

MINUTES OF MEETING HELD JULY 8, 2024

The Common Council of the City of Somerset, Kentucky met in a regular meeting on Monday July 8, 2024, at 6:00 p.m. with the following present: Council Members David Burdine, Brian Dalton, Jimmy Eastham, Jerry Girdler, Robin Daughetee, Patrick Hunley, Jim Mitchell, David Godsey, Amanda Bullock, Mayor Alan Keck, City Attorney John Adams, and City Clerk Nick Bradley. Absent: Jerry Wheeldon, John Minton, and Tom Eastham.

Mr. Mitchell made a motion to approve the minutes of the regular meeting of June 24, 2024. Mr. Dalton seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Burdine, Mr. Dalton, Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, Mr. Hunley, Mr. Mitchell, Mr. Godsey, and Ms. Bullock.

Mr. Burdine made a motion to approve the following Resolution Number 24-13: ACCEPTING THE SUPPLEMENTAL GRANT, APPROVING THE GRANT ASSISTANCE AGREEMENT, AUTHORIZING THE AMENDMENT OF THE CITY OF SOMERSET'S ANNUAL BUDGET, AND AUTHORIZING A REPRESENTATIVE TO SIGN ALL RELATED DOCUMENTS. Mr. Godsey seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Burdine, Mr. Dalton, Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, Mr. Hunley, Mr. Mitchell, Mr. Godsey, and Ms. Bullock.

22CWM188

22CWM188

EXHIBIT 4
RESOLUTION
24-13

SECTION 4 That this resolution shall take effect at the earliest time provided by law
ADOPTED on July 8, 2024.

RESOLUTION OF THE CITY OF SOMERSET ACCEPTING THE SUPPLEMENTAL GRANT, APPROVING THE GRANT ASSISTANCE AGREEMENT [or the GRANT SUPPLEMENTAL ASSISTANCE AGREEMENT], AUTHORIZING THE AMENDMENT OF THE CITY OF SOMERSET'S ANNUAL BUDGET, AND AUTHORIZING A REPRESENTATIVE TO SIGN ALL RELATED DOCUMENTS

CITY OF SOMERSET

Authorized Signatory

WHEREAS, the Kentucky General Assembly has appropriated funds for infrastructure projects in Senate Bill 38 of the 2021 Regular Session of the Kentucky General Assembly and in House Bill 1 of the 2022 Regular Session of the Kentucky General Assembly for the Cleaner Water Program; and

WHEREAS, the City of Somerset (the "Grantee") has previously determined that it is in the public interest to acquire and construct certain facilities and improvements to the Grantee's utility system (the "Project"); and

WHEREAS, the Grantee desires funding from the Kentucky Infrastructure Authority (the "Authority") for the purpose of acquisition and construction of the Project; and

WHEREAS, in order to obtain a supplemental grant from the Cleaner Water Program for the Project, and administered by the Authority, the Grantee is required to enter into a supplemental assistance agreement (the "Agreement") with the Authority

NOW, THEREFORE, BE IT RESOLVED by the governing body of the City of Somerset as follows:

SECTION 1. The Grantee hereby accepts the grant award and approves the Agreement between the Grantee and the Authority to provide the additional funds to the Grantee for the Project.

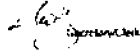
SECTION 2. That Mayor Alan Keck, and any Successors-in-Title, is hereby designated to be the Grantee's "Authorized Official" for the Project and is hereby directed and empowered by the Grantee to execute the Agreement, related documents and agreements, and to otherwise act on behalf of the Grantee to effect such grant award, and to engage a qualified Project Administrator.

SECTION 3. That the Grantee hereby agrees and commits to include, by amendment to its annual budget and audit process, the receipts and expenditure of funds subject to the Agreement up to and including the date of Project closeout

CERTIFICATE OF RECORDING OFFICER

I, the undersigned, hereby certify that I am the duly qualified and acting County Clerk of the County; and that the foregoing is a full, true and correct copy of a Resolution adopted by the governing body of said County at a meeting duly held on July 8, 2024, and that the said instrument appears as a matter of public record in the official records as provided for by law; and that said meeting was held in accordance with all applicable requirements of Kentucky law, including Sections 11, 810, 811, 812, 813, 814 and 815 of the Kentucky Revised Statutes; and that a quorum was present at the meeting; and that the official action has not been recalled, amended, revoked or rescinded and is now in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto signed, below, on July 11, 2024.


County Clerk

Mr. J. Eastham made a motion to approve the following Resolution Number 24-14: AUTHORIZING AND APPROVING THE ISSUANCE OF TAXABLE INDUSTRIAL BUILDING REVENUE BONDS, IN ONE SERIES, TO BE ISSUED IN AN AGGREGATE COMBINED PRINCIPAL AMOUNT NOT TO EXCEED \$120,000,000, THE PROCEEDS OF WHICH SHALL BE USED TO FINANCE THE ACQUISITION, CONSTRUCTION, INSTALLATION, IMPROVEMENT, AND EQUIPPING OF AN INDUSTRIAL BUILDING FACILITY, OR FACILITIES, TO BE LEASED TO HORSE SOLDIER FARMS LLC, A FLORIDA LIMITED LIABILITY COMPANY, ITS AFFILIATES, SUCCESSORS, AND/OR ASSIGNS; AUTHORIZING AND APPROVING A LEASE AGREEMENT, BOND PURCHASE AGREEMENT, AND SUCH OTHER RELATED DOCUMENTS, CERTIFICATES, AND AGREEMENTS; INCLUDING RELATED LENDER DOCUMENTS SUCH AS FEE JOINDER TO THE LENDER'S MORTGAGE, COLLATERAL ASSIGNMENTS AND AUTHORIZING SUCH OTHER ACTIONS, NECESSARY OR REQUIRED, RELATED TO THE ISSUANCE OF THE BONDS AND THE FINANCING OF THE PROJECT. Ms. Bullock seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Burdine, Mr. Dalton, Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, Mr. Hunley, Mr. Godsey, and Ms. Bullock. "No" Mr. Mitchell. Motion passed.

RESOLUTION NO. 24-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOMERSET, KENTUCKY AUTHORIZING AND APPROVING THE ISSUANCE OF TAXABLE INDUSTRIAL BUILDING REVENUE BONDS, IN ONE SERIES, TO BE ISSUED IN AN AGGREGATE COMBINED PRINCIPAL AMOUNT NOT TO EXCEED \$10,000,000. THE PROCEEDS OF WHICH SHALL BE USED TO FINANCE THE ACQUISITION, CONSTRUCTION, INSTALLATION, IMPROVEMENT, AND EQUIPPING OF AN INDUSTRIAL BUILDING FACILITY, OR FACILITIES, TO BE LEASED TO HORSE SOLDIER FARMS LLC, A FLORIDA LIMITED LIABILITY COMPANY, ITS AFFILIATES, SUCCESSORS, AND/OR ASSIGNS; AUTHORIZING AND APPROVING A LEASE AGREEMENT, BOND PURCHASE AGREEMENT AND SUCH OTHER RELATED DOCUMENTS, CERTIFICATES, AND AGREEMENTS; INCLUDING RELATED LEASER DOCUMENTS SUCH AS A PFF JOINDER TO THE LEASER'S MORTGAGE, COLLATERAL ASSIGNMENTS AND AUTHORIZING SUCH OTHER ACTIONS, NECESSARY OR REQUIRED, RELATED TO THE ISSUANCE OF THE BONDS AND THE FINANCING OF THE PROJECT.

WHEREAS, the City of Somerset, Kentucky (the "City or Lessee"), pursuant to the provisions of Sections 101.200 to 101.270 and also of the Kentucky Revised Statutes (KRS) and the Act (as amended) to issue industrial building revenue bonds, in one series, for the purpose of financing, acquisition and building, in whole or in part, the Project, as defined in the Act, and the proceeds generated therefrom to be used for the industrial building facility, and

WHEREAS, the issuance of industrial building revenue bonds, pursuant to the Act, promotes economic development within the Commonwealth of Kentucky, the State and the City, including the creation of new jobs, relieving conditions of unemployment and increasing the income of ordinary in the State and the City, which constitutes a valid public purpose; and

WHEREAS, Horse Soldier Farms LLC, a Florida limited liability company organized and existing under the laws of Florida, and authorized to conduct business in the Commonwealth of Kentucky, its officers, members, and assignors (the "Company" or "Lessee"), certifies that the City, pursuant to the Act and the Company in its sole discretion of all real and personal property, including equipment, constituting an industrial building facility as defined by the Act, has agreed within the geographical boundaries of the City to be utilized by the Company for a business building and related facilities; and

WHEREAS, pursuant to the Act, the proceeds from the City's (the "Bonds") shall be used to acquire, the Company of an industrial building revenue bonds, in one series, at the request and with the approval of the Company, in an aggregate principal amount not to exceed \$10,000,000, for the purpose of financing the costs of all real and personal properties, including equipment constituting an industrial building facility, located within the geographical boundaries of the City to be utilized by the Company in the construction and operation of a manufacturing facility for the production of bourbon and related facilities, located within the geographical boundaries

RES 24-14 of the City, (i) the payment of accrued and/or capitalized interest, if any, due on the Bonds; and, (ii) the payment of Cost of Insurance as defined herein, for the issuance of the Bonds (within the "Project"); and

WHEREAS, pursuant to the provisions of KRS 101.220 of the Act, the Company has made a request in writing, that the sale of the industrial revenue bonds, hereinafter identified and authorized, shall be made upon a negotiated basis; and

WHEREAS, upon the issuance and delivery of the Bonds, the proceeds from the sale of the Bonds will be used for the purpose of financing the acquisition, construction, installation, improvement, and equipping of the Facility, requiring a Lease Agreement, an Agreement in lieu of Lease, (PFF) Agreement, Bond Purchase Agreement, and such other Bond Documents, as relates to the issuance and delivery of the Bonds.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSET, COMMONWEALTH OF KENTUCKY, AS FOLLOWS:

Section 1. Definitions. The following terms, not otherwise defined herein, shall have the following meanings:

"Bond" or "Bonds" means the City of Somerset, Kentucky Taxable Industrial Revenue Bonds (Horse Soldier Farms Project) to be issued to finance the acquisition, construction, installation, improvement, and equipping of the Project, in an aggregate amount not to exceed \$10,000,000.

"Bond (redemption)" (sometimes referred to herein as "Bond" or "Bonds") means the amount payable on the Bonds, including any Additional Bonds, and establishing the date of the Bonds or Additional Bonds, interest rate, fixed or variable, redemption provisions and such other provisions as may be required by the Act, the City, and/or the Bondholder.

"Bond Interest" means - Kentucky Mortgage & Lending Bill, Cincinnati, Ohio.

"Bond Intermittent" means the Bonds, Lease Agreement, PFF Agreement, Bond Purchase Agreement, (Successful Bond) Bond Documents, (any bill of sale, and/or other documents and/or certificates necessary or required to evidence the issuance of Bonds and financing of the acquisition, construction, installation, improvement, and equipping of the Facility, including bond purchase agreement, as acquired by the Bondholder and/or the Company and relating to the purchase and sale of the Bonds and any security agreements, including a bill of sale, if required.

"Bondholder" means the owner of owners of the Bonds, acquired pursuant to a private negotiated sale, and identified in the Bonds, with a Bondholder may be the Company or an affiliate thereof.

"City" means the City of Somerset, Kentucky.

"Leasement Contract" means

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"Cost of Insurance" means those expenses incident to the issuance of the Bonds, including, but not limited to, Bond Counsel fees, Company Counsel fees, publication cost, and any other cost associated with the issuance and delivery of the Bonds and the Project.

"Equipment" means all equipment and tangible personal property, whether attached to the Project or acquired separately by the Lessee and used at the Facility and which constitutes a part of the Project and is subject to the Lease Agreement and included or reported by the Lessee on the Miscellaneous Worksheet for personal property acquired with proceeds from the issuance of Industrial Revenue Bonds attached to Kentucky's Tangible Personal Property Tax Return, Form No. 62A550, as revised.

"Facility" or "Facilities" means a manufacturing facility for the production of bourbon and related facilities, including real property improvements, fixtures, personal property and equipment, which constitutes an Industrial Building, to be acquired, constructed, installed, improved, and equipped by Company, located within the geographical boundaries of the City, owned by City and leased to the Company.

"Industrial Building" or "Industrial building" shall have the same meaning ascribed to such term in KRS 101.220 and specifically, KRS 101.200(1)(a).

"Lease Agreement" or "Lease" means the agreement, including any related amendments or supplements hereto, by and between the City, as lessor, and the Company, as lessee, providing for the lease of the Facility and Facility Site.

"PFF Agreement" means the agreement, including any related amendments or supplements hereto, by and between the Company and the City, providing for certain annual payments in lieu of real property taxes as relates to the Facility and Facility Site, dated June 12, 2023.

"Relinquish Interest" means the deed or deeds to the Facility Site from the Company, as grantor, to the City, as grantee, in whole or in part, and with a non-recourse interest in favor of the Company conveying legal title to the Facility Site prior to, and simultaneous with, the issuance and delivery of the Bonds to finance the Project, in compliance with KRS 101.215.

All other defined terms used but not otherwise defined herein shall have the respective meanings ascribed to them in the Bond Documents or in the Act.

Unless the context shall otherwise indicate, words importing the singular number shall include the plural number, and vice versa, and the terms "hereof", "hereby", "herein", "hereunder", and similar terms means this Resolution.

Section 2. Interpretation and Binding of City Council. For the purposes set forth in the preamble, which is incorporated as a part hereof, and recited in the Act, the City acting by and through its City Council hereby finds and determines as follows:

(A) The facility will be located within the geographical boundaries of the City and contained in Industrial Building as defined by the Act.

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(B) The financing of the facility and Project is consistent, and complies with the provisions of the Act.

(C) The Facility consists of real property, real property improvements, fixtures, and personal property and/or equipment, to be used in an activity, business or industry as described and set forth in the Act, specifically, KRS 101.200(1)(a).

(D) The Facility is to be acquired, constructed, installed, improved, equipped, and financed with the proceeds of the Bonds, issued at the request, and with the approval, of the Company, pursuant to the provisions of the Act.

(E) The acquisition, development, and construction of the facility and the financing of the Project, greater long-term economic growth, will encourage the expansion of industry and commerce within the City, in accordance with the public policy of the State for economic development, creates new jobs, relieves conditions of unemployment, and promotes economic development within the State and the City.

(F) The City accepts conveyance of the Facility Site from the Company subject to the terms and conditions contained in the instruments of conveyance and in the Lease Agreement with respect thereto.

Section 3. Authorization of Bonds. The City hereby authorizes the sale, issuance, execution, and delivery, pursuant to the authority of the Act and this Resolution, "City of Somerset, Kentucky Taxable Industrial Building Revenue Bonds (Horse Soldier Farms Project)" or other identifying words in one or more series, denominations, and dated as determined by the City, with the consent of the Company, or the trustee, and with the approval of the Company, for the purposes of financing the Project. The Facility Site and Facility will be leased to the Company, in accordance with the provisions of a Lease Agreement. The Bonds shall be designated "Taxable Industrial Building Revenue Bonds" or such other name which accurately describes the Bonds, to be issued for the Project, in one or more series, denominations, and dated, with the consent and approval of the Company, without further action of the City Council. The aggregate principal amount of all the Bonds shall not exceed \$10,000,000.

Section 4. Terms, Type, and Maturity of the Bonds. The Bonds shall be issued for a twenty (20) year term in one denomination, shall be non-callable, dated, and payable in substantially the form set forth in Exhibit "A" attached hereto, with such amendments, variations, omissions, and insertions as permitted by the Act and this Resolution, with approval from the Company and the Bondholder, and approved by Bond Counsel, without further action of the City Council.

The Bonds shall mature as provided therein, and/or pursuant to the Bond Documents, and have such terms, bear such interest, fixed or variable, and be subject to optional and/or mandatory redemption, as provided therein. The City Council hereby fixes and establishes the interest rate in effect from time to time on the Bonds in the manner determined by the Company and the Bondholder pursuant to a private negotiated sale. The terms for the Bonds shall be determined by the Company and the Bondholder, subject to early redemption as provided therein, or in any Bond Document, which term shall not exceed the term of years set forth in

REN 24-14
INTRODUCED, SECONDED, AND GIVEN ADOPTED at a duly convened meeting
of the City Council of the City of Somerset, Kentucky, held on July 8, 2024


Alan Kiser
Mayor

Attest:


Nicholas K. Brasby
City Clerk

CERTIFICATE

I, Nicholas K. Brasby, do hereby certify that I am the duly qualified and acting Clerk of the City of Somerset, Kentucky; that the foregoing is a true and complete copy of the original Resolution was duly adopted by the City Council of the City of Somerset, Kentucky, at a duly convened public meeting held on July 8, 2024; that said Resolution appears as a matter of public record in the official records of the City Council, that said meeting was duly held in accordance with all applicable requirements of Kentucky law, including KRS 100.020 and KRS 100.025; that a quorum was present at said meeting; that said Resolution has not been amended, modified, revoked, or repealed; and that same is now in full force and effect.

IN TESTIMONY WHEREOF, witness my signature this July 9, 2024.

By 

Nicholas K. Brasby
City Clerk

5-1

Mr. Daughetee made a motion to approve the following Ordinance Number 24-12: ANNEXING BY CONSENT PROPERTY AS DESCRIBED BELOW AND IN ATTACHMENTS TO THIS ORDINANCE, ATTACHMENTS INCORPORATED IN FLL BY REFERENCE HEREIN OF 100 FAMILY FUN DRIVE. Mr. Godsey seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Burdine, Mr. Dalton, Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, Mr. Hunley, Mr. Mitchell, Mr. Godsey, and Ms. Bullock.

ORDINANCE NUMBER 24-14

AN ORDINANCE OF THE CITY OF SOMERSET, KENTUCKY, AMENDING BY CONSENT PROPERTY ATTACHMENTS INCORPORATED IN FULL BY REFERENCE HEREIN, AND

WHEREAS, ANNEXATION REQUEST FORMS HAVE BEEN SUBMITTED BY THE PROPERTY OWNERS, AND THE FORMS HAVE BEEN ACCEPTED BY THE CITY AS COMPLETED, AND THE PROPERTY OWNERS HAVE WAIVED THE SIXTY (60) DAY WAITING PERIOD, BY AND THROUGH THE ANNEXATION REQUEST FORM, SIGNED BY THE OWNER AND/OR AN AUTHORIZED AGENT OF THE OWNER AND INCORPORATED IN FULL HEREIN BY REFERENCE, AND MADE PART OF THE ATTACHMENTS TO THIS ORDINANCE; AND

WHEREAS, ALL DOCUMENTS AND RECORDS NECESSARY TO PROCEED WITH ANNEXATION OF THE PROPERTIES INTO THE CORPORATE LIMITS OF THE CITY OF SOMERSET, AND

WHEREAS, THIS DOCUMENT WAS SENT TO THE JUDGE OF CIRCUIT AND COUNTY AND FORMER OF PULASKI COUNTY AFTER THE FIRST READING AS NOTED UNDER THE REGULAR SESSION RATE BILL 141, AND

WHEREAS, THE PROPERTIES MEET ALL REQUIREMENTS FOR ANNEXATION AS SET FORTH IN KRS AND ALL OTHER APPLICABLE LAW

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

BUSINESS - MINIATURE GOLF AND CONFESSIONS, IT ADJOINS D2 PROPERTIES TO THE EAST AND SOUTH

SECTION 1

NOTICE TO PULASKI COUNTY FISCAL COURT WAS GIVEN AFTER THE FIRST READING AND 45 DAYS BEFORE THE SECOND READING. THE PROPERTY OWNER SIGNED CITY UTILTY RATES AND EXPRESSING THE LEGAL RIGHT TO CELEBRATE ANNEXATION. THE FOREGOING CONSTITUTE VALID REQUIREMENTS FOR ANNEXATION BEFORE JULY 1, 2024, PURSUANT TO 23 REGULAR SESSION RATE BILL 141

SECTION 4

THIS ORDINANCE SHALL TAKE EFFECT UPON ITS PASSAGE AND FROM PUBLICATION BY LAW

FIRST READING: MAY 1, 2024

SECOND READING: NOT BEFORE JUNE 27, 2024: JULY 1, 2024

APPROVED: MARY KECK, MAYOR CITY OF SOMERSET, KY

ATTEST: NICK BRADLEY, CITY CLERK

SECTION 1 THAT THE PROPERTIES DESCRIBED BELOW IN ATTACHMENTS HERE TO AND BELOW ARE TO BE BY ANNEXED INTO THE CITY'S CORPORATE LIMITS EXHIBIT A ONE TRACT, TOTALING 2.19 ACRES SHOWN ON AN ANNEXATION MAP TITLED CITY OF SOMERSET ORDINANCE 24-14, 2024 AND SURVEYING DATA D 25 24, SAID LAND HAVING A LOT DESIGNATION 062 V 1 - 54, SAID ADDRESS IS 1001 SARTY FINE DRIVE, SOMERSET, KY 40381 7001, THE PROPERTY COMMONLY REFERRED TO AS SOMERSET FALLS MINIATURE GOLF SECTION 2 THE PROPERTY SHALL BE ZONED - R2 HANDS UPON ITS CURRENT USE AS A COMMERCIAL RECREATIONAL

Kentucky Pulaski County, KY PVA

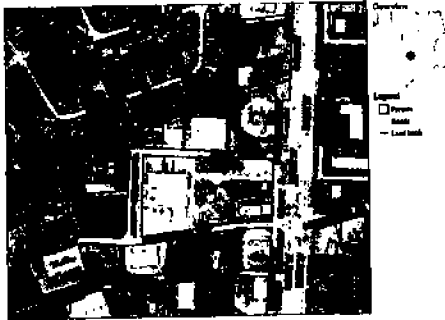


Table with columns: Parcel ID, Class, Value, Area, etc. Parcel ID: 062-24-053, Class: COMMERCIAL, Value: \$200,000, Area: 2.19.

Kentucky Pulaski County, KY PVA



Table with columns: Parcel ID, Class, Value, Area, etc. Parcel ID: 062-24-053, Class: COMMERCIAL, Value: \$200,000, Area: 2.19.



DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION

Planning & Zoning Commission
300 East Street, 3rd Floor
Somerset, NJ 08856
Phone: (609) 426-2214
Fax: (609) 426-2993
www.somersetnj.gov

ANNEXATION REQUEST FORM

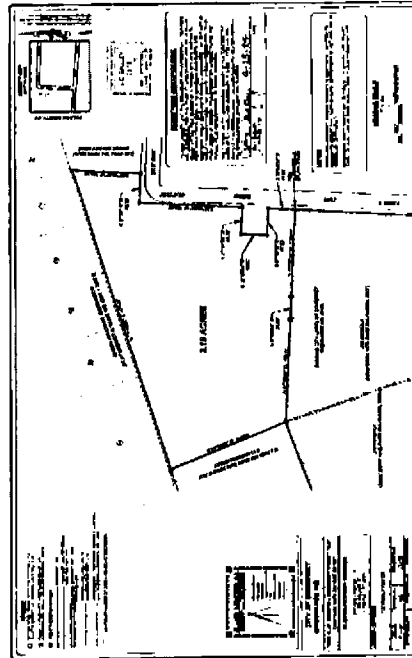
I, Philip Farley, formally request annexation

of my property located at 100 Family Fun Drive

into the City of Somerset

I also request that the 60-day waiting period be waived

I also request that this property be zoned



Signature of Philip Farley and Date 05/01/24

EXHIBIT "A"

City of Somerset, NJ, Annexation Ordinance No. 24-15

DESCRIPTION

A certain tract of parcel of land lying on the west side of Family Fun Drive at Somerset, Somerset County, New Jersey and is more particularly described as follows:

All bearings shown herein were calculated to Grid North Factory BC (1800) State Zone, per 876 observations as observed on October 27th, 2023.

DESCRIPTION of a parcel of land with a lot number 100 Family Fun Drive, Somerset, NJ. The parcel is bounded on the north by the 100 Family Fun Drive, on the east by the 100 Family Fun Drive, on the south by the 100 Family Fun Drive, and on the west by the 100 Family Fun Drive. The parcel is bounded on the north by the 100 Family Fun Drive, on the east by the 100 Family Fun Drive, on the south by the 100 Family Fun Drive, and on the west by the 100 Family Fun Drive.

John Farley, 4-15-24

City of Somerset, NJ
P. J. DANLEY
61 3130

Mr. Burdine made a motion to approve the following Ordinance Number 24-15: GIVING PUBLIC NOTICE AND APPROVING THE CITY OF SOMERSET'S WASTEWATER PRETREATMENT PROGRAM MODIFICATIONS IN REGARDS TO LOCAL LIMITS AND

AMENDING ORDINANCES 91-27, 09-04, 11-18, AND 19-02. Mr. Dalton seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Burdine, Mr. Dalton, Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, Mr. Hunley, Mr. Mitchell, Mr. Godsey, and Ms. Bullock.

Ord 24-15

ORDINANCE NO. 24-15

AN ORDINANCE TO THE CITY OF SOMERSET, KENTUCKY, GIVING PUBLIC NOTICE AND APPROVING THE CITY OF SOMERSET'S WASTEWATER PRETREATMENT PROGRAM MODIFICATIONS IN REGARDS TO LOCAL LIMITS AND AMENDING ORDINANCES 91-27, 09-04, 11-18, AND 19-02.

SECOND READING July 8, 2024

WHEREAS, THE KENTUCKY DIVISION OF WATER CONSIDERS THE CITY'S MODIFICATIONS TO THE PRETREATMENT PROGRAM TO BE COMPLETE AND READY FOR PUBLIC NOTICE AND APPROVAL BY THE CITY COUNCIL; AND:

Approved:



Mayor, Alan Kuck

WHEREAS, TITLE 40 OF THE CODE OF FEDERAL REGULATIONS (40 CFR 403) REQUIRES THAT PUBLIC NOTICE BE GIVEN BY THE CITY AS TO SAID MODIFICATIONS PURSUANT TO KRS 83A AND KRS 424, BY AND THROUGH ORDINANCE:

AT TEST:

City Clerk, Nick Prudley

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

(I) That modification to the acceptable pollutant levels for the City's Pretreatment Program, as hereby approved and adopted by the City of Somerset by and through the Common Council:

(II) That said modifications were approved by the Kentucky Division of Water upon a review by said agency of the modified limits submitted by the City of Somerset. Further, the Division of Water states in their approval letter of May 9th, 2024, attached hereto as Exhibit "A" and incorporated in full herein by reference, that the modifications will provide adequate protection of water quality, wastewater treatment plant operation, and sludge quality for the City of Somerset as defined in 401 KAR 45.100.

(III) If any part of this ordinance is deemed by a court of competent jurisdiction to be unconstitutional or unenforceable, the remaining provisions of this ordinance shall continue in full force and effect.

(IV) Any Ordinance in conflict with this Ordinance or any provision in conflict with the ones enacted herein are hereby repealed in so far as the same are in conflict herewith.

(V) This Ordinance shall be in full force and effect upon passage, approval, and publication according to law and upon the expiration of the public notice period provided that the Division of Water, not the City of Somerset, receive comments from the public.

FIRST READING June 10, 2024

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Oct 24 15

EXHIBIT "A"

SOMERSET SEWER USE ORDINANCE NO. 19-02

Effluent Discharge Limitations
Otis Chaney Wastewater Treatment Plant
City of Somerset, Kentucky

Pollutant	Daily Max (MG/1)	
Arsenic	0.050	0.22
Cadmium	0.0044	0.012
Chromium, Total	1.00	
Chromium, Hexavalent	0.12	0.51
Copper	0.020	0.07
Cyanide, Amenable Free	0.015	0.11
Iron	1.0000	3.49
Lead	0.05	0.11
Mercury	0.00025	
Molybdenum	0.21	0.84
Nickel	0.54	0.78
Nitrogen	0.40	0.09
Silver	0.001	0.14
Zinc	3.75	2.00

Andy Bushart

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
300 Howe Building
1000 W. Liberty St.
Somerset, KY 40387
Fax: 502-554-4245

Rebecca Sheehan
Anthony R. Hinton

May 9, 2024

Mr. Dave White
City of Somerset Utilities
P.O. Box 989
Somerset, KY 40382

Re: 2024 Local Limits Reevaluation
Final Approval
City of Somerset Utilities
A.E. 3815
KPDOS Permit No. K-V0020611

Dear Mr. White:

The Division of Water received a local limits reevaluation for Somerset's Wastewater Treatment Program on December 22, 2023. A technical review of the reevaluation was completed, and since some limits are less stringent than previous limits, the reevaluation is considered a major modification under the general permit program regulations of 40 CFR 401.16. Public notice of the program modification was published on May 7, 2024, in The Commonwealth Journal. No comments were received during the 30-day public comment period.

The following limits are approved and must be adopted following Somerset's normal adoption procedures:

Pollutant	Daily Maximum (milligrams per liter)
Arsenic	0.21
Cadmium	0.012
Chromium, Total	1.00
Chromium, Hexavalent	0.20
Copper	0.15
Cyanide, Free	0.004
Iron	3.49
Lead	0.05
Mercury	0.0005
Nickel	0.66
Nitrogen	0.05

www.kentucky.gov



Annual Opportunity Enterprise (AOE)

Somerset
Page 2

Silver 0.09
Zinc 2.26

If you have any questions regarding this matter, please contact me at (502) 782-1455 or by email at Andy.Bushart@ky.gov

Sincerely,

Abby Haas
State Environmental Coordinator
Kentucky Division of Water

First reading was given the following Ordinance Number 24-16: APPROVING AND AUTHORIZING AN ASSISTANCE AGREEMENT BETWEEN THE CITY OF SOMERSET,

ORDINANCE NUMBER 24-18

AN ORDINANCE TO THE CITY OF SOMERSET, KENTUCKY, ANNEXING BY
CONSIST PROPERTY AS DESCRIBED BELOW AND IN ATTACHMENTS TO
THIS ORDINANCE, ATTACHMENTS TO ORDINANCE IN FULL BY REFERENCE
HEREIN, AND

WHEREAS, ANNEXATION REQUEST FORMS HAVE BEEN SUBMITTED BY
THE PROPERTY OWNER(S), AND THE FORMS HAVE BEEN ACCEPTED BY
THE CITY AS COMPLETE, AND THE PROPERTY OWNER(S) HAVING
WAIVED THE SIXTY (60) DAY WAITING PERIOD, BY AND THROUGH THE
ANNEXATION REQUEST FORM, SIGNED BY THE OWNER AND/OR AN
AUTHORIZED AGENT OF THE OWNER AND INCORPORATED IN FULL
HEREIN BY REFERENCE, AND MADE PART OF THE ATTACHMENTS TO
THIS ORDINANCE, AND

WHEREAS, ALL DOCUMENTS AND RECORDS RELATED TO PROJECTED WITH
ANNEXATION OF THE PROPERTIES INTO THE CORPORATE LIMITS OF THE
CITY OF SOMERSET, AND

WHEREAS, THIS DOCUMENT WAS SENT TO THE JUDGE CLERK AND
COUNTY ATTORNEY OF PULASKI COUNTY AFTER THE FIRST READING AND
NOTICE UNDER PULASKI COUNTY ORDINANCE 141, AND

WHEREAS, THE PROPERTIES MEET ALL REQUIREMENTS FOR ANNEXATION
AS SET FORTH IN KRS AND ALL OTHER APPLICABLE LAW
NOW IN EFFECT, BUT PROMULGATED BY THE CITY OF SOMERSET,
KENTUCKY

SECTION 1
NOTICE TO PULASKI COUNTY FISCAL COURT WAS
GIVEN AFTER THE FIRST READING AND 45 DAYS
BEFORE THE SECOND READING. THE PROPERTY OWNER
MAKES CITY UTILTY RATES AND EXPRESSING THE
LEGAL RIGHT TO CLERK AND, NOTATION THE
FOLLOWING UNLAWFUL VALID THROUGH THE
ANNEXATION.

SECTION 2
THIS ORDINANCE SHALL TAKE EFFECT AFTER ITS
PASSAGE AND PUBLICATION BY LAW.

FIRST READING: 6/11/2024

SECOND READING: NOT BEFORE AUGUST 27, 2024

APPROVED: ALAN K. KICK, MAYOR
CITY OF SOMERSET, KY

ATTEST:
NO. K. BRADLEY, CITY CLERK

SECTION 1 THAT THE PROPERTIES DESCRIBED BELOW IN
ATTACHMENTS HERETO AND BELOW ARE TO BE BY
ANNEXED INTO THE CITY'S CORPORATE LIMITS
EXHIBIT A THE DELINEATED LANDS, COMPRISING (BY V L
11) NO COMPASSING 5.258 ACRES SHOWN ON AN
ASNE KATION MAP THE CITY ANNEXATION EXPANSION,
CITY OF SOMERSET, PULASKI COUNTY, KY, WAY AND
MERCURY BOULEVARD, DATED 6/4/2024 BY AGI
ENGINEERING SERVICES, SAID LAND HAVING PVA 111
DENUMERATION 06233011

SECTION 2 THE SUBJECT PROPERTY SHALL BE ZONED AS R-1 AS IT
IS UNIMPROVED.

Somerset

DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION
Planning & Zoning Commission
208 East Mount Vernon Street
P. O. Box 200
Somerset, KY 40383
P: 502.630.4700
F: 502.630.4100
www.cityofsomerset.com

ANNEXATION REQUEST FORM

I, Codi Phillips Merriott, LLC, Derek Phillips, formally request annexation
of my property located at Mercury Boulevard
into the City of Somerset.

I also request that the 60-day waiting period be waived

I also request that this property be zoned _____

[Signature] 6/11/2024
Signature Date

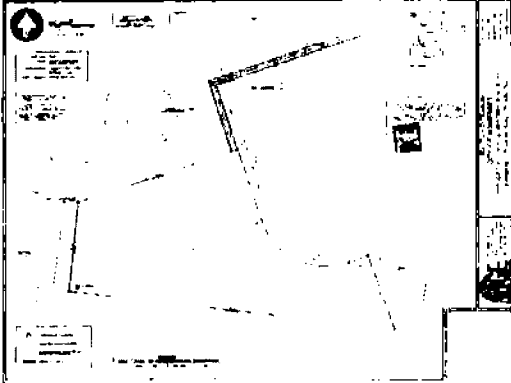
Kentucky Pulaski County, KY PVA



Parcel ID: 0623301111 Mailing Address: 2250 MERCURY BOULEVARD, SOMERSET, KY 40383
City: Somerset, KY 40383 Phone: 502.630.4700
County: Pulaski, KY 40383
Address: 2250 Mercury Blvd, Somerset, KY 40383
Parcel Address: 2250 MERCURY BLVD, SOMERSET, KY 40383
Map: KY 40383
The Description: 5.258 ACRES MERCURY BLVD
Parcel: 0623301111
Lot: 11
County: Pulaski, KY 40383
Created: 6/11/2024



PLAT OF DESCRIPTION FOR 5.258 ACRES
PROPOSED ANNEXATION
CITY OF BOWLING GREEN, KENTUCKY



This being the property acquired by Cecil Phillips Memorial, LLC dated the 5th day of January 2023 by deed of conveyance from Mary Kay Development, LLC, being a part of the same property conveyed to Mary Kay Development, LLC from E. Deane, Jr., Deane, Jr., and individually as listed under the Incorporation Book of the City of Bowling Green, and Edward C. Chapman, as Attorney in Fact for Public Accountants by deed dated February 17, 1997, as recorded in deed book 911, Page 52, Putnam County Deed Book 1194, Kentucky.

BEARING is to be set with a red plastic cap stamped M. Dearden PLS. 2878 at the western edge of the Masonry Building of 12' x 12' feet, set back 10' from a common corner to the Cecil Phillips Memorial, LLC (Deed Book 1206, Page 33), Plat Cabinet G, Side 237C, and the Way Station, LLC (Deed Book 1047, Page 71), Plat Cabinet D, Side 187A, Lot 87 & 88 in proportion to the following being a corner of the Existing City Limits of Bowling Green, Kentucky, to wit: _____ 3 feet being Kentucky Single Zone (Single Zone) coordinates of 228,658.811, 445,744.77 and being the POINT OF BEGINNING for this description.

Thence following the property of the City of Bowling Green, LLC (Deed Book 1247, Page 71), Plat Cabinet D, Side 187A, Lot 87, and following along the western right of way of Masonry Building of 12' x 12' feet property of the Cecil Phillips Memorial, LLC (Deed Book 1206, Page 33), Plat Cabinet G, Side 237C, for the following being a corner: 121.84 feet to a steel pin set with a red plastic cap stamped M. Dearden PLS. 2878 at the corner of the Cecil Phillips Memorial, LLC (Deed Book 1206, Page 33), Plat Cabinet G, Side 237C, and the Way Station, LLC (Deed Book 1047, Page 71), Plat Cabinet D, Side 187A, Lot 87 & 88 in proportion to the following being a corner of the Existing City Limits of Bowling Green, Kentucky, to wit: _____ 3 feet being Kentucky Single Zone (Single Zone) coordinates of 228,658.811, 445,744.77 and being the POINT OF BEGINNING for this description.

Thence leaving the western edge of right-of-way of Masonry Building and continuing along the property line of the Cecil Phillips Memorial, LLC (Deed Book 1206, Page 33), Plat Cabinet G, Side 237C, and Whittier, LLC (Deed Book 867, Page 36) a distance of 414.96 to a steel pin set with a red plastic cap stamped M. Dearden PLS. 2878 at the corner of the Cecil Phillips Memorial, LLC (Deed Book 1206, Page 33), Plat Cabinet G, Side 237C, Whittier, LLC (Deed Book 867, Page 36) and John & Mary Tuttle (Deed Book 370, Page 36) properties.

Thence leaving the corner of the Cecil Phillips Memorial, LLC (Deed Book 1206, Page 33), Plat Cabinet G, Side 237C, Whittier, LLC (Deed Book 867, Page 36), John & Mary Tuttle (Deed Book 370, Page 36) properties and following along the property line of the Cecil Phillips Memorial, LLC (Deed Book 1206, Page 33), Plat Cabinet G, Side 237C, for the following being a corner of the Existing City Limits of Bowling Green, Kentucky, to wit: _____ 3 feet being Kentucky Single Zone (Single Zone) coordinates of 228,658.811, 445,744.77 and being the POINT OF BEGINNING for this description.

1006, Page 33); Plat Cabinet G, Side 237C) and John & Mary Tuttle (Deed Book 370, Page 36), 163'03"11" W for a distance of 891.87 to a steel T-pipe found at the corner of Phillips Memorial, LLC (Deed Book 1006, Page 33), Plat Cabinet G, Side 237C) and John & Mary Tuttle (Deed Book 370, Page 36); thence continuing 160'16"01" E for a distance of 341.88 to an iron pin with a cap stamped W. Dearden PLS 2463 found at a steel T-pipe at the corner of the Phillips Memorial, LLC (Deed Book 1006, Page 33); Plat Cabinet G, Side 237C), John & Mary Tuttle (Deed Book 370, Page 36), Chester Stevens (Deed Book 1013, Page 07), and Somerset Place Apartments, LLC (Deed Book 772, Page 614) properties.

Thence leaving the corner of the Cecil Phillips Memorial, LLC (Deed Book 1006, Page 33); Plat Cabinet G, Side 237C), John & Mary Tuttle (Deed Book 370, Page 36), Chester Stevens (Deed Book 1013, Page 07), and Somerset Place Apartments, LLC (Deed Book 772, Page 614) properties and following along the property line of Cecil Phillips Memorial, LLC (Deed Book 1006, Page 33), Plat Cabinet G, Side 237C), Somerset Place Apartments, LLC (Deed Book 772, Page 614) at 4 One Way Rentals, LLC (Deed Book 1047, Page 71, Plat Cabinet D, Side 187A, Lot 87 & 88) N 75° 04' 35" E for a distance of 405.04' to a steel rebar with a red plastic cap stamped M. Dearden PLS. 2878 found and also being the POINT OF BEGINNING for this description. The description described herein for annexation into the City of Bowling Green having a total area of 5.258 acres (228,658.811 Square Feet)

All bearings are referenced to grid north in the Kentucky Plane (Coordinate System) - Single Zone (NAD83).

This description was prepared by AGE Engineering Services, Inc. on the 8th day of June, 2024.

Mr. Godsey made a motion to approve a tax refund for George & Beverly Gill for 2023 in the amount of \$60.26 and for Theresa M. White and Debbie Robinson Frei for 2022 and 2023 in the amount of \$112.91. Mr. Daughette seconded the motion. Upon roll call the following Council

Members voted "Aye": Mr. Burdine, Mr. Dalton, Mr. J. Eastham, Mr. Girdler, Mr. Daughetee, Mr. Hunley, Mr. Mitchell, Mr. Godsey, and Ms. Bullock.

There being no further business the meeting was adjourned at 6:44 p.m.

APPROVED:



A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right, positioned above a solid horizontal line.

MAYOR

ATTEST:



A handwritten signature in black ink, appearing as a stylized 'C' with a horizontal line through it, positioned above a solid horizontal line.

CITY CLERK