate limits of the City of Somerset, KY shall require a permit in accordance with the following regulations and provisions:

(A) The Somerset Fire Department shall be notified prior to burning commencing. The site will be inspected by the Fire Chief and a member of the Somerset Fire Department appointed by the Fire Chief. Upon inspection of the type of material, size of burn and weather conditions, a permit may be issued for that burn. The form and information on the permit will be substantially the same as depicted on the sample form attached to this Ordinance and incorporated herein as though here set forth in full. All issued permits shall be readily available at the burn site and shall be produced when requested by any member of the Fire Department or the Police Department. Failure to produce a permit shall authorize City personnel to immediately extinguish any existing fire. Permits may be obtained by contacting Somerset Fire Department by phone, in person, or by calling 911. No advance permits shall be issued due to changing weather conditions. The permit is non-transferable and may be used for only one location and one permissible burn.

(B) The following conditions must be met after issuing a permit for burning:

- (1) A competent adult at least 18 years of age or older shall be present at all times. No person shall start or have any fire whenever there is danger of such fire spreading beyond the control of the person so starting, or having such open fire to injure, damage or endanger the life, limb or property of another. At no time shall particulate matter from the burn be deposited upon the property of others.
- (2) A means of fire control will be readily available.
- (3) All fires shall be located at a safe distance from any structure, street, sidewalk, vehicle, or overhead power lines.
- (4) A burn site may be ordered discontinued if the open burn presents dangerous, hazardous, or unhealthy conditions, as determined by the Somerset Fire Dept.

(5) Materials other than naturally occurring vegetation and wood, including processed lumber are strictly prohibited. Flammable liquids or other materials that produce dense smoke shall also be strictly prohibited.

(6) Burning shall be permitted only when winds do not exceed 15 miles per hour as reported by the Weather Service during the entire period of burning. Fire department personnel can further restrict burning based on the wind conditions of the actual burn site.

(7) To reduce smoke, burn pile dimensions should be kept to a minimum and wet material shall not be burnt.

(C) BURN-FIRE PIT FIRES

Burning in "burn pits" shall be permitted without the issuance of a permit for the purposes of cooking food for human consumption, recreational or ceremonial purposes, or as a "keep warm" fire used on construction sites, during cold-weather months, providing all of the following conditions are met before burning:

- (1) The burnfire pit shall be of sturdy construction consisting of a metal ring or masonry chimney or other UL listed structure is preferred. If a commercial chimney or other UL listed fire ring is used, the manufacturer's safety precautions should be followed.
- (2) A competent adult of at least 18 years of age shall be present at all times. No person shall start or have any fire whenever there may be danger of such fire spreading beyond the control of the person so starting, or having such open fire to injure, damage or endanger the life, limb or property of another. At no time shall particulate matter from the burn be deposited upon the property of others.
- (3) A means of fire control will be readily available, water hose, sand or approved water extinguisher is preferred.
- (4) No unapproved material shall be burned. Materials other than naturally occurring vegetation or wood, as well as flammable liquids or other materials that produce dense smoke shall be strictly prohibited.
- (5) Weather conditions are permissible. Burning shall be permitted only when winds do not exceed 15 miles per hour at the actual burn site as reported by the Weather Service during the entire period of burning.
- (6) The fire shall be located at a safe distance from any structure, street, sidewalk, vehicle, or overhead power line.
- (7) There shall be no overhanging tree limbs.
- (8) At no time should burning materials be outside and/or hang past the burn fire pit.
- (9) Use of a burn fire pit may be ordered discontinued if it presents dangerous, hazardous, or unhealthy conditions, as determined by the Somerset Fire Dept.

- (D) Any burning must also comply with any applicable statute, rule, or regulations of any agency of the Commonwealth of Kentucky, or United States of America.
- (E) Those permitted to burn according to this ordinance meet indemnity and save harmless the City of Somerset, KY from all liability for any damage to persons, personal property, or real property arising from any burning.
- (F) Any person convicted of violating any of the provisions of this ordinance may be punished by the denial of future permits for up to one year from the date of the offense AND a fine not less than one hundred dollars (\$100) nor more than two hundred fifty dollars (\$250). Each violation shall constitute a separate offense.
- (G) This ordinance shall take effect from and upon its passage and approval as required by law.
- (H) Ordinance Number 629 which previously governed open burning is repealed and supplanted by this Ordinance.

First Reading: June 12, 2023 Second Reading & Vote: June 26, 2023

Approved: 
Allen L. Keck, Mayor

Attested: 
Nick Blunley, City Clerk



BURN PERMIT FORM

All residents must register a burn permit with the Somerset Fire Department prior to burning. Before the permit to burn is issued, a member of the fire department will inspect the location to make sure that all requirements and safety concerns are met.

Name	Person In Charge of Fire: <small>(If different from person filling out permit)</small>
Phone Number:	Date:
Location of Burn:	
Burn Type: <input type="checkbox"/> Industrial <input type="checkbox"/> Residential / Yard Waste <input type="checkbox"/> Commercial / Land Clearing / Agricultural	
Comments:	

A signed copy of this permit must be kept on scene until the burn is complete.



Read the following safety guidelines. You must read every section and initial its box before approval of your burn permit form.

BURN PERMITS

Issuance
Burn Permits shall be valid for one day starting on the day of issuance and may be revoked at any time by a fire official.

Attendance and Extinguishment
Fires shall not be left unattended and shall be completely extinguished upon completion.

Adult Supervision
Burning activity must be continuously supervised by a responsible adult property owner or occupant of the property. This person must be 18 years of age or older.

MATERIALS

Yard Waste Only
Burning is limited to yard waste such as twigs, tree limbs, hedge clippings, etc. The burning of processed lumber, trash and related refuse is strictly prohibited at all times.

Size of Piles
To ensure control and safety, burn piles are to be kept to a size pending the extinguishment capabilities and available burning area.

Minimize Smoke
To reduce smoke, burn pile dimensions should be kept to a minimum and leaves, grass clippings and wet material shall not be burnt.

BURN PERMIT 2023

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PARAMETERS

Address
Permit shall be limited to the Burn Location address listed on the permit and shall not be transferred to another address.

Safe Distance
Burn pile shall be at a safe distance from any structure, sidewalk, vehicle, and power lines depending on the size of the pile. This distance will be determined at the time of inspection.

Private Property
At no time shall burning occur within the public right-of-way and/or setbacks along city streets, street curbs or sidewalks.

Ignition Material
Burn piles are to be ignited with dry material only; at no time is gasoline or other flammable fuels used as an ignition source.

Windy Conditions
Burning shall be permitted only when winds do not exceed 15 miles per hour as reported by the Weather Service during the entire period of burning. The inspector can further restrict burning based on the wind conditions of the actual burn site.

Burn Bans
All open burning shall cease immediately upon the order of the Fire Department, the issuance of a county-wide or Kentucky Division of Forestry burn ban due to extreme dryness, drought, high winds, or other hazardous conditions.

BURN PERMIT 2023

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BURN COMPLAINTS

Occasionally, the Fire Department may be summoned to a complaint of burning. Based on the complaint, the Department may respond to determine the nature of the call and ascertain if a Burn Permit has been issued to the address. In most cases, if a permit is issued to the address and provisions of the permit are met, the permit applicant will be allowed to continue to burn. However, if it is found there is no permit issued, or the permit application is not meeting the provisions of this permit, a citation with a possible fine may be issued. Complainants will be asked to provide their name, address and telephone number as a part of the burn complaint report.

Failure to comply with the regulations noted on this form and in the city of Somerset's burning ordinance may be punished by the denial of future permits for up to one year from the date of the offence AND a fine not less than one hundred dollars (\$100) nor more than two hundred fifty dollars (\$250). Each violation shall constitute a separate offense.

I have read, signed, and agree to abide by the above regulations.

Signature: _____ Date: _____

S.F.D. Approval

Name: _____

Rank: _____

Signature: _____

BURN PERMIT 2023

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Mr. Wheeldon made a motion to approve the following Resolution Number 23-09: ACKNOWLEDGEMENT AND ADOPTION OF THE PHMSA ANTI-DRUG AND ALCOHOL PROGRAM TO ITS PERSONNEL POLICIES (AMENDS BY ADDING TO

RESOLUTION 20-25). Ms. Bullock seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Daughetee, Mr. Hunley, Mr. Minton, Mr. Mitchell, Mr. Godsey, and Ms. Bullock.

KRS 21-09

Somerset Resolution 23-09

SOMERSET ACKNOWLEDGMENT AND ADOPTION OF THE PIMSA ANTI-DRUG AND ALCOHOL PROGRAM TO ITS PERSONNEL POLICIES (AMENDS BY ADDING TO RESOLUTION 20-25)

WHEREAS, the Pipeline and Hazardous Materials Safety Administration (PHMSA) is a U.S. Department of Transportation (DOT) agency. DOT Regulations require operators of pipeline facilities to conduct drug and alcohol testing on covered employees who perform operation, maintenance, or emergency response functions. The anti-drug and alcohol programs required by PHMSA must be conducted according to DOT Regulations, specifically, 49 CFR Part 199 (PHMSA drug and alcohol testing regulations) and 49 CFR Part 40 (DOT drug and alcohol testing regulations).

WHEREAS, in accordance with 49 CFR 40 and 49 CFR 199, each operator shall maintain and follow a written anti-drug and alcohol plan that conforms to the requirements of the DOT Procedures. The plan must contain:

- (1) Methods and procedures for compliance with all the requirements of this part, including the employee assistance program;
- (2) The name and address of each laboratory that analyzes the specimens collected for drug testing;
- (3) The name and address of the operator's Medical Review Officer, and Substance Abuse Professional; and
- (4) Procedures for notifying employees of the coverage and provisions of the plan.

WHEREAS, the DOT Regulations require the City of Somerset to provide covered employees with an Employee Assistance Program (EAP) including Substance Abuse Professional (SAP) as part of the Anti-Drug & Alcohol Misuse Prevention Policy, and

WHEREAS, in the interest of public safety, and in the interest of providing a safe workplace for its employees, City of Somerset is committed to ensuring that its employees have a work environment free from the effects of prohibited drugs and alcohol and that its operations

will be conducted by its employees who perform their duties free from the effects of prohibited drugs, and

WHEREAS, the City of Somerset is an operator of pipeline facilities and is thus required to comply with and hereby makes known its desire and intention of complying with said DOT requirements,

WHEREAS, the City of Somerset now establishes its personnel policy by resolution pursuant to KRS 83A.060(1) (see Ordinance 20-22) and specifically under Resolution 20-25 establishing the City's current personnel handbook as October 2020.

NOW, THEREFORE, upon motion duly made and seconded, the following Order was adopted, and

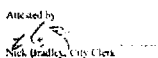
BE IT RESOLVED BY THE CITY OF SOMERSET AS FOLLOWS that the City of Somerset is an operator of pipeline facilities and hereby makes known its desire and intention of complying with said DOT and PHMSA Regulations; and

BE IT FURTHER RESOLVED BY THE CITY OF SOMERSET AS FOLLOWS that the City adopts and implements a written Drug and Alcohol Misuse Prevention Plan in accordance with DOT and PHMSA Regulations formally on June 24, 2023, or effectively earlier if required by law or regulation.

BE IT FURTHER RESOLVED BY THE CITY OF SOMERSET AS FOLLOWS that this resolution shall amend Resolution 20-25 so as to include the PHMSA Anti-Drug and Alcohol regulations to the applicable employees of the City.

Adopted and approved this 26th day of June 2023.



Attested by

Nick Bradley, City Clerk

Ms. Bullock made a motion to appoint Brook Ping to the SPEDA Board of Directors. J. Eastham seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Hunley, Mr. Godsey, and Ms. Bullock. "PASS" Mr. Daughetee, Mr. Minton, and Mr. Mitchell.

Mr. Burdine made a motion to approve the following tax refunds: A Homestead Exemption in the amount of \$36.95 to Roger Colyer, a Homestead Exemption in the amount of \$52.65 to Sarah L. Pittman, a Homestead Exemption in the amount of \$52.65 to Mary Lou Brown, a Homestead Exemption in the amount of \$52.65 to Debra E. Jasper. Mr. Godsey seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Burdine, Mr. Dalton, Mr. Wheeldon, Mr. J. Eastham, Mr. Daughetee, Mr. Hunley, Mr. Minton, Mr. Mitchell, Mr. Godsey, and Ms. Bullock.

There being no further business the meeting adjourned at 7:13 p.m.

APPROVED:



MAYOR

ATTEST:



CITY CLERK